

**IN THE CIRCUIT COURT OF IZARD COUNTY, ARKANSAS
CIVIL DIVISION**

**CITY COUNCIL OF HORSESHOE BEND, ARKANSAS,
By and through its Members, and BRYAN MILLER
Individually as a Citizen of Horseshoe Bend**

PETITIONERS

v.

Case No. 33CV-25-155

**DUANE DeLAIR, in his official capacity as
Mayor of the City of Horseshoe Bend, Arkansas**

RESPONDENT

ORDER

Comes upon hearing, Petitioner's Petition for Writ of Mandamus and Respondent's Motion to Dismiss. The matter was briefed and heard on December 16, 2025. Petitioner appeared through counsel, Cody Kees, and Respondent appeared through counsel, Drew Cunningham. After hearing testimony, reviewing the pleadings, and considering the arguments of counsel, the Court finds and orders as follows:

1. Respondent's Motion to Dismiss is denied. Petitioners are granted leave to add Bryan Miller, as a citizen of the City of Horseshoe Bend.
2. Arkansas Code Annotated § 14-55-205 governs the authentication of municipal ordinances. The statute concerns accurate recordkeeping and authentication of duly enacted ordinances and does not mandate approval, endorsement, or agreement with the substance of the ordinance by the Mayor.
3. The Mayor may not refuse to authenticate an ordinance that has been duly passed by the City Council, vetoed, and subsequently overridden by the required vote of the City Council. Authentication under § 14-55-205 is a ministerial duty.
4. The Court declines to mandate a particular format for authentication. The City Council may not compel the Mayor to sign an ordinance in a form that implies approval of

legislation the Mayor vetoed. Likewise, the Mayor may not refuse to authenticate based solely on disagreement with the form preferred by the City Council.

5. The Petition for Writ of Mandamus is **GRANTED IN PART** to the extent it seeks to compel the Mayor to perform the ministerial duty of authenticating ordinances duly enacted and overridden in compliance with Arkansas law.

6. The Petition is **DENIED IN PART** to the extent it seeks to compel compliance with unspecified past, present, or future ordinances, mandate authentication in a particular substantive format implying approval. The Mayor shall authenticate all valid laws duly passed by the Council.

7. All other relief requested and not expressly granted herein is denied.

IT IS SO ORDERED



HONORABLE HOLLY MEYER

Date

3/10/20

Prepared by

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