

**City Council Agenda Items  
and  
Contracts, Leases or Agreements**

12/4/2012

City Council Meeting Date  
Agenda Items Only

Paul A Becker

Finance and Internal Services

Finance

Submitted By

Division

Department

**Action Required:**

This is a request that the City Council establish a three member board to designate depositories and supervise the depositing of municipal funds as required by Arkansas code 19-8-106 (b)

N/A

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

\$

Account Number

Funds Used to Date

Program / Project Category Name

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

*Paul A. Becker*

11-16-2012

Previous Ordinance or Resolution #

Department Director

Date

Original Contract Date:

*Dr. Kelly*

11-19-12

Original Contract Number:

City Attorney

Date

*Paul A. Becker*

11-19-2012

Received in City 11-15-12 P04:43 RCVD  
Clerk's Office

Finance and Internal Services Director

Date

*Ann Marie*

11-19-12

Chief of Staff

Date

Received in  
Mayor's Office

ENTERED  
11/19/12  
*[Signature]*

*Travis Jordan*

11/20/12

Mayor

Date

Comments:

## CITY COUNCIL AGENDA MEMO

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**To: Mayor Lioneld Jordan and City Council**

**Thru: Don Marr, Chief of Staff**

**From: Paul A Becker**

**Date: November 16, 2012**

**Subject:** To establish a three member board to designate depositories and supervise the depositing of municipal funds.

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**PROPOSAL:** It has come to my attention that a statute was enacted in 2011 that requires the establishment of a depository board to designate depositories and supervise the depositing of municipal funds (section 19-8-106. The statute identified the members of that board as the mayor, a city council member selected by the council and city clerk-treasurer. However, the statute provides that the members of the city council may replace one of those members with the city finance official or other official.

I would like to recommend that the city council substitute the city clerk-treasurer official with the finance and internal services director as the third member of the board. This is being requested because of the operating structure of the City of Fayetteville and the functions the finance and internal services director currently perform. Since the position titles of staff sometimes change, I recommend that I specifically be named or my successor.

I have discussed the substitution of the finance and internal services director for the city clerk-treasurer with our current clerk-treasurer and she concurs with that request.

I would also recommend that the council identify the city council representative on the depository board as the vice-mayor.

**RECOMMENDATION:** That city council establish a depository board consisting of the mayor, vice-mayor and Paul A Becker or his successor.

**BUDGET IMPACT:** None

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DESIGNATING MEMBERS OF THE CITY DEPOSITORY BOARD, AS ESTABLISHED BY ARKANSAS CODE § 19-8-106**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby designates the following persons, to the extent required or authorized by state law, to serve as the City Depository Board, as established by Arkansas Code § 19-8-106:

- A. Mayor
- B. City Finance Director
- C. That member of the City Council who is Vice-Mayor.

**PASSED and APPROVED** this 4<sup>th</sup> day of December, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN, Mayor**

By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**



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\*\*\* Legislation is current through the 2012 Fiscal Session and updates \*\*\*  
\*\*\* received from the Arkansas Code Revision Commission through \*\*\*  
\*\*\* August 1, 2012. \*\*\*  
\*\*\* Annotations are current through July 3, 2012. \*\*\*

Title 19 Public Finance  
Chapter 8 Depositories for Public Funds  
Subchapter 1 -- General Provisions

*A.C.A. § 19-8-106 (2012)*

**19-8-106. Depository boards.**

(a) (1) The quorum court of each of the several counties shall by ordinance establish a county depository board. The county depository board is to be composed of the county judge, the county treasurer and county collector, or the sheriff when acting as ex officio tax collector, or those officials performing the duties of the above officials where an elective county office has been changed in accordance with Arkansas Constitution, Amendment 55.

(2) The board shall designate depositories and supervise the depositing of all county funds and all other public funds held by the county treasurer, except funds of a school district, and shall also designate depositories and supervise the depositing of all funds collected and held by the county collector.

(3) The board may also require county officials to settle with the county treasurer more frequently than required by Arkansas law.

(b) (1) Except as provided in subdivision (b)(2) of this section, the following persons shall constitute a three-member board to designate depositories and supervise the depositing of municipal funds:

(A) A mayor;

(B) A city clerk or recorder or clerk-treasurer or recorder-treasurer; and

(C) A city council member selected by the city council.

(2) Although the board shall not total more than three (3) members, the city council may replace one (1) of the three (3) board members listed in subdivision (b)(1) of this section with the city finance officer or other official.

(3) A majority of the board members shall be necessary to conduct business and to constitute a quorum.



A.C.A. § 19-8-106

(c) The commissioners of road, drainage, levee, and other improvement districts shall designate depositories and supervise the depositing of funds of their respective districts.

(d) The board of directors of any school district shall constitute a board to designate depositories and supervise the depositing of school district funds. All school district funds, whether held by the treasurer of the school district or by the county treasurer, shall be deposited as designated by the board of directors.

**HISTORY:** Acts 1935, No. 21, § 2; Pope's Dig., § 4328; Acts 1945, No. 57, § 1; 1973, No. 107, § 1; A.S.A. 1947, § 13-802; Acts 1987, No. 250, § 1; 2011, No. 619, § 1.

**NOTES: Amendments.**

The 2011 amendment rewrote (b).

**HIERARCHY NOTES:**

Tit. 19, Ch. 8 Note

Tit. 19, Ch. 8, Subch. 1 Note

