

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative McKissack**

A Bill

ACT 914 OF 1995
HOUSE BILL 2120

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 14-42-110 TO CLARIFY THE
9 AUTHORITY OF MAYORS TO APPOINT AND REMOVE DEPARTMENT
10 HEADS; TO AMEND ARK. CODE ANN. § 14-43-504 PERTAINING TO
11 THE POWERS AND DUTIES OF MAYORS; TO REPEAL ARK. CODE ANN.
12 § 14-43-505; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO CLARIFY THE AUTHORITY OF
16 MAYORS TO APPOINT AND REMOVE DEPARTMENT
17 HEADS."

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

22 SECTION 1. Ark. Code Ann. § 14-42-110 is amended to read as follows:

23 "14-42-110. Appointment and removal of department heads.

24 (a) Mayors in cities of the first class and second class and incorporated
25 towns shall have the power to appoint and remove all department heads,
26 including city and town marshals when an ordinance has been passed making city
27 and town marshals appointed, unless the city or town council shall, by a
28 two-thirds (2/3) majority of the total membership of the council, vote to
29 override the mayor's action. *Provided, however, that in cities of the first*
30 *class and second class with civil service commissions, the governing body of*
31 *the city may, by ordinance, delegate the authority to appoint and remove the*
32 *heads of the police and fire departments to the city's civil service*
33 *commission.*

34 (b) *City managers in cities having a city manager form of government*
35 *shall have the power to appoint and remove all department heads. In cities*
36 *with a city manager form of government and with civil service commissions, the*

1 civil service commission shall have the power to override the city manager's
2 appointment or removal of the police or fire chief by a majority vote of the
3 total membership of the commission.

4 (c) The provisions of this section shall not apply to department heads
5 not under the control of the governing body of the city and shall not apply to
6 cities having a city administrator form of government."

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8 SECTION 2. Ark. Code Ann. § 14-43-504 is amended to read as follows:

9 "14-43-504. Powers and duties of mayor generally.

10 (a) The mayor of the city shall be its chief executive officer and
11 conservator of its peace. It shall be his special duty to cause the ordinances
12 and regulations of the city to be faithfully and constantly obeyed.

13 (b) The mayor shall:

14 (1) Supervise the conduct of all the officers of the city, examine the
15 grounds of all reasonable complaints made against them, and cause all their
16 violations of duty or other neglect to be properly punished or reported to the
17 proper tribunal for correction;

18 (2) Have and exercise the power conferred on sheriffs, within the city
19 limits, to suppress disorder and keep the peace; and

20 (3) Perform such other duties compatible with the nature of his office as
21 the city council may from time to time require.

22 (c) [Repealed.]

23 (d) The mayor shall, at the second regular meeting of the council in each
24 year, and at such other times as he shall deem expedient, report to the
25 council the municipal affairs of the city and recommend such measures to it as
26 to him may seem advisable.

27 (e) The mayor of any city of the first class shall, in addition to the
28 powers and duties already pertaining to that office, be clothed with, and
29 exercise and perform, the following:

30 (1) A mayor shall have the power to veto, within five (5) days, Sundays
31 excepted, after the action of the city council thereon, any ordinance,
32 resolution, or order adopted or made by the council, or any part thereof,
33 which in his judgment is contrary to the public interests.

34 (2) (A) In case of a veto, before the next regular meeting of the
35 council, the mayor shall file in the office of the city clerk, to be laid

1 before that meeting, a written statement of his reasons for so doing.

2 (B) No such ordinance, resolution, or order, or part thereof, vetoed
3 by the mayor shall have any force or validity unless, after the written
4 statement is laid before it, the council shall, by a vote of two-thirds (2/3)
5 of all the aldermen elected thereto, pass it over the veto.

6 "

7 SECTION 3. Ark. Code Ann. § 14-43-505 is repealed.

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9 SECTION 4. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 5. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 6. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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22 SECTION 7. EMERGENCY. It is hereby found and determined by the General
23 Assembly that in some instances vacancies in the positions of the department
24 heads of some cities are not being timely filled; that this results in
25 confusion and inefficiency within the municipal government; that this act
26 provides a mechanism whereby the vacancies in department head positions may be
27 filled more efficiently in a more timely manner; therefore this act should go
28 into effect as soon as possible. Therefore, an emergency is hereby declared
29 to exist, and this act being immediately necessary for the preservation of the
30 public peace, health, and safety shall be in full force and effect from and
31 *after passage and approval.*

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/s/Rep. McKissack

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APPROVED: 4-5-95

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