

ORDINANCE NO. 759

AN ORDINANCE RE-CREATING THE MONTICELLO PARKS
AND RECREATION COMMISSION FOR THE CITY OF
MONTICELLO, AND FOR OTHER PURPOSES

WHEREAS the Monticello Parks and Recreation Commission was established in accordance with the provisions of Act 348 of 1947 (formerly ASA §19-3606 and now ACA §14-269-201) which permits the management of park facilities only; and

WHEREAS the opportunities for other recreational programs may only be managed and operated by a commission established under ACA §14-269-301; and

WHEREAS, the Monticello Recreation Commission was established by Ordinance No. 420 of the City of Monticello in accordance with the provisions of Arkansas Statutes Ann. § 19-3606; and

WHEREAS, the Monticello Parks and Recreation Commission was established by Ordinance No. 696 of the City of Monticello in accordance with the provisions of Arkansas Code Ann. § 14-269-301 et seq.(which acted to amend Ordinance No. 420); and

WHEREAS, Ordinance No. 420 and Ordinance No. 696 were repealed and the Monticello Parks and Recreation Commission was abolished by Ordinance No. 740 of the City of Monticello; and

WHEREAS, the City Council finds it to be in the best interests of the City to re-establish the Parks and Recreation Commission in order to provide for the management of the City Parks and to provide the various recreational services which the City might offer;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Monticello, Arkansas, as follows:

Section 1. Creation of a Parks and Recreation Commission. Pursuant to the powers and authority vested in the cities of the first class by Act No. 471 of the General Assembly of Arkansas of 1949, and Act No. 102 of the General Assembly of Arkansas of 1979 (now appearing as Arkansas Code Annotated Section 14-269-301-306), and any and all amendments thereof, there is hereby created a Parks and Recreation Commission of the City of Monticello to be composed of eleven (11) qualified electors of the Monticello area community.

Section 2. Appointment of Commissioners, Terms of Office, Filling Vacancies and Oaths of Office. The commissioners who will constitute said Parks and Recreation Commission, as well as the designated Commission Chairperson, shall be appointed, shall hold office for the terms, shall subscribe to the oaths of office, may be removed at the will and pleasure of the City Council, and vacancies in the commission shall be filled, all as provided by Sections 2 through 4 and 13 of Act No. 471 of the General Assembly of Arkansas of 1949, and Sections 1 and 2 of Act No. 102 of the General Assembly of Arkansas of 1979 (now found as Arkansas Code Annotated Section 14-269-302); which sections of the said acts are incorporated into this section of this ordinance by reference here made thereto, as though at this point herein set forth verbatim.

Section 3. Duties and Powers of the Commission. Said Parks and Recreation Commission shall be charged with all of the duties, invested with all of the authorities and powers which by law are charged to and vested, in such a commission, particularly as found in Sections 5 to 8, inclusive, of Act No. 471 of the General Assembly of Arkansas of 1949 (now found as Arkansas Code Annotated Section 14-269-301); which Sections 5 to 8, inclusive, of said Act No. 471 are incorporated into this section of this ordinance by reference here made thereto, as though at this point herein set forth verbatim.

Section 4. Management of Existing Park Areas. The real property owned by the City of Monticello which has been heretofore dedicated to public park and recreational uses at their several locations within the city limits of Monticello and formerly placed in the custody, management and control of the Parks and Recreation Commission heretofore existing under Ordinance No. 420 & Ordinance No. 696 of the City of Monticello, shall hereby be deemed to be rededicated to public use for park and recreational purposes, and delivered to the sole and exclusive custody, management and control of the Monticello Parks and Recreation Commission as the same is created by this ordinance, to be effective upon the passage and publication of this ordinance, and upon appointment and qualification of the commissioners.

Section 5. Assumption of Rights and Liabilities. Effective upon the passage and publication of this ordinance and the appointment and qualification of the Commission members, the Monticello Parks and Recreation Commission will hereby assume all legal rights and responsibilities, contractual, financial, of any kind and character whatsoever, relating to the management, operation and maintenance of the parks and recreational activities of the City of Monticello and the Parks and Recreation Commission.

Section 6. Assumption of Financial Matters. Effective upon the passage and publication of this ordinance and the appointment and qualification of the Commission members, all moneys, bank accounts, financial deposits, and other assets and liabilities relating to the management, operation and maintenance of the parks and recreational activities of the City of Monticello shall be immediately transferred to the Parks and Recreation Commission; and all moneys and bank or financial deposits so transferred will be maintained in a separate fund and not be mingled with other funds of the City. All bank accounts maintained by the Parks and Recreation Commission will be established and maintained in accordance with all applicable laws and in a manner requiring more than one signature for any withdrawal or expenditure of any funds, and shall be subject to annual audit by any auditors employed by the City.

Section 7. Chairperson, Secretary and Reports to Council. The Commission Chairperson shall be appointed by the Mayor and confirmed by the City Council. The Chairperson, or his designee, shall attend all regular monthly meetings of the City Council, and shall be prepared to report to the Council on all Commission matters as inquired upon, and to submit to the Council, not less than quarterly, financial reports certified to by the Commission. The City Finance Director, or her designee, shall serve as the ex-officio Secretary of the Commission and shall keep minutes of all meetings held by the Commission. All Commission meetings are to be held only in compliance with the state's Freedom of Information laws. All budgetary requests shall be submitted annually prior to December 1 of each year and shall participate when the City budget committee conducts its annual meetings before the submission of the annual City budget. All budget requests will be made for specific line item expenditures and amounts, and appropriations made by the City for said specific line items shall be strictly adhered to by the Commission in its expenditure of any such funds appropriated.

Section 8. Severability of Provisions. The provisions of this ordinance are hereby declared to be severable. In the event any provision hereof is declared to be unconstitutional or otherwise invalid, said declarations shall not affect the validity of the remaining provisions.

Section 9. Conflicts With other Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed or amended so as to be consistent with the intent of this ordinance.

Section 10. Emergency Clause. A public parks and recreation program is a component of the promotion of the public health and welfare and therefore there exists an urgent need in the City of Monticello for more extensive and adequate facilities and programming for public recreation, and physical exercises, and for more efficient management and coordination of existing facilities and programs for the promotion of outdoor recreational activities and physical exercises, particularly on the part of the youth of this community; the Council finds that this ordinance will provide suitable means for meeting such needs. Therefore, an emergency is declared to exist, and this ordinance, being necessary for the preservation and protection of the public peace, health and safety, shall take effect and be in full force immediately after its adoption and publication.

ADOPTED on this 24 day of February, 2011.


City-Clerk-Treasurer

APPROVED on this 24 day of February, 2011.


Mayor

CERTIFICATION

STATE OF ARKANSAS)
COUNTY OF D R E W)

I, the undersigned Andrea Chambers, hereby certify that I am the City Clerk-Treasurer of Monticello, Arkansas, that the attached and foregoing constitutes a true and complete copy of the Ordinance duly adopted by the City Council of Monticello in a regular meeting held on the 24th day of February, 2011 and that such Ordinance appears in the written minutes of said meeting, of which minutes I am the official custodian.

WITNESS HEREUNTO my hand and the official seal of the City of Monticello on this 24th day of February, 2011.



Andrea Chambers, City Clerk-Treasurer

(SEAL)

