

**Hall of the House of Representatives**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of House Bill No. 2658**

"TO AUTHORIZE AN ELECTION IN A MUNICIPALITY WITH A CITY MANAGER FORM  
OF GOVERNMENT TO INCREASE THE AUTHORITY OF THE MAYOR."

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**Amendment No. 1 to House Bill No. 2658.**

Amend House Bill No. 2658 as originally introduced:

Page 2, delete lines 9 through 14

AND

Page 2, line 15, delete "(G)" and substitute "(E)"

AND

Page 2, delete lines 17 through 21, and substitute the following:

"(F) The power to hire the city attorney, subject to the approval of a majority of members of the board of directors; and  
(G) The power to remove the city attorney, subject to the approval of a majority of members of the board of directors."

AND

Page 4, delete line 32, and substitute the following:

"his or her elected term."

SECTION 2. Arkansas Code § 14-47-108(a), concerning the effect of reorganization of a city manager form of government on other city offices, is amended to read as follows:

(a)(1) When, in connection with the reorganization of a municipality under this chapter, an initial board of directors shall be elected, the reorganization shall be deemed to be effective as of the time when the respective terms of office of the directors commence.

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

(A) The office of mayor, as existing under the aldermanic form of government, all memberships on the city council, and all memberships



on the board of public affairs shall become vacant, each of these offices being abolished as to cities reorganized under this chapter;

(B)(i) ~~Except~~ Subject to subdivision (a)(2)(B)(iii) of this section and except as is otherwise provided for city attorneys in cities with the city manager form of government having a population of more than one hundred thousand (100,000) persons according to the most recent federal decennial census, the statutory term of office of the city treasurer, city clerk, city attorney, city marshal, and recorder in cities of the second class shall cease and terminate, and the incumbent of each of these offices shall remain in office subject to removal and replacement at any time by the board of directors~~;~~.

(ii)(a) ~~In~~ Subject to subdivision (a)(2)(B)(iii) of this section, in cities with the city manager form of government having a population of more than one hundred thousand (100,000) persons according to the most recent federal decennial census, the statutory term of office of the city attorney shall cease and terminate, and the incumbent city attorney shall remain in office subject to removal and replacement at any time by the city manager, if the authority is vested in the city manager through:

~~(a)(1)~~ (1) An ordinance of the board of directors; or

~~(b)(1)(2)~~ (2) An initiated measure, adopted pursuant to Arkansas Constitution, Amendment 7.

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

(iii) In cities with the city manager form of government having a population of more than one hundred thousand (100,000) persons according to the most recent federal decennial census, the statutory term of office of the city attorney shall cease and terminate, and the incumbent city attorney shall remain in office subject to removal and replacement at any time by the mayor if the authority is vested in the mayor under § 14-47-140; and

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

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

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

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

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

AND

Page 4, line 34, delete "SECTION 2." and substitute "SECTION 3."

The Amendment was read \_\_\_\_\_  
By: Representative D. Johnson  
KLL/TAT - 03-12-2007 14:59  
KLL318 \_\_\_\_\_ Chief Clerk