

ORDINANCE NO. 1030

AN ORDINANCE AMENDING ORDINANCE NO. 936
FOR THE PURPOSE OF ELIMINATING EXISTING
CONFLICTS WITH STATE LAW.

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, did pass and ordain Ordinance No. 936 on the 4th day of May, 1972; and

WHEREAS, said Ordinance No. 936 has been amended by Ordinances Nos. 942, 980, 1002 and 1018, respectively passed and ordained by said City Council on the 7th day of September, 1972, the 5th day of April, 1975, the 3rd day of July, 1976, and the 26th day of March, 1977; and

WHEREAS, said City Council has found that numerous conflicts of a material nature presently exist between Ordinance No. 936, as amended, and State law, and that the same should be eliminated:

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, AS FOLLOWS:

SECTION 1. Section 2 of Ordinance No. 936 is hereby amended to read, in its entirety, as follows:

CREATION OF THE CITY ADVERTISING AND PROMOTION COMMISSION
AND FUND.

1. Commission Created.

The City Advertising and Promotion Commission, hereinafter called "the Commission", is hereby created. The Commission shall be composed of seven (7) members as follows: Four (4) members shall be hotel, motel or restaurant owners or managers, who shall be appointed by the Mayor with the approval of the City Council, for staggered terms of four (4) years; the remaining members shall be the Mayor and two (2) Aldermen of the City selected by the City Council. The first four (4) members appointed by virtue of being hotel, motel or restaurant owners or managers shall serve for terms of one (1), two (2), three (3) or four (4) years with the term of each such member being determined by lot

at the first meeting of the Commission, and all successors to such members shall be appointed for terms of four (4) years. A vacancy will be deemed to exist when a member dies or resigns or ceases to possess any of the qualifications for membership heretofore set forth, or when a member is removed from the Commission by a vote of the majority of the members of the City Council at a regular meeting of the City Council upon a finding by such majority that such removal is in the best interest of the City. In the event of a vacancy occurring on the Commission, it shall be filled in the manner heretofore provided, with the member filling the vacancy serving the balance of the term of the former member who created the vacancy. The Treasurer of the Commission, who shall be a member, and the Executive Director and/or Bookkeeper of the Commission, who shall not be members, shall each furnish to the City of Eureka Springs, Arkansas, a Ten Thousand and No/100 Dollars (\$10,000.00) surety bond that will serve to insure the City against misappropriation or mishandling of funds. The premiums on such separate surety bonds shall be paid from the City Advertising and Promotion Fund.

2. Fund Created.

All revenue received pursuant to the provisions of this Ordinance shall be credited to the City Advertising and Promotion Fund, hereinafter called "the Fund". All such revenue credited to the Fund shall be deposited in such bank account or bank accounts as may be designated by the Commission.

3. Use of the Fund.

A. All revenues credited to the Fund pursuant to this Ordinance shall be used for advertising and promoting the City of Eureka Springs, Arkansas, hereinafter called "the City", and its environs and/or for the construction, reconstruction, extension, equipment, improvement, maintenance, repair and operation of a convention center or convention centers in the City, and facilities necessary for, supporting or otherwise pertaining to, a convention center, or for the payment of the principal of, interest on and fees and expenses in connection with bonds, as provided in Act 185 of 1965, as amended, in the manner as shall be determined by the Commission.

B. Revenue credited to the Fund may be used to acquire sites for, construct, reconstruct, extend,

equip, improve, maintain and operate convention centers and facilities necessary for, supporting or otherwise pertaining to, convention centers (collectively referred to herein as "convention center projects"), and the City Council may, by ordinance, authorize the issuance of bonds to provide funds for accomplishing convention center projects and to pledge all or any part of the revenues from the tax levied pursuant to this Ordinance, to pay the principal of, interest on, and fees and expenses in connection with such bonds.

✓ C. The City Council may, by ordinance, pledge all or any part of the revenue from the tax levied pursuant to this Ordinance to the payment of principal of and interest on bonds issued by the City under the authority of any other law, now or hereafter in effect, for the purpose of providing all or part of the funds for the acquisition, construction, reconstruction, extension, equipment, improvement, maintenance or operation of any facility or facilities (including, without limitation, auditoriums and parking facilities) which are or will be operated as a part of, or operated or used in connection with or in support of, a convention center project or projects.

D. The City Council may, by ordinance, pledge all or any part of the revenue from the tax levied pursuant to this Ordinance to the payment of principal and interest on bonds (hereinafter referred to as "Tourism Revenue Bonds") issued by the City under the authority of Act 380 of 1971. Such pledge of revenue shall be by the ordinance authorizing the Tourism Revenue Bonds and shall be subject to the approval of the Commission. Such ordinance shall be governed by the provisions of Act 977 of 1975.

E. All or any part of the revenue derived from the tax levied pursuant to this Ordinance may be used and/or pledged for the retirement of bonds issued for the establishment and operation of other tourist-oriented facilities including but not limited to theme parks and other family entertainment facilities, provided, such revenue shall be used or pledged for the purposes authorized by Act 178 of 1977 only upon the approval of the Commission.

SECTION 2. Paragraph 3 of Section 3 of Ordinance No. 936 is hereby amended to read, in its entirety, as follows:

3. Collection of Tax.

The tax herein levied shall be paid by the persons, firms, and corporations liable therefore, and shall be collected for the City of Eureka Springs, Arkansas, hereinafter called "the City", by the Commission in the same manner and at the same time as the Gross Receipts Tax levied by Act 386 of 1941, as amended; and the person paying said tax shall report and remit the same upon forms provided for the City by the Commission, and as directed for the City by the Commission, and the rules, regulations, forms of notice, assessment procedures, and the enforcement and collection of the tax under Act 386 of 1941, shall, so far as practicable, be applicable with respect to the enforcement and collection of the tax levied pursuant to this Ordinance, but the administration and enforcement, and all actions, shall be by, and in the name of, the City through the proper official(s) of the City.

SECTION 3. Section 4 of Ordinance No. 936 is hereby amended by deleting paragraph "C" of Section 4.

SECTION 4. Section 4 of Ordinance No. 936 is hereby further amended by redesignating existing paragraphs "D", "E" and "F" as redesignated paragraphs "C", "D" and "E", respectively, with such redesignated paragraphs being amended to read, in their respective entireties, as follows:

C. The Commission, in addition to their other powers enumerated herein, shall have the authority to purchase all supplies necessary for the management and operation of the Commission.

D. The Commission shall have authority to employ the necessary personnel to assist in the administration and operation of the Fund and shall have the authority to fix the salary or salaries for such personnel. Any employee who shall handle funds for the Commission shall be required to furnish the City a surety bond in the amount provided by Paragraph 1 of Section 2 of this Ordinance, as amended.

E. The Commission shall make quarterly reports to the Mayor and City Council of the City of Eureka Springs, Arkansas, beginning three (3) months after their oath of office, reporting in full on the

operations of the Commission, including an accounting of receipts and disbursements, and shall, upon request of said City Council, furnish such other and further reports and data as may be required. The Commission shall select a certified public accountant, or a firm of certified public accountants, to submit an annual audit of the operations of the Commission to the Mayor and City Council of the City of Eureka Springs.

SECTION 5. Section 4 of Ordinance No. 936 is hereby further amended by adding an additional paragraph immediately after redesignated paragraph "E", as follows:

F. The Commission shall prepare a complete annual budget at the beginning of each fiscal year and shall submit the same for review to the Mayor and City Council of the City of Eureka Springs, Arkansas, at the first regular meeting of said City Council after said budget has been prepared. Said budget shall reflect anticipated revenue, proposed itemized expenditures, the name(s) of the bank(s) at which the Fund is deposited, and the amount deposited in each account.

SECTION 6. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7. The provisions of this Ordinance are hereby declared to be severable. In the event that any part of this Ordinance shall be held to be unenforceable or invalid by a Court of competent jurisdiction, such holding shall not render the remainder of this Ordinance to be unenforceable or invalid.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 28th DAY OF January, 1978.

APPROVED:

Charles F. Robertson
CHARLES F. ROBERTSON, MAYOR

ATTEST:

June I. Moncravie
JUNE I. MONCRAVIE, CITY CLERK-TREASURER

(SEAL)

EMERGENCY DECLARED

The City Council of the City of Eureka Springs, Arkansas, has found it to be essential to the health, safety and welfare of the City that Ordinance No. 1030 take force and effect without delay. Therefore, an emergency is declared to exist, and Ordinance No. 1030 shall be in full force and effect upon its publication according to law.

PASSED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 28th DAY OF January 1978.

APPROVED:

Charles F. Robertson
CHARLES F. ROBERTSON, MAYOR

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