

ORDINANCE NO. ~~36A~~ 73-1

AN ORDINANCE FIXING THE PERIOD WITHIN WHICH REFERENDUM PETITIONS MAY BE FILED; PRESCRIBING OTHER MATTERS RELATED THERETO; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Town Council of the Town of Brookland, Arkansas:

Section 1. That all referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the Recorder within thirty (30) days after the passage of any ordinance or resolution.

Section 2. That upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one insertion in a newspaper having a general circulation in the Town of Brookland, Arkansas, and by posting in five (5) public places in the Town of Brookland of a time not less than five (5) days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named, the Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Chancery Court of Craighead County within thirty (30) days to review its action.

Section 3. That if the Council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten (10) days after the date of the action of the Council calling the election. The Mayor shall publish a notice of the call of such election in not less than one issue of a newspaper having a general circulation in the Town of Brookland, Arkansas and posting in five (5) public places in the Town of Brookland not less than

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five (5) days prior to the date of the election. Such notice shall designate by its number, caption, and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. The result of the election shall be proclaimed by the Mayor, by publication one time in a newspaper of general circulation in the Town, and shall be conclusive unless attacked in the courts within thirty (30) days after such publication.

Section 4. That if any ordinance or resolution referred to the people is defeated at the polls, the Council shall make note of such fact and shall expunge the ordinance or resolution from its files by erasing the same with red ink.

Section 5. That if any provision of this ordinance is held to be void, it shall not affect the validity of the remainder of the ordinance and the remainder shall stand.

Section 6. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed.

Section 7. That the Council hereby ascertains and declares that uncertainty exists with respect to the time within which the manner in which the right of referendum may be exercised by the electors of the Town of Brookland and in regard to the time when ordinances and resolutions of the Town of Brookland which affect the public welfare become effective. It is, therefore, declared that an emergency exists and this ordinance being necessary for the preservation of the public peace, health and safety shall take effect and be in force immediately from and after its passage.

PASSED:

June 21, 1973

ATTEST:

Lopez Dooley
Recorder

APPROVED:

Eugene T. Barnett
Mayor

C E R T I F I C A T E

The undersigned, Recorder of the Town of
Brookland, Arkansas, hereby certifies that the
foregoing pages, numbered 1 and 2, are a true and correct
copy of Ordinance No. ⁷³⁻¹~~369~~ adopted at a Special
session of the Council of the Town of Brookland,
Arkansas, held in the regular meeting place in Brookland,
at 7 o'clock P.M., on the 21 day of June,
1973, and that said Ordinance is of record in the records of
the Town of Brookland Arkansas, now in my
possession as Recorder.

GIVEN under my hand and seal on this 21 day
of June, 1973.

Larry Dooley
Recorder

(SEAL)

NOTICE OF AND CONSENT TO MEETING OF COUNCIL

The undersigned hereby acknowledges receipt of official and timely notice of a meeting of the Town Council of the Town of Brookland, Arkansas, to be held on June 21, 1973, at 7 o'clock P.m., at the regular meeting place of the Council in the Town of Brookland, Arkansas, the purpose of the meeting being:

To consider a Referendum Ordinance.

and for the transaction of such other business as may properly come before the Council.

The undersigned further consent to the meeting at the time and place and for the purpose hereinabove set forth and hereby ratify all action taken at said meeting for said purposes.

Eugene T. Barnett
Mayor

Lopez Dooley
Town Recorder

Jerry N. Hays

Paul Harrison

Billy G. Farley

Robert Bishop

L. E. McQueen

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EXCERPTS FROM MINUTES OF A MEETING OF THE
TOWN COUNCIL OF BROOKLAND
ARKANSAS HELD June 21, 1973.

The Town Council of the Town of Brookland,
Arkansas met in Special session at the regular meeting place in the Town
at 7 o'clock P.M. on the 21st day of June, 19 73.
The following were present: Mayor Eugene T. Barnett; Recorder
Lopez Dooley; and Aldermen Jerry N. Hays, Cecil Norman,
Bill G. Farley, Robert Bishop.
Absent: C. G. McEwen

The Mayor stated that consideration should be given by the
Council to the question of passing an appropriate ordinance to limit the time
within which the ordinances and resolutions of the Council might be subject
to referendum.

After discussion by the Council, Alderman Jerry N. Hays
introduced an ordinance entitled:

"AN ORDINANCE FIXING THE PERIOD WITHIN WHICH
REFERENDUM PETITIONS MAY BE FILED; PRESCRIBING
OTHER MATTERS RELATING THERETO; AND DECLARING
AN EMERGENCY"

and the Recorder read the ordinance in full.

Alderman Cecil Norman, seconded by Alderman Bill G. Farley
, then moved that the rule requiring the reading of an ordinance in
full on three different days be suspended and that the ordinance be placed on
its second reading. The Mayor put the question on the adoption of the motion,
and the roll being called, the following voted aye:

all present voted aye

and the following voted nay:

None

Thereupon the Mayor declared that at least two-thirds of all members elected to

the Council having voted in favor of the motion to suspend the rule, the motion was carried and the rule suspended. The ordinance was then read a second time by the Recorder.

Alderman Bill G. Farley, seconded by Alderman Robert Bishop, then moved that the rule requiring the reading of an ordinance in full on three different days be further suspended and that the ordinance be placed on its third reading. The Mayor put the question on the adoption of the motion, and the roll being called, the following voted aye:

all present voted aye

and the following voted nay:

None

The Mayor declared that at least two-thirds of all members elected to the Council having voted in favor of the motion to suspend the rule, the motion was carried and the rule suspended. The ordinance was then read in full by the Recorder.

Alderman Robert Bishop, seconded by Alderman Jerry N. Hays, moved that the ordinance be adopted. The question was put by the Mayor on the adoption of the motion, and the roll being called, the following voted aye:

all present voted aye

and the following voted nay:

None

Alderman Cecil Norman, seconded by Alderman Jerry N. Hays, moved that Section 7, the emergency clause, be adopted, and on roll call the following voted aye:

all present voted aye

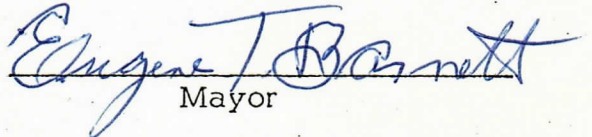
and the following voted nay:

None

The Mayor thereupon declared the ordinance and the emergency clause adopted, and signed the ordinance, which was attested by the Recorder and impressed with the seal of the Town. The ordinance was given No. _____.

(Matters not related to the ordinance limiting referendum proceedings are omitted.)

There being no further business, the Council adjourned.


Mayor

ATTEST:


Recorder

(SEAL)

CERTIFICATE

The undersigned, Recorder of Brookland, Arkansas,
hereby certifies that the foregoing pages numbered 1 to 3, inclusive, are
a true and correct copy of the minutes of a meeting of the Council of
Brookland, Arkansas, at a Special session
held at the regular meeting place of the Council in said Town at
7 o'clock p.m. on the 21st day of June,
19 73.

GIVEN under my hand and seal this 21st day of June,
19 73.

Lapez Dooley
Recorder

(SEAL)

PROOF OF POSTING OF REFERENDUM ORDINANCE

STATE OF ARKANSAS)
)
COUNTY OF CRAIGHEAD)

I, Lapez Dooley, do solemnly swear that as Recorder of and for the Town of Brookland, Craighead County, Arkansas, that the attached and foregoing is a true and compared copy of Ordinance No. _____, which was passed and approved by the Town Council of Brookland, Arkansas, and by the people of the Town of Brookland; that a certified copy of the Ordinance on the 22nd day of June, 1973, was duly posted for a period of more than ten days in five separate and distinct places inside the corporate limits of the Town, one of which was duly posted on the front door of the Council Chambers of the Town.

Dated this 2nd day of July, 1973.

Lapez Dooley
Town Recorder

Subscribed and sworn to before me on this 2nd day of July, 1973.

Janette Hendrix
Notary Public

My Commission expires:

December 4, 1974