

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI,
SECTIONS 2-107, 2-108, 2-111, 2- 2-113, 2-114 And 2-116 OF THE
THE CODE OF ORDINANCES OF THE CITY OF TUPELO,
MISSISSIPPI**

WHEREAS, on December 4, 1990, the City of Tupelo, while operating under the Code Charter form of government, adopted an Ordinance, the "Tupelo Coliseum Commission Charter," creating and chartering the Tupelo Coliseum Commission (hereinafter the "Coliseum Commission"), being codified in Chapter 2, Article VI of the City of Tupelo Code of Ordinances; and

WHEREAS, while the City of Tupelo was operating under the Code Charter form of government, the Tupelo Coliseum Commission Charter, was again amended by an Ordinance adopted on February 18, 1992; and

WHEREAS, the City of Tupelo began operating under the Mayor Council form of government on July 1, 1993, and the Tupelo Coliseum Charter was not changed to reflect this change; and

WHEREAS, on February 7, 1998, the City of Tupelo adopted Code of Ordinances, Chapter 2-Administration, Article III-Municipal Departments to prescribe the operations of the various administrative departments under the Mayor Council form of government, particularly placing the Director of the Tupelo Coliseum under the chief financial officer, stating, "The Director of the Tupelo Coliseum shall report to the chief financial officer for the purposes of operations and financial matters regarding the Tupelo Coliseum and the management of the Tupelo Coliseum staff;" and

WHEREAS, the Director and the employees of the Tupelo Coliseum are paid by the city, eligible employees receive city group health insurance coverage and eligible employees are members of the State of Mississippi Public Employees Retirement System (PERS); and

WHEREAS, while the City of Tupelo was operating under the Mayor Council form of

government, the Tupelo Coliseum Commission Charter was again amended by an Ordinance adopted on March 19, 2013, which addressed in pertinent part the Coliseum Commission's ability to purchase goods, commodities and services under the supervision of the City Clerk or the Chief Financial Officer; and

WHEREAS, the Tupelo Coliseum Commission Charter still contains numerous references to the mayor and alderman/Code Charter form of government and does not accurately reflect the status of employees of the coliseum as city employees under practice or subsequent ordinance; and

WHEREAS, the City Council desires to amend applicable provisions of Chapter 2, Article VI to clarify and conform the Tupelo Coliseum Charter to the Mayor Council form of government, Code of Ordinances, Chapter 2-Administration, Article III-Municipal Departments and longstanding and proper practice.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Tupelo as follows:

SECTION ONE: Chapter 2, Article VI, Section 2-107 of the City of Tupelo Code of Ordinances is hereby rescinded and the following is substituted therefor:

Sec. 2-107. - Appointment and terms of office.

The Tupelo Coliseum Commission shall consist of nine (9) commissioners. The initial appointments to the commission shall be as follows:

- (1) The commissioners for post 1 and post 2 shall be for a term of two (2) years from January 1, 1991;
- (2) The commissioners for post 3 and post 4 shall be for a term of three (3) years from January 1, 1991;
- (3) The commissioners for post 5 and post 6 shall be for a term of four (4) years from January 1, 1991;
- (4) The term of the commissioner for post 7 shall be established by the mayor and *city council*;
- (5) The commissioner for post 8 shall be for a term of two (2) years from January 1, 1992; and
- (6) The commissioner for post 9 shall be for a term of three (3) years from January 1, 1992.

All succeeding appointments for posts 1—6 and posts 8—9 shall be for a term of four (4) years from January 1 of the applicable year. All commissioners shall serve until their successors are named and confirmed, except as otherwise provided herein.

SECTION TWO: Chapter 2, Article VI, Section 2-108 of the City of Tupelo Code

of Ordinances is hereby rescinded and the following is substituted therefor:

Sec. 2-108. - Membership.

For the initial and succeeding terms, the commissioners for posts 6, 8 and 9 shall be, at the time of appointment and during the term as commissioner, a member of the board of directors of either the Tupelo Hotel/Motel Association or the Tupelo Restaurant Association. For the initial and succeeding terms, the commissioner for post 7 shall be the director of the Tupelo Convention and Visitors Bureau while said person is in office. The *city council* shall designate two (2) *councilmembers*, who shall serve as non-voting, ex-officio members of the commission. Citizens of Lee County who are qualified electors shall be the only persons eligible for appointment to and service on the Tupelo Coliseum Commission; provided, however, that the mayor and members of the *city council*, while in office, shall not be eligible for membership on the commission except in an ex-officio capacity. The *city council* may make recommendations to the mayor, who shall appoint the commissioners as provided hereinafter, subject to the advice and consent of the *city council* by a majority vote for confirmation.

SECTION THREE: Chapter 2, Article VI, Section 2-111 of the City of Tupelo Code of Ordinances is hereby rescinded and the following is substituted therefor:

Sec. 2-111. - Meetings.

A commission shall hold a regular monthly meeting on the third Monday of each month, in the city board room or in the executive offices of the coliseum, as the commission may designate and at a regular time which the commission shall establish. Meetings shall be conducted according to "Roberts Rules of Order." The commission may establish an additional regular meeting or may hold special meetings by notice as provided in laws governing municipalities and in accordance with the Mississippi Open Meetings Law. Five (5) commissioners shall constitute a quorum for the transaction of business. Minutes of the meetings shall be submitted to the *city council*, and the city clerk/*chief financial officer* shall keep said minutes as part of the official records of the city.

SECTION FOUR: Chapter 2, Article VI, Section 2-113 Powers, Subsection (4) of the City of Tupelo Code of Ordinances is hereby rescinded and the following is substituted therefor:

Sec. 2-113 (4)

The commission shall consult with the mayor during the search and hiring process of the director of the coliseum facility, and based on the recommendations of candidates by the commission, the mayor shall select and appoint the director of the coliseum facility, subject to the advice and consent of the city council by a majority vote for confirmation. The director and the employees of the coliseum facility shall be considered employees of the City of Tupelo for purposes of payroll within its approved annual budget, group health insurance and eligibility for Public Employees Retirement System (PERS) benefits. The director shall supervise the employees of the coliseum facility on a day-to-day basis in accordance with the personnel policies of the city. The director shall report to the chief financial officer for the purposes of operations and financial matters regarding the Tupelo Coliseum and the management of the Tupelo Coliseum staff pursuant to Chapter 2-Administration, Article III-Municipal Departments. The Director shall also advise the commission on all matters pertaining to the coliseum facility, and report to the

commission on all matters within the commission's powers related to the establishment, promotion, development, construction, renovation, maintenance, and operation of the coliseum facility. Upon recommendation of the commission or the chief financial officer, the mayor may remove the director.

SECTION FIVE: Chapter 2, Article VI, Section 2-114 of the City of Tupelo Code of Ordinances is hereby rescinded and the following is substituted therefor:

Sec. 2-114. - Budget.

Annually, the Tupelo Coliseum Commission shall prepare a proposed budget in such form as required by the mayor and city clerk or *chief financial officer*, which budget shall be submitted to the *city council* for approval. All expenditures made by the commission shall be in strict accordance with the budget, as approved, and with state law.

SECTION SIX: Chapter 2, Article VI, Section 2-116 of the City of Tupelo Code of Ordinances is hereby rescinded and the following is substituted therefor:

Sec. 2-116. - Vacancies and removal.

In the event that any vacancy occurs for any reason, the *city council may make recommendations to the mayor, who shall appoint the commissioner as provided hereinafter, subject to the advice and consent of the city council by a majority vote for confirmation* to serve out the remainder of the term for that post. No successor may vote until confirmed and until the provisions of section 2-112 hereof have been fulfilled.

Any commissioner who fails to attend three (3) consecutive regular meetings or who fails to attend five (5) regular or duly called special meetings in any one calendar year shall be automatically suspended and a vacancy shall be declared, unless four (4) of the remaining commissioners shall vote to reinstate such person within thirty (30) days after the vacancy is declared.

The *mayor may recommend the removal of any commissioner*, and the *city council* may, by two-thirds (2/3) majority vote, remove any commissioner for malfeasance, non-feasance or other good cause shown. Upon written request, any commissioner so removed may have the decision reviewed at a public hearing before the *city council*.

SECTION SEVEN: The effective date of this amendatory ordinance shall be the 30th day following publication of this Amended Ordinance in the *Northeast Mississippi Daily Journal*. The remainder of the ordinance and sections is hereby ratified and remains in full force and effect. The Clerk of the Council is hereby directed to cause a copy of this amendatory ordinance to be published one time in the Northeast Mississippi Daily Journal.

After a full discussion of this matter, Council Member _____ moved that the foregoing Resolution be adopted and said motion was seconded by Council Member _____ and upon the question being put to a vote, the results were as follows:

Councilman Whittington voted	_____
Councilmember L. Bryan voted	_____
Councilmember Beard voted	_____
Councilmember Davis voted	_____
Councilmember Palmer voted	_____
Councilmember M. Bryan voted	_____
Councilmember Jennings voted	_____

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted.

WHEREUPON, the foregoing Resolution was declared, passed and adopted at a regular meeting of the Council on this the _____ day of _____, 2020.

CITY OF TUPELO, MISSISSIPPI

NETTIE Y. DAVIS
City Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

JASON L. SHELTON, Mayor

DATE