

Title 22. Public Property

Chapter IX. Capitol Zoning District Commission, Department of Parks, Heritage, and Tourism

Subchapter A. Generally

Part 40. Bylaws

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

"ARTICLE III: EFFECTIVE DATE

The effective date of these bylaws shall be upon adoption by the Capitol Zoning District Commission."

"ARTICLE IV: AUTHORITY

Authorization for the Capitol Zoning District Commission is Act 267 of 1975, as amended by the General Assembly of the State of Arkansas."

"Adopted by the Capitol Zoning District Commission on 12-22-77

Amended by the Capitol Zoning District Commission on 11-27-87

Amended by the Capitol Zoning District Commission on 10-25-90

Amended by the Capitol Zoning District Commission on 1-27-94

Amended by the Capitol Zoning District Commission on 2-26-98

Amended by the Capitol Zoning District Commission on 3-25-99

Amended by the Capitol Zoning District Commission on 11-13-2012"

Subpart 1. Generally

22 CAR § 40-101. Name.

The name of this organization shall be called the Capitol Zoning District Commission, being an agency of the State of Arkansas.

Authority. Arkansas Code § 22-3-307.

22 CAR § 40-102. Purpose.

The purpose of these bylaws is to prescribe the organization of the Capitol Zoning District Commission and to establish orderly, equitable, and expeditious procedures for the conduct of its affairs to the end that all may be informed and the public well served.

Authority. Arkansas Code § 22-3-307.

22 CAR § 40-103. Membership.

(a)(1) Membership of the Capitol Zoning District Commission shall be composed of nine (9) members who are resident electors of the State of Arkansas.

(2) One (1) member shall be the designee of the Governor, one (1) the designee of the Secretary of State, and one (1) the designee of the Little Rock Department of Planning and Development.

(3) Six (6) members shall be at-large members appointed by the Governor, of whom:

(A) One (1) must be black;

(B) One (1) must be a resident or property owner of the Governor's Mansion area; and

(C) One (1) must be an owner of property within the Capitol area.

(b) Terms of membership.

(1) Designee members serve at the pleasure of their designating authorities.

(2) At-large members serve three-year terms.

(c) Voting rights.

(1) Each member, including the chair, shall have one (1) vote.

(2)(A) In the absence of a designee member, the designating authority may designate another person to attend with full voting rights and privileges.

(B) In such cases, the designees shall declare themselves to the chair at the beginning of the meeting.

(3) At-large members shall not be authorized to assign a designee or proxy.

(d) **Termination of membership.** Termination of membership shall occur when:

(1) A letter of resignation is presented to the Governor or designating authority and copied to the chair;

(2) A member fails to attend three (3) consecutive regular meetings without attending any intermediary called special meetings, and the Governor removes the member in accordance with the provisions of Acts 1997, No. 219, or any subsequent amendments; or

(3) The appointing authority fails to reappoint an at-large member upon completion of a term or terminates a designated member by appointing another person in the member's place.

Authority. Arkansas Code § 22-3-307.

22 CAR § 40-104. Officers.

(a)(1) The Capitol Zoning District Commission shall have a chair, vice chair, and any other officers deemed necessary by the commission.

(2) The secretary shall be the Director of the Capitol Zoning District Commission, serving as an ex-officio member of the commission.

(b) **Selection.**

(1) The Governor's designee shall serve as chair.

(2) In the event of the vacancy or discontinuance of the position of director, the chair shall appoint a secretary.

(3) All other officers shall be elected at the annual meeting from nominations submitted by membership.

(4) A majority vote of the commission membership shall constitute election.

(5) Voting on an officer in which there is a contest shall be by written, secret ballot.

(6) In the event of a vacancy, the chair shall appoint a member to fill the unexpired term.

(c) **Terms.**

(1) The terms of office for officers other than chair and secretary shall be one (1) year.

(2) There is no limit on the number of terms an officer may serve.

(d) **Duties.**

(1) **Chair.** The chair shall:

(A) Preside at all meetings and hearings of the commission;

(B) Appoint members of committees established by the commission; and

(C) Sign all approved minutes and, when authorized, other documents

assigned by the commission.

(2) **Vice chair.** The vice chair shall preside over any meeting or hearing of the commission in the absence or disability of the chair and fulfill other duties assigned by the commission.

(3) **Secretary.** The secretary shall attend all meetings of the commission, its committees and advisory committees, providing advice on request, and shall be responsible for:

(A) Seeing that minutes are recorded for each meeting;

(B) Carrying on routine correspondence;

(C) Seeing that the files of the commission are maintained;

(D) Maintaining a record of the rules and policies of the commission;

(E) Maintaining a record of the organization of the commission and its

staff;

(F) Preparing the agenda of items to be considered at each meeting;

(G) Attesting documents of the commission;

(H) Maintaining a liaison between the City of Little Rock and the State of

Arkansas;

(I) Preparing financial reports for the commission; and

(J) Any other responsibility the commission might assign.

Authority. Arkansas Code § 22-3-307.

22 CAR § 40-105. Committees.

(a) Special committees.

(1) Special committees may be created by the Capitol Zoning District Commission and charged with such duties as the commission deems necessary or desirable.

(2) Such committees shall include at least one (1) commission member.

(3) Special committees shall include at least one (1) commission member.

(4)(A) Special committees shall submit a report to the chair and shall be dissolved on such date as their particular function or task has been completed.

(B) The completion date may be established by the chair.

(b) Advisory committees.

(1) The commission shall have (3) advisory committees:

(A) The Mansion Area Advisory Committee;

(B) The Capitol Area Advisory Committee; and

(C) The Design Review Committee.

(2) Each advisory committee shall have its own bylaws to establish its purpose, organizational structure, and manner of operation, so long as the commission names its members and approves its bylaws and amendments thereto.

Authority. Arkansas Code § 22-3-307.

22 CAR § 40-106. Meetings.

(a)(1) The Capitol Zoning District Commission shall, at the last regular meeting of each calendar year, adopt a schedule of regular meeting dates, including time and location, for the forthcoming year.

(2) The schedule shall normally consist of monthly meetings.

(b) **Quorum.** A quorum for the transaction of business shall consist of the majority of the commission members.

(c) **Meeting notices.** The mailing or emailing of a copy of the regular agenda to each commission member one (1) week prior to the date set for the regular meeting shall constitute notice of meeting.

(d) **Rules of procedure.** Parliamentary procedure shall be as prescribed in the latest edition of Robert's Rules of Order.

(e) **Voting.**

(1) Any business matter requiring action by the commission may be presented by oral motion.

(2) Passage of any motion shall require an affirmative vote of the majority of the full commission membership for passage.

(3) Failure of a motion to grant a permit shall constitute a denial of the permit.

(4) Action on permit applications shall be voted on by roll call vote and the minutes shall reflect the number of yeas, nays, and abstentions, if any.

(5) Other matters may be voted on by voice vote and the minutes shall reflect the motion to be "passed" or "failed".

(f) **Open meetings.** All regular and special meetings of the commission shall be open to the public and public notice shall be given as required by the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(g) **Public record.** All minutes of the commission meetings and all certificates, permits, applications, and other documents on which action has been taken by the commission shall be open to the public according to the Freedom of Information Act of 1967.

(h) **Special meetings.**

(1) Special meetings may be called by the chair or the secretary or by a quorum of the commission members.

(2) Notice of such meetings shall be given as prescribed in subsection (c) of this section, unless such meeting is to be held within less than three (3) days, in which case notice by telephone will suffice.

(i) **Executive sessions.**

(1) The commission may, either before, during, or after any meeting, sit in executive session or private session.

(2) No official business shall be transacted except privileged matters relating to personnel pursuant to the exemption found in the Freedom of Information Act of 1967.

(j) **Annual meeting.** The annual meeting shall be held at the last meeting of each calendar year.

(k) **Conduct of permit application hearings.**

(1) Public hearings for consideration of property permit applications shall be conducted in an orderly and rational manner.

(2) The order of hearing shall be as follows:

(A) Announcement of subject;

(B) Finding of compliance with notice requirements;

(C) Staff report to consist of a summary of the hearing topic, a report of staff findings, and applicable Capitol Area Advisory Committee recommendations;

(D) Presentation by applicant;

(E) Questions and comments by commissioners;

(F) Public comment;

(G) Rebuttal by applicant;

(H) Staff recommendation; and

(I) Motion and vote by commissioners.

(l) **Absence of chair or vice chair.** In the absence or disability of both the chair and vice chair at any commission meeting or hearing, the member present with the longest continuous membership on the commission shall act as chair during such meeting.

Authority. Arkansas Code § 22-3-307.

22 CAR § 40-107. Amendments.

These bylaws may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Capitol Zoning District Commission.

Authority. Arkansas Code § 22-3-307.