

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 729 of the Regular Session

As Engrossed: S3/12/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 972

4
5 By: Senator Steele
6 By: Representative D. Johnson

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8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND STATUTES CONCERNING THE CITY
11 MANAGER FORM OF MUNICIPAL GOVERNMENT; AND FOR
12 OTHER PURPOSES.

13
14 **Subtitle**

15 TO AMEND STATUTES CONCERNING THE CITY
16 MANAGER FORM OF MUNICIPAL GOVERNMENT.

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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 14-47-108(a), concerning the effect of
22 reorganization, is amended to read as follows:

23 (a)(1) ~~When~~ A reorganization is effective when, in connection with the
24 reorganization of a municipality under this chapter, an initial board of
25 directors shall be elected, ~~the reorganization shall be deemed to be~~
26 ~~effective as of the time when~~ and the respective terms of office of the
27 directors commence or when changes are made under subdivision (a)(2)(D) of
28 this section.

29 (2) Concurrent with the commencement of the terms of the
30 directors:

31 (A) The office of mayor, as existing under the aldermanic
32 form of government, all memberships on the city council, and all memberships
33 on the board of public affairs shall become vacant, each of these offices
34 being abolished as to cities reorganized under this chapter;

35 (B) ~~(i)~~ Except as is otherwise provided for city attorneys



1 in cities with the city manager form of government ~~having a population of~~
 2 ~~more than one hundred thousand (100,000) persons according to the most recent~~
 3 ~~federal decennial census~~, the statutory term of office of the city treasurer,
 4 city clerk, city attorney, city marshal, and recorder in cities of the second
 5 class shall cease and terminate, and the incumbent of each of these offices
 6 shall remain in office subject to removal and replacement at any time by the
 7 board of directors;

8 ~~(ii)(C)~~ In cities with the city manager form of
 9 government ~~having a population of more than one hundred thousand (100,000)~~
 10 ~~persons according to the most recent federal decennial census~~, the statutory
 11 term of office of the city attorney shall cease and terminate, and the
 12 incumbent city attorney shall remain in office subject to removal and
 13 replacement at any time by the city manager, if the authority is vested in
 14 the city manager through:

15 ~~(a)(i)~~ An ordinance of the board of directors; or

16 ~~(b)(1)(ii)~~ An initiated measure, adopted pursuant to
 17 Arkansas Constitution, Amendment 7-

18 ~~(2) If the authority is vested by an~~
 19 ~~initiated measure, the board of directors shall not have the authority to~~
 20 ~~rescind the authority; and~~

21 ~~(G)(D)(i)~~ Every ~~other~~ executive officer or executive
 22 employee of the city, including, without limiting the foregoing, the city
 23 purchasing agent and the members hereinafter called "board members" of every
 24 other municipal board, authority, or commission, whether the office,
 25 employment, board, authority, or commission exists under statute or under any
 26 ordinance or resolution, whose official term of office or employment is fixed
 27 by statute, ordinance, or resolution, shall serve until the expiration of the
 28 term so fixed, after which the position held by each such executive officer,
 29 executive employee, or board member shall be filled through appointment by
 30 the board of directors, the appointees to hold at the will of the board.
 31 However, at any time in cities with the city manager form of government
 32 ~~having a population of more than one hundred thousand (100,000) persons,~~
 33 ~~according to the most recent federal decennial census~~, the appointments shall
 34 be made by the mayor and appointees shall hold at the will of the mayor, if
 35 the mayor is authorized to make the appointments by:

36 (a) The board of directors, by ordinance; or

1 (b) An initiated measure, adopted pursuant to
2 Arkansas Constitution, Amendment 7. ~~If the authority is vested by an~~
3 ~~initiated measure, the board of directors shall not have the power to rescind~~
4 ~~the authority.~~

5 (ii) Each such executive officer, or executive
6 employee, ~~or board member~~ serving on the effective date of the
7 reorganization, and whose office, or employment, ~~or board membership~~ carries
8 no fixed term created either by statute, ordinance, or resolution shall be
9 subject to removal and replacement at any time by the board of directors or
10 the mayor, if authorized.

11 (iii) However, the provisions of this subdivision
12 (a)(2)(D) shall be subject to the provisions of subsection (b) of this
13 section and to the exceptions therein contained.

14
15 SECTION 2. Arkansas Code § 14-61-114 is amended to read as follows:
16 14-61-114. Options may also be referred by vote, ordinance - Mayor's
17 veto power.

18 (a)(1) Notwithstanding any other provision, the board of directors in
19 a city operating under the ~~management~~ city manager form of government may, by
20 a two-thirds (2/3) vote of all the members, including the mayor, refer to a
21 special or general election, for approval by a majority of the qualified
22 electors voting on the issue, one (1) of the options set forth in § 14-61-
23 107, provided no election on a board-referred option has been held within the
24 previous two (2) years.

25 (2) Notwithstanding the other provisions of this subsection and
26 §§ 14-43-201 and 14-61-117, in a city operating under the management form of
27 government where a federal court has ordered the redistricting of wards under
28 the federal Voting Rights Act, the voters of the city are authorized to
29 petition for a special election to vote on the options set forth in § 14-61-
30 107 for reorganizing the selection of directors, including the election of a
31 mayor at large, at any time. The option shall be voted on at special
32 elections called as a result of a petition for the special ~~election~~
33 election's being filed with the city clerk and provided to the mayor under §
34 14-61-113.

35 (b) The board of directors in a city with the management form of
36 government where all directors are elected from wards and the directly

1 elected mayor does not have the veto power may, by ordinance referred to the
2 electors and approved by a majority of the qualified electors voting on the
3 issue, grant the mayor the veto power, provided that no election on such an
4 ordinance will occur sooner than two (2) years after the last special
5 election on the issue of veto power for the mayor.

6 (c) The board of directors in a city with the management form of
7 government where all directors are elected from wards and the directly
8 elected mayor has the veto power may, by ordinance referred to the electors
9 and approved by a majority of the qualified electors voting on the issue,
10 remove the mayor's veto power, provided that no election on such an ordinance
11 will occur sooner than two (2) years after the last special election on the
12 issue of veto power for the mayor.

13 (d)(1) The board of directors of any city operating under the
14 management form of government may by ordinance refer to the electors the
15 issue of electing the mayor from an at-large board position, or the issue of
16 granting veto power to the mayor, or both.

17 (2)(A) In any instance where the mayor of a city operating under
18 the management form of government has a veto power, the board of directors
19 may override the veto by a two-thirds (2/3) vote of the number of members of
20 the board.

21 (B) Mayors who have the veto power shall ~~be entitled only~~
22 ~~to vote in case of a tie vote~~ not be entitled to vote unless the vote is
23 necessary for passage of a measure.

24 (e)(1) The board of directors by ordinance may provide that the duties
25 of the city manager under § 14-47-120 or other statute be performed at the
26 direction of the mayor.

27 (2) An ordinance under subdivision (e)(1) of this section shall
28 not be amended for four (4) years following passage of the ordinance by the
29 board of directors unless by an ordinance approved by a two-thirds (2/3) vote
30 of the board of directors.

31 (3) If an ordinance under subdivision (e)(1) of this section is
32 passed, the mayor shall be compensated with a salary and benefit package
33 comparable to the highest-ranking municipal official.

34
35 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly of the State of Arkansas that Arkansas cities are faced with

1 ever increasing problems of providing services to their citizens caused by a
2 combination of globalization, rapid technological change, rising citizen
3 expectations, the need for more accountability, mandates from higher levels
4 of government, and a constrained tax base which together have created a
5 context in which more effective and efficient methods of governance have
6 become mandatory; and that this act is immediately necessary to meet these
7 needs and for the efficiency of government. Therefore, an emergency is
8 declared to exist and this act being immediately necessary for the
9 preservation of the public peace, health, and safety shall become effective
10 on:

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

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

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

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18 /s/ Steele

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20 APPROVED: 3/30/2007
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