

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

SENATE BILL 802

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

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS CODE 14-47-119 AND 14-
11 47-121 TO PROVIDE THAT THE MAYOR IN CERTAIN
12 CITIES WITH A CITY MANAGER FORM OF GOVERNMENT MAY
13 EMPLOY AND REMOVE THE CITY MANAGER AND ACTING
14 CITY MANAGER; AND FOR OTHER PURPOSES.
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Subtitle

16
17 TO ALLOW THE MAYOR IN CERTAIN CITIES
18 WITH A CITY MANAGER FORM OF GOVERNMENT
19 TO EMPLOY AND REMOVE THE CITY MANAGER
20 AND ACTING CITY MANAGER.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 14-47-119 is amended to read as follows:
26 14-47-119. Employment of city manager.

27 (a)(1)(A) The initial board of directors, as promptly as possible after
28 effecting its organization, shall employ a city manager.

29 (B) However, in cities with the city manager form of
30 government having a population of over one hundred thousand (100,000) persons
31 according to the most recent federal decennial census, the mayor may be
32 authorized to employ a city manager. The mayor may be authorized by:

33 (i) An ordinance of the initial board of directors;
34 or

35 (ii) An initiated measure, adopted pursuant to
36 Amendment 7 to the Arkansas Constitution, authorizing the mayor to employ a

1 city manager. If the authority is vested by an initiated measure the board of
2 directors shall not have the power to rescind the authority.

3 (2) The city manager's employment shall be for an indefinite
4 term. Thereafter, subject only to such interruptions as are unavoidable, a
5 city manager shall be maintained in the employ of the city.

6 (3) The appointment and continued employment by the board or
7 mayor of a city manager shall be mandatory.

8 (b)(1) It shall not be essential that the city manager, at the time of
9 his employment, be a qualified elector of the city or of the State of Arkansas
10 or a resident of the city or of the State of Arkansas.

11 (2) However, the city manager shall be a person found by the
12 board or mayor to have special qualifications in respect to the management of
13 municipal affairs.

14 (3) During his employment, he shall reside in the city and devote
15 his full time to the business of the city.

16 (4) Notwithstanding the provisions of subdivision (b)(3) of this
17 section regarding the residency requirements for city managers, the city
18 manager of a city with a city manager form of government and with a population
19 of less than six thousand (6,000) persons, upon approval of a majority of the
20 board of directors of the city, may reside outside the city during his
21 employment as city manager.

22 (c) A member of the board may not be appointed city manager, nor acting
23 city manager, during the term for which he shall have been elected nor within
24 three (3) years following the expiration of the member's term of office as
25 director or mayor.

26 (d) The city manager shall receive a salary in such amount as may be
27 fixed by the board.

28 (e) The board, on the vote of a majority of its elected membership, or
29 the mayor, if authorized pursuant to subsection (a) of this section, may
30 terminate the city manager's employment at any time, either with or without
31 cause.

32 (f)(1) The city manager shall furnish a fidelity bond, the premiums on
33 which shall be paid by the city, in such amount, on such form, and with such
34 security as may be approved by the board.

35 (2) The bond, in no event, shall be less than twenty-five
36 thousand dollars (\$25,000).

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SECTION 2. Arkansas Code 14-47-121 is amended to read as follows:

14-47-121. Acting city manager.

(a) If the city manager is absent from the city or is unable to perform his duties, if the board of directors or the mayor, if authorized, suspends the city manager, or if there is a vacancy in the office of city *manager, the board, by resolution, or the mayor, if authorized to employ the city manager pursuant to § 14-47-119(a), may, ~~by resolution,~~* appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases, or until another city manager is appointed and qualifies, as the case may be.

(b) The board or the mayor, if authorized, may suspend or remove an acting city manager at any time.

(c)(1) The board, in the exercise of its discretion, or the mayor, if authorized, may determine whether the acting city manager shall furnish bond.

(2) If in any instance, the board requires the acting city manager to furnish bond, it shall, in respect to form, amount, and security, be subject to the approval of the board or the mayor.

(d) The acting city manager shall receive a reasonable compensation to be fixed by the board.

/s/ B. Walker