

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 2415

5 By: Representatives Breedlove, Pennartz  
6  
7

## For An Act To Be Entitled

9 AN ACT TO GIVE QUORUM COURTS A PROCEDURAL OPTION  
10 ON THE ELECTION OF SUCCESSOR MEMBERS OF RURAL  
11 WATERWORKS FACILITIES BOARDS; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

14 TO GIVE QUORUM COURTS A PROCEDURAL  
15 OPTION ON THE ELECTION OF SUCCESSOR  
16 MEMBERS OF RURAL WATERWORKS FACILITIES  
17 BOARDS.  
18  
19  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 14-238-108 is amended to read as follows:  
24 14-238-108. Members - Compensation.

25 (a) Each ~~board~~ rural waterworks facilities board shall consist of five  
26 (5) members unless there is an expansion of the board to provide services  
27 outside the county which created it.

28 (b)(1) The initial members shall be appointed by the county judge of  
29 the creating county for terms of one (1), two (2), three (3), four (4), and  
30 five (5) years, respectively.

31 (2) When a rural waterworks facilities board is created to  
32 assume the operations of an existing nonprofit corporation that provides  
33 water or sewer service, the county judge shall appoint the initial members  
34 from a list of nominees provided by the nonprofit corporation's board of  
35 directors.

36 (3)(A) Successor members shall be elected by a majority of the



1 rural waterworks facilities board or ~~by alternative member selection as set~~  
 2 ~~forth in § 14-238-124~~ at the general election by the qualified electors of  
 3 the rural waterworks facilities board's service area for staggered terms of  
 4 five (5) years each.

5 (B) The quorum court and county judge of the creating  
 6 county shall determine by ordinance whether successor members shall be  
 7 elected by a majority of the rural waterworks facilities board or by the  
 8 qualified electors of the rural waterworks facilities board's service area.

9 (4) Each member shall serve until his or her successor is  
 10 elected and qualified.

11 (5) A member shall be eligible to succeed himself or herself.

12 (c) Each member shall qualify by taking and filing with the clerk of  
 13 the county creating the rural waterworks facilities board his or her oath of  
 14 office in which he or she shall swear to support the Constitution of the  
 15 United States and the Constitution of the State of Arkansas and to discharge  
 16 faithfully his or her duties in the manner provided by law.

17 (d) In the event of a vacancy in the membership of the rural  
 18 waterworks facilities board, however caused, a majority of the rural  
 19 waterworks facilities board shall elect a successor member to serve the  
 20 unexpired term.

21 (e) The members of the rural waterworks facilities board shall receive  
 22 no compensation for their services but shall be entitled to reimbursement for  
 23 reasonable and necessary expenses incurred in the performance of their  
 24 duties.

25 (f) Any member of the rural waterworks facilities board may be removed  
 26 for misfeasance, malfeasance, or willful neglect of duty by the county judge  
 27 of the county which created the rural waterworks facilities board, after  
 28 reasonable notice of and an opportunity to be heard concerning the alleged  
 29 grounds for removal.

30 (g)(1)(A) If the jurisdiction of a rural waterworks facilities board,  
 31 pursuant to interlocal agreements, expands to provide services outside the  
 32 boundaries of the county from which it obtains power, then not more than two  
 33 (2) additional members per county may be added pursuant to the terms of any  
 34 relevant interlocal agreement.

35 (B) These members shall initially be appointed by the  
 36 county judge of the noncreating county and shall serve for a term agreed upon

1 in the interlocal agreement, provided that the term shall not exceed five (5)  
2 years.

3 (2)(A) The other provisions of this section shall apply to these  
4 additional members.

5 (B) Provided, no additional member shall be eligible to  
6 serve as ~~chairman~~ chair of the rural waterworks facilities board.

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8 SECTION 2. Arkansas Code § 14-238-124 is repealed.

9 ~~14-238-124. Alternative membership selection.~~

10 ~~(a) If so prescribed, successor members shall be elected by a majority~~  
11 ~~of members from a list of nominated candidates.~~

12 ~~(b) A candidate may be nominated by petition of twenty-five (25) users~~  
13 ~~or ten percent (10%) of the number of total users as of January 1 preceding~~  
14 ~~the election, whichever is less. A petition shall be filed thirty (30) days~~  
15 ~~prior to the expiration of the term of the member whose seat the candidate~~  
16 ~~seeks.~~

17 ~~(c) Each water or sewer service connection, or both, shall be~~  
18 ~~considered a "user" for purposes of this chapter.~~

19 ~~(d) Use of this alternative member selection may be prescribed by the~~  
20 ~~ordinance creating the board or the board may irrevocably select this method~~  
21 ~~of member selection by properly adopted resolution. The resolution shall be~~  
22 ~~filed with the county clerk of the creating county.~~