

**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.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: H4/2/01*

# A Bill

**Act 1472 of 2001**  
SENATE BILL 801

5 By: Senator B. Walker  
6 *By: Representative Ledbetter*  
7

## **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS CODE 14-47-108 AND 14-  
11 47-120 TO ALLOW THE CITY MANAGER TO APPOINT THE  
12 CITY ATTORNEY IN CERTAIN CITIES WITH A CITY  
13 MANAGER FORM OF GOVERNMENT; AND FOR OTHER  
14 PURPOSES.

### **Subtitle**

16 TO ALLOW THE CITY MANAGER TO APPOINT THE  
17 CITY ATTORNEY IN CERTAIN CITIES WITH A  
18 CITY MANAGER FORM OF GOVERNMENT.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code 14-47-108(a)(2), concerning the effect on city  
25 offices after a reorganization under a city manager form of municipal  
26 government, is amended to read as follows:

27 (2) Concurrently with the commencement of the terms of the  
28 directors:

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

33 (B)(i) ~~The~~ Except as is otherwise provided for city  
34 attorneys in cities with the city manager form of government having a  
35 population of over one hundred thousand (100,000) persons according to the  
36 most recent federal decennial census, the statutory term of office of the city

1 treasurer, city clerk, city attorney, city marshal, and recorder in cities of  
2 the second class shall cease and terminate, and the incumbent of each of these  
3 offices shall remain in office subject to removal and replacement at any time  
4 by the board of directors; ~~and~~

5 (ii) In cities with the city manager form of  
6 government having a population of over one hundred thousand (100,000) persons  
7 according to the most recent federal decennial census the statutory term of  
8 office of the city attorney shall cease and terminate, and the incumbent city  
9 attorney shall remain in office subject to removal and replacement at any time  
10 by the city manager if the authority is vested in the city manager though:

11 (a) An ordinance of the board of directors; or

12 (b) An initiated measure, adopted pursuant to  
13 Amendment 7 to the Arkansas Constitution. If the authority is vested by an  
14 initiated measure the board of directors shall not have the authority to  
15 rescind the authority; and

16 (C)(i) Every other executive officer or executive employee  
17 of the city, including, without limiting the foregoing, the city purchasing  
18 agent and the members hereinafter called "board members" of every other  
19 municipal board, authority, or commission, whether the office, employment,  
20 board, authority, or commission exists under statute or under any ordinance or  
21 resolution, whose official term of office or employment is fixed by statute,  
22 ordinance, or resolution, shall serve until the expiration of the term so  
23 fixed, after which the position held by each such executive officer, executive  
24 employee, or board member shall be filled through appointment by the board of  
25 directors, the appointees to hold at the will of the board.

26 (ii) Each such executive officer, executive employee,  
27 or board member serving on the effective date of the reorganization, and whose  
28 office, employment, or board membership carries no fixed term created either  
29 by statute, ordinance, or resolution shall be subject to removal and  
30 replacement at any time by the board of directors.

31 (iii) However, the provisions of this subdivision  
32 shall be subject to the provisions of subsection (b) of this section and to  
33 the exceptions therein contained.

34  
35 SECTION 2. Arkansas Code 14-47-120(1), concerning the specific powers  
36 and duties of the city manager, is amended to read as follows:

1 (1)(A) To the extent that such authority is vested in him through  
2 ordinance enacted by the board of directors, he may supervise and control all  
3 administrative departments, agencies, offices, and employees;

4 (B) In addition, in cities with a city manager form of government  
5 having a population of over one hundred thousand (100,000) persons according  
6 to the most recent federal decennial census, if city manager has been given  
7 the authority to remove and replace the city attorney pursuant to § 14-47-  
8 108(a)(2), the city manager shall also have the authority to supervise and  
9 control the city attorney and may remove and replace the city attorney at any  
10 time at the manager's discretion;

11 /s/ B. Walker

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14 APPROVED: 4/11/2001  
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