

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 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: H1/15/09*

# A Bill

HOUSE BILL 1023

5 By: Representatives Pennartz, Glidewell, S. Malone, Barnett, Breedlove, Slinkard  
6 By: Senator Altes  
7  
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## For An Act To Be Entitled

9 AN ACT CONCERNING OFFICERS IN A CITY  
10 ADMINISTRATOR FORM OF GOVERNMENT; AND FOR OTHER  
11 PURPOSES.  
12  
13

### Subtitle

14 CONCERNING OFFICERS IN A CITY  
15 ADMINISTRATOR FORM OF GOVERNMENT.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 14-48-110 is amended to read as follows:  
22 14-48-110. Board of directors and mayor generally.

23 (a)(1) The seven (7) directors elected by a city reorganized under  
24 this chapter shall be known and designated as the board of directors of the  
25 city.

26 (2) The board of directors shall constitute the legislative and  
27 executive body of the city, subject to the powers of the mayor in § 14-48-  
28 111, and shall be vested with all powers and authority which, immediately  
29 prior to the effective date of the reorganization, were vested under then-  
30 existing laws, ordinances, and resolutions in the governing body of the city  
31 and in its board of public affairs subject to the powers of the city  
32 administrator in § 14-48-117.

33 (3) Except ~~where~~ when expressly permitted under this chapter,  
34 the mayor or ~~board member~~ director may not serve the city in any other  
35 capacity.

36 (b)(1) The positions upon the board of directors shall, for election



1 purposes, be permanently designated as positions, numbered respectively, one,  
2 two, three, four, five, six, and seven.

3 (2)(A) Each candidate for election to membership on the board of of  
4 directors shall specify the position for which he or she is running.

5 (B) The electors shall vote separately on the candidates  
6 for each position, and the position sought by each candidate shall be shown  
7 on the ballot.

8 (c)(1) Except in the instances ~~where~~ in which the mayor and directors  
9 are elected at special elections as provided in §§ 14-48-108 and 14-48-109,  
10 the mayor and ~~members of the board~~ directors shall be elected at the general  
11 elections held biennially for the election of state and county offices.

12 (2) Each such general election shall be utilized for the  
13 election of successors to the mayor and to those directors whose terms expire  
14 on December 31 following the election.

15 (d)(1) All primary, general, and special elections of the mayor and  
16 directors shall be nonpartisan, and the ballots shall show no party  
17 designation.

18 (2)(A) In all primary, general, and special elections, each  
19 candidate for the office of mayor or director shall be elected by the  
20 electors of the city as follows:

21 (i) The persons elected to fill director positions  
22 one, two, three, and four, respectively, shall be qualified electors of the  
23 respective wards and shall be elected by the qualified electors of the  
24 respective wards; and

25 (ii) The persons elected to fill the position of  
26 mayor and director positions five, six, and seven, respectively, shall be  
27 qualified electors of the city and shall be elected by the qualified electors  
28 of the entire city.

29 (B) Neither the mayor nor a director shall be prohibited  
30 from holding successive terms of office.

31 (C)(i)(a) The persons elected to fill director positions  
32 one, two, three, and four, respectively, shall continue to reside in the ward  
33 from which he or she was elected for the term for which he or she was  
34 elected.

35 (b) The persons elected to fill the position  
36 of mayor and director positions five, six, and seven, respectively, shall

1 continue to reside in the city from which he or she was elected for the term  
2 for which he or she was elected.

3 (ii) If a duly elected director shall cease to  
4 reside in the ward or the city from which he or she was elected, the director  
5 shall be disqualified to hold the office and a vacancy shall exist that shall  
6 be filled as prescribed by law.

7 (e)(1) The mayor and any director elected at a special election shall  
8 take office on the first Monday following the certification, as required in  
9 this chapter, of his or her election.

10 (2) The mayor and any director elected at a general election  
11 shall take office on January 1 following his or her election.

12 (f)(1) At any primary, general, or special election for the election  
13 of the mayor or any director, any adult person who has resided within the  
14 municipality for at least six (6) months and is qualified to vote at an  
15 election of county or state offices shall be deemed a qualified elector.

16 (2) Any person ~~more than~~ twenty-one (21) years of age or older  
17 possessing these same qualifications also shall be eligible to run for the  
18 office of mayor or director.

19 (g) When a city is reorganized under this chapter, the mayor and board  
20 of directors will be divided into two (2) classes, and the tenure of office  
21 of those in each class shall be as follows:

22 (1) Director positions one, two, three, and four shall be Class  
23 Number One. Class 1 Number One directors shall serve until and including  
24 December 31 following the first general election held after their term of  
25 office commences and until their successors have been elected and qualified.  
26 Thereafter, those in Class 1 Number One shall serve four-year terms; and

27 (2) The mayor and director positions five, six, and seven shall  
28 be Class Number Two. Class 2 Number Two directors shall serve until and  
29 including December 31 following the second general election held after their  
30 term of office commences, and until their successors have been elected and  
31 qualified. Thereafter, those in Class 2 Number Two shall serve four-year  
32 terms.

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34 *SECTION 2. Arkansas Code § 14-48-112 is amended to read as follows:*  
35 *14-48-112. Assistant mayor or vice mayor.*

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1           (a)(1) The board of directors shall elect from its membership an  
 2 assistant mayor or vice mayor who shall serve in that capacity for two (2)  
 3 years or until his or her tenure of office as a director expires, whichever  
 4 ~~may be~~ is shorter.

5                       (2) The assistant mayor or vice mayor shall not be prohibited  
 6 from serving in that capacity for more than one (1) term.

7           (b)(1) The assistant mayor or vice mayor shall act as mayor during the  
 8 absence or disability of the mayor.

9                       (2)(A) If a vacancy in the office of mayor occurs, the assistant  
 10 mayor or vice mayor shall perform the duties of mayor until a successor mayor  
 11 is elected.

12                       (B)(i) If the mayor ~~shall be~~ is continuously absent or  
 13 disabled for more than six (6) months, his or her office will automatically  
 14 become vacant, and a successor mayor shall be elected.

15                       (ii)(a) A certificate of the city clerk or recorder  
 16 recorded in the record of the proceedings of the board as to the absence or  
 17 disability of the mayor or as to any vacancy in the office of mayor may be  
 18 relied upon by all persons dealing with the municipality as conclusive  
 19 evidence of the assistant mayor's or vice mayor's authority to assume the  
 20 powers of the mayor.

21                       (b)(1) Where any such certificate is so  
 22 recorded, upon the termination of the absence or disability of the mayor and  
 23 the resumption by him or her of his or her official duties ~~as such~~, the city  
 24 clerk or recorder shall record in the records of the board a separate  
 25 certificate attesting that fact.

26                       (2) This separate certificate shall show  
 27 the date of the termination of absence or disability and resumption of  
 28 duties.

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 30                                       /s/ Pennartz  
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