

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTION 2 (a) OF LITTLE ROCK, ARK., NO. 19,761 (JUNE 12, 2007), APPROVED BY THE ELECTORS ON AUGUST 14, 2007; TO AUTHORIZE THE MAYOR TO APPOINT A PERSON TO HOLD, OR TERMINATE A PERSON FROM, THE POSITION OF CITY MANAGER, AND CITY ATTORNEY, ABSENT AN ACTION BY OTHER MEMBERS OF THE BOARD OF DIRECTORS TO OVERRIDE SUCH ACTION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Little Rock, Ark., Ordinance No. 16,435 (June 1, 1993), approved by the electors on July 27, 1993, the City amended the existent Management Form of Government to include a directly-elected Mayor without a runoff election if a candidate received at least 40% of the vote, three (3) Directors elected At-Large, and seven (7) Directors elected from Wards; and,

**WHEREAS**, pursuant to Little Rock, Ark., Ordinance No. 19,761 (June 12, 2007), approved by the electors on August 14, 2007, the City further amended the Management Form of Government to increase the authority of the Mayor to include a veto, and the ability to hire or terminate the City Manager and the City Attorney, subject to the approval of a majority of the Board of Directors; and,

**WHEREAS**, pursuant to Little Rock, Ark., Resolution No. 14,902 (December 3, 2018), a forum was created in 2019 "to recommend the best form of government for the City to be presented to the citizens of Little Rock within a period of one (1)-year from the date" the forum was created; and,

**WHEREAS**, the Governance Structure Study Group, with Frederick K. "Rick" Campbell (Ward 4) as Chair, was created with Loretta Hendrix (Ward 1), Donna Massey (Ward 2), Preston Eldridge (Ward 3), Daryl Coker (Ward 5), Ann Marshall Grigsby (Ward 6), Don Shellabarger (Ward 7), Karen Buchanan (At-Large), Robert Coon (At-Large), Ronnie Jackson (At-Large), and Gary Smith (At-Large), as members, met and made recommendations to the Mayor and Members of the Board of Directors pursuant to a report dated October 25, 2019); and,

**WHEREAS**, in order to meet "a desire for the city to operate more like a business with a leader who can be held accountable – by the people – for City operations" which cannot be done in a manner to hold a single person (the Mayor) "accountable for the actions (or inactions) of the City Manager, the City Attorney, or the staff working for those two (2) Officials," unless the Mayor could act first on hiring or termination decisions, and such action would be upheld absent a 2/3 vote of the other members of the Board of Directors to override such a decision; and,

1       **WHEREAS**, the authority for such action was approved in 2019 Ark. Acts 978, *codified as* Ark. Code  
2 Ann. §§ 14-47-140 (a) (1) (C) (D) (F) (G), and can be implemented upon a 2/3 vote of the Board of Directors  
3 – Act 978 at § 1, *codified as* § 14-47-140 (a)(2).

4       **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**  
5 **OF LITTLE ROCK, ARKANSAS:**

6       **Section 1.**

7           **(a)** The Mayor shall have the authority to hire the City Manager and this decision is final unless  
8 the Board of Directors, by a 2/3 vote, overrides this hiring decision; provided, that any attempt to  
9 override must be requested in writing by a member of the Board of Directors within ten (10) days  
10 of the date the Mayor has announced the hire;

11           **(b)** The Mayor shall conduct the annual review of the City Manager.

12       **Section 2.** The Mayor shall have the authority to terminate the city manager and this decision is final  
13 unless the Board of Directors, by a 2/3 vote, overrides this termination decision; provided, that any attempt  
14 to override must be requested in writing by a member of the Board of Directors within ten (10) days of the  
15 date the Mayor has announced the termination.

16       **Section 3.**

17           **(a)** The Mayor shall have the authority to hire the City Attorney subject to the confirmation  
18 and approval of a majority of the Board of Directors;

19           **(b)** The Mayor and Vice-Mayor shall jointly conduct the annual review of the City Attorney.

20       **Section 4.** The Mayor shall have the authority to terminate the City Attorney and this decision is final  
21 unless the Board of Directors, by a 2/3 vote, overrides this termination decision; provided, that any attempt  
22 to override must be requested in writing by a member of the Board of Directors within ten (10) days of the  
23 date the Mayor has announced the termination.

24       **Section 5. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or  
25 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
26 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and  
27 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the  
28 ordinance.

29       **Section 6. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with  
30 the provisions of this resolution, are hereby repealed to the extent of such inconsistency including, but not  
31 limited to, Little Rock, Ark., Ordinance No. 16,435 (June 1, 1993), Little Rock, Ark., Ordinance No. 19,761  
32 (June 12, 2007), and Little Rock, Ark., Resolution No. 14,902 (December 3, 2018).

33       **Section 7. Emergency Clause.** *In light of changes in Arkansas State Law, and the recommendations*  
34 *of the Governance Structure Study Group, it is deemed important that the Mayor have greater authority to*  
35 *making hiring or termination decisions as to the City Manager and the City Attorney in order to assure that*

1 *one (1) person can be held accountable by the citizens for the actions of local government; such a need is*  
2 *essential to protect the public health, safety, and welfare; an emergency is, therefore, declared to exist, and*  
3 *this ordinance shall be in full force and effect from and after the date of its passage.*

4 **PASSED: November 16, 2021**

5 **ATTEST:**

**APPROVED:**

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9 **Susan Langley, City Clerk**

\_\_\_\_\_ **Frank Scott, Jr., Mayor**

9 **APPROVED AS TO LEGAL FORM:**

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13 **Thomas M. Carpenter, City Attorney**

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