

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Carter**

A Bill

HOUSE BILL 1266

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 14, CHAPTER 92,
9 SUBCHAPTER 2 TO ALLOW CERTAIN SUBURBAN IMPROVEMENT
10 DISTRICTS TO SELECT A NEW FIVE (5) MEMBER BOARD OF
11 COMMISSIONERS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO ALLOW CERTAIN SUBURBAN IMPROVEMENT DISTRICTS TO
15 SELECT A NEW FIVE (5) MEMBER BOARD OF COMMISSIONERS."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code Title 14, Chapter 92, Subchapter 2 is amended
20 to add a new section to read as follows:

21 "14-92-239. (a) Any suburban improvement district *which contains less*
22 *than six thousand (6,000) lots and which selects successor commissioners by a*
23 *vote of the remaining commissioners may alter the number and method of*
24 *selection of members of the board of commissioners of the district pursuant to*
25 *this section.*

26 (b)(1) Any property owner in the suburban improvement district may make
27 a written request for an election on the question of whether to change the
28 method of selecting the board of commissioners of the district. The request
29 shall be filed with a quorum court member whose district includes all or part
30 of the suburban improvement district.

31 (2) The property owner filing the request shall be responsible
32 for all costs of the election and any notice required under this subsection
33 (b).

34 (3) Within forty-five (45) days after receiving the request, the
35 quorum court member shall mail, by first class mail, ballots to all property

1 owners in the district along with a copy of this section. The date for
2 returning ballots shall be set by the quorum court member and shall not be
3 less than twenty (20) days after the date he or she mailed the ballots to
4 property owners. Ballots shall not be valid unless signed by the property
5 owner and mailed within the time allowed.

6 (4) Two (2) votes shall be awarded for each property. The
7 interests of time share owners shall be voted by the Time Share Owners_s
8 Association on the same basis.

9 (5) A majority of the votes cast on the issue shall be required
10 for passage of the measure.

11 (6) The quorum court member who conducted the election shall
12 notify the property owners of the results of the election. If the measure
13 passes, the notice shall include the notice of the meetings for nomination and
14 election.

15 (7) The commissioners serving on the board at the time of the
16 approval of the measure shall continue to serve until a new board is elected.

17 (c)(1) Not more than sixty (60) days nor less than thirty (30) days
18 after the measure is approved, the quorum court member who conducted the
19 election under subsection (b), shall hold a meeting to accept nominations for
20 the new commissioners. Nominations for commissioners shall be made by
21 property owners. The commissioners shall be elected from among those
22 nominated at a subsequent public meeting to be held not less than thirty (30)
23 days after the meeting to nominate commissioners. Notice of the meetings
24 shall be mailed to each property owner at least thirty (30) days prior to the
25 meeting to nominate commissioners. The notice shall include the following
26 information:

27 (A) the time, place, and date of the meetings to nominate
28 and elect a new board of commissioners;

29 (B) how to request an absentee ballot; and

30 (C) the qualifications for voting in the election.

31 (2) Each property owner shall be entitled to make a nomination
32 for commissioner and shall be entitled to one (1) vote in the election of
33 commissioners. A property owner may cast his or her vote in person at the
34 meeting conducted to elect commissioners or may vote by an absentee ballot.
35 Absentee ballots must be received prior to the meeting held to elect

1 commissioners. Any absentee ballot may be requested by any property owner.

2 (3) A meeting shall be held annually to nominate successor
3 members and a subsequent meeting shall be held to elect successor members.
4 The annual meetings shall be conducted by the board. *The same notice*
5 *requirements as for the initial meeting for nomination and election of*
6 *commissioners shall apply to the annual meetings for nomination and election*
7 *of commissioners.*

8 (4) The cost of the election held to select commissioners under
9 this subsection shall be borne by the district.

10 (d)(1) The new board of commissioners shall consist of five (5) members
11 who shall serve staggered terms of three (3) years.

12 (2) The terms of office of initial members shall be determined as
13 follows:

14 (A) The individuals receiving the highest and second highest
15 number of votes shall serve an initial term of three (3) years;

16 (B) The individuals receiving the third and fourth highest
17 number of votes shall serve an initial term of two (2) years; and

18 (C) The individual receiving the fifth highest number of
19 votes shall serve an initial term of one (1) year.

20 (3) If two (2) commissioners are to be elected at an annual
21 meeting, the individuals receiving the highest and second highest number of
22 votes shall be elected. If one (1) commissioner is to be elected at an annual
23 meeting, the individual receiving the highest number of votes shall be
24 elected.

25 (4) Vacancies occurring on the board shall be filled until the
26 next annual election by a majority vote of the remaining commissioners. At
27 the annual election the position shall be filled for the remainder of the
28 unexpired term. If two (2) commissioners are to be elected at the annual
29 meeting, the individuals receiving the second highest number of votes shall
30 fill the vacancy for the unexpired term. If three (3) commissioners are to be
31 elected at the annual meeting, the individual receiving the third highest
32 number of votes shall fill the vacancy for the unexpired term.

33 (5) Whenever any member of the board fails to attend a majority
34 of the meetings of the board during any six (6) month period, the board shall
35 declare the position vacant and the position shall be filled in the same

1 manner as by this section for other vacancies.

2 (e) Whenever notice is required under this section, the notice shall be
3 given by first class mail."

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5 SECTION 2. All provisions of this act of a general and permanent
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
7 Code Revision Commission shall incorporate the same in the Code.

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9 SECTION 3. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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23 /s/Arthur Carter

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