

Act 66 of the Third Special Session of 1989.

Act 66

HB1079

By: Representatives Dietz and Roberts

For An Act To Be Entitled
"AN ACT TO AUTHORIZE FIRST CLASS CITIES WITH THE MAYOR
COUNCIL FORM OF GOVERNMENT AND HAVING A POPULATION OF
NO LESS THAN 55,000 NOR MORE THAN 65,000 PERSONS
ACCORDING TO THE 1980 FEDERAL CENSUS TO PROVIDE BY
ORDINANCE THAT THE OFFICE OF CITY ATTORNEY MAY BE FILLED BY
APPOINTMENT INSTEAD OF ELECTION; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Notwithstanding Arkansas Code 14-43-303, Arkansas Code 14-43-314, or any other law to the contrary, the city council of first class cities which have the mayor-council form of government with a population of no less than 55,000 nor more than 65,000 persons according to the 1980 federal decennial census may by ordinance provide that the office of city attorney may be filled by appointment by the mayor, instead of election, and subject to confirmation by the city council. Provided, however, the council shall not change from an elected to an appointed city attorney as long as:

- (1) the person serving as city attorney on the effective date of this Act continues to hold that office; or
- (2) as long as a successor who acquired the office by defeating the incumbent continues to hold that office.

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency. It is hereby found and determined by the General Assembly that cities with a mayor-council form of government should have the discretion to decide whether the position of city attorney should be an elected position or appointed position; that this Act grants those cities that authority; and that this Act should go into effect immediately in order to authorize the city councils to adopt an ordinance changing from elected city attorneys to appointed city attorneys as soon as possible and thereby give adequate notice to persons who may be interested in the position. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: November 16, 1989
