

In Arkansas, a city with a population of **about 8,000** is a **city of the first class**. If that city currently has a **combined Clerk/Treasurer** and wants to **separate the offices**, Arkansas law provides a clear and legal path to do so.

Below is a **plain-language, step-by-step explanation** based on current Arkansas statutes.

1. Legal Authority to Separate the Offices

For **cities of the first class with a mayor-council form of government**, the governing statute is:

Arkansas Code Annotated § 14-43-405

This statute allows the city council to:

- **Combine** the clerk and treasurer into one office **or**
 - **Separate** them into **two distinct offices**, by **ordinance** [law.justia.com], [codes.findlaw.com]
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2. Key Rules You Must Follow

A. You Cannot Split the Office Mid-Term

If you currently have an **elected Clerk-Treasurer**, the law is very clear:

- The office **cannot be separated during that person's term**
- Separation may occur only:
 - **When the term expires**, or
 - **If the office becomes vacant** [law.justia.com]

This protects voters' intent and avoids removing duties from an elected official mid-term.

B. Separation Is Done by City Ordinance

To separate the positions, the city council must:

1. **Adopt an ordinance** stating:
 - The offices of **City Clerk** and **City Treasurer** are separate

- The **effective date** (typically January 1 following an election)
- 2. Specify whether the **Treasurer will be:**
 - **Elected**, or
 - **Appointed** (both are allowed under state law) [law.justia.com]



No public vote is required **unless your city charter or local ordinances say otherwise.**

3. Clerk vs. Treasurer – How They Are Typically Set Up

Under §14-43-405:

Office	How Filled	Term
City Clerk	Elected	4 years
City Treasurer	Elected or Appointed	4 years (if elected)

[law.justia.com]

Many first-class cities:

- Keep the **Clerk elected**
- Make the **Treasurer appointed** to strengthen internal financial controls



This is specifically authorized by statute and widely used in Arkansas. [files-back...lshare.com]

4. Election Timing Considerations

If the clerk is elected:

- The separation ordinance should take effect **at the next regular municipal election** under **A.C.A. § 14-43-316**
- The ballot must reflect **“City Clerk”** only—not Clerk-Treasurer

If the treasurer is appointed:

- The appointment usually begins **January 1 following the election**
- The mayor appoints (often with council confirmation, per local ordinance)



[law.justia.com]

5. Practical Steps for an Arkansas City (Checklist)

- ✓ Confirm city is **first class** (population over 2,500)
- ✓ Verify no mid-term separation of an elected Clerk-Treasurer
- ✓ Draft ordinance separating the offices
- ✓ Specify:
 - Effective date
 - Elected vs. appointed treasurer
 - ✓ Update job descriptions and salary ordinances
 - ✓ Coordinate with county election officials if clerk remains elected

6. Common Reason Cities Separate the Offices

Arkansas cities frequently do this to:

- Improve **financial oversight and internal controls**
- Reduce audit findings
- Prevent conflicts between record-keeping and money handling
- Align with Arkansas Municipal League best practices [armunileague.org]

7. Example (Real Arkansas City)

The City of **Marion, Arkansas** separated its Clerk-Treasurer by ordinance, making:

- Clerk → elected
- Treasurer → appointed
 - Effective at the start of a new term, exactly as required by §14-43-405 [[files-back...lshare.com](#)]

Bottom Line

For an Arkansas city of **8,000 people**:

- ✓ You **may separate** Clerk and Treasurer
- ✓ You **must do it by ordinance**
- ✓ You **cannot do it during an elected term**
- ✓ Treasurer may be **appointed or elected**

If you'd like, I can:

- Draft a **sample separation ordinance**
- Help with **transition timing language**
- Align it with **Arkansas audit expectations**

State law requires that a city of the first class have a clerk-type office and a treasurer function, but it gives flexibility on how those roles are structured.

1. Is a *clerk* required for a first class city?

Yes.

For cities of the first class with the **mayor–council form of government** and a population under 50,000, Arkansas law requires the election of either:

- a **city clerk** and a **city treasurer**, or
- a combined **city clerk-treasurer**
[\[law.onecle.com\]](http://law.onecle.com), [\[law.justia.com\]](http://law.justia.com)

This means the **clerk function must exist**, either as a standalone clerk or as part of a combined office.

2. Is a *treasurer* required?

Yes, but it can be combined.

State law requires that the **treasurer function be provided**, but a first class city may:

- elect or appoint a **city treasurer**, or
- combine the treasurer duties with the clerk into a **clerk-treasurer** position by ordinance or resolution
[\[law.justia.com\]](http://law.justia.com)

Once combined, the offices **cannot be separated during the clerk-treasurer’s term** unless the position becomes vacant.

[\[law.justia.com\]](http://law.justia.com)

3. Is a *recorder* required for a first class city?

No.

The “**recorder**” title is not required for cities of the first class.

- The “recorder” position is statutorily used in **cities of the second class and incorporated towns**.
- First class cities use the **city clerk** title instead.

Arkansas law governing first class cities refers only to **city clerk, city treasurer, or city clerk-treasurer**, not recorder.
[\[law.onecle.com\]](http://law.onecle.com), [\[law.justia.com\]](http://law.justia.com)

4. Summary (Plain English)

Office / Function State-law requirement for 1st class city

Clerk	Yes (required)
Treasurer	Yes (required, but may be combined)
Recorder	No (not required or used)
Clerk-Treasurer	Allowed and common

5. Practical takeaway

For a **first class city in Arkansas**:

- You **must** have a clerk function.
- You **must** have a treasurer function.
- These may legally be **combined into one elected or appointed clerk-treasurer**.
- A separate **recorder** is **not required by state law**.

If you want, I can also:

- Confirm how this applies **specifically to Tontitown**
- Review ordinance language for compliance
- Compare mayor-council vs. city-manager impacts on these offices