

**AN ORDINANCE REPEALING ORDINANCE NO. 759 AND
ALL OTHER ORDINANCES REGARDING MONTICELLO
PARKS AND RECREATION COMMISSION AND
MONTICELLO RECREATION COMMISSION; CREATING A
PARKS AND RECREATION COMMITTEE FOR THE CITY
OF MONTICELLO AND FOR OTHER PURPOSES**

WHEREAS, the Monticello Parks and Recreation Commission was established in accordance with the provision 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 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WHEREAS, Ordinance No. 420 and Ordinance No. 696 were repealed and the Monticello Parks and Recreation Commission was abolished by Ordinance No. 740 of the City of Monticello; and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, on February 24, 2011, the City of Monticello adopted Ordinance No. 759 to establish the Monticello Parks and Recreation Commission; and

WHEREAS, the City Council finds it to be in the best interest of the City of Monticello to repeal Ordinance No. 759 and to create the Parks and Recreation Committee of the City of Monticello in order to provide for the management of the city parks and to provide for the various recreational services which the City might offer or assist in offering and to provide for proper oversight thereof that Parks and Recreation Committee by the City Council.

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

Section 1. Repeal of prior ordinances. Ordinance No. 759 and all prior ordinances regarding the creation of Monticello Recreation Commission and Monticello Parks and Recreation Commission are repealed.

Section 2. Validity of prior acts. The prior acts of the Monticello Parks and Recreation Commission are recognized and ratified by the City Council.

Section 3. Creation of a Parks and Recreations Committee. The Monticello Parks and Recreation Committee is hereby created and is authorized to act as provided for herein.

Section 4. Powers and duty of Parks and Recreation Committee. The Monticello Parks and Recreation Committee is authorized to serve as the representative of the City of Monticello, its mayor and city council in the oversight of operation of the Monticello city parks and its recreation programs. The Committee is to hold regular monthly meetings which will be public meetings within meaning of the Arkansas Freedom Information Act. The Committee is responsible for the oversight of the use and operation of City of Monticello parks and recreation programs of the City of Monticello pursuant rules and regulations as adopted by the City Council. The Committee is to advise, inform and recommend to the Mayor and City Council as to budgetary matters relating to the city parks and its recreation programs, such grants as may be available to the City and such reasonable rules and regulations as to the use of the city parks and the operation of its recreation programs whether such recreation programs be direct programs operated by the City of Monticello or which the City of Monticello allows or encourages to be conducted on city property, with city funds or assisted by the use of other city assets.

Section 5. No delegation of authority. The City Council reserves unto itself and unto the Mayor of the City of Monticello all proper and appropriate rule making and legal powers as they possess regarding the use and operation of the city parks and/or its recreational programs in such powers or authority are not hereby improperly delegated.

Section 6. Members. The membership of the Monticello Parks and Recreation Committee shall be eleven members all of whom are electors of Drew County, Arkansas and at a minimum, a majority of whom are electors of the City of Monticello, Arkansas to be appointed by the mayor subject to confirmation by the city council. Beyond the initial term as provided for herein, all subsequent terms shall be for five year periods. Initially, two members shall be appointed for terms ending December 31, 2012, two members for terms ending December 31, 2013, two members ending for terms ending December 31, 2014, three members appointed for terms ending December 31, 2015 and two members ending for terms ending December 31, 2016.

Section 7. Chairperson, Secretary and Reports to Council.

The Committee Chairperson shall be appointed by the Mayor and confirmed by the City Council. The 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 to submit to the Council, not less than quarterly, financial reports certified to by the Committee. The City Finance Director, or her designee, shall serve as the ex-officio Secretary of the Committee and shall keep minutes of all meetings held by the Committee. All Committee meetings are to be held only in compliance with the states' 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 Committee 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 your 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 15 day of March, 2012.

Andrea J. Chambers
City Clerk/Treasurer

APPROVED on this 15 day of March, 2012.

Mayor

CERTIFICATION

STATE OF ARKANSAS)
COUNTY OF DREW)

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 15 day of March, 2012 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 15 day of March, 2012.

Andrea J. Chambers
Andrea Chambers, City Clerk/Treasurer

(SEAL)