

**Searcy City Council – Special Session**  
**August 5, 2013 5:00 p.m.**  
**Minutes**

Mayor David Morris called to order a Special Session of the Searcy City Council. Alderman Dale Brewer gave the Invocation, with the Pledge of Allegiance following, led by Alderman Logan Cothorn. City Clerk Jerry Morris called the roll with the following Aldermen answering “present”: Logan Cothorn, Mary Ann Arnett, Steve Sterling, Dale English, Don Raney, Dale Brewer and Mike Chalenburg. The Alderman position for Ward 2 Position 1 is vacant, due to the resignation of Alderman Jim Dixon effective July 31, 2013. Also present was City Attorney Buck Gibson.

Item (3) on the agenda was for an explanation and further information, presented by City Attorney Buck Gibson, for the process required for filling the vacant Alderman position for Ward 2 Position 1. This vacancy is due to the resignation of Alderman Jim Dixon which was effective July 31, 2013. Mr. Gibson explained that previous information given to the City Council regarding the filling of the vacant alderman position under Arkansas Code § 14-42-103 (a)(1) “Vacancies in municipal offices that are authorized by state law to be filled by appointment by the city or town governing body require a majority vote of the remaining members of the governing body.” This section does not provide for the call of a special election. Mr. Gibson further explained, after more research was conducted, that under Arkansas Code § 14-43-411 (b), “When a vacancy occurs in any position of alderman in a city having a population of twenty thousand (20,000) or more according to the most recent federal decennial census, a new alderman shall be chosen in the following manner: (1) If the unexpired portion of the term of alderman exceeds one (1) year, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to either elect by a majority vote of the remaining members elected to the Council an alderman to serve for the unexpired term or call for a special election to be held in accordance with § 7-11-101 to fill the vacancy;”. Mr. Gibson explained, therefore, that the decision before the Council is not simply ‘who to select for this position.’ The decision is actually two-fold; 1) ‘shall a special election be held?’ [which would include an expense to the city as well as taking a period of time to be conducted] and 2) if the City Council chooses to dispense with holding a special election, which is authorized by the statute, the majority of the remaining members of the council may then select a replacement for this position. A motion was made by Mr. Brewer, seconded by Mr. Raney, for the Council to enter into executive session for discussion regarding the filling of the vacant alderman position. Motion carried with the following voting “yes”: Arnett, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

Following executive session, a motion was made by Mr. Brewer, seconded by Mr. Raney, to return to regular session. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

A motion was made by Mr. Sterling and seconded by Mr. Brewer to adjourn. Motion carried with a unanimous voice vote of “aye.”

Minutes Approved: August 13, 2013

/s/ David Morris  
MAYOR

ATTEST:

/s/ Jerry Morris  
CITY CLERK

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