

Formal Objection to Resolution 2020-R3 (Supporting Holding an Election to Decide on the Matter on the Incorporation of Holiday Island)

I formally request that this opinion be read into the official recording of the Board of Commissioners Meeting scheduled for February 24, 2020, during the Public Comment (3-minute limit) agenda item and that a hard copy be made a part of the official minutes of said meeting.

My opinion and objections to Holiday Island Board of Commissioners' involvement in the Incorporation attempt and unanimously submitting and passing Resolution 2020-R3 are as follows:

As commissioners of the Holiday Island Suburban Improvement District (HISID), you have no authority to act on behalf of owners on the question of incorporation as a board or by board resolution.

A Suburban Improvement District (SID) is a "quasi" governmental body. It is not an Arkansas-recognized municipality. Similarly, a SID does not have general "police" powers. SIDs were established by Arkansas state code, and a SID's powers are derived solely via specific statutory authority as established under Arkansas state code.

A SID is a statutorily created mechanism for borrowing funds at a low rate of interest for the construction of improvements. Specifically, a SID is created when all the property owners of a pre-determined section of land petition the county judge to authorize the formation of a district. Once a SID is formed, the Assessment of Benefit (AOB) becomes the method by which owners pay, over time and in installments, for the improvements created by the developer. AOBs are collectable for building and maintenance until the owner's debt (AOB) is paid.

HISID's Board of Commissioners has authority in matters dealing with Roads, Water, Sewer, Fire and Amenities as its "specific" authorities are granted by the order forming the district and established under Arkansas state code.

This board lacks the authority to act in becoming a political voice for the owners it serves by creating this resolution. Although a commissioner may as an individual

become involved in matters of his or her choosing, as a board member, he or she lacks any such power or authority.

Three of the current commissioners are or have been actively involved in being members of the incorporation committee. The former chair of the Board of Commissioners on 10-16-19, when she was acting Chair of the HISID Board of Commissioners, donated \$500.00 to the incorporation committee. This resolution is based on personal bias and exceeds the board's limited authority.

This resolution can be used as an instrument to influence legal authorities into believing that this action is both condoned and reflects the will of property owners and the residents of Holiday Island. It does not.

I am requesting that this Resolution, 2020 R3, be rescinded by this board and that the board members, in their role as commissioners, refrain in the future from using their personal opinions in any such manner that is not in keeping with the limited inferior authority granted to them under Arkansas state code.

Respectfully,

Kathleen Bischoff  
50 Bandy Drive  
Holiday Island, AR 72631

Property Owner and Resident

To: Lawrence Blood, District Manager  
From: Kenny DeHart, Roads Superintendent  
Date: February 18, 2020  
Subj: 2020 Road Paving Options

Option # 1 – 2 inch asphalt overlay on Stateline Drive from Holiday Island Drive to Thomas Circle East.  
Approximate length of 7,140 feet.

Estimated Cost - \$216,070.00

Option # 2 – 2 inch asphalt overlay on Stateline Drive from Holiday Island Drive to High Rock bridge west side just past Table Rock Drive.

Estimated Cost - \$125,290.00

Double Pass Chip and Seal on –

Tempest Lane - \$21,000.00

Emerald Lane - \$6,800.00

Quail Run Dr. - \$25,190.00

Total - \$ 98,585.00

Quail Run Ln. - \$10,395.00

Appaloosa Dr. - \$ 35,200.00

Estimated Cost - \$223,875.00

Option # 3 – Suspend paving for the year and concentrate on warranty work by contractor on issues from the 2019 road paving projects.

#### 2020 Road Striping

Stripe Country Club Drive. Double yellow center and single white sides – Estimated Cost \$4,224.00

Stripe Table Rock Dr. Double center line only - Estimated Cost \$2,112.00

Stripe Stateline Dr. Single white on sides - Estimated Cost \$ 6,721.00

Total Cost - \$ 13,057.00

#### Please note:

Upper Table Rock Drive had a new water main installed back in 2005 and the paving was installed wider at that time. Lower table Rock Drive is the existing double chip and seal and is not wide enough for side white lines with double center lines no required. Recommend double yellow center lines for all of Table Rock Drive. Also, Stateline Drive had double center yellow lines installed just a few years ago by the Counties contractor.

**To: Lawrence Blood, District Manager**  
**From: Kenny DeHart, Roads Superintendent**  
**Date: February 21, 2020**  
**Subj: Hawk Drive Paving Estimates**

**Double Pass Chip and Seal on Hawk Drive from Eagle Drive to Wildcat Lane.**  
**\$75,108.00 – with short chute included - \$78,540.00**

**2 Inch Asphalt Overlay same location.**  
**\$168,993.00 – with short chute included - \$176,715.00**

**Hot Mix Patching for Double Pass Chip and Seal add \$20,000.00**  
**This will fix sunken area by short chute as well as leveling road for Double Pass C/S.**

**As always, these are estimated costs.**