1 State of Arkansas As Engrossed: S2/25/03 A Bill Act 544 of 2003 2 84th General Assembly SENATE BILL 59 Regular Session, 2003 3 4 5 By: Senator Horn 6 By: Representatives King, Cowling 7 8 For An Act To Be Entitled 9 AN ACT TO AMEND ARKANSAS CODE § 14-137-108 TO 10 11 ALLOW MAYORS AND COUNTY JUDGES OF CREATING CITIES AND COUNTIES TO APPOINT THE SUCCESSOR MEMBERS OF 12 13 PUBLIC FACILITIES BOARDS, INSTEAD OF A MAJORITY OF THE BOARD'S MEMBERSHIP; AND FOR OTHER 14 15 PURPOSES. 16 Subtitle 17 TO ALLOW MAYORS AND COUNTY JUDGES OF 18 19 CREATING CITIES AND COUNTIES TO APPOINT THE SUCCESSOR MEMBERS OF PUBLIC 20 21 FACILITIES BOARDS. 22 23 24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 25 26 SECTION 1. Arkansas Code § 14-137-108(a) is amended to read as 27 follows: 28 (a)(1) Each public facilities board shall consist of five (5) members 29 unless there is an expansion of the board to provide services outside the boundaries of the governmental unit from which it obtains power. 30 31 (2) The provisions of this subsection shall be applicable only 32 to county public facilities boards in counties having a population of less 33 than one hundred fifty thousand (150,000) according to the most recent federal decennial census and to all public facilities boards established by 34 35 municipalities having a population of less than one hundred thousand (100,000) according to the most recent federal decennial census, regardless 36

01162003EAN1202.VJF097

- 1 of where located.
- 2 (3)(A)(i) The initial members shall be appointed by the mayor of
- 3 the creating municipality or the county judge of the creating county for
- 4 terms of one (1), two (2), three (3), four (4), and five (5) years,
- 5 respectively.
- 6 (ii) Members are not required to be residents of the
- 7 municipality or county which has created the public facilities board.
- 8 (B)(i) Successor members shall be elected by a majority of
- 9 the board for nominated by a majority of the board and appointed by the mayor
- 10 of the creating municipality or the county judge of the creating county
- 11 subject to confirmation by the governing body of the municipality or county
- 12 <u>for staggered</u> terms of five (5) years each, unless the bylaws of the public
- 13 facilities board or the ordinance pursuant to which the public facilities
- 14 board was formed provides for an alternative means of electing successor
- 15 members by the membership of the public facilities board's service area.
- 16 <u>(ii) The board shall submit a written list of three</u>
- 17 (3) successor nominees to the mayor of the creating municipality or the
- 18 county judge of the creating county at least sixty (60) days before the
- 19 expiration of the term.
- 20 (iii) If the board fails to submit a written list of
- 21 nominees at least sixty (60) days before the expiration of the term, the
- 22 mayor or the county judge may appoint a successor member without a nomination
- 23 from the board.
- 24 (C) Each member shall serve until his successor is elected
- 25 and qualified.
- 26 (D) A member shall be eligible to succeed himself.
- 27 (4) Each member shall qualify by taking and filing with the
- 28 clerk of the municipality or county creating the board his oath of office in
- 29 which he shall swear to support the Constitution of the United States and the
- 30 Constitution of the State of Arkansas and to discharge faithfully his duties
- 31 in the manner provided by law.
- 32 (5)(A) In the event of a vacancy in the membership of the board,
- 33 however caused, a majority of the board shall elect the mayor or the county
- 34 judge shall appoint a successor member nominated by a majority of the board
- 35 to serve the unexpired term subject to confirmation by the governing body of
- 36 <u>the municipality or county.</u>

1	(B) The board shall submit a written list of three (3)
2	nominees to fill the vacancy to the mayor of the creating municipality or the
3	county judge of the creating county not later than sixty (60) days after the
4	vacancy occurs.
5	(C) If the board fails to submit a written list of
6	nominees not later than sixty (60) days after the vacancy, the mayor or the
7	county judge may appoint a successor member without a nomination from the
8	board.
9	(6) The members of the board shall receive no compensation for
10	their services, but shall be entitled to reimbursement for reasonable and
11	necessary expenses incurred in the performance of their duties.
12	(7) Any member of the board may be removed for misfeasance,
13	malfeasance, or willful neglect of duty, by the mayor of the municipality or
14	the county judge of the county, as the case may be, which created the board,
15	after reasonable notice of and an opportunity to be heard concerning the
16	alleged grounds for removal.
17	(8)(A)(i) If the jurisdiction of a board, pursuant to interlocal
18	agreements, expands to provide services outside the boundaries of the
19	governmental unit from which it obtains power, then not more than two (2)
20	additional members per governmental unit may be added pursuant to the terms
21	of any relevant interlocal agreement.
22	(ii) These members shall <del>initially</del> be appointed by
23	the mayor of the newly participating municipality, or the county judge of the
24	newly participating county, and shall serve for a term agreed upon in the
25	interlocal agreement, provided that the term shall not exceed five (5) years.
26	(B) The other provisions of this section shall apply to
27	these additional members, provided that no additional member shall be
28	eligible to serve as chairman of the board.
29	
30	/s/ Horn
31	
32	
33	APPROVED: 3/20/2003
34	
35	
36	

1