

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1457

By: Representative Ingram

For An Act To Be Entitled

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

Subtitle

CONCERNING THE SELECTION OF MEMBERS OF
PUBLIC FACILITIES BOARDS.

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

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

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

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

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

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

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

(a) One (1) year;

(b) Two (2) years;



(c) Three (3) years;

(d) Four (4) years; and

(e) Five (5) years.

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

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

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

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

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

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

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

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

(5)(A)(i) In the event of a vacancy in the membership of the board, however caused, the mayor or the county judge shall appoint a successor member nominated by a majority of the board to serve the unexpired term, subject to confirmation by the governing body of the municipality or

1 county.

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

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

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

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

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

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

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

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

35 (ii) No additional member ~~shall be~~ is eligible to
36 serve as chair of the board.

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

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

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

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

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

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

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

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

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

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

(F) Members of public facilities boards established by

1 municipalities who have special expertise as designated by the governing body
2 of the municipality:

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

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

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

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

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

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

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

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

34 (B) ~~The other provisions of this~~ This section shall apply
35 to these additional members, ~~provided that if~~ if no additional member ~~shall be~~
36 is eligible to serve as ~~chairman~~ chair of the board.