

# Arkansas

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Arkansas ranks 20th among the states in number of local governments, with 1,588 active as of June 2002.

## **COUNTY GOVERNMENTS (75)**

There are no areas in Arkansas lacking county government. The county governing body is the quorum or levying court, which consists of the justices of the peace and the county judge. The county judge is also the chair of the quorum court and administers most county affairs. Counties operate under home-rule.

Ten Arkansas counties are each divided into two districts for judicial and various administrative purposes and maintain offices in two county seats.<sup>1</sup> However, the two districts of each respective county are governed by the same set of county officials.

## **SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (499)**

### **Municipal Governments (499)**

Municipal governments in Arkansas are the cities and incorporated towns, divided by general law into size groups as follows:

- First class cities—2,500 or more inhabitants
- Second class cities—500 to 2,499 inhabitants
- Towns—incorporated places with fewer than 500 inhabitants

However, the 1965 law establishing the above size groups permits towns that had voted previously to become second-class cities to retain that classification and other exceptions exist. There is no official minimum population requirement for incorporation. First-class cities effectively have home-rule.

### **Township Governments (0)**

Arkansas has no township governments.

## **PUBLIC SCHOOL SYSTEMS (310)**

### **School District Governments (310)**

A 1947 act of the legislature provided for the reorganization of all Arkansas school districts into a single type of school district. All school districts in Arkansas are counted as governments in census reporting. An elected board of directors governs each district. The districts may levy taxes and issue bonds.

<sup>1</sup>These ten counties are as follows: Arkansas, Carroll, Clay, Craighead, Franklin, Logan, Mississippi, Prairie, Sebastian, and Yell.

## **Dependent Public School Systems (0)**

Arkansas has no dependent public school systems.

## **Other Educational Activities**

The educational services cooperatives in Arkansas provide curriculum development assistance, educational materials, and staff development services to participating school districts. The cooperatives are established by resolution of 75 percent or more of the school districts to be served. A board of directors, consisting of one representative of each participating school district, governs each cooperative. Each cooperative receives contributions from the state and may also receive contributions from participating school districts. Migrant education operating agencies are also established under this law. The educational services cooperatives are classified for census purposes as joint educational services agencies of the participating school districts and are not counted as separate governments.

The Model Vocational-Technical Education Resource Center was established by an act of the state legislature to provide a system of multicounty vocational education services. The center is located within the Northeast Arkansas Education Services Cooperative and is not counted as a separate government.

Consortium funds come from the state. For census purposes, model rural school consortiums are classified as joint activities of the participating school districts and are not counted as separate governments.

Arkansas law authorizes the establishment of secondary vocational centers and community-based education centers. These centers are governed by boards composed of the superintendents of participating school districts and are not counted as separate governments.

Each county board of education exercises some supervision over those school districts that do not have their own superintendents, but they are not counted as separate governments.

Community colleges, vocational-technical schools, technical colleges, and technical institutes in Arkansas are classified as state institutions and are not counted as separate governments.

## **SPECIAL DISTRICT GOVERNMENTS (704)**

Arkansas statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

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## **Agencies Created Under Intergovernmental Agreements**

Local government units may agree, with the approval of their quorum courts, to exercise any of their powers jointly. If a separate legal or administrative entity is created, the board is appointed; the particulars of the board composition are specified in the agreement. The creating agreement also specifies the financing provisions and functions. Separate agencies created by intergovernmental agreements may or may not be counted as governments for census purposes, based on the degree of autonomy.

### **Conservation Districts**

These districts are established by the state soil and water conservation commission on petition of landowners and after local referendum. A five-member board of supervisors governs each district, with two members appointed by the state soil and water conservation commission and three members elected. The boards may require contributions in money, services, and materials. The boards may issue bonds with approval from the county. The county levies assessments on behalf of the districts.

### **Consolidated Waterworks Systems**

These systems are created by agreement of two or more public agencies and ordinance or resolution. Each system is governed by a board of commissioners that is either appointed or elected as specified in the agreement. The systems may issue bonds.

### **Consolidated Public Utility System Improvement Districts**

These districts may be created by municipalities after landowner petition and public hearing. The districts construct and operate water, sewer, and electric facilities. Each district is governed by a board appointed by the county court. The boards may levy assessments, fix and collect fees, and issue bonds.

Districts of this type previously created under special act are considered to operate under this general law.

### **Drainage Improvement Districts**

Under general law, these districts may be established upon petition by real property owners to the county court (or to the circuit court if more than one county is encompassed by the proposed district) and after a public hearing. A board of commissioners, appointed by the county or circuit court, governs each district. The board may levy benefit assessments and issue bonds.

Subdistricts may be set up under the same general law procedure but are administered by the board of the main district. They are not counted as separate governments.

A few drainage districts have been established by special acts, including drainage and levee improvement districts.

### **Fire Ant Abatement Districts**

These districts may be created after voter petition and special election, or the quorum court may, on its own motion, direct the county to call a special election. The districts are governed by a board appointed by the county commissioners. A property assessment is set by the petition. The districts may issue bonds.

### **Fire Protection Districts—1939 and 1979 Laws**

Under the 1939 law, fire protection districts may be formed by the county court upon petition by landowners. The districts are governed by boards appointed by the county governing bodies. The districts may levy benefit assessments.

Under the 1979 law, fire protection districts may be formed by voter petition, public hearing, and ordinance of the quorum court or by the county court after voter petition and referendum. These districts are governed by boards appointed by the county governing body if formed on or before July 3, 1989; those formed thereafter have elected boards. A suburban improvement district may convert to fire protection with county approval; the boards of these districts are popularly elected. All fire protection districts created under the 1979 law may levy benefit assessments. The districts may issue bonds, but bond issues of districts formed by ordinance method require voter approval.

### **Housing Authorities**

Arkansas statutes authorize the following types of housing authorities:

- Municipal housing authorities
- County housing authorities
- Consolidated housing authorities (two or more cities)
- Regional housing authorities (two or more counties)

Under general law, housing authorities are created upon the adoption of a resolution by the governing body of the city or county. The executive head of the municipality appoints the housing commissioners of a municipal housing authority. The governing body of the county appoints the commissioners of a county housing authority. In the case of a consolidated or regional housing authority, one commissioner is appointed by the executive head of each member municipality or by the governing body of each member county, respectively. Housing authorities may fix rents and issue bonds.

Legislation passed in 1976 grants municipalities and counties all powers granted to housing authorities. Housing authorities administered by county or municipal governing bodies ex officio are not counted as separate governments. See "Subordinate Agencies and Areas," below.

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## **Improvement Districts for Rivers**

If the Congress has enacted a law authorizing a project for the improvement of any of the rivers, tributaries, or streams within or bordering Arkansas, an improvement district may be established by the circuit court following petition by property owners and after public hearing. A board of commissioners, appointed by the circuit court, governs each district. The board must include at least one member from each participating county. The district may levy assessments and issue bonds.

## **Irrigation, Drainage, and Watershed Improvement Districts**

These districts are created on petition of landowners to the circuit court, after a public hearing. A board of commissioners, appointed by the establishing court, governs each district. The districts may fix charges for the sale of water and may levy benefit assessments but must file a petition with the circuit court for the authority to borrow funds or to issue bonds.

## **Joint County and Municipal Solid Waste Disposal Authorities**

These authorities are created by agreement between any combination of municipalities and counties. A board of directors, appointed by the participating governments, governs each authority. An authority may fix and collect fees and issue bonds.

## **Levee Improvement Districts**

Levee improvement districts are formed by the county court giving public notice. An elected board of directors governs each district. The districts may levy ad valorem taxes and benefit assessments and may issue bonds.

A few levee districts have also been established by special acts, including drainage and levee improvement districts.

## **Metropolitan Port Authorities**

Metropolitan port authorities are established by ordinance of participating county and municipal governments, after petition by participating governments to the circuit court. Each participating municipality and county appoints at least one representative to the authority board of directors, with additional members determined by population apportionment. The authority may fix and collect fees and issue bonds.

## **Municipal Improvement Districts<sup>2</sup>**

Municipal improvement districts may be established by the governing body of any city or town on petition of

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<sup>2</sup>Municipal drainage improvement districts and consolidated municipal water and light improvement districts, previously classified as municipal dependent agencies, were reclassified as special districts for the 2002 Census of Governments.

property owners and after public hearing. A board of commissioners appointed by the municipal governing body governs each district. The boards may issue bonds. The creating government levies an assessment on behalf of the district.

Arkansas statutes have special provisions for the following types of municipal improvement districts:

**Consolidated municipal water and light improvement districts**—These districts may be created only by cities of the first and second class. The districts take over and operate existing water works or electric plants created by separate improvement districts. This general law does not apply to consolidated districts created by special act.

**Municipal drainage improvement districts**—These districts may be created only by cities of the first class with a mayor-council form of government. A referendum is required upon voter petition. The mayor appoints one board member, and the city council appoints four.

**Municipal property owners improvement districts (1987 law)**—These districts may levy assessments in addition to issuing revenue bonds. Municipalities may create joint districts.

**Municipal wharf improvement districts** - Districts to provide wharves may charge tolls, fees, and rents in addition to issuing revenue bonds. The creating government may not levy an assessment for these districts.

In addition, consolidated improvement districts for water, sewer, or gas pipelines may be formed for the joint operation and maintenance of contiguous districts. A board of commissioners, appointed by the county judge, governs each such district. The districts may fix charges for services and issue bonds.

## **Property Owners Improvement Districts—1983 Law**

Districts to fund improvements such as streets, sidewalks, sewers, water utilities, recreational facilities, gas pipelines, telephone lines, and rural fire departments are created after petition of landowners to the municipal governing body. A board of three commissioners, appointed by the county quorum court, governs each district. The districts may levy special assessments and ad valorem taxes and issue bonds. Districts may create consolidated systems for water and sewer services.

## **Public Transportation Authorities**

Authorities to provide a transit system are created by agreement between two or more governments. The authority governing body consists, at a minimum, of one representative for each participating county appointed by the county judge and one representative of the cities within each participating county selected by the mayors. If

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the authority exists within a single county, the board must consist of at least five members. The authorities may fix and collect fares and issue revenue bonds.

### **Public Water Authorities**

State legislation authorizes not-for-profit corporations involved in the sale and distribution of water to convert to public water authorities. The boards of directors are elected by the authority members. The authorities may issue bonds.

### **Regional Airport Authorities**

A 1968 general law provides that any two or more municipalities, any two or more contiguous counties, or any combination thereof may establish a regional airport authority by mutual agreement. The state may participate in forming a regional airport authority. A management board governs each authority; each participating government appoints at least one board member. The number and the apportionment of additional members is specified in the agreement creating the authority. Regional airport authorities may levy a tax on aviation fuel sold at the airport and a tax on passengers boarding or debarking. The authorities may fix and collect fees and issue revenue bonds.

Airport commissions appointed solely by one county or municipal government are not counted as separate governments. See “Subordinate Agencies and Areas,” below.

### **Regional Intermodal Facilities Authorities**

These authorities may be created by two or more municipalities, two or more contiguous counties, or one or more municipalities together with one or more contiguous counties. These authorities construct and operate regional transportation facilities such as harbors, airports, rail lines, and highways and may create municipal improvement districts. The chief executive officers of the participating governments appoint the board. The authorities may issue bonds and levy a tax or fee upon facility users.

### **Regional Library Systems**

These systems may be established by any combination of cities and counties by agreement and ordinance. The systems are governed by boards appointed by the county and municipal library boards if they exist, if not, by the county or municipal governing bodies. Each participating government contributes appropriations and funds from tax levies as specified in the agreement.

### **Regional Solid Waste Management Districts**

Regional solid waste management districts created under previous acts are considered to operate under this law. New districts may be created by designation of the Arkansas Pollution Control and Ecology Commission. Such districts must be composed of whole county jurisdictions and

contain more than one county unless that county has a population of at least 50,000. Each district is governed by a board consisting of representatives of the participating counties, of all first-class cities, of all cities with a population of more than 2,000, and of the largest city in each county. The districts may fix rents and fees and issue revenue bonds.

As an alternative, districts may be created by interlocal agreement of the local governments in any county with a population of at least 90,000 and a permitted landfill on January 1, 1991. The boards of these districts are established by the interlocal agreements. Districts also may be created by the resolution of the governing body of any authority created under the Joint County and Municipal Solid Waste Disposal Act that includes a county with a population of at least 60,000 that had made an application for a solid waste disposal permit on or before January 1, 1991. The creating authority determines the nature and composition of the governing board.

### **Regional Water Distribution Districts**

These districts are established by the circuit court on petition of the voters, after a public hearing. An elected board of directors governs each district. The districts may charge rates, fees, and rents for facilities and services and issue bonds.

### **Rural Road Improvement Districts**

Districts for the improvement of roads, highways, and streets in the counties of Arkansas that are not part of the state highway system are created by the county court after petition of landowners and public hearing. A board of commissioners governs each district. The board is initially appointed by the court, if not named in the initiating petition. Thereafter, the remaining commissioners fill vacancies on the district board. The district receives revenue from funds set aside by the state and the federal government for the improvement of roads, the district portion of the road tax, and special benefit assessments. The districts also may issue bonds.

### **Rural Waterworks Facilities Boards**

These boards are established by an ordinance of the quorum court of the county to provide financing for rural waterworks and distribution systems. A board of at least five members governs each board. The boards may collect rents and fees and may issue bonds.

Public facilities boards that petition the county to operate as rural waterworks facilities boards are classified as special districts.

### **Suburban Improvement Districts and Consolidated Improvement Districts**

Suburban improvement districts are authorized for the purpose of improving streets, roads, or highways; laying sidewalks; equipping and maintaining rural fire departments; providing ambulance services; and building and

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operating recreational facilities, hospitals, libraries, waterworks, sewer systems, telephone lines, and gas lines. The county court may create such districts on petition of landowners. A board of commissioners appointed by the county court governs each district. The districts may levy assessments and receive revenue from the sale or lease of improvements. These districts also may issue bonds.

Consolidated improvement districts for water, sewer, or gas pipelines may be formed by two or more municipalities for the joint operation and maintenance of contiguous districts. A board of commissioners, appointed by the county judge, governs each such district. The districts may fix charges for services, levy assessments, and issue bonds.

### **Suburban Sewer Districts**

The property owners adjacent to any first- or second-class city may form a sanitary sewer district, after petition to the county court and a public hearing. A board of commissioners appointed by the county court governs each district. The board may fix and collect fees, levy assessments, and issue bonds.

### **Wastewater Treatment Districts**

Districts to provide for wastewater collection and disposal are created by resolution of two or more municipalities and petition to the circuit court. In unincorporated areas of the district, 51 percent of landowners must approve by petition. A board of directors governs each district. The directors are initially appointed by the county court but are thereafter appointed by the government they represent. The districts may fix rates, fees, and rents and may issue revenue bonds.

## **SUBORDINATE AGENCIES AND AREAS**

Shown below are various governmental designations in Arkansas that have certain characteristics of governmental units but that are classified in census statistics as subordinate agencies of the state or local governments and are not counted as separate governments. Legal provisions for some of the larger of these are discussed below (see “Public School Systems,” above, regarding educational agencies of this nature).

### **Arkansas Development Finance Authority (state).**

This authority, formerly the Arkansas Housing Development Authority, was created to provide mortgage credit for low- and moderate-income housing. A board of 12 directors governs the authority: 11 members are appointed by the Governor with the advice and consent of the senate, plus the director of finance and administration serves in an ex officio capacity. The agency may fix charges in connection with its loans and issue revenue bonds.

**Public facilities boards (municipal or county).** The governing body of any municipality or county may create by ordinance public facilities boards to acquire, construct, equip, operate, and maintain facilities for health care, residential housing, off-street parking, recreation, tourism, hydroelectric, waterworks, transit, energy facilities, education facilities, and sewers. Each board consists of five members who are initially appointed; thereafter, the remaining board members fill vacancies on the board. The board may fix fees and charges for the use of facilities and may issue bonds.

Public facilities boards that petition the county to operate as rural waterworks facilities boards are classified as special districts.

**Urban renewal agencies (municipal).** General law provides for the establishment of these agencies in any city or town where a housing authority has not undertaken such a project. A board of commissioners appointed by the mayor governs each agency. As an alternative, urban renewal agencies may be administered by the governing body of the municipality in an ex officio capacity. Urban renewal agencies may issue revenue bonds.

Other examples include:

### **State**

- Arkansas Earthquake Authority
- Arkansas Geological Commission
- Arkansas Hospital Equipment Finance Authority
- Arkansas Natural and Cultural Resources Council
- Arkansas Revenue Department Building Commission
- Arkansas Science and Technology Authority
- Arkansas State Building Services Council
- Arkansas State Department of Health Building Commission
- Arkansas Student Loan Authority
- Arkansas Turnpike Authority
- Economic development districts

### **County**

- Ambulance services improvement districts
- County airport commissions
- County library boards
- County museum commissions
- County subordinate service districts (airports, ambulance service, fire protection, flood control, highways, parking, sewerage, solid waste collection and disposal, transit, and water supply)
- Housing authorities governed by quorum court
- Rural development authorities
- Stock law districts
- Viaduct improvement districts

### **Municipal**

- Arts and Science Center for Southeast Arkansas
- Auditorium commissions
- Central business improvement districts

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City airport commissions  
City boards of health  
Electric boards  
Historic districts  
Hospital commissions  
Housing authorities governed by city governing body  
Industrial commissions  
Light and water commissions  
Market authorities  
Municipal facilities corporations  
Municipal library boards  
Municipal management districts  
Municipal port authorities  
Municipal tollway authorities  
Municipal water and sewer systems  
Park and recreation commissions

Parking authorities  
Public utilities boards  
Rogers Museum Commission  
Sanitary boards  
Urban service districts  
Waterworks and sewer commissions  
Waterworks commissions

**Private corporations**

The county industrial development corporations in Arkansas are private corporations. They are not counted as governments.

Arkansas laws also provide for various types of local areas for election purposes and administration of justice.