ORDINANCE NO. 82-1

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PARKS AND RECREATION COMMISSION FOR THE CITY OF ATKINS, SETTING FORTH THE POWERS AND DUTIES OF THE COMMISSION, AND FOR OTHER PURPOSES.

WHEREAS, it is necessary that the City of Atkins provide for the orderly operation and maintenance of City owned recreation facilities and grounds; and,

WHEREAS, it is in the best interest of the citizens of the City of Atkins that a Parks and Recreation Commission be established for such purpose; and,

WHEREAS, a Parks and Recreation Commission could devote the time necessary to promulgate rules and regulations pertaining to the operation and use of City owned recreation facilities and grounds.

NOW, THEREFORE, be it ordained by the City Council of the City of Atkins:

Section 1. There is hereby established a Parks and Recreation Commission to be composed of five (5) citizens who are qualified electors of the City of Atkins. Provided, however, that the City Council may increase the membership of the Parks and Recreation Commission by two (2) additional members if the City Council determines that an enlarged Commission could better serve the City's Parks and Recreation Program.

Section 2. The Commissioners shall be appointed by the Mayor and confirmed by a majority vote of the duly elected and qualified members of the City Council, and shall hold office for a term of five (5) years. Provided, however, that those Commissioners first appointed and confirmed after the passage of this Ordinance, shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years each, to be designated by the Mayor and City Council and there-

after, upon the expiration of their respective terms, Commissioners appointed by the Mayor and approved by a majority vote of the City Council shall each be appointed for a term of five (5) years. In the event of a vacancy occurring on the Commission, it shall be filled by an appointment by the Mayor, subject to the approval of a majority vote of the duly elected and qualified members of the City Council. Each Commissioner shall file the oath required in the State of Arkansas of public officials. Provided, however, that in the event the City Council votes to increase the membership of the Parks and Recreation Commission from five (5) to seven (7) members, then in said event, the two (2) additional members of the Commission shall be appointed in the manner provided hereinabove, and shall serve terms of five (5) years. Provided further, however, that the first additional members appointed to the Commission shall determine by lot their respective terms in order that the term of one member shall be for three (3) years and the term of the other member shall be for five (5) years. Their successors shall be appointed for five (5) year terms. Such members shall qualify in the same manner as provided herein above for other Commission members, and vacancies in either of such additional member positions shall be filled in the manner provided herein above.

Section 3. Any Commissioner appointed by the provisions of this Ordinance, may be removed for cause upon a two-thirds vote of the duly elected and qualified members of the City Council.

Section 4. The Commissioners hereunder appointed shall have full and complete authority to build, manage, operate, maintain and keep in a good state of repairs any municipal buildings deemed necessary to carry on a Parks and Recreation

Program for the City of Atkins, including the building of swimming pools, field houses, stadiums, zoos, or other buildings necessary to carry on a Parks and Recreation Program. The Commission shall have full and complete charge of such buildings and grounds, including the right to control and permit or refuse to permit such public gatherings or other meetings or affairs as the Commissioners shall see fit and deem to be in the best interests of the City. The Commissioners shall have the right to employ or remove managers, janitors and other employees of whatsoever nature, kind or character, and to fix, regulate, and pay their salaries, it being the intention of this Ordinance to vest in the Commissioners authority to build, operate, manage, maintain and control all municipal recreational parks and improvements located thereon, and to have full and complete charge thereof. Provided the Commissioners shall not have authority or power to sell, mortgage or encumber such property unless otherwise authorized by the City Council.

Section 5. The Commissioners hereunder shall have, in addition to other powers enumerated herein, the exclusive right and power to make purchase of all supplies, apparatus and other property and things requisite and necessary for the management and operation of the Parks and Recreation Program, including the construction of same and repairs and additions thereto. Provided, the Commissioners shall not have authority or power to sell, mortgage or encumber such property unless otherwise authorized by the City Council.

Section 6. The Commissioners shall have authority to enter into contracts with persons, firms, corporations or organizations for the use of recreational park buildings or parts of the Parks and Recreation Program.

Section 7. The Commissioners shall propose to the City

Council for adoption such rules and regulations as they may deem necessary and expedient for the proper operation and management of the Municipal Parks and Recreation Program, and shall propose to the City Council for adoption any alterations, changes or amendments to such rules and regulations adopted by the City Council.

Section 8. The Commissioners shall submit quarterly reports beginning three months after they take their oath of office, and each three months thereafter reporting in full on the operations of the Parks and Recreation Program, including an accounting of Receipts and Disbursements to the Mayor and City Council, and furnish such other and further reports, data and information as may be requested by the Mayor and City Council. The quarterly report to the Mayor and City Council with respect to Receipts and Disbursements shall be certified by the Commissioners as correct. The Commissioners shall further submit an annual audit of the operations of the Parks and Recreation Program to the Mayor and City Council.

Section 9. The Commissioners hereunder appointed shall have the authority to utilize all revenues derived from the operation of the Parks and Recreation Program. All funds derived from the use of said Parks and Recreation Program shall be segregated into a Park Fund, which Fund shall be used exclusively in the operation of the Parks and Recreation Program by the Commissioners. Monies in said Fund shall not be mingled with other Funds of the City and shall be handled exclusively by the Commissioners. The Commissioners shall furnish the City a $5,000.00 surety bond that will serve to insure the City against any misappropriation or mishandling of funds. The surety on such bond shall be a reputable surety corporation. The premium on the bonds shall be paid

for from monies in the Park Fund. The Commissioners shall receive no salary for their services, but shall be reimbursed from the Park Fund for actual expenses incurred in the performance of their duties. Such Park Fund may also be expended by the Commissioners as they deem best for the purpose of obtaining attractions to be staged as a part of the Parks and Recreation Program.

Section 10. Upon each quarterly report being made to the Mayor and City Council by the Commissioners, the City Council may appropriate funds from the General Revenue Fund of the City or from such other funds as the City may have available to make up any deficits or to provide such funds as may be necessary to carry on the operations of the Parks and Recreation Program. The City Council may at any time other than when a quarterly report is filed, appropriate such funds as it deems necessary from the General Revenue Fund or such other funds that the City may have available for the purpose of maintaining and operating the Parks and Recreation Program.

Section 11. This Ordinance may be repealed by an affirmative vote of three-fourths of the duly elected and qualified members of the City Council.

Section 12. This Ordinance being necessary for the public peace, health and safety, and being necessary for the proper operation and maintenance of City owned recreational facilities and grounds, an emergency is hereby declared to exist and this Ordinance shall be in effect from and after its passage, this 13TH day of July, 1982.

JIMMY McGEE, Acting Mayor

ATTESTED:

DALLAS SWAIN, City Clerk