

ORDINANCE NO. A- 396

AN ORDINANCE CREATING A PARKS AND RECREATION COMMISSION; DECLARING THE POWERS AND DUTIES OF SUCH COMMISSION; ESTABLISHING A PARKS AND RECREATION PROGRAM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. There is hereby created a Parks and Recreation Commission of and for the City of Conway, Arkansas, consisting of five (5) members who shall be appointed by the Mayor of said City, subject to confirmation by a majority vote of the duly elected and qualified members of the City Council. One of such Commissioners shall be an Alderman of the City of Conway, who shall represent the City Council; one (1) Commissioner shall be a member of the Board of Directors of Conway Special School District No. 1; and three (3) Commissioners shall be appointed from the citizens of Conway at large. All Commissioners shall serve without compensation and each shall be a resident and qualified elector of the City of Conway at the time of his appointment and during his incumbency. Each Commissioner shall be appointed for a term of five (5) years and until his successor is appointed and qualified; 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 thereafter, upon the expiration of their respective terms, each Commissioner shall be appointed and confirmed in the manner above set forth for a term of five (5) years. In the event a vacancy shall occur in such Commission by reason of death, resignation, removal from the City, or for any other reason, such vacancy shall be filled for the unexpired term by appointment and confirmation as above set out; PROVIDED, however, if the commissioner selected from the City Council or the Board of Directors of said School District shall cease to be a member of such Council or Board, he shall thereby immediately cease to be a member of such Commission, and his successor shall be selected from the membership of such Council or such Board of Directors, as shall be appropriate, and shall serve during the unexpired portion of such retired member. Any commissioner appointed

pursuant to the terms 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 2. Within ten (10) days after their appointment and confirmation the Mayor shall call the commissioners to meet in regular session, at which time the Commission shall organize and shall elect a Chairman, a Vice-Chairman, and a Secretary-Treasurer, each of whom shall hold office for a period of one (1) year. Said Commission shall thereafter meet in regular session at least one time each month at a time and place to be selected by its members. In addition thereto, the Commission shall meet in special session at the instance of the Chairman or any other two commissioners, at such times as shall be necessary, provided that notice of such special meetings shall be given not less than twenty-four (24) hours before the time of such meeting. Such notice may be written or oral. Three commissioners shall constitute a quorum for the transaction of any or all business, but a less number may adjourn from time to time to a day certain. Absence from three (3) consecutive regular meetings without sufficient reason, as determined by the Commission, shall be deemed to constitute the retirement of any commissioner and the vacancy so created shall be filled for the unexpired term of such commissioner in the same manner as other vacancies are filled. The Commission shall adopt its own rules of procedure.

SECTION 3. The Chairman shall preside over all meetings of the Commission but in his absence the Vice-Chairman shall preside. The Secretary-Treasurer shall keep true and complete written records of all proceedings of the Commission and transmit its recommendations to the City Council; he shall further be the custodian of all funds of the Commission, which shall be deposited in a bank or banks whose funds are insured by the Federal Deposit Insurance Corporation. All disbursements of funds shall be upon written order or check signed by said Secretary-Treasurer and one other member of said Commission who has been theretofore duly authorized to sign on behalf of the Commission by resolution duly adopted and entered in the minutes of the meetings of the Commission.

SECTION 4. The general powers and duties of the Commission shall be as follows:

(a) To plan and recommend by regular reports to the City Council such action as may be necessary to create and develop for and within the City of Conway, Arkansas, a recreational program together with an adequate **system** of parks, playgrounds, swimming and other recreation facilities for carrying out such program.

(b) To have control of, manage and supervise all of the public parks, parkways, recreation centers and playgrounds, situated within the City of Conway, Arkansas, now or hereafter publicly owned, and the municipally owned facilities now or hereafter established in them, including houses, buildings, zoos, museums, golf courses, archery ranges, swimming pools, playfields, amusement rides, and devices, carnival concessions, refreshment stands, picnic shelters and facilities, and all other Facilities necessary for or used in said program.

(c) To supervise and provide For community sports of all kinds, including without being limited to, organized games, contests, recreation centers, pageants, celebrations, events, exhibitions, musicals, community sings, theatricals and similar facilities; to cooperate with individuals, firms and organizations interested in recreation, amusement and cultural activities as will employ the leisure time of the people in a constructive manner.

(d) To make and collect reasonable Fees or charges for the use of or admittance to the facilities in the public parks within the City, and to operate and to rent or lease in the name of the city, amusement, entertainment, and refreshment facilities therein, upon terms acceptable to the Commission.

(e) When available and with the consent and cooperation of the proper person, or authorities, to conduct public playgrounds and public indoor recreation wupon the grounds and in the buildings of the Federak Government, State, County and City, the public and parochial schools, churches and other organizations, and upon the grounds and in the buildings of corporations, companies and individuals.

(f) To establish reasonable rules and regulations for the protection of rights and property owned by the City and/or under the control of the Commission, For the uses, care, maintenance and management of all parks and public grounds, recreation centers, including the furnishings, equipment, and paraphernalia on or in them operated, maintained or conducted by the Commission.

(g) Through the Mayor, to call upon any other Department of the City Government for assistance in the performance of its duties.

(h) To recommend to the City Council the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the City for the purposes of the Commission.

(i) To receive appropriations, gifts, or bequests of money or other personal or real property, or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational work.

(j) To, and it shall, collect, receive and account for any funds now on hand, or now or hereafter due the city, arising from the operation, rental, hire or lease of any of such grounds, buildings, facilities, playfields, amusement devices, rides, concessions, refreshment stands, golf courses, tennis courts, museums, zoos, skating rinks, swimming pools, or other facilities, or from any event, exhibition, or activity within the public parks and playgrounds owned by the City and situated therein or elsewhere operated or supervised by the Commission, subject to the terms of any valid contract and lease pertaining thereto. Said annual accounting shall be filed with the City Council not later than January 31st of the year following the year for which the accounting is made.

(k) To equip, furnish, operate, maintain and repair *the* buildings, facilities and grounds; to construct such additional buildings, equipment and facilities as from time to time may be needed; and to maintain, repair the sidewalks, streets, boulevards, avenues and driveways, and to construct such additional ones as from time to time may be needed; to repair and maintain the lighting facilities and provide such additional facilities as from time to time may be needed,

in the public parks and playgrounds owned by the City and situated therein,

(l) To perform such other duties as may be necessary "or the proper administration of the affairs of the commission.

(m) To expend any monies that may come to the Commission for the accomplishment of the above purposes.

(n) To appoint sub-committees to assist the Commission in the performance of its duties, and to delegate to such Committees specific powers and duties with authority to represent the Commission within the limitations the Commission may prescribe.

(o) The Commission shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of said municipal parks and recreation program, and shall have authority to alter, change and amend such rules and regulations at their discretion. Upon adopting any rules or regulations, or upon amending, altering or changing any rule or regulation theretofore adopted, three copies of the same shall be filed with the City Clerk.

SECTION 5. The employees necessary in the operation of the parks and recreation program shall be selected as prescribed by law through competitive examination and certification by the Civil Service Commission, including salaries and classification.

SECTION 6. The Commissioners shall submit quarterly reports, beginning three (3) months after they take their oath of office, and each three (5) months thereafter, reporting in full on the operations, 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 7. The Commissioners hereunder appointed shall have the authority to utilize all revenues derived from the operation of the parks and recreation program in 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. Moneys in said Fund shall not be mingled with other funds of the City and shall be handled exclusively by the Commissioners. Said 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 said bond shall be a reputable surety corporation. The premium on said bonds shall be paid for from moneys from the Park Fund. The Commissioners shall receive no salary for their services, but shall be reimbursed from the Park Fund for actual expense 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 8. 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 said parks and recreation program. The City Council may at any time other than when said 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 9. If any word, sentence or other portion of this ordinance shall be declared invalid by any court of competent jurisdiction, the remaining portions thereof not declared invalid shall be and remain in full Force and effect.

SECTION 10. It is declared to be the policy of the City of Conway, Arkansas, to provide an adequate recreational program for its inhabitants, and to provide proper and adequate facilities, in so far

as it is possible and within the ability, financial or otherwise, of the City to do so. No recreational program is now in existence within the City of Conway and it is imperative to the public health and welfare that such a program be immediately established. It is accordingly hereby declared that an emergency exists and this ordinance, being necessary for the purposes therein set forth, and being for the development and protection of the public health and welfare, shall take effect and be in force from and after its passage and publication.

PASSED \_\_\_\_\_

APPROVED : \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk