

RESOLUTION NO. 06 -2018

**A RESOLUTION FOR THE PURPOSE OF ACCEPTING THE RESIGNATION OF THE
MAYOR, JAN HUDSON;**

**NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF
DIAMOND CITY, ARKANSAS:**

WHEREAS, Mayor Jan Hudson executed a handwritten document tendering her resignation from the office of Mayor, effective June 13, 2018;

WHEREAS, the City Council of Diamond City, Arkansas, has been advised that under Arkansas law, a mayor's resignation is not effective until it is accepted by a majority of the City Council;

WHEREAS, it is the finding and conclusion of the City Council that accepting the resignation of Mayor Jan Hudson is in the best interest of the City of Diamond City, Arkansas and Mayor Jan Hudson.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
DIAMOND CITY, ARKANSAS:**

Section 1. The City Council for Diamond City, Arkansas hereby accepts the voluntary resignation of Mayor Jan Hudson on this 16th day of August, 2018.

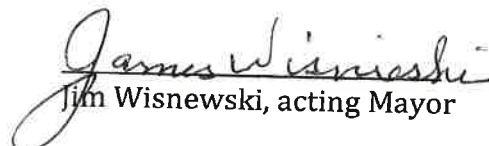
PASSED AND APPROVED this the 16 day of August, 2018, in a special meeting.

Aye 4 Nay 0 Absent 1 Abstain 1

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisnewski, acting Mayor



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August 1, 2018

Diamond City Council
P.O. Box 1300
Diamond City, AR 72630



RE: Attorney Opinion Concerning Mayor Jan Hudson's Resignation

Dear Town Council:

I sincerely appreciate being considered and chosen to be the attorney for Diamond City, Arkansas. I want to thank you for this opportunity, and I look forward to working with you to resolve all of your outstanding concerns.

It is my understanding that Mayor Jan Hudson appointed James Wisnieski as acting Mayor pursuant to the powers vested in her by Arkansas Code Annotated § 14-44-107 (c)(2), and that the acting Mayor and City Council have appointed me as the attorney for Diamond City. As city attorney, I will do my best to advise the City Council and Mayor to the best of my abilities.

One of the first issues brought to my attention is the current status of the position of Mayor in Diamond City. James Wisnieski has provided me with a copy of a letter of resignation signed by Jan Hudson. Considering the circumstances, I am advising each council member to sign the attached letter accepting Mayor Jan Hudson's resignation. Neither the city, nor any aldermen should have any liability as a result of accepting Jan Hudson's freely given letter of resignation. Although the letter of resignation has already been given, any letter of resignation must be accepted by the City Council to be effective. I have cited controlling Arkansas jurisprudence concerning resignations below.

Arkansas law requires that a city officer's resignation is not effective, and thus may be withdrawn, until it is accepted by the proper authority. See *Rider v. City of Batesville*, 220 Ark. 31; *Hopper v. Garner*, 328 Ark. 516, 525, 944 (Ark. 1997) The "proper authority" to accept the resignation of the Mayor is the Town Council, and because this acceptance is not an "ordinance of general or permanent" nature, it does not require any formalities to be adopted. It simply requires the acceptance of a majority of the City Council members.

In accordance with Arkansas law, I have prepared an acceptance of Mayor Jan Hudson's resignation. Please review the Acceptance of Resignation of Elected City Official and feel free to call me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Grady', written over the word 'Sincerely,'.

Steven L. Grady

Enclosure



Mayor Hudson has requested in writing
and signed by 4 current council members
that the council request Mayor Hudson
resignation, for the best interest of
the city due to her current situation
with the DC Comm. Center.

With 4 council members signing
I will resign as Mayor of the
City of Diamond City, effective
6/13/2018.

Jan Hudson