

ORDINANCE NO. 146

AN ORDINANCE REGARDING THE ASSIGNMENT OF DUTIES AND FIXING OF COMPENSATION RELATED TO PERFORMANCE OF THE PLANNING FUNCTIONS FOR THE CITY OF GOSHEN; AND TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, by Ordinance No. 18, the City Council of the City of Goshen did combine the offices of Recorder and Treasurer; and

WHEREAS, although the City Council of the City of Goshen have not, by ordinance, defined the duties of the Recorder/Treasurer, those duties generally relate to preparing and maintaining certain of the records of the City as well as handling all financial matters of the city, including accounts payable, payroll, keeping a general ledger, providing reports to the Council and maintaining financial records in a manner consistent with the requirements of state law and the auditors; and

WHEREAS, the compensation of the Recorder/Treasurer has traditionally been established as part of the annual budget approval process to reflect the experience and performance of the holder of that office; and

WHEREAS, the current holder of the office of Recorder/Treasurer, Sharon Baggett, was first appointed to the office in May 2002 to fill a vacancy, was elected to serve in 2004, resigned in 2005 to pursue other interests, in June 2009 was again appointed to fill a vacancy, was elected to serve in 2012 and continues to serve since no one filed for the office in 2016; and

WHEREAS, the planning functions of the City of Goshen, i.e. review of various applications for those matters included in the subdivision regulations and zoning regulations, require a certain amount of time in order to determine whether those applications are complete and generally compliant with the City's ordinances; and

WHEREAS, the planning functions of the City of Goshen are not part of the regular duties of the Recorder/Treasurer; and

WHEREAS, the planning functions of the City of Goshen are not assigned to any person employed by the City of Goshen, neither is the City of Goshen currently utilizing the services of a consultant to perform these important tasks; and

WHEREAS, the City Council of the City of Goshen desires to assign the duties related to the planning function of the City of Goshen to Sharon Baggett and compensate her for these additional duties but does not intend to have such compensation be considered as part of her

salary as Recorder/Treasurer; and

WHEREAS, there is a critical need to address this issue so that planning functions of the City of Goshen are appropriately addressed, that there be no disruption of the application and approval process for those seeking to have the City approve such subdivision or zoning applications and that the person doing that work be fairly compensated therefor.

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

SECTION 1. That the City Council hereby assigns the planning functions of the City of Goshen to Sharon Baggett; that these duties are separate from her duties as Recorder/Treasurer; that in all circumstances these planning function duties shall continue to remain separate and be compensated as separate from the duties of the Recorder/Treasurer; that Sharon Baggett may resign the planning function duties or the City may remove such duties from her, without otherwise affecting her duties and responsibilities as Recorder/Treasurer; that upon the end of Sharon Baggett's service as Recorder/Treasurer, the duties of the planning function of the City shall be examined by the City Council and it reserves all options, including the possibility of reassigning those duties and allocating the dollars representing the amount paid for the planning function in a manner it deems appropriate, but any reassignment and reallocation shall not be considered a reduction of the salary of the Recorder/Treasurer as referenced in Ark. Code Ann. §14-42-113.

SECTION 2. That the City Council hereby approves the amount of \$1000 per month as the compensation to be paid to Sharon Baggett, so long as she performs the duties of the planning function for the City of Goshen; that the City Council reserves all rights to adjust this amount by resolution any time in the future, including but not limited to, its approval of the annual budget and a line item related to the planning function for the City of Goshen; and that this amount is in addition to the amount of her salary for Recorder/Treasurer.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3. SEVERABILITY

If any section, paragraph, subdivision, clause, phrase or provision 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.

SECTION 4. EMERGENCY CLAUSE: Because the City of Goshen has not officially assigned the planning function duties and fixed the compensation as needed to operate effectively

and efficiently and because these matters are such pressing business, it is viewed that an immediate solution is necessary thereby creating an emergency. It is hereby declared that based on the conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, safety, and welfare of the citizens of Goshen, Arkansas, shall be in effect immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 13th day of February, 2018



Max Poye, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Andy Bethell
Brian Buell
Cathy Oliver
Lanny Samuels
Dick Seddon

ROLL CALL VOTE ADOPTING THE EMERGENCY CLAUSE

Names Of Those Voting YEA

Names Of Those Voting NAY

Paula Anderson
Andy Bethell
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Cathy Oliver
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