

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC EMPLOYMENT - ARKANSAS

Johnson v. Wright

Supreme Court of Arkansas - March 10, 2022 - 2022 Ark. 57 - 640 S.W.3d 401

Former members and employees of City Advertising and Promotion Commission (CAPC) brought action against city officials alleging, among other things, that other members' appointments to the CAPC violated the Arkansas Constitution.

The Circuit Court denied plaintiffs' motion for emergency injunction and denied their motion to reconsider. Plaintiffs brought interlocutory appeal.

The Supreme Court held that:

- CAPC at-large member met the qualifications of an elector under Arkansas constitution, and
- CAPC appointments were not barred by statute prohibiting city council members from being appointed to another municipal office while they were serving on a city council.

City Advertising and Promotion Commission (CAPC) at-large member met the qualifications of an elector under Arkansas constitution, and thus was not prohibited from appointment to CAPC, despite contention that member did not reside in the subdivision she sought to serve; there was no statute requiring member to be a city resident, and member was not seeking election to a city office, nor was she appointed to fill a vacancy in an elected office, and instead member was appointed to a commission position that was authorized not only by statute but also by city municipal ordinance.

Appointments of members to City Advertising and Promotion Commission (CAPC) were not barred by statute prohibiting city council members from being appointed to another municipal office while they were serving on a city council, even though members were city council members at time of their appointments; statute was a statute of general applicability, and specific statute relevant to the CAPC required such an appointment.