

Prepared by:
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OB # 1

ORDINANCE NO. 1956

AN ORDINANCE OF THE CITY OF RUSSELLVILLE ESTABLISHING AN OAKLAND CEMETERY COMMISSION, THE POSITION OF DIRECTOR OF OAKLAND CEMETERY COMMISSION AND PRESCRIBING THEIR POWERS AND DUTIES AND AUTHORIZING THE EXPENDITURE OF FUNDS, UNDER AUTHORITY OF THE STATE OF ARKANSAS.

THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE DOES ORDAIN AS FOLLOWS:

SECTION I: ESTABLISHMENT OF A COMMISSION

There is hereby created and established a commission consisting of five (5) members, to be known as the Oakland Cemetery Commission.

SECTION II: APPOINTMENT OF MEMBERS

The members of said Oakland Cemetery Commission shall be appointed as follows:

1. _____ members to be recommended by the Mayor for appointment by the City Council.
2. _____ ex-officio members, without vote, may be appointed as follows:
Funeral Home Directors, the City of Russellville Human Resources Director and the City Attorney

SECTION III: COMPENSATION

All of the members of said Commission shall serve without compensation.

Members may be reimbursed for their actual expenses, including travel, lodging, and meal expenses incurred while on official business of the Commission, which has had prior approval by the City Council.

SECTION IV: TERMS

The terms of the members first appointed shall be determined by lot at the first meeting of the Commission with one member serving two years; two members serving three years; and two members serving four years. Terms of office thereafter shall be for four years. All vacancies shall be filled for the unexpired terms of the member whose office is vacant in the same manner as such member received the original appointment.

SECTION V: ORGANIZATION OF COMMISSION

Immediately after appointment and qualification, or until their successors qualify, the Commission shall organize by election a chairman, vice-chairman, and a secretary who shall serve for one (1) year.

SECTION VI: MEETINGS

Regular meetings shall be held at least once a month at a regular date and time to be fixed by the members, and special meeting may be held upon the call of the chairman. Any three (3) members of the Commission may call a meeting after giving seven (7) or more days notice of such meeting to all members.

Minutes of the Commission shall be filed with the City Clerk and the Mayor.

SECTION VII: QUORUM

Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

SECTION VIII: LAPSE OF MEMBERSHIP

After a member of the Commission fails to attend three (3) consecutive meetings, unless excused by the vote of said Commission, his membership shall automatically terminate, and his successor shall be appointed in the same manner as his predecessor. A

member of the Commission may be removed from office by a two-thirds (2/3) vote of the City Council.

SECTION IX: POWERS AND DUTIES

The Commission shall have the following powers and duties:

1. Act in an advisory capacity to the City Council in promoting, aiding, encouraging and involvement, including the development of Oakland Cemetery.
2. At the request of the City Council, recommend to the Council the names of candidates who are qualified in the administration of public cemeteries for appointment by the Council to the Oakland Cemetery Commission.
3. Act in an advisory capacity to the City Council and to the Director of Oakland Cemetery Commission in the planning, maintenance, development and operation of all cemeteries owned, controlled, or leased by the City of Russellville
4. Formulate, and recommend to the council, general policies related to the purposes of the Commission; and adopt by-laws, rules, and regulations, subject to the approval of the Council, as the Commission may require to facilitate the operation of an Oakland Cemetery Commission system.
5. At the request of the City Council, cause a budget to be prepared and submitted to the Council annually, on or before December 1, providing for the costs of maintenance and operation of the Oakland Cemetery facility and programs for the ensuing year. The budget shall contain estimates and recommendations for such long term capital outlay projects as may be

necessary to provide for an orderly development of Oakland Cemetery areas and facility.

6. Study and make recommendations on the acquisition and development of Oakland Cemetery and facilities, such as trees, benches, shrubs, monuments, arches, fences and other points of interest.
7. Interpret the function and operation of Oakland Cemetery services to public officials and to the general public to the end that the services receive adequate financial support from public and private sources.

SECTION X: OAKLAND CEMETERY COMMISSION

The Oakland Cemetery Commission is hereby established for the City of Russellville.

The functions of this commission is to develop and maintain in an attractive and safe manner the Oakland Cemetery area and facilities of the City of Russellville.

The commission shall be administered by the Director of Oakland Cemetery Commission with the advice of the Oakland Cemetery Commission and subject to the approval of the City Council.

SECTION XI: EXPENDITURE OF FUNDS

The City Council may appropriate and expend funds from the city general fund and/or levy and collect a tax in the same manner as taxes are levied for other public purposes to operate a program; to acquire, develop, maintain and operate cemeteries and for the payment of salaries of persons employed for said work.

An Oakland Cemetery Commission Fund may be established as a depository for all monies received for Oakland Cemetery purposes from the procedures from all gifts,

legacies or bequests and all monies derived by the City from fees for services administered by the City Council and/or under the management of the Director of Oakland Cemetery Commission.

SECTION XII: DIRECTOR OF OAKLAND CEMETERY COMMISSION

1. The position of Director of Oakland Cemetery Commission is hereby established.
2. The City Council shall appoint a Director of Oakland Cemetery Commission to administer Oakland Cemetery and programs and may request the Commission to recommend for this position one or more candidates who are qualified in the service of funeral home. Such qualification may be waived by a two-thirds (2/3) vote of Council.
3. The Director of Oakland Cemetery Commission shall attend meetings of the Commission and shall make such reports to the Commission and to the City Council, as shall be required.
4. The Director of Oakland Cemetery Commission, upon request, shall advise with city officials and community organizations in the City of Russellville concerning the expenditure of public funds for Oakland Cemetery Commission; acquisition, design and development of Oakland Cemetery and areas; and shall maintain effective and cooperative relations with officials of the county and special interest organizations.
5. The Director of Oakland Cemetery Commission shall:
 - a. With the approval of the City Council and in accordance with civil and/or city service procedures, employ required personnel, such as

assistants, supervisors and leaders, maintenance and clerical personnel; and supervise them in the performance of their various duties.

- b. Administer, operate and maintain existing Oakland Cemetery areas and facilities and plan for the acquisition, development and operation of proposed facilities in accordance with policies formulated by the Oakland Cemetery Commission and approved by the City Council.
- c. Prepare an annual budget, with the advice of the Oakland Cemetery Commission, for presentation to the City Council.
- d. Inform the general public of the services and facilities being provided by the Oakland Cemetery Commission; address professional, civic and lay groups on Oakland Cemetery subjects; solicit suggestions from the general public increasing the effectiveness of Oakland Cemetery; cooperate with governmental and voluntary organizations and agencies in the furtherance of problems; and provide, upon request, assistance of a technical nature to community agencies and organizations on problems related to Oakland Cemetery and programs.

EMERGENCY CLAUSE:

The City Council having determined that there is a great public need for Oakland Cemetery Commission in the City of Russellville, Arkansas, and that a large number of public are desirous and in need of such commission and the public welfare, safety, and

morals being in jeopardy because of the lack of said facilities an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and publication.

Ordered, this 18 day of January, 2007

TYRONE WILLIAMSON
TYRONE WILLIAMSON, MAYOR

ATTEST:

Kathy Collins
KATHY COLLINS, CITY CLERK

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1956 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 18th day of January, 2007.

APPROVED AS TO FORM:

William F. Smith III
WILLIAM F. SMITH III, CITY ATTORNEY

revision or clarifying needed because of verbal debate over the ordinance