

**HOLIDAY ISLAND SUBURBAN IMPROVEMENT DISTRICT NO. 1**

**REGULATION 2019-001**

**A REGULATION AMENDING CHAPTER 2, OF THE CODE OF REGULATIONS BY AMENDING SECTION 2-33 MEETINGS AND SECTION 2-34 RULES OF PROCEEDING**

**Section 1:** The Board of Commissioners of the Holiday Island Suburban Improvement District does resolve as follows: Chapter 2, Sections 2-33 and 2-34 are amended and reads as follows:

Sec. 2-33. - Meetings.

(a) *Type.* The district holds the following types of meetings:

(1) Regular meetings.

(2) Special meetings.

(3) Work sessions.

(4) Executive sessions.

Official actions will be made only in regular meetings and special meetings. Executive sessions can be held only in regular meetings and special meetings, in accordance with the Freedom of Information Act of 1967 (A.C.A. § 25-19-101 et seq.).

(b) Meeting place. The meetings shall be at locations identified by the board in appropriate public notices.

(c) Meetings. The regular meetings shall be conducted on the third Monday of each month and, when determined necessary by the board, on the fourth Monday of each month. In the event that any meeting falls on a HISID recognized holiday, such meeting may be held on the immediately following Tuesday. Nothing herein shall be construed to prevent the board from cancelling or rescheduling any meeting as it may see fit. Meetings shall be held as often as the needs of the district require. A meeting may be called at any time by the chair or any three members of the board by informing the other commissioners of the date, time and place of such meeting and the purpose or purposes for which the meeting is to be held. When such meeting is called, the district manager will be informed by the chair or the commissioners calling such meeting so that public notification can be made.

(d) Reserved.

(e) Quorum. Three members of the board shall constitute a quorum at any meeting.

(f) Attendance. Whenever any member of the board fails to attend a majority of the meetings of the board during any six-month period, the board shall declare the position vacant and the position shall be filled in the same manner as for vacancies in accordance with A.C.A. § 14-92-209.

(g) Vacancies. Vacancies occurring on the board shall be filled until the annual election by a majority vote of the remaining commissioners. At the annual election, the position shall be filled for the remainder of the unexpired term in accordance with A.C.A. § 14-92-209.

(h) Order of business. The order of business of the regular meetings of said board shall be as follows:

(1) Call to order.

(2) Pledge of allegiance.

(3) Roll call.

(4) Declaration of a quorum.

(5) Approve agenda.

(6) Approve minutes.

(7) Ceremonial (introductions, recognitions, proclamations, and in memoriam).

(8) Announcements.

(9) Public comments (three-minute time limit).

(10) Reports.

(11) Business (discussion, public comments, action).

(12) Public comments **(three-minute time limit)**.

(13) Commissioner comments.

(14) Commissioner agenda scheduling.

(15) Adjournment.

(i) Adjournment. Any meeting of the board, whether regular or special, may be recessed for any specified period of time to be subsequently reconvened, and it shall constitute one and the same meeting. All meetings are ended upon adjournment. Any subsequent meeting following a meeting that has been adjourned shall be considered a separate meeting, subject to notification as specified herein and in compliance with the Freedom of Information Act of 1967.

(j) Holidays. A meeting of the board may be legally held on a day which shall fall upon a holiday.

#### Sec. 2-34. - Rules of proceeding.

(a) Public meetings. All regular meetings, special meetings, and work sessions shall be open to the public. Executive sessions are closed to the public in accordance with the Freedom of Information Act of 1967 (A.C.A. § 25-19-101 et seq.).

(b) Public participation. The Holiday Island Suburban Improvement District No. 1 board of commissioners is committed to disclosure of the business activities of the district to the public as well as the public's ability to make comments at board meetings.

(1) Members of the audience will be offered an opportunity to make comments on matters before the board of commissioners. To participate, the person shall first state his or her name and address followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously to the board of commissioners or by a member of the board. All remarks should be addressed to the board of commissioners as a whole and not to any particular member of the board or district employee. No person other than the board members and the person having the floor shall be permitted to enter into any discussion without permission from the chair. No questions shall be asked of a board member or district employee except through the chair. The chair of the board of commissioners may regain the floor from public comments at any time.

(2) All members of the public are requested to accord the utmost courtesy to members of the board of commissioners, to other members of the public appearing before the board, and to the district staff and are asked to refrain at all times from rude or derogatory remarks, reflections of integrity, abusive comments and statements as to motives and personalities. The chair of the board of commissioners may remove disruptive and unruly persons from meetings.

**(3) Time limits for public participation will normally be 3 minutes. The chair of the board of commissioners or by a motion passed by three commissioners, time limits for public participation may be either extended or shortened.**

**(4) Members of the public are welcome to submit comments in writing to the Board of Commissioners if their comments will exceed 3 minutes.**

(c) Method of action. The board shall act only by regulation, resolution, motion, or contract which, to become effective, shall be adopted by the affirmative vote of at least a majority of the commissioners unless a greater percentage is required by applicable law.

(d) Recording vote. Except where action shall be taken by the unanimous vote of all commissioners present and voting, the ayes and nays shall be taken on all actions and entered upon the minutes.

(e) Regulations and resolutions. The enacting clause of all regulations and resolutions passed by the board shall be in these words: "The board of commissioners of the Holiday Island Suburban Improvement District does resolve as follows:". All regulations and resolutions shall be signed by the chairman of the board and attested by the secretary.

(1) Resolution. A resolution is an expression of the will of the board of commissioners. Resolutions state the board's opinion on various matters. Resolutions usually are passed in connection with items of a temporary or administrative nature, such as letting contracts, approving large purchases, or entering into agreements with other governmental units. A resolution is the official expression of the board of commissioners and may be adopted by the board, but it will become effective only after the proposed resolution is read one time at one meeting and voted on after the reading.

(2) Regulation. A regulation is a rule that usually regulates persons or property and usually relates to a matter of a general and permanent nature. A regulation is more formal and authoritative than a resolution. The passage of a regulation typically involves three steps. The first step is the introduction of the proposed regulation at a board meeting. The second step is that the secretary of the board of commissioners reads the regulation, then the commissioner(s) proposing it provides an explanation. In the third step, the regulation is discussed by the board before approval or rejection. It is then signed by the chairman of the board of commissioners and attested to by the secretary. All regulations must be read fully at two different meetings unless two-thirds of the members of the board shall suspend the rule and declare an emergency. A proposed regulation with an emergency clause can then be read one time at one meeting and voted on after the initial reading. Without the adoption of the emergency clause or absent a stated date where the action is to become effective, a regulation will become effective 30 days after its passage.

(f) Contracts. It shall be the duty of the chairman, or the district manager with the approval and consent of the board of commissioners, to sign all contracts, deeds, warrants, releases, receipts, and other documents in the name of the district after having been authorized to do so by action of the board, unless otherwise directed by applicable law. Furthermore, it shall be the duty of the secretary to countersign all appropriate documents. If the chairman is unable or unwilling to perform this duty as required by his office, then the vice chairman shall sign the instruments. If the secretary is unable or unwilling to perform this duty as required by his office, then the vice chairman shall so countersign. Should the vice chairman be unavailable to sign or

countersign an instrument, either of the two members at large may sign. The signature of any board member shall have the same effect as any other officer or board member.

(g) Roberts Rules. Roberts Rules of Order shall not apply according to state law. The most current version of the Arkansas Municipal League's "Procedural Rules for Municipal Officials" (see § 2-51) will be used as a guide for parliamentary procedure in the conduct of district board of commissioner meetings. Any other provision of this Code in conflict with such procedural rules shall control.

(h) Readings. All regulation captions shall be read aloud at two meetings with the vote to follow immediately upon the second reading.

(i) [Time limits.] It shall be the duty and responsibility of the chair of the board of commissioners to establish time limits for interested parties and/or other public comments on items on the agenda.

**Section 2:** Severability Clause: The sections, paragraphs, sentences, clauses, and phrases of this Regulation are severable, and if any phrase, clause, sentence, paragraph, or section of this Regulation, or its application to any persons or circumstances, shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Regulation or their application.

**Section 3:** All regulations or parts of regulations conflicting with any of the provisions of this regulation are hereby repealed to the extent of such conflict.

**Section 4:** Effective date.

This regulation shall become effective immediately upon passage.

First Reading: June 17, 2019

Second Reading: \_\_\_\_\_, 2019

Passed this \_\_\_\_\_ day of \_\_\_\_, 2019

Signed:

Holiday Island Suburban Improvement District No. 1

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Commissioner Linda Graves, Chair

Attest:

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Commissioner Nita Holley, Secretary