

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 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 972

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

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.

Subtitle

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

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

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
36 in cities with the city manager form of government ~~having a population of~~



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

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

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

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

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

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

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

36 (b) An initiated measure, adopted pursuant to

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

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

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

13
 14 SECTION 2. Arkansas Code § 14-61-114 is amended to read as follows:

15 14-61-114. Options may also be referred by vote, ordinance - Mayor's
 16 veto power.

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

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

34 (b) The board of directors in a city with the management form of
 35 government where all directors are elected from wards and the directly
 36 elected mayor does not have the veto power may, by ordinance referred to the

1 electors and approved by a majority of the qualified electors voting on the
 2 issue, grant the mayor the veto power, provided that no election on such an
 3 ordinance will occur sooner than two (2) years after the last special
 4 election on the issue of veto power for the mayor.

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

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

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

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

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

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

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

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