

ORDINANCE NO. 2008-02

AN ORDINANCE CREATING AN ADVERTISING AND PROMOTIONAL COMMISSION TO BE COMPOSED OF SEVEN (7) MEMBERS APPOINTED BY THE MAYOR OF THE CITY OF CLINTON

WHEREAS, The City of Clinton has urgent need to consider all possible means and methods to raise revenue to rehabilitate the municipal infrastructure substantially damaged and destroyed by natural disasters in early 2008; and,

WHEREAS, the General assembly has authorized any city of the first class or city of the second class to, by ordinance of the City Council, levy a tax not to exceed three percent (3%) upon gross receipts or gross proceeds specifically identified in A.C.A., Section 26-75-601, et seq. (Advertising and promotions); and,

WHEREAS, the City of Clinton is eligible to impose such tax up to three percent (3%); and,

WHEREAS, any city levying a tax pursuant to the enabling statute must also create, by ordinance, a Municipal Advertising and Promotion Commission to be composed of seven (7) members selected in accordance with Arkansas Code Annotated, Section 26-75-605(a) (Advertising and promotion commission); To Wit: (1) Four (4) members shall be owners, or managers of businesses in the tourism industry, and the owner or manager shall reside in the levying city or, if the governing body of the city provides for by ordinance, the owner or manager may reside outside the city but within the county in which the city is located, at least three (3) of whom shall be owners or managers of hotels, motels, or restaurants, and who shall serve for staggered terms of four (4) years; (2) Two (2) members of the commission shall be members of the governing body of the city

and selected by the governing body and shall serve at the will of the governing body; and (3) One (1) member shall be from the public at large, who shall reside within the levying city, and shall serve for a term of four (4) years. The four (4) tourism industry positions provided for in this section shall be filled by appointment made by the governing body of the city for staggered terms so that one (1) member will serve for a term of one (1) year; one (1) for a term of two (2) years; one (1) for a term of three (3) years; and one (1) for a term of four (4) years. The at-large position shall be filled by nomination by the Mayor and approval by the governing body of the city. Vacancies on the commission, whether resulting from expiration of a regular term or otherwise, in any of the four (4) tourism industry positions, or in the at-large position shall be filled by appointment made by the remaining members of the commission with the approval of the governing body of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS:

Section 1. Creation of Clinton Advertising and Promotion Commission:

There is hereby created a seven (7) member commission to be known as the **Clinton Advertising and Promotion Commission.**

Section 2. Appointment of Commission Members:

The Mayor shall be authorized, with the approval of the City Council, to identify and appoint each initial member of the commission for the terms described herein.

Section 3. Director:

There is hereby created the position of Director and such additional employee positions as the City Council may from time-to-time deem necessary. The Director shall be appointed by the Mayor in accordance with A.C.A. Section

14-42-110(Appointment and removal of department heads), and shall serve as an ex-official member of the Clinton Advertising and Promotion Commission and its permanent Chairperson.

Section 4. Emergency Clause:

Due to the great damages to the infrastructure of the City of Clinton by natural disasters, a state of emergency exists within the city. The natural disasters cause great damages to the infrastructure of the city and thereby presents a direct and immediate threat to the health, safety, and welfare of all citizens and the urgent need of repair and rehabilitation. Such repairs and rehabilitation will require new sources of revenue. Therefore, the City Council declares that this Ordinance shall be in full force and effect upon passage and approval.

Passed: *May 8, 2008*

Roger L. Rorie
Roger L. Rorie, Mayor

ATTEST

Meri Hoff
Meri Hoff, Recorder/Treasurer
City of Clinton, Arkansas

APPROVED AS TO LEGAL FORM:

Joseph B. Marshall
City Attorney