

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1478

5 By: Representative Webb
6 By: Senator Elliott
7

For An Act To Be Entitled

9 AN ACT CONCERNING CERTAIN POWERS OF THE MAYOR IN A
10 CITY MANAGER FORM OF GOVERNMENT; TO DECLARE AN
11 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 CONCERNING CERTAIN POWERS OF THE MAYOR IN
16 A CITY MANAGER FORM OF GOVERNMENT AND TO
17 DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 14-47-140(a)(1), concerning the powers of
23 the mayor in a city manager form of government, is amended to read as
24 follows:

25 (a)(1) Any municipality organized and operating under the city manager
26 form of government may authorize the mayor of the municipality to have the
27 following duties and powers if approved by the qualified electors of the
28 municipality at an election called by the municipal board of directors by
29 referendum or by the qualified electors of the municipality by initiative:

30 (A)(i) The power to veto an ordinance, a resolution, or an
31 order adopted by the board of directors.

32 (ii)(a) The municipal board of directors may
33 override the veto by a two-thirds vote of the number of members of the board.

34 (b) The mayor shall be entitled to vote only
35 in case of a tie vote, and his or her presence may be counted to establish a
36 quorum for the conduct of business;



1 (B) The power to appoint, subject to confirmation by a
 2 majority of the members of the board of directors, persons to fill vacancies
 3 on any board, authority, or commission of the municipality;

4 (C) The power to hire the city manager, subject to the
 5 approval of a majority of members of the municipal board of directors, and to
 6 designate the city manager to serve in the mayor's stead on any board or
 7 commission that requires the service of the chief executive officer of the
 8 city;

9 (D) The power to remove the city manager, subject to the
 10 approval of a majority of the members of the municipal board of directors;

11 (E) The power to prepare and submit to the board of
 12 directors for its approval the annual municipal budget;

13 (F) The power to hire the city attorney, subject to the
 14 approval of a majority of members of the municipal board of directors; and

15 (G) The power to remove the city attorney, subject to the
 16 approval of a majority of members of the municipal board of directors.

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 18 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 19 General Assembly of the State of Arkansas that certain statutes require the
 20 chief executive officer to serve on certain boards and commissions; that in a
 21 city manager form of government there is no chief executive officer; and that
 22 this act is immediately necessary because it makes clear that the mayor is
 23 the chief executive officer and allows the mayor to appoint the city manager
 24 as his or her designee to serve on essential boards and commissions.
 25 Therefore, an emergency is declared to exist and this act being immediately
 26 necessary for the preservation of the public peace, health, and safety shall
 27 become effective on:

28 (1) The date of its approval by the Governor;

29 (2) If the bill is neither approved nor vetoed by the Governor,
 30 the expiration of the period of time during which the Governor may veto the
 31 bill; or

32 (3) If the bill is vetoed by the Governor and the veto is
 33 overridden, the date the last house overrides the veto.