

Bond Case Briefs

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MUNICIPAL ORDINANCE - ARKANSAS

Graves v. Greene County

Supreme Court of Arkansas - December 5, 2013 - S.W.3d - 2013 Ark. 493

Township constable filed complaint against county, county quorum court, and county judge seeking reimbursement of expenses and for writ of mandamus to compel defendants to set salary for constables. The Circuit Court issued order requiring county defendants to set salary and denied constable's claim for expenses, which had to be presented to County Court. The County Court denied constable's claims. Constable then filed complaint for judicial review of denial and sought declaratory relief based on challenge to constitutionality of county ordinance that set salary at \$25 per month. The Circuit Court conducted de novo review, denied constable's claim for reimbursement of expenses and found that ordinance setting salary for constables was not unconstitutional. Constable appealed.

The Supreme Court of Arkansas held that:

- Amended version of statute governing reimbursement of expenses of county and district officials in effect at time of request governed request;
- Constable was not "district official" entitled to reimbursement of expenses; and
- Ordinance setting salary for township constables at \$25 per month was not so arbitrary and unreasonable as to violate equal protection.

County ordinance setting salary for township constables at \$25 per month was not so arbitrary and unreasonable as to violate equal protection based on constable's claim that statutory responsibilities of constables called for reasonable salary of \$30,000 per year. Rather, quorum court had rational basis for setting salary based on duties performed by constables at county's request, and constable testified that he never had to suppress riots, fights, or unlawful assemblies within his township, and that he did not issue any traffic or misdemeanor citations, or present any summons to jury.

Graves cites Arkansas Code Annotated section 16-19-301 (Repl.1999), which outlines the responsibilities of constables. Duties of constables include suppressing all riots, affrays, fights, and unlawful assemblies; keeping the peace; and arresting offenders.