

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.  
Act 407 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 1457

4  
5 By: Representative Ingram  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT CONCERNING THE SELECTION OF MEMBERS OF  
10 PUBLIC FACILITIES BOARDS; AND FOR OTHER PURPOSES.  
11

### Subtitle

12  
13 CONCERNING THE SELECTION OF MEMBERS OF  
14 PUBLIC FACILITIES BOARDS.  
15  
16

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

19 SECTION 1. Arkansas Code § 14-137-108 is amended to read as follows:  
20 14-137-108. Board members.

21 (a)(1) Each public facilities board shall consist of five (5) members  
22 unless there is an expansion of the board to provide services outside the  
23 boundaries of the governmental unit from which it obtains power.

24 (2) The provisions of this subsection ~~shall be~~ are applicable  
25 only to:

26 (A) Boards in counties having a population of less than  
27 one hundred fifty thousand (150,000) according to the most recent federal  
28 decennial census; and

29 (B) All boards established by municipalities having a  
30 population of less than one hundred thousand (100,000) according to the most  
31 recent federal decennial census, regardless of where located.

32 (3)(A)(i) The initial members shall be appointed by the mayor of  
33 the creating municipality or the county judge of the creating county for  
34 terms, respectively, of:

35 (a) One (1) year;



- 1 (b) Two (2) years;
- 2 (c) Three (3) years;
- 3 (d) Four (4) years; and
- 4 (e) Five (5) years.

5 (ii) Members are not required to be residents of the  
 6 municipality or county that has created the public facilities board.

7 (B)(i)(a) Successor members shall be nominated by a  
 8 majority of the board and appointed by the mayor or the county judge, subject  
 9 to confirmation by the governing body of the municipality or county for  
 10 staggered terms of five (5) years each, unless the ordinance pursuant to  
 11 which the public facilities board was formed provides for electing successor  
 12 members by the membership of the board's service area.

13 ~~(ii)(b)~~ The board shall submit a written list of  
 14 three (3) successor nominees to the mayor or the county judge at least sixty  
 15 (60) days before the expiration of the term.

16 ~~(iii)(c)~~ If the board fails to submit a written list  
 17 of nominees at least sixty (60) days before the expiration of the term, the  
 18 mayor or the county judge may appoint a successor member without a nomination  
 19 from the board.

20 (ii) In a municipality located in a metropolitan  
 21 statistical area designated by the United States Census Bureau having a  
 22 population of one million (1,000,000) or more persons according to the most  
 23 recent federal decennial census, successor members shall be appointed by a  
 24 majority of the board.

25 (C) Each member shall serve until his or her successor is  
 26 elected and qualified.

27 (D) A member ~~shall be~~ is eligible to succeed himself or  
 28 herself.

29 (4) Each member shall qualify by taking and filing with the  
 30 clerk of the municipality or county creating the board the oath of office in  
 31 which the member shall swear to support the Constitution of the United States  
 32 and the Constitution of the State of Arkansas and to discharge faithfully his  
 33 or her duties in the manner provided by law.

34 (5)(A)(i) In the event of a vacancy in the membership of the  
 35 board, however caused, the mayor or the county judge shall appoint a  
 36 successor member nominated by a majority of the board to serve the unexpired

1 term, subject to confirmation by the governing body of the municipality or  
 2 county.

3 ~~(B)~~ (ii) The board shall submit a written list of three  
 4 (3) nominees to fill the vacancy to the mayor or the county judge not later  
 5 than sixty (60) days after the vacancy occurs.

6 ~~(C)~~ (iii) If the board fails to submit a written list of  
 7 nominees not later than sixty (60) days after the vacancy, the mayor or the  
 8 county judge may appoint a successor member without a nomination from the  
 9 board.

10 (B) In the event of a vacancy in the membership of the  
 11 board, however caused, in a municipality located in a metropolitan  
 12 statistical area designated by the United States Census Bureau having a  
 13 population of one million (1,000,000) or more persons according to the most  
 14 recent federal decennial census, the board shall appoint a successor member  
 15 to serve the unexpired term.

16 (6) A member of the board shall not receive ~~no~~ compensation for  
 17 his or her services, but ~~shall be~~ is entitled to reimbursement for reasonable  
 18 and necessary expenses incurred in the performance of his or her duties.

19 (7) Any member of the board may be removed for misfeasance,  
 20 malfeasance, or willful neglect of duty by the mayor of the municipality or  
 21 the county judge of the county, as the case may be, which created the board,  
 22 after reasonable notice of and an opportunity to be heard concerning the  
 23 alleged grounds for removal.

24 (8)(A)(i) If the jurisdiction of a board, pursuant to interlocal  
 25 agreements, expands to provide services outside the boundaries of the  
 26 governmental unit from which it obtains power, then not more than two (2)  
 27 additional members per governmental unit may be added pursuant to the terms  
 28 of any relevant interlocal agreement.

29 (ii)(a) Each member shall be appointed by the mayor  
 30 of the newly participating municipality or the county judge of the newly  
 31 participating county and shall serve for a term agreed upon in the interlocal  
 32 agreement.

33 (b) The term shall not exceed five (5) years.

34 (B)(i) The other provisions of this section shall apply to  
 35 these additional members.

36 (ii) No additional member ~~shall be~~ is eligible to

1 serve as chair of the board.

2 (b)(1) County public facilities boards in counties having a population  
 3 of one hundred fifty thousand (150,000) or more according to the most recent  
 4 federal decennial census and public facilities boards established by all  
 5 municipalities having a population of one hundred thousand (100,000) or more  
 6 according to the most recent federal decennial census shall consist of five  
 7 (5) members unless there is an expansion of the board to provide services  
 8 outside the boundaries of the governmental unit from which it obtains power.

9 (2)(A)(i) The initial members shall be appointed by the mayor of  
 10 the creating municipality or the county judge of the creating county, subject  
 11 to confirmation by the governing body of the municipality or county for terms  
 12 as determined by the governing body of the municipality or county.

13 (ii) The terms shall be set in a manner that results  
 14 in the expiration of terms on a staggered basis.

15 (B)(i)(a) Successor members shall be appointed by the  
 16 mayor of the creating municipality or the county judge of the creating county  
 17 subject to confirmation by the governing body of the municipality or county  
 18 for terms as determined by the governing body of the municipality or county.

19 ~~(ii)(b)~~ The terms shall be set in a manner  
 20 that results in the expiration of terms on a staggered basis.

21 (ii) In a municipality located in a metropolitan  
 22 statistical area designated by the United States Census Bureau having a  
 23 population of one million (1,000,000) or more persons according to the most  
 24 recent federal decennial census, successor members shall be appointed by a  
 25 majority of the board.

26 (C) Each member shall serve until his or her successor is  
 27 elected and qualified.

28 (D) A member ~~shall be~~ is eligible to succeed himself or  
 29 herself.

30 (E)(i) The governing body of the municipality or county  
 31 may limit by ordinance the number of terms a person may serve on the board.

32 (ii) Subdivision (b)(2)(E)(i) of this section shall  
 33 not apply to a municipality located in a metropolitan statistical area  
 34 designated by the United States Census Bureau having a population of one  
 35 million (1,000,000) or more persons according to the most recent federal  
 36 decennial census.

1 (F) Members of public facilities boards established by  
 2 municipalities who have special expertise as designated by the governing body  
 3 of the municipality:

4 (i) Are not required to be residents of the  
 5 municipality that established the public facilities board but shall be  
 6 residents of the county in which the municipality is located; and

7 (ii) May be exempted by the governing body of the  
 8 municipality from the term limits for board members, if any, set out in the  
 9 ordinance establishing the public facilities board.

10 (3) Each member shall qualify by taking and filing with the  
 11 clerk of the municipality or county creating the board his or ~~ex~~ her oath of  
 12 office in which he or she shall swear to support the Constitution of the  
 13 United States and the Constitution of the State of Arkansas and to discharge  
 14 faithfully his or her duties in the manner provided by law.

15 (4) In the event of a vacancy in the membership of the board,  
 16 however caused, a majority of the board shall elect a successor member to  
 17 serve the unexpired term.

18 (5) The members of the board shall not receive ~~no~~ compensation  
 19 for their services, but ~~shall be~~ are entitled to reimbursement for reasonable  
 20 and necessary expenses incurred in the performance of their duties.

21 (6) Any member of the board may be removed for misfeasance,  
 22 malfeasance, or willful neglect of duty, by the mayor of the municipality or  
 23 the county judge of the county, as the case may be, which created the board  
 24 after reasonable notice of and an opportunity to be heard concerning the  
 25 alleged grounds for removal.

26 (7)(A)(i) If the jurisdiction of a board, ~~pursuant to~~ under  
 27 interlocal agreements, expands to provide services outside the boundaries of  
 28 the governmental unit from which it obtains power, then not more than two (2)  
 29 additional members per governmental unit may be added ~~pursuant to~~ under the  
 30 terms of any relevant interlocal agreement.

31 (ii) These members shall be appointed initially by  
 32 the mayor of the newly participating municipality, or the county judge of the  
 33 newly participating county, and shall serve for a term agreed upon in the  
 34 interlocal agreement, provided that the term shall not exceed five (5) years.

35 (B) ~~The other provisions of~~  
 36 This section shall apply to these additional members, ~~provided that if~~

1 no additional member ~~shall be~~ is eligible to serve as ~~chairman~~ chair of the  
2 board

**APPROVED: 3/13/2009**