

ORDINANCE NO. 941

AN ORDINANCE CREATING AN AUDITORIUM COMMISSION FOR THE CITY OF EUREKA SPRINGS, ARKANSAS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS, THAT:

SECTION 1. AUDITORIUM COMMISSION CREATED. There is hereby created an Auditorium Commission of the City of Eureka Springs, Arkansas, hereinafter called "the Commission,"

SECTION 2. APPOINTMENT OF COMMISSIONERS. The Commission shall be composed of five (5) members, who shall be qualified electors of the City of Eureka Springs. The members of the Commission shall be appointed by the Mayor of the City of Eureka Springs, and confirmed by majority vote of the duly elected and qualified members of the City Council. The Commissioners shall hold office for a term of five (5) years; Provided, however, that those Commissioners first appointed and confirmed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years each, said terms to be designated by the Mayor and City Council, and thereafter upon the expiration of their respective terms. In the event of a vacancy occurring on the Commission, it shall be filled by 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 by law in the State of Arkansas of public officials. Any Commissioner appointed under this Ordinance may be removed for cause upon a two-thirds (2/3) vote of the duly elected and qualified members of the City Council.

SECTION 3. POWERS OF COMMISSIONERS. The Commissioners established hereunder shall have full and complete authority to manage, operate, maintain and keep in a good state of repair the City Auditorium

of Eureka Springs, Arkansas, and shall have and complete charge of said building, with the power to handle the same as the Commissioners shall see fit and deem to be to the best interest of the City of Eureka Springs. The Commission shall have the right to employ or remove managers and all other employees of whatsoever nature, kind or character and to fix, regulate and pay their salaries, wages or other compensation, to the extent specified funds are available to accomplish such purposes, it being the intention of this Ordinance to vest in the Commission authority to operate, manage, maintain, and control the City Auditorium of Eureka Springs and to have full and complete charge thereof, including the same discretionary powers afforded to the Board of Trustees of benevolent or non-profit corporations in Arkansas; Provided the Commission shall not have authority or power to sell, mortgage or otherwise encumber the City Auditorium of Eureka Springs. The Commission shall, however, have the authority and power to lease the City Auditorium or any portion thereof to any person or organization upon such terms as shall be acceptable to the Commissioners and to the City Council of Eureka Springs; Provided further, that nothing herein contained shall be construed to prevent the use, either by the Commission or any lessee, of profits arising from the operation of the City Auditorium for the repair, improvement or additions to the City Auditorium or the equipment thereof, or for beneficial purposes in connection with the operations of the City Auditorium.

SECTION 4. REPAIRS, ADDITIONS AND PURCHASE OF SUPPLIES.

The Commission shall have, in addition to other powers enumerated herein, and with the consent of the City Council of Eureka Springs, the right and power to make purchases of all supplies, apparatus or other property and things requisite and necessary for the management and operation of the City Auditorium, to include repair, construction, and additions thereto.

SECTION 5. ESTABLISHMENT OF RULES. Subject to subsequent ratification by the City Council of Eureka Springs, the Commission shall have authority to adopt such rules and regulations as may be necessary and expedient for the proper operation and management of the City Auditorium and shall have the authority to alter, change or amend such rules and regulations at their discretion, subject to the above limitation. The Commission shall have the right to adopt and enforce standards for the operation and management of the City Auditorium, and to enforce compliance with all such rules and regulations.

SECTION 6. AUDITING AND REPORTS. The Commissioners shall submit reports, beginning three (3) months after they take their oath of office, and thereafter at such periods as the City Council of Eureka Springs may direct, reporting in full on the construction and operations, including an accounting of Receipts and Disbursements, to the Mayor and City Council of Eureka Springs and furnish such other and further reports, data and information as may be requested by the Mayor or City Council. The reports to the Mayor and City Council, with respect to Receipts and Disbursements, shall be certified by the Commissioners as correct.

SECTION 7. AUDITORIUM FUND CREATED. The Commission appointed hereunder shall have the authority to utilize all revenues derived from the City Auditorium in the operations thereof, including repairs, construction or additions thereto. All funds derived from the use of the City Auditorium shall be segregated into a City Auditorium Fund hereinafter called "the Fund" by the Commission. Moneys in the Fund shall not be mingled with other funds of the City of Eureka Springs and shall be handled exclusively by the Commission. The Commissioners shall receive no salary for their services, but shall be reimbursed from the Fund for actual expenses incurred in the performance of their duties. The Commissioners shall be afforded the same protection from personal liability for their acts as

such Commissioners are now afforded as school directors in connection with their duties in behalf of school districts which they would represent in Arkansas.

SECTION 8. APPROPRIATION OF FUNDS. Upon each annual report being made to the Mayor and City Council by the Commission, the City Council may lend or 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 deficiencies or to provide such funds as may be necessary to carry on the operations of the City Auditorium. The City Council may, at any time other than when said annual report is filed, lend or appropriate such funds as it deems necessary from the General Revenue Fund, or such other funds as the City may have available, for the purpose of maintaining and operating the City Auditorium.

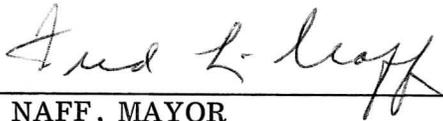
SECTION 9. RESPONSIBILITY OF COMMISSIONERS. Upon the appointment of the Commissioners as herein provided, the Mayor and City Council shall execute such instruments and enact such measures as may be necessary to vest complete charge of the municipally owned or operated City Auditorium in the Commission hereunder appointed. The City Council may require bond of the Commissioners, in its discretion, for the faithful performance of their duties.

SECTION 10. SEVERABILITY CLAUSE. The provisions of this Ordinance are hereby declared to be severable. If any provision shall be held to be invalid or to be inapplicable to any persons or circumstances, such invalidity or inapplicability shall not affect the remainder of the provisions of this Ordinance.

SECTION 11. REPEAL AND EMERGENCY CLAUSE. Ordinances No. 738, Amendment of Ordinance No. 738 and all other ordinances, and resolutions, parts thereof, in conflict, in whole or in part, with any of the provisions

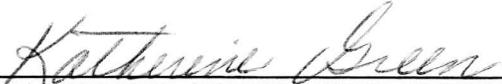
of this Ordinance are hereby repealed to the extent of such conflicts; and
it is hereby declared that the public peace, health and safety of the City
and the inhabitants thereof demand the immediate passage of this Ordinance ,
and an emergency is hereby declared to exist whereby this Ordinance
shall become effective from and after its passage, approval and publication
as provided by law .

PASSED AND APPROVED by the City Council of Eureka Springs ,
Arkansas, this 17 day of ^{August} ~~July~~, 1972.



FRED L. NAFF, MAYOR

ATTEST:



KATHERINE GREEN, CITY CLERK

THOMAS D. LEDBETTER
ATTORNEY AT LAW

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