

Bond Case Briefs

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MUNICIPAL GOVERNANCE - ARKANSAS

City of Helena-West Helena v. Williams

Supreme Court of Arkansas - June 6, 2024 - S.W.3d - 2024 Ark. 102 - 2024 WL 2855378

City resident filed a complaint against city and mayor, seeking a declaratory judgment that the previous mayor's veto of two city ordinances was proper and could not be rescinded by subsequent mayor.

Following a bench trial, the Circuit Court entered declaratory judgment for resident, finding that the veto had been proper and the ordinances were null and void. City and mayor appealed.

The Supreme Court held that:

- Previous mayor complied with statutory requirements to effectively veto ordinances passed by city council, and
- Previous mayor was not required to present his written statement of reasons for the veto to the council at its next meeting.

Previous mayor complied with statutory requirements to effectively veto ordinances passed by city council, where mayor timely filed a written statement of his reasons for the veto by leaving a letter on the city clerk's desk on a Saturday at 11 p.m., and there was no evidence to refute mayor's testimony that he placed the letter on the clerk's desk before his term ended at midnight that day.

To effectively veto an action by the city council, mayor was not required to personally present his written statement of reasons for the veto to the council at its next meeting; by statute, the veto was effective unless over-ridden by a vote of two-thirds of the council after the written statement was laid before it.