

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

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 14-233-108 TO ALLOW THE
9 BOARD OF DIRECTORS OF THE COUNTY AND MUNICIPAL SANITATION
10 AUTHORITIES TO SERVE WITHOUT A SURETY BOND AND TO
11 AUTHORIZE THE PAYMENT OF PER DIEM TO THE BOARD OF
12 DIRECTORS; AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT TO ALLOW THE BOARD OF DIRECTORS OF THE COUNTY AND
16 MUNICIPAL SANITATION AUTHORITIES TO SERVE WITHOUT BOND AND
17 TO AUTHORIZE THE PAYMENT OF PER DIEM."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 14-233-108 is hereby amended to read as
22 follows:

23 "14-233-108. Board of directors - Executive committee.

24 (a) Each sanitation authority shall consist of a board of directors
25 appointed by the governing bodies of the respective municipalities and
26 counties which are members of the authority.

27 (b) The number and voting rights of directors shall be determined as
28 set forth in §§ 14-233-105 and shall not thereafter be changed except by
29 unanimous consent of the municipalities and counties which are members of the
30 authority evidenced by ordinances of their governing bodies. Copies of all
31 such ordinances, certified by the respective clerks of the member
32 municipalities and counties, shall be filed with the Secretary of State.

33 (c) Before entering upon his duties each appointed director shall take
34 and subscribe to an oath of office in which he shall swear to support the
35 Constitution of the United States and the Constitution of the State of

1 Arkansas and to discharge faithfully his duties in the manner provided by law.

2 (d) (1) Except as may otherwise be provided in the application
3 organizing the sanitation authority, the board of directors of the sanitation
4 authority shall annually elect one (1) of the directors as chairman, another
5 as vice chairman, and other persons, who may but need not be directors, as
6 treasurer, secretary, and if desired, assistant secretary. The office of
7 treasurer may be held by the secretary or assistant secretary.

8 (2) The board of directors may also appoint such additional
9 officers as it deems necessary.

10 (3) In the event the board of directors is organized so that no
11 members of the board are actively involved in the actual handling and
12 accounting for sanitation authority funds, the board of directors shall be
13 authorized to waive any requirement for the purchase of a surety bond for the
14 members of the board of directors.

15 (e) (1) The secretary or assistant secretary of the authority shall keep
16 a record of the proceedings of the authority. The secretary shall be the
17 custodian of all records, books, documents, and papers filed with the
18 authority, the minute book or journal of the authority, and its official seal.

19 (2) Either the secretary or the assistant secretary of the
20 authority may cause copies to be made of all minutes and other records and
21 documents of the authority and may give certificates under the official seal
22 of the authority to the effect that the copies are true copies. All persons
23 dealing with the authority may rely upon such certificates.

24 (f) (1) A majority of the directors of a sanitation authority then in
25 office shall constitute a quorum. A vacancy in the board of directors of the
26 authority shall not impair the right of a quorum to exercise all the rights
27 and perform all the duties of the authority.

28 (2) Any action taken by the authority under the provisions of
29 this chapter may be authorized by resolution at any regular or special
30 meeting. Each resolution shall take effect immediately and need not be
31 published or posted. A majority of the votes which all directors are entitled
32 to cast shall be necessary and sufficient to take any action or to pass any
33 resolution.

34 (g) No director of a sanitation authority shall receive any
35 compensation for the performance of his duties under this chapter, but each

1 director may be paid a per diem allowance of twenty-five dollars (\$25.00) for
2 attending each meeting of the board and his necessary expenses incurred while
3 engaged in the performance of such duties.

4 (h) The board of directors of a sanitation authority may create an
5 executive committee of the board and may provide for the composition of the
6 executive committee so as to afford, in its judgment, fair representation of
7 the member municipalities and counties. The executive committee shall have and
8 exercise the powers and authority of the board of directors during intervals
9 between the board's meetings as may be prescribed by its rules, motions, or
10 resolutions. The terms of office of the members of the executive committee and
11 the method of filling vacancies shall be fixed by the rules of the board of
12 directors of the authority."

13

14 SECTION 2. All provisions of this act of general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

17

18 SECTION 3. If any provisions of this act or the application thereof to
19 any person or circumstance is held invalid, the invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provisions or application, and to this end the provisions of this
22 act are declared to be severable.

23

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

26

27

28

29

30

31

32

33

34

35

1

2