



The City of Horseshoe Bend

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VETO

Resolution 2025-33

On Writ of Mandamus

On 2/4/25, I retained the legal services of Bradley McBride and Kimberly Dale of Thompson, Warmath, Dale and Butler professional Association of Paragould Arkansas.

This was about Ordinance 2025-01. On January 3, 2025, Bryan Miller, Ward 1, Luther Yancey, Ward 1 and Travis Rains, Ward 3, called a special meeting. They wanted to have this meeting on January 2nd, the night they were sworn in. I, however, with the city attorney told them this was illegal as it was not advertised and no formal agenda had been approved. Ordinance 2025-01, Amended Title 2 of the Horseshoe Bend Municipal Code Section 2.16.04 Recorder/Treasurer. Mr. Miller stated the power to hire/fire city employees had been taken away from the recorder/treasurer. This is an absolute lie as the attachment to the veto shows (see veto 1/9/25). This information was provided the attorneys who informed me not to sign the ordinance. The veto was overturned by the council but was not published in the newspaper for many weeks. My attorneys still advise that once they overturned the veto it became law upon them publishing it.

Ordinances, resolutions and motions which were constitutional, I believed to be legal I signed. Ordinance 2025-02 Parks and Recreation fees I signed although I did not agree with the outrageous fee of \$80.00 per lot. I signed the ordinance as I have signed many others. Mr. Vander Pas in his letter to the prosecuting attorney misled him to believe I was not signing any, an absolute lie. In June 2025 I decided not to utilize Ms. Dale and Mr. McBride, since that time have looked for another law firm.

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During this time Mr. Sipe had said I should sign any items not done. I told him my attorneys at the time had distinguished between agenda items passed and those vetoed for cause. I did ask Mr. Sipe what would apply if I vetoed items? Should I be forced to sign something I felt was illegal, unconstitutional and then would I also be sued with the council?

Ark. Code Ann 14-44-107(b) contains the mayor's authority to veto within five (5) days, Sundays excepted, after an action of the council thereon. It further states the council by a vote of two-thirds (2/3) of all council members can overturn the veto.

From this point on no information is provided. Mr. Vander Pas misled the District Attorney again by stating I had to sign them within five (5) days. Nowhere in the law does it say that. In fact the only reference to five (5) days in the amount of time to produce the veto.

On August 18, 2025 I sent out a FOIA request to the following:

1. Brad Sipe, City Attorney
2. Drew Smith, District Prosecutor
3. John Wilkerson, Municipal League

"I am requesting the Arkansas law that says a mayor must sign ordinances he has vetoed."

"I was informed by legal counsel I did not have to sign these."

The only response I received was from Drew Smith who said FOIA does not apply to criminal investigations. At this point, September 8, 2025, I contacted Senator John Payton informing him of my problem and asked for his help. Explaining the situation with Mr. Miller and Mr. Vander Pas trying to get me arrested to be removed from office. In fact a host of documents now exist showing the council's attack on myself in the office of the mayor.

1. 2025-01 Removed ability to hire/fire city employees
2. 2025-03 Removed the mayor's authority to run Facebook page.
3. 2025-06 Parks and Rec director's authority
4. 2025-08 Stop reading group opening up the library early on Saturday.
5. 2025-09 Limits on the mayor's spending limits
6. 2025-10 Ordinance on data scout data
7. 2025-11 Ordinance on mayor's right to vote as a member on committees to break ties.

8. 2025-20 Adds finance committee chair as a 4th signatory to go around the mayor's authority.

The mayor's spending authority is clearly located in Ark Law 1-58-303(a) as well as contacts A.C.A. 14-58-303, Op Atty Gen 2002-093

On September 16, 2025 I received an email from Drew Smith, District Prosector. He had obviously not been informed of my request to the Attorney General to provide a ruling on the obvious question.

When the Governor vetoes a bill and Congress overturns the veto, by overturning it, it becomes law on their vote. The Governor does not sign it.

It is my belief that by me being forced to sign illegal and unconstitutional ordinances, resolutions or motions that makes me a part of the lawsuit. This is not about me not signing regular business! This is about a hateful, hostile council hell bent on forcing me from office as a vendetta for the removal of MRID. The very same players are indeed behind all of this.

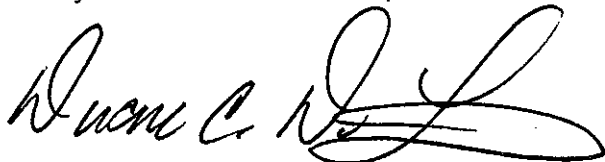
I have consulted legal counsel and have been told if vetoed I do not have to sign them!

I have FOIA'd three attorneys as to the law that says once I veto an ordinance, resolution or motion that I must sign it. No one responded!

I have requested that Tim Griffin, Attorney General, provide a ruling on this issue.

This is a total waste of taxpayer monies, something this council has repeatedly done. Many of their actions have and will result in future lawsuits. It is not in the best interest of the citizens of Horseshoe Bend to waste time or money. This council is embarrassment to the city and the people they claim to represent. Clearly Mr. Vander Pas, Mr. Miller and the council were aware I had talked with counsel, had sought the help of legislators and the Attorney General.

As the Mayor of Horseshoe Bend, I veto this resolution.


Mayor HSB