

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Smith

A Bill

SENATE BILL 252

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 14-42-110 TO CLARIFY THE
9 AUTHORITY OF MAYORS TO APPOINT AND REMOVE DEPARTMENT
10 HEADS; TO AMEND ARK. CODE ANN. § 14-43-504 PERTAINING TO
11 THE POWERS AND DUTIES OF MAYORS; TO REPEAL ARK. CODE ANN.
12 § 14-43-505; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO CLARIFY THE AUTHORITY OF
16 MAYORS TO APPOINT AND REMOVE DEPARTMENT
17 HEADS."

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

22 SECTION 1. Ark. Code Ann. § 14-42-110 is amended to read as follows:
23 "14-42-110. Appointment and removal of department heads.

24 (a) Mayors in cities of the first class and second class and incorporated
25 towns shall have the power to appoint and remove all department heads,
26 including city and town marshals when an ordinance has been passed making
27 city and town marshals appointed, unless the city or town council shall, by a
28 two-thirds (2/3) majority of the total membership of the council, vote to
29 override the mayor's action. *Provided, however, that in cities of the first*
30 *class and second class with civil service commissions, the governing body of*
31 *the city may, by ordinance, delegate the authority to appoint and remove the*
32 *heads of the police and fire departments to the city's civil service*
33 *commission.*

34 (b) *City managers in cities having a city manager form of government*
35 *shall have the power to appoint and remove all department heads. In cities*

1 with a city manager form of government and with civil service commissions,
2 the civil service commission shall have the power to override the city
3 manager's appointment or removal of the police or fire chief by a majority
4 vote of the total membership of the commission.

5 (c) The provisions of this section shall not apply to department heads
6 not under the control of the governing body of the city and shall not apply
7 to cities having a city administrator form of government.

8

9 SECTION 2. Ark. Code Ann. § 14-43-504 is amended to read as follows:
10 "14-43-504. Powers and duties of mayor generally.

11 (a) The mayor of the city shall be its chief executive officer and
12 conservator of its peace. It shall be his special duty to cause the
13 ordinances and regulations of the city to be faithfully and constantly
14 obeyed.

15 (b) The mayor shall:

16 (1) Supervise the conduct of all the officers of the city, examine the
17 grounds of all reasonable complaints made against them, and cause all their
18 violations of duty or other neglect to be properly punished or reported to
19 the proper tribunal for correction;

20 (2) Have and exercise the power conferred on sheriffs, within the city
21 limits, to suppress disorder and keep the peace; and

22 (3) Perform such other duties compatible with the nature of his office
23 as the city council may from time to time require.

24 (c) [Repealed.]

25 (d) The mayor shall, at the second regular meeting of the council in
26 each year, and at such other times as he shall deem expedient, report to the
27 council the municipal affairs of the city and recommend such measures to it
28 as to him may seem advisable.

29 (e) The mayor of any city of the first class shall, in addition to the
30 powers and duties already pertaining to that office, be clothed with, and
31 exercise and perform, the following:

32 (1) A mayor shall have the power to veto, within five (5) days, Sundays
33 excepted, after the action of the city council thereon, any ordinance,
34 resolution, or order adopted or made by the council, or any part thereof,
35 which in his judgment is contrary to the public interests.

As Engrossed: 2/1/95 2/2/95 3/1/95

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