

ORDINANCE NO. 12-2014

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

AN ORDINANCE LIMITING THE DUTIES AND REQUIREMENTS OF THE OFFICE OF THE CITY RECORDER-TREASURER FOR THE CITY OF DIAMOND CITY, ARKANSAS TO ONLY THOSE DUTIES REQUIRED BY LAW; REMOVING ALL OTHER DUTIES AND RESPONSIBILITIES OF THE OFFICE OF THE RECORDER-TREASURER, DECLARING AN EMERGENCY AND OTHER MATTERS PERTAINING THERETO.

WHEREAS, there is established a combined office of Recorder-Treasurer that is elected by the qualified voters of the City of Diamond City to serve a four (4) year term, with the current term of office to expire at the end of the year 2016; and

WHEREAS, the office of Recorder-Treasurer has been assigned various duties and responsibilities by the City Council over the years to manage the financial, business and management operations of the City of Diamond City; and

WHEREAS, it has come to the attention of the City Council of the City of Diamond City that the office of the Recorder-Treasurer is no longer able to properly perform the financial, business and management operations of the City of Diamond City and is not properly complying with the requirements of the Arkansas Municipal Accounting Law set forth in A.C. A. § 14-59-101 et seq.; and

WHEREAS, the City Council for the City of Diamond City has determined that it would be in the best interest of the citizens of the City to enact this ordinance in order to clarify and establish these matters and to remove all duties, responsibility and management from the office of City Recorder-Treasurer other than those specifically set forth in Arkansas law.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Diamond City, as follows:

Section 1. Office of City Recorder-Treasurer. The office of City Recorder-Treasurer hereby exists for the City of Diamond City, Arkansas. The City Recorder-Treasurer shall be elected by the qualified voters of the City of Diamond City, Arkansas, and shall serve a four (4) year term in accordance with the laws of the State of Arkansas.

Section 2. Compensation. The salary of the Treasurer shall be established by the City Council in the its yearly budget, subject to the requirements of governing law, regulations and the Arkansas Constitution.

Section 3. Duties. The duties of the City Recorder-Treasurer shall be to perform only those duties specifically set forth in Arkansas law, and only to the extent that they are specifically delineated in Arkansas law.

Section 4. Removal of Treasurer Duties. The City Recorder-Treasurer shall no longer maintain the accounting records of the City of Diamond City as prescribed in the Arkansas Municipal Accounting Law at A.C.A. § 14-59-101 et seq. and hereby the Recorder-Treasurer is removed from performing such duties as provided in A.C.A. § 14-59-115. Upon the effective date of this Ordinance, the duties prescribed in the Arkansas Municipal Accounting Law at A.C.A. § 14-59-101 et seq. shall be performed by the Mayor of Diamond City, and certain employees of the City of Diamond City as appointed by the Mayor of Diamond City, until such time as the City may employ a qualified person or persons, or contract for such services, and such duties shall be prescribed to that person, persons or entity by resolution or ordinance of the City Council.

Section 5. Removal of Other Duties. All other duties of the of the City Recorder-Treasurer, not specifically set forth by Arkansas law as required in Section 3 above, are hereby removed from the office of Recorder-Treasurer. Any such duties removed from the office of the City Recorder-Treasurer by this Ordinance shall be performed by the Mayor or the Mayor's designee.

Section 6. Collector. The City Treasurer shall no longer be the collector of all taxes and fees due the City, including without limitation all occupation and privilege taxes, and other taxes for the City. The City Council assigns to the Mayor the authority to keep records on all taxes, fees and other moneys collected until such time as the City may employ a qualified person or persons, or contract for such services, and such duties shall be prescribed to that person, persons or entity by resolution or ordinance of the City Council.

Section 5. Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 6. Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or order of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Declaration of Emergency. It is hereby found and determined that the City of Diamond City needs set forth and clarify the duties and obligations of the office of Recorder-Treasurer, and thus the City Council has determined that in order maintain the efficient and orderly conduct of the City's affairs, such an ordinance is needed. Therefore, an emergency is declared to exist, and this act being immediately necessary for

the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

Yes 5 No 0 Abstain 0 Absent 1

PASSED AND APPROVED this 30th day of December, 2014.

APPROVED:



Shari Marshall, Mayor

ATTEST:



Cheryl Guthrie, City Recorder-Treasurer