

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative McKissack

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# A Bill

HOUSE BILL

2120

## 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."

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## Subtitle

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

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22 SECTION 1. Ark. Code Ann. § 14-42-110 is amended to read as follows:

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"14-42-110. Appointment and removal of department heads.

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

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(b) *City managers in cities having a city manager form of government 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."  
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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.

1       (2)(A ) In case of a veto, before the next regular meeting of the  
2 council, the mayor shall file in the office of the city clerk, to be laid  
3 before that meeting, a written statement of his reasons for so doing.

4       (B ) No such ordinance, resolution, or order, or part thereof, vetoed  
5 by the mayor shall have any force or validity unless, after the written  
6 statement is laid before it, the council shall, by a vote of two-thirds (2/3)  
7 of all the aldermen elected thereto, pass it over the veto.

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9       SECTION 3. Ark. Code Ann. § 14-43-505 is repealed.

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11       SECTION 4. All provisions of this act of a general and permanent  
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
13 Code Revision Commission shall incorporate the same in the Code.

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15       SECTION 5. If any provision of this act or the application thereof to  
16 any person or circumstance is held invalid, such invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provision or application, and to this end the provisions of this  
19 act are declared to be severable.

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21       SECTION 6. All laws and parts of laws in conflict with this act are  
22 hereby repealed.

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24       SECTION 7. EMERGENCY. It is hereby found and determined by the  
25 General Assembly that in some instances vacancies in the positions of the  
26 department heads of some cities are not being timely filled; that this  
27 results in confusion and inefficiency within the municipal government; that  
28 this act provides a mechanism whereby the vacancies in department head  
29 positions may be filled more efficiently in a more timely manner; therefore  
30 this act should go into effect as soon as possible. Therefore, an emergency  
31 is hereby declared to exist, and this act being immediately necessary for the  
32 preservation of the public peace, health, and safety shall be in full force  
33 and effect from and *after passage and approval*.

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*/s/Rep. McKissack*

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