

RESOLUTION NO. 2025-33

**A RESOLUTION AUTHORIZING THE FILING OF A PETITION FOR WRIT OF
MANDAMUS AGAINST THE MAYOR OF THE CITY OF HORSESHOE BEND,
ARKANSAS**

WHEREAS, the City Council of the City of Horseshoe Bend, Arkansas (“City Council”) is the duly elected governing body of the City, authorized to enact ordinances, resolutions, and other measures pursuant to Arkansas law; and

WHEREAS, Arkansas Code Annotated § 14-55-205 requires that all ordinances and resolutions passed by the City Council be authenticated by the signatures of the presiding officer and the city recorder; and

WHEREAS, Arkansas Code Annotated § 14-44-108 provides that the Mayor of a city of the second class shall perform all duties required by the ordinances of the city; and

WHEREAS, the City Council has duly enacted certain ordinances and resolutions, including measures passed over the Mayor’s veto, that have not been authenticated by the Mayor’s signature; and

WHEREAS, the Mayor’s failure to sign and authenticate these duly enacted ordinances and resolutions has created uncertainty in the public record and hindered the lawful implementation of City Council actions; and

WHEREAS, the City Council has determined that it is necessary to seek judicial relief in the form of a Petition for Writ of Mandamus to compel the Mayor to perform these ministerial duties as required by Arkansas law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BEND, ARKANSAS:

1. The City Council hereby authorizes and directs legal counsel, Bequette, Billingsley & Kees, P.A., to file a Petition for Writ of Mandamus in the Circuit Court of Izard County, Arkansas, styled *City Council of Horseshoe Bend, Arkansas v. Hon. Duane DeLair, Mayor of the City of Horseshoe Bend, Arkansas*, seeking an order requiring the Mayor to sign and authenticate all ordinances and resolutions duly enacted by the City Council.
2. The Petition shall request that the Court compel the Mayor to perform all duties required by Arkansas law and by duly enacted ordinances and resolutions of the City Council, including but not limited to those listed in Exhibit 1 attached to the Petition.
3. Any and all prior actions taken by members of the City Council and its legal counsel in preparing and pursuing this matter are hereby ratified and approved.

4. Funding of up to \$5000 from Freed Up funds is authorized for this action.

5. This Resolution shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 9th day of October, 2025.

CITY OF HORSESHOE BEND, ARKANSAS

By: 
Presiding Officer / Council Member Acting in Chair

ATTEST:


City Recorder / Clerk