

ORDINANCE NO. O-2005-34

**BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF
BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:
AN ORDINANCE TO ESTABLISH A BENTON COUNTY HISTORICAL
PRESERVATION COMMISSION**

WHEREAS, Ark. Code Ann. § 14-14-802 provides that the Quorum Court may provide services and functions relating to museums, historical, cultural, and natural site services; and

WHEREAS, Ark. Code Ann. § 14-14-705 provides that the county, through the Quorum Court, may establish a county administrative board; and

WHEREAS, Ark. Code Ann. § 14-172-201 et seq., provides for the establishment of historic districts in Benton County; and

WHEREAS, Benton County desires to provide a means by which historic districts can be identified and the property owners therein be encouraged to petition for historic district status; and

WHEREAS, Benton County desires to promote historic preservation and the establishment of historic districts and to provide a means by which historical sites and artifacts can be preserved, protected, and their use by the public promoted;

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF COUNTY OF BENTON, STATE OF ARKANSAS;

ARTICLE 1: There is hereby created an administrative board for Benton County to be called "THE BENTON COUNTY HISTORICAL PRESERVATION COMMISSION."

ARTICLE 2: The commission shall consist of five (5) members to be appointed by the Benton County Judge and those appointments shall require confirmation by the quorum court.

ARTICLE 3: The term of the board members shall be for a period of five (5) years. However, in the initial appointment of the board, there shall be the appointment of one (1) member for a one (1) year term, one (1) member for a two (2) year term, one (1) member for a three (3) year term, one (1) member for a four (4) year term, and the remaining member for a five (5) year term. No board member shall be appointed for more than two (2) consecutive terms. Board members are required to be qualified electors of Benton County and shall subscribe to the oath of office within ten (10) days from the date of appointment. Evidence of oath of office shall be filed with the County Clerk. Failure to subscribe the oath shall be deemed to constitute rejection of the office, and the County Judge shall appoint a board member to fill the vacancy. No member of the Quorum Court shall serve as a member of the board. A board member may be removed for cause in

accordance with the procedures outlined in state law. No member of the board shall be interested, either directly or indirectly, in any contract made with the board

ARTICLE 4: The commission shall identify, seek to preserve, protect and promote the historical sites, artifacts and other antiquities throughout Benton County. The commission shall strive to cooperate and work in harmony with all federal, state and local historical organizations in order to achieve maximum benefit for the public.

ARTICLE 5: The commission shall be authorized to accept donations of and to acquire by purchase or gift real property and personal property comprehending historical sites, artifacts, and other antiquities of historical and cultural interest.

ARTICLE 6: The commission shall be authorized to seek both public and private funding for the purposes stated herein.

ARTICLE 7: The commission shall be a body politic and corporate, with power to contract and be contracted with and sue and be sued. As to actions of tort, the commission shall be considered an agency of county government and occupy the same status as a county. No commission board member shall be liable in court individually for any act performed by him as a board member unless the damages caused thereby were the results of the board member's malicious acts. The commission shall have the legal rights and responsibilities allowed by law.

ARTICLE 8: The commission shall comply with all county purchasing requirements, budgeting requirements, and all donations, gifts, grants or purchases of personal or real property shall become the property of Benton County for the use and benefit of the citizens of Benton County and the enjoyment of the public generally and be titled in the name of "Benton County, Arkansas, for the Use and Benefit of Historic Preservation.

ARTICLE 9: In the event of a conflict between the provisions of this ordinance and the duties and obligations of a county administrative board contained in Ark. Code Arm. Section 14-14-705, then the provisions of section 14-14-705 shall control.

APPROVED:

GARY D. BLACK, COUNTY JUDGE

DATE SIGNED: 11/30/05

ATTEST:

MARY L. SLINKARD, COUNTY CLERK

SPONSOR: JP Burton Schindler, JP Bill Adams

DATE ADOPTED: November 29, 2005

Votes For: 11 Votes Against: 1

Abstain: Present: Absent: 1

Proposed Ordinance No. 0-2005-34

Creating Historic Preservation Commission