

# City & Town

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THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE





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Little Rock Mayor and League 2014-2015 President Mark Stodola believes local leaders can effect real change, and he strives to improve the quality of life not just in our capital city, but for all the cities and towns in Arkansas.

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ON THE COVER—Little Rock Mayor Mark Stodola is this year's League president, and he brings a lifelong passion for local government with him to the role. Read about Stodola and what's new in our capital city beginning on page 6. Read also inside about the U.S. Supreme Court's important *Plumhoff v. Rickard* decision, a new SEC self-reporting initiative, Rogers' Pedal with the Police program, and more.—atm

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Dear Colleagues,

As the summer gets closer to the fall, I'm struck by what a beautiful weather we have had these past few months. It is a rare treasure to sit outside on a Sunday evening on what is undeniably a pleasant August night cooking on the grill. It also reminds me of preparations being made for our kids returning to school and the thoughts of Friday night football, Razorback games, and campaigning for the November elections.

For those of you with an election in November, I wish you the best of luck. Your devotion to improving your municipality is what makes local politics so important.

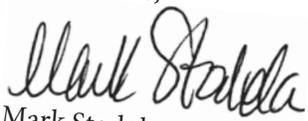
I recently returned from St. Paul, Minnesota, where the National League of Cities held its summer Board of Directors meeting. Much of the time was spent discussing how the organization could better relate and communicate to the thousands of cities and towns it represents.

Under the dynamic leadership of Executive Director Clarence Anthony, we outlined the five goals that the NLC will focus on over the next few years. These goals include:

1. Proactively driving federal policy as it affects citizens.
2. Promoting innovation and providing cities with proven strategies that address municipal issues.
3. Raising the profile of city government.
4. Expanding the capacity of municipal officials to serve as engaged leaders.
5. Achieving these goals through a streamlined and effective organizational structure.

Much of our time was spent reviewing the NLC organizational structure and suggesting ways to improve it. I want to take this occasion to encourage you to register for the National League of Cities' Congress of Cities meeting in Austin, Texas, this fall. This is a tremendous opportunity that is close by, to learn and be inspired by your peers and industry experts. Every time I attend one of these conferences I always bring back good ideas on how to improve my city. Registration is open now at [www.nlc.org/coc](http://www.nlc.org/coc). I hope to see you there!

Best Wishes,



Mark Stodola  
Mayor, Little Rock  
President, Arkansas Municipal League



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**NOTE:** Names submitted for positions on committees, councils  
and boards received after the August issue print date of Aug. 5  
will appear in the September issue of *City & Town*.

# Good government a lifelong passion for Little Rock mayor

By Andrew Morgan, League staff

Little Rock Mayor and 2014-2015 League President Mark Stodola has been drawn to politics and inspired to serve his fellow citizens since his youth in Iowa, and his passion for good government continues in his second term as mayor of Arkansas's capital city, where he lives with his wife, Jo Ellen. He has a grown daughter, Allison, and 17-year-old twin sons, John Mark and Robert. He is also a new, proud grandfather of Allison's son, Webb.



Little Rock Mayor and new League President Mark Stodola participates in the recent kickoff of this summer's World Changers volunteer event. Read more about World Changers on page 31.

Raised in Cedar Rapids, which also happens to be a city with a beautiful riverfront and which is also just a short drive away from the Mississippi River, Stodola was involved in student government in high school and at the University of Iowa, where he majored in both Political Science and Journalism, served in the student senate, and was elected president of his senior class.

With the war in Vietnam, it was a tumultuous time, he says, which is partially what inspired him to study law. He also participated in Air Force ROTC at the university. Law, he figured, would provide a good background for whatever he ended up doing, whether serving in the JAG corps or some other form of public service.

The first law school to send him a letter of acceptance was the University of Arkansas School of Law, so he sent the school \$600 to hold his seat and then headed to upstate New York to work at a resort for the summer. When the first day of registration rolled around, he was still in New York. He decided it was time to get serious about law school, he says, and he loaded up his Karman Ghia and headed south for Fayetteville.

"I'd never been to Arkansas before," Stodola says. "What I knew about Arkansas I learned in my teenage years listening to KAAY, Wolfman Jack, on a little transistor radio that I'd put on my chest when I fell asleep at night."

(The station, 1090 on the AM dial—"50,000 WATTS OF MUSIC POWER, K DOUBLE-A Y LITTLE ROCK"—gained a cult status in the 1960s and 70s,

As the Creative Corridor project takes off, arts organizations and businesses are steadily moving back to Main Street, which has long been anchored by The Rep theater.



PHOTOS BY ANDREW MORGAN

playing rock in the wee hours when its signal could reportedly be picked up from North Dakota to Key West.)

Stodola's interest in politics continued while in law school. He took an independent study course taught by Bill Clinton and ended up volunteering as his first scheduling coordinator when he ran for Congress. When it came time to take the bar exam, Stodola moved to Little Rock and worked in the office of Rep. Art Givens. He was supposed to go into the Air Force, he says, but the war ended, "and they didn't need a bunch of second lieutenants," so he served instead in the Air Force Reserves.

Stodola kept up both his legal and political pursuits, working in the public defender's office, working in private practice, and doing campaign work. He was also active in the Democratic Party. In 1981 he was elected president of the Young Democrats of America and served on the executive committee of the National Democratic Committee.

In 1985 he became Little Rock city attorney, where he served for six years.

"It was a great opportunity to learn about municipal government," Stodola says.

He next was elected prosecuting attorney, and served three terms, from 1991 to 1996. During his tenure, he worked on many difficult issues, including Little Rock gang violence, which had spiked in the early 1990s, domestic violence, and several high-profile corruption cases.

"It was a wild time," Stodola says. "I could write a book if I ever have the time."

He spent the next 11 years in private practice, where he handled a variety of municipal and other governmental cases, and he acted as city attorney for several cities, including Maumelle and Hazen. When Jim Daley decided to retire in 2006, he ran for mayor, won, and was re-elected for a second term in 2010.

Experience has taught Stodola the value of good local government, he says, where once it maybe seemed low on the "pecking order."

"President Clinton told me, on the 50th anniversary of Central High, that the best political jobs in the country are being mayor of a substantial-sized city or being governor of a small state, and he firmly believes that and I think he's right."

Because of its nature as the government closest to the people, it offers opportunities to effect real change.

"It's an executive function, and so you are able to make things happen, most of the time. I have found that to be a very rewarding opportunity for me."

As Arkansas's capital city and its largest city, Little Rock certainly has some unique challenges and opportunities, Stodola says, but he stresses that he faces the same issues as every other city and town in the state as well. It's all proportional, he says.

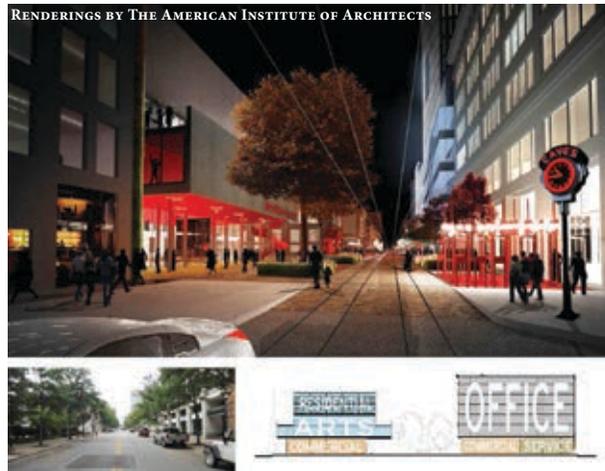
"Whether its public works, sewer systems, clean water, good roads to travel to work and take your children to school on—it's all critically important. It's just an order of magnitude."

All mayors want a good quality of life in their communities, and Little Rock is no different. To that end, Little Rock has made strides in recent years, Stodola says, particularly in the realm of sustainable growth. Main Street, for instance, had been stagnant for 30 years, Stodola says, and he had a desire to make something happen there.

"We had everything going east and west, and I had 300,000 people a year that would come to the Convention Center and they would never make a step south on Main Street. And now—in the course of just a year and a half—we have seen it get electrified."

The new Creative Corridor concept centralizes arts organizations around the Repertory Theater, aka The Rep, which has been there since 1981 "without any friends." Now the ballet is locating to Main, great restaurants like Bruno's Little Italy are

moving back to Main Street, artists and art galleries are coming, an artisan cheese maker is opening up shop, more retail, modern loft apartments, and other projects are under way in



The vision for Little Rock's creative corridor is bold, and progress is underway. The city in June received an ArtPlace America grant to enhance the streetscape.

Redevelopment requires strong public-private partnerships for long-term success.

in conjunction with major players specializing in downtown development. The return on the city's investment has been strong, with \$1.8 million local and federal money leveraging over \$76 million in private investment in the corridor thus far, he says.

That's north Main Street. South Main, or SoMa as its been dubbed, has also experienced a rebirth in the last several years, with numerous adaptive reuses of existing buildings, unique shops and eateries, improved walkability and bike-ability, and more, all with an eye toward sustainable development and historic preservation. It helps define your "sense of place" and gives character, Stodola says.

"That's what I think is so neat about many of the cities and towns in Arkansas, that they all have their own unique character based on the people who were there before them."

Downtown isn't the only part of the city seeing improvements, he says. The city continues to work to stabilize the historic Central High neighborhood, improve drainage in the growing west Little Rock area, and there's a renewed interest in the midtown area, which includes the University of Arkansas at Little Rock. Southwest Little Rock has also been a focus, he says, with the opening of the Bass Pro Shop and Pulaski Tech's new culinary school.

"I try to emphasize all parts of the city."

Similarly, as League president, he aims to emphasize all parts of the state, he says. His experience with the League stretches back to when he was getting started in private practice. League Executive Director Don Zimmerman hired Stodola to help with the League's advocacy efforts during the 1997 session of the Legislature. It was one of his first gigs. With the 2015 General Session fast approaching, it will be important to both play offense and defense, to promote the League's legislative agenda and fight legislation that could be harmful to cities and towns, he says.

"I'm very excited to be the president this year, and I'm honored to be chosen," Stodola says. "I hope that I can be a good voice for all the cities and towns in the state."



PHOTOS BY ANDREW MORGAN



The Esse Purse Museum is one of the anchors of the development of the south Main area, or SoMa District, which is experiencing a rebirth with shops, restaurants, and public space that improves walkability and bike-ability. *Southern Living* in its May 2014 issue profiled SoMa as its "Next Great Neighborhood."

# Meet your 2014-2015 LEAGUE VICE PRESIDENTS



**First Vice President  
Batesville Mayor Rick Elumbaugh**

Mayor Elumbaugh has served the League for two years on the Large First Class Cities Advisory Council, four years on the Executive Committee, and served as District 1 Vice President in 2010-2011.



**District 1 Vice President  
Blytheville Mayor James Sanders**

Mayor Sanders has served the League for one year on the Large First Class Cities Advisory Council, one year on the Economic Development Advisory Council, and one year as Chair of the Public Safety Advisory Council.



**District 2 Vice President  
Searcy Mayor David Morris**

Mayor Morris has served the League for four years on the Large First Class Cities Advisory Council and three years on the Municipal Health Benefit Fund Board of Trustees.

**District 3 Vice President  
Russellville Mayor Bill Eaton**

Mayor Eaton has served the League for three years on the Large First Class Cities Advisory Council and two years on the Executive Committee.



**District 4 Vice President  
De Queen Mayor Billy Ray McKelvy**

Mayor McKelvy has served the League for two years on the First Class Cities Advisory Council and three years on the Municipal Health Benefit Fund Board of Trustees.



# Plumhoff decision a break-through for law enforcement nationwide

In a unanimous opinion in *Plumhoff v. Rickard*, the U.S. Supreme Court on May 27 held that West Memphis police officers were justified in using deadly force following a high-speed chase in 2004. The important decision provides much needed clarity for law enforcement officials, in Arkansas and across the nation, who must make split-second decisions during dangerous situations in order to protect the public.

The case was argued in March before the nation's highest court by League staff attorney Mike Mosley, who has worked with West Memphis and the officers involved in the case since its beginnings in 2005. It was the first time a state municipal league has argued a case before the U.S. Supreme Court and a major victory for the Municipal Legal Defense Program.



League attorney Mike Mosley, left, and Executive Director Don Zimmerman, at the Supreme Court in Washington, D.C., after the hearing, March 4.

## The facts

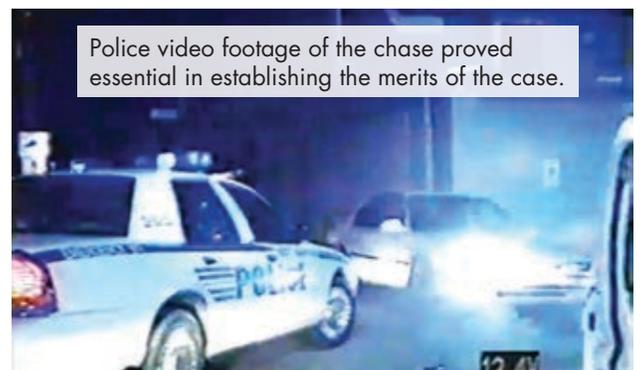
Here are the facts of the case, as accepted by the Supreme Court and outlined in the opinion, which was written by Justice Samuel Alito (572 U.S.\_\_(2014) No. 12-1117):

Near midnight on July 18, 2004, Lieutenant Joseph Forthman of the West Memphis, Arkansas, Police Department pulled over a white Honda Accord because the car had only one operating headlight. Donald Rickard was the driver of the Accord, and Kelly Allen was in the passenger seat. Forthman noticed an indentation, “roughly the size of a head or a basketball,” in the windshield of the car. He asked Rickard if he had been drinking, and Rickard responded that he had not. Because Rickard failed to produce his driver’s license upon request and appeared nervous, Forthman asked him to step out of the car. Rather than comply with Forthman’s request, Rickard sped away.

Forthman gave chase and was soon joined by five other police cruisers driven by Sergeant

Vance Plumhoff and Officers Jimmy Evans, Lance Ellis, Troy Galtelli, and John Gardner. The officers pursued Rickard east on Interstate 40 toward Memphis, Tennessee. While on I-40, they attempted to stop Rickard using a “rolling roadblock,” but they were unsuccessful. The District Court described the vehicles as “swerving through traffic at high speeds,” and respondent does not dispute that the cars attained speeds over 100 miles per hour. During the chase, Rickard and the officers passed more than two dozen vehicles.

Rickard eventually exited I-40 in Memphis, and shortly afterward he made “a quick right turn,” causing “contact [to] occu[r]” between his car and Evans’ cruiser. As a result of that contact, Rickard’s car spun out into a parking lot and collided with Plumhoff’s cruiser. Now in danger of being cornered, Rickard put his car into reverse “in an attempt to escape.” As he did so, Evans and Plumhoff got out of their cruisers and approached Rickard’s car, and Evans, gun in hand, pounded on the passenger-side window. At that point, Rickard’s car “made contact with” yet another police cruiser. Rickard’s tires started spinning, and his car “was rocking back and forth,” indicating that Rickard was using the accelerator even though his bumper was flush against a police cruiser. At that point, Plumhoff fired three shots into Rickard’s car. Rickard then “reversed in a 180 degree arc” and “maneuvered onto” another street, forcing Ellis to “step to his right to avoid the vehicle.” As Rickard continued “fleeing down” that street, Gardner and Galtelli fired 12 shots toward Rickard’s car, bringing the total number of shots fired during this incident to 15. Rickard then lost control of the car and crashed into a building. Rickard and Allen both died from some combination of gunshot wounds and injuries suffered in the crash that ended the chase.



In determining that the officers involved were entitled to qualified immunity, the Supreme Court reversed a previous decision by the Sixth Circuit Court of Appeals that sided with the plaintiffs, who alleged that the officers violated the Fourth Amendment by using “excessive force.” That decision had been a real blow, Mosley said, and left him with a defeatist attitude. But the court soon after amended its own opinion, a strange turn of events, which gave him a glimmer of hope. The MLDP team then pulled the trigger and petitioned the Supreme Court, which was a long shot—the court only accepts about 70 cases a session, and very few of those are law enforcement cases. But because of the way in their view the Sixth Circuit had mishandled the case, Mosley felt confident.

“I was more optimistic about that than I was about taking the appeal to the Sixth Circuit.”

Mosley and the MLDP team became convinced that, if presented with the merits of the case, the Supreme Court justices would side with the officers. In November 2013 the Supreme Court accepted the petition, and over the next several months Mosley refined his arguments to prepare for his March 4 hearing before the court.

Sticking with his guns and arguing the merits of the case—that the officers acted reasonably and were justified based on the facts of the case—paid off. It became obvious very quickly during questioning that the justices were interested in the merits and friendly to our arguments, Mosley said.

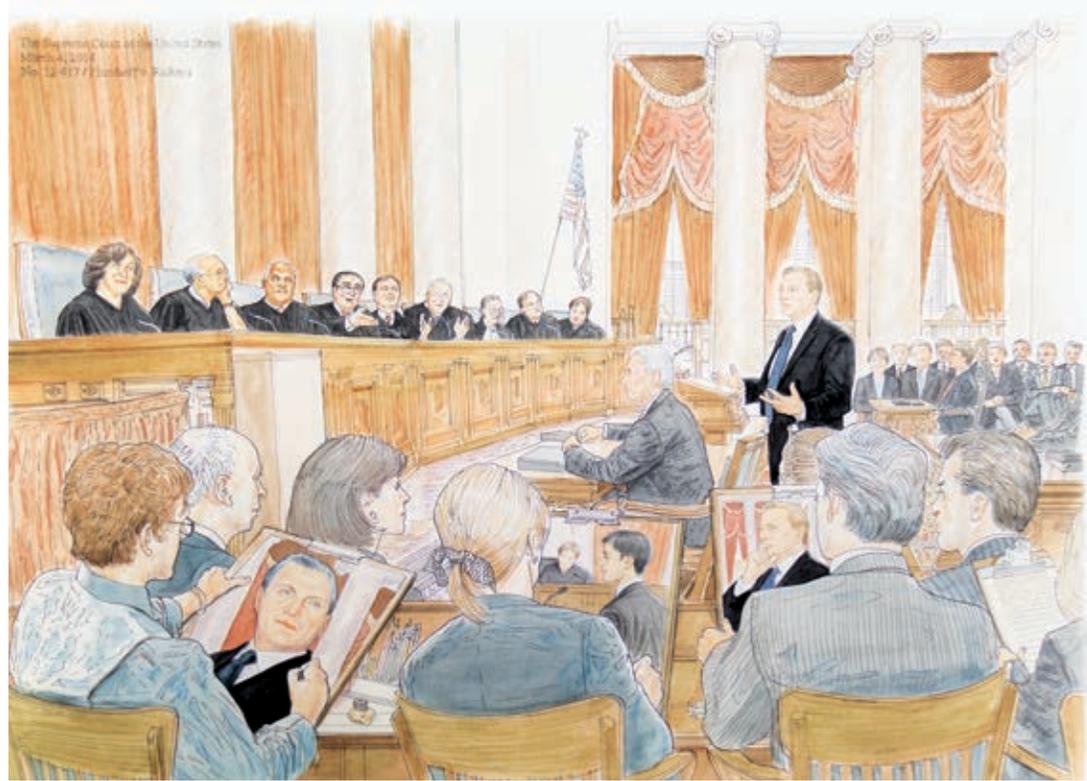
Justice Alito’s opinion strongly reflects that, writing that the officers clearly stopped a reckless action that “posed a grave public safety risk” and a “deadly threat.” The police, he wrote, “acted reasonably in using deadly force to end that risk.”

He also wrote that the number of shots fired was not in this case excessive, as officers are taught to “keep shooting until the threat is over.”

## Moving forward

The *Plumhoff* decision provides much needed guidance for law enforcement agencies across the nation, the League’s Director of Legal Services Mark Hayes said.

“This decision gives public safety personnel a definitive answer as to the use of deadly force when citizenry is potentially in danger,” Hayes said. “*Plumhoff v. Rickard* empowers public safety personnel to protect us from those who refuse to obey the law.”



Artist Todd Crespi's rendering of Mosley appearing before the justices.

Training in pursuit driving should now, more than ever, be a focus for police agencies across the nation. If municipal police departments don’t already have pursuit policies in place, they should make it a priority to do so, the League’s legal staff recommends. Better policy makes for better municipal government, Hayes said.

Technology also played a factor in the *Plumhoff* decision, with the officers’ dashboard camera footage helping to firmly establish the facts of the case. When dangerous situations arise, using cameras could be very important in determining the reasonableness of public safety officers’ conduct.

Hayes and Mosley agreed that the *Plumhoff* case has been one of the most significant cases in terms of strategy the League has ever taken on.

“It took a lot of manpower over the years to defend the case,” Hayes said.

That manpower has included—in addition to Mosley and Hayes, who have worked on the case from the outset—several League staff attorneys and numerous law clerks over the last decade. The League also utilized several outside attorneys to help with certain aspects of the case.

“League staff will go to every length to defend our cities and towns,” Mosley said.

West Memphis Mayor William Johnson agrees. “I’d be reluctant to open the doors of City Hall without the assistance of the MLDP,” he said.

And how does it feel, after 10 years, to have a U.S. Supreme Court decision swing in your favor? Mosley’s response typified the humble way he goes about serving the cities and towns of Arkansas:

“It was a good day.”

# Rogers PD promotes safety with community bike rides

By Sherman Banks

The Rogers Police Department kicked off a new community outreach program this summer with its Pedal with the Police program, a series of weekend bike that began July 6. The only program of its kind in the state, the fun rides are hosted by the police each weekend along different sections of the Northwest Arkansas Razorback Greenway trail system and other bike trails in Rogers.

The Saturday rides are usually 12 miles and start at the Rogers High School trailhead. The Sunday rides are usually 7.5 miles and begin at Cambridge Park trailhead. The Pedal with the Police rides each day begins at 8 a.m. and they are conducted at the pace of the slowest rider.

Police Chief James Allen said the city especially wanted to make the trails feel safer and more accessible for women and children.

“The idea was not only to build better relations with the police, but they were hoping to reduce crime by getting the public involved in community bike rides,” he said.



Before each ride, Pedal with the Police begins with the following:

- A basic safety inspection of the ABC’s of bicycle maintenance—air, brakes, chains, and tires.
- Proper safety equipment, such as helmets, must be worn.
- Plenty of water must be brought along.
- Children under 18 must be accompanied by a responsible adult.
- All participants ride at their own risk.
- Neither the Rogers Police Department nor the City of Rogers assumes any responsibility for riders’ safety or any injuries that may occur.

Pedal with Police is designed to give citizens and the police a chance to build relationships in a relaxed environment that will allow the public to voice their opinions and community issues with officers.

Chief Allen said not only does he want riders to be safe, but he wants them to feel safe. He believes the presence of the police on the trails will help the community feel safe.

All bicycle police are trained and certified. The police are trained in the basic techniques of bike police patrol, pursuit, and, most importantly, they are trained in direct community relations.

Chief Allen anticipates that this program will continue to grow. He even expects that the program will spread to more municipalities in Northwest Arkansas.

To learn more about the program, contact the Rogers Police Department at 479-986-3645 or email [kfoster@rogersar.gov](mailto:kfoster@rogersar.gov).



Contact Sherman Banks at 501-374-8493, email [sbanks@aristotle.net](mailto:sbanks@aristotle.net), or write to P.O. Box 165920, Little Rock, AR 72216.

Thursday 6:47 pm



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# SEC initiative promotes self-reporting for municipal issuers

**O**n March 10 the U.S. Securities and Exchange Commission (SEC) announced its Municipalities Continuing Disclosure Cooperation Initiative (MCDC). The program is ostensibly designed to afford favorable treatment terms to municipal issuers and obligated parties (collectively “issuers”) who may have violated federal securities laws by misstating or omitting to state in an official statement any instances in the previous five years in which an issuer failed to comply “in all material respects” with its continuing disclosure undertakings under SEC Rule 15c212. The SEC is convinced that compliance with these undertakings, and disclosure of such compliance—or the lack thereof—has been shoddy and is determined to correct such practices of issuers. **To participate in the MCDC program, an issuer must self-report the material misstatement or omission no later than 10:59 p.m., Dec. 1, 2014.**

## Is the MCDC applicable to you?

The threshold determination for any municipality is whether it is subject to the MCDC at all. There are three questions that should be answered by the municipality in making this determination:

6. Has the municipality ever entered into a continuing disclosure agreement or other undertaking under Rule 15c2-12 (“CDA”) in connection with a prior bond issue or other debt offering? If not, the MCDC is not applicable to the municipality. If yes, proceed to question 2.
7. Has the municipality issued more than one series of bonds or other debt instrument subject to a CDA? If not, the MCDC is not applicable to the municipality. The MCDC is focused on statements in subsequent official statements regarding an issuer’s compliance history with its CDA obligations for prior bond issues, so it is necessarily limited in application to issuers with multiple CDA obligations. If the answer to this question is yes, proceed to question 3.
8. Has the municipality issued any bonds or other debt instrument utilizing an official statement since Sept. 10, 2009? If not, the MCDC is not applicable to the municipality. It is expected that the SEC will limit the MCDC program to disclosure in official statements distributed during the past five years.

If the answer to all three of these questions is yes, you will want to carefully evaluate your past continuing disclosure compliance and any official statement disclosure describing such compliance and consider whether or not you should participate in the MCDC Initiative. See “Considerations for issuers” below.

## Legal background

Rule 15c212 generally prohibits any underwriter from purchasing or selling municipal securities unless the issuer has committed to provide annual updates about the financial condition of the issuer and operating data of the type included in the official statement of such issuer, as well as disclosure of various specified events. Rule 15c212 also requires that any final official statement prepared in connection with a primary offering of municipal securities contain a description of (a) the undertaking to be provided under Rule 15c2-12 in connection with such municipal securities and (b) any instances in the previous five years in which the issuer failed to comply, in all material respects, with any previous Rule 15c212 undertakings.

Technically, Rule 15c212 applies only to underwriters and not to issuers, but both underwriters and issuers are subject to the federal securities antifraud rules. The SEC’s position is that an underwriter could have failed to meet its obligations under Rule 15c212, and may have also violated federal securities antifraud rules, if the issuer misstated or omitted to state its filing history in the official statement and the underwriter failed to adequately investigate the issuer’s compliance. If an issuer made a materially false statement in an official statement about compliance with its ongoing disclosure undertakings, then under federal securities antifraud rules the SEC may bring an action against the issuer and, possibly, officials of the issuer.

## The MCDC Initiative

### Who can self-report?

Any issuer (including any conduit borrower who is an “obligated person”) can self-report.

### What must be self-reported?

Rule 15c212 provides that an official statement of offering a new issue of municipal securities must describe any instances in the previous five years in which an issuer failed to comply in all material respects with any previous undertakings in a written contract or agreement under Rule 15c2-12. Because a five-year statute of limitations for civil penalties also applies, arguably any misstatement or omission in an official statement regarding a failure to comply during the previous 10 years (the last five years per Rule 15c2-12, plus the five years before the earliest year of the Rule 15c212 period per the statute of limitations) are subject to reporting under the initiative. For example, for an official statement dated Jan. 1, 2014, with a statement to the effect that “During the previous five years, the issuer has been in compliance, in all material respects, with its previous undertakings under Rule 15c2-12,” the

SEC would look back during the previous five years to determine whether the issuer, in fact, materially complied with its undertakings. For an official statement dated Jan. 1, 2010, containing the same statement of compliance, the SEC's review would go back five years from such date.

Self-reporting must be done on a questionnaire available from the SEC, which includes (in addition to the name of the self-reporting entity):

- Information regarding each municipal securities offering containing potentially inaccurate or omitted statements;
- The identities of the lead underwriter, any municipal advisor, bond counsel, underwriter's counsel and disclosure counsel, if any, for each offering;
- Any facts that the self-reporting entity would like to provide to assist the SEC in understanding the circumstances that may have led to the potentially inaccurate statements; and
- A statement (which acts as a consent to a cease and desist proceeding) that the self-reporting entity intends to consent to the applicable Settlement Terms imposed by the SEC under the MCDC Initiative.

## MCDC settlement terms

If the SEC staff recommends an enforcement action against an issuer as a result of self-reporting, the recommended settlement terms will include the following terms. The clear implication, as well as subsequent statements by SEC officials, is that settlement terms for violations that are not self-reported will be more severe.

- Cease and desist order—The self-reporting party must agree to accept a settlement pursuant to which it consents to the institution of a cease and desist proceeding by the SEC against such party. As is the standard practice, the SEC will apparently recommend that the self-reporting party neither admit nor deny the findings of the SEC in the cease and desist proceeding. Nevertheless, the cease and desist proceeding will be a matter of public record and creates the legal basis for more direct enforcement actions by the SEC in the future.
- Undertakings—As part of any settlement, the issuer must undertake to:
  - Establish appropriate policies and procedures and training regarding continuing disclosure undertakings;
  - Comply with existing continuing disclosure undertakings, including updating past delinquent filings within 180 days;
  - Cooperate with any subsequent investigation by the SEC, including the roles of individuals (e.g., municipal officials) or other parties involved in the offering;
  - Disclose in a clear and conspicuous fashion the settlement terms in any official statement for an offering by the issuer within the next five years; and

- Provide the SEC with a compliance certificate regarding the foregoing on the one-year anniversary of the date of the institution of the proceedings.
- Civil (monetary) penalties—For issuers, the SEC will recommend no payment of any civil penalty.

## Considerations for issuers

An issuer may wish to commence its own review of its level of compliance with its continuing disclosure agreements, instead of waiting to be contacted by an underwriter. If an issuer (a) has been in compliance with its continuing disclosure undertakings “in all material respects” for the previous five years, (b) has not issued any municipal securities subject to Rule 15c2-12 within the previous five years, or (c) issued municipal securities within the previous five years but at the time of such issuance had no previous continuing undertakings pursuant to Rule 15c2-12, then such issuer can ignore the MCDC. If an issuer has stated that it has been in compliance but in fact has not been in compliance, or if the issuer omitted to state that it was not in compliance, even if it subsequently disclosed such failures in final official statements upon the discovery of such failure, then it should determine whether or not the noncompliance was “material,” and if so it should then consider whether to participate in the initiative. Each issuer should assess its internal procedures and practices and determine its level of comfort about which of the foregoing categories describes the status of its continuing disclosure compliance. And if an issuer thinks it may self-report, in light of the nature of the settlement terms (consent to a cease and desist proceeding) the issuer should assess whether approval of its governing body should be obtained prior to submission of its report.

Given typical municipal meeting notice requirements, an issuer's governing body should be sure to leave adequate time to convene and authorize an official to file the report.

In any event, any issuer who intends to self-report under the MCDC initiative should contact and cooperate with at least the underwriter involved, and preferably also notify other parties who are listed on the self-reporting form required to be filed with respect to each municipal securities offering. Early notice and contact is clearly advisable. An issuer may want to notify its senior underwriters of bonds over the previous five years that the issuer will need notice well in advance of the deadline if an underwriter intends to self-report, as the issuer will have political and statutory issues that most likely cannot be addressed quickly.

*The preceding article is a publication of Kutak Rock LLP. It is intended to describe current events and provide general information concerning the SEC's MCDC initiative. It is not intended, nor should it be used, as legal advice. For more information on our public finance practice and for recent news and alerts, please visit us at [www.kutakrock.com](http://www.kutakrock.com).*

# Modern technology helps cut city budgets

By Brian Ocfemia, Technical Account Manager, Sophicity

It's budgeting season for many cities, and information technology is a line item that often gets scrutinized during this time. Technology has evolved rapidly over the past five years, not just in terms of speed and capabilities, but also with how typical costs are structured. So, what do these technology shifts mean to city budgets?

While keeping up with technology can be frustrating, the benefit of technology's evolution to cities is a lower price for more capabilities. For example, with the advent of cloud computing (a truly disruptive technology), the entire model of technology budgeting is shifting from capital to operational expenses.

To see where you might be able to save costs, both in the short-term and for the long haul, we explore a few potential ways to slash your city's budget with newer technology.

## Eliminate hardware to reduce capital expenses

Cloud computing advances mean there is a potential that you can get rid of servers. That means eliminating the need to buy new hardware every few years, reducing your capital expenses. You also reduce costs related to supporting and maintaining that hardware along with the cost of building space, power, and cooling. Instead, you can switch over to cloud software accessed through the Internet for a much lower operational cost.

## Revisit contracts

If you haven't looked at a technology contract in many years, then you need to revisit them. The costs of so many technology services have gone down and competition has multiplied in many areas. We've seen quite a few cities automatically renewing old ISP or telecom contracts without recently shopping around for lower-cost and higher-quality service providers. The same goes for hardware, software, and IT support. Vendors get complacent if they haven't been challenged for many years. Even if you still want to use the same vendor, shopping around and reviewing contracts potentially opens up a contract renegotiation discussion that will most likely be to your benefit. Especially question any automatically renewing or multi-year contracts—revisiting those have the most potential for cost savings.

## Consider cloud software subscriptions instead of traditional software licenses

Not only does traditional software often tie you to onsite hardware, but the software licenses are purchased upfront as a capital expense. That means you estimate the number of users you need and build your budget around that large expense. Cloud software not only reduces the overall cost of a license but also transforms it into an operational expense that's easily terminated or scalable. Cloud software works like a subscription. You turn it off or on, and you can designate the exact number of users you need. On a month-by-month basis, you can add or subtract users to make sure you're only paying for exactly what you're using.

## Transition from reactive, unpredictable IT support to proactive, predictable IT support

Cities don't like unpredictable IT expenses. Yet, we see cities often put up with reactive, unpredictable IT support costs that add risk and uncertainty to their budget. The intent is good: Reactive IT support appears to save money. After all, you only use it when you need it. But would you only call in an accountant during a financial crisis? Or would you hire a finance officer who proactively handles city finances all year in order to prevent crises? IT works the same way. Budget predictably for ongoing monitoring, maintenance, and support of your technology (servers, workstations, website, software support, vendor management, etc.) and you will see your unpredictable costs drop and recurring IT problems mostly go away.

## Use technology to automate manual processes

For operational areas that include data backup, document management, city council meeting minutes, or utility billing, you may still rely on people performing manual processes to handle these tasks. Technology can help automate many manual processes and ease your budget by increasing employee productivity, reducing the costs of paper and physical data backup media, and eliminating hours of wasted time. You might want to explore solutions such as automated data backup, a document management system that helps eliminate paper, software that automates your city council meeting

agenda and minutes process, or an online payment system that reduces paper billing and phone calls.

On the surface, it can seem that these technologies might increase costs, especially if you haven't taken a look at your technology assets in a long time. Many cities even don't include IT as a budget line item (or bury it in other areas of the budget). However, by eliminating hardware, revisiting contracts, switching to cloud software subscription models, shifting to a proactive predictable IT support model, and automating manual processes, you open up the possibility to seriously and positively impact your budget.

*This article appeared originally on Sophicity's CitySmart Blog at [www.sophicity.com](http://www.sophicity.com) and is reprinted with permission.*

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## **Volunteer Community of the Year nominations open now**

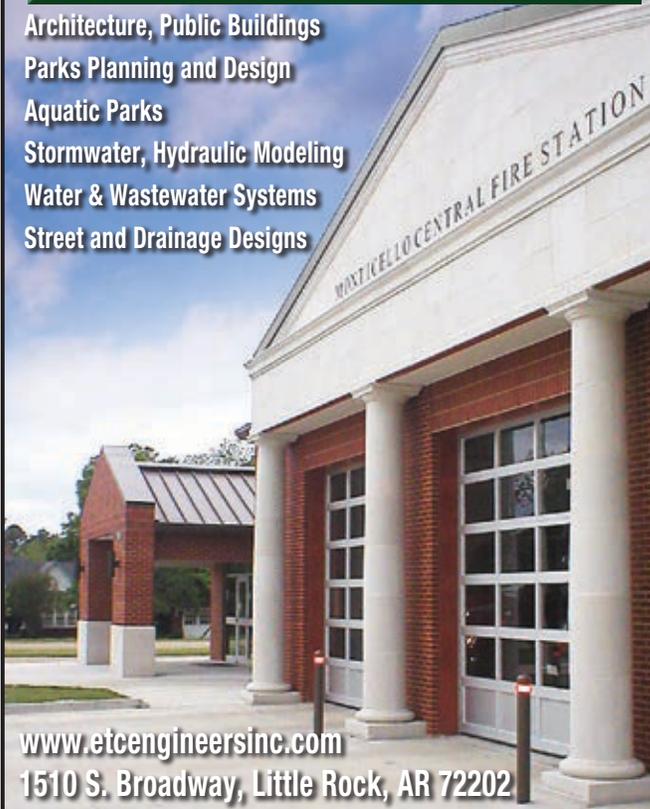
**I**t's time to consider nominating your city or town for the annual Arkansas Volunteer Community of the Year Awards. The awards, co-sponsored by the Arkansas Municipal League, the Governor's Office and the DHS Division of Community Service and Nonprofit Support, honor 12 communities each year for outstanding citizen volunteerism.

For nomination details and to download an entry form online, visit [www.humanservices.arkansas.gov/dcsns](http://www.humanservices.arkansas.gov/dcsns) and click the Volunteer Community of the Year Award link.

Nominations were accepted beginning in July. The nomination deadline is Sept. 30. If you have any questions about the nomination process, please call Christina Smith at 501-320-6039, or email [christina.smith@dhs.arkansas.gov](mailto:christina.smith@dhs.arkansas.gov).



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# Commentary: Never let a crisis go to waste

By Jim Fram

**Y**ou never know what's going to be the spark that causes a community to become the next economic development hotspot.

Maybe a local entrepreneur or industry catches a trend and skyrockets, attracting ancillary industries and suppliers, assisting the real estate market, and increasing tax revenues. Sometimes a city will have a dramatic turnover in their elected leadership that causes a contagious wave of excitement and activity.

Maybe the spark is literally a fire—like the dramatic one in downtown Hot Springs in February that ignited city leadership and caused citizens to demand greater accountability and a coherent plan to protect, preserve, and re-build Arkansas's favorite vacation destination.

Hot Springs is also the Arkansas city with the most direct connection to our federal government. Our downtown is surrounded by National Park Service land and much of Garland County belongs to the U.S. Forest Service. FEMA has an interest in downtown Hot Springs as a populated flood plain, causing them to impose some extraordinary construction requirements and controls on our property owners and their tenants. The EPA and Arkansas Department of Environmental Quality have a great deal of interest in the Hot Springs Creek watershed that drains into Lakes Hamilton and Catherine.

Long before the Majestic Hotel fire, Hot Springs Fire Chief Ed Davis had been gathering support for a major revision to the fire safety code for the area known as the Thermal Basin Fire District, which includes not only Bathhouse Row and what tourists see as “downtown,” but also the surrounding commercial and residential historic districts. Presented as a significant move forward for public safety, a key provision of the new code overrides an existing city ordinance that allowed owners of multi-story buildings to lease the ground floors and seal off unused and unoccupied upper stories. Under the new code, any building of three floors or more must have a functioning sprinkler fire suppression system.

Chief Davis cited the Majestic Hotel as an example of a building with vacated upper floors and a history of fire code violations, an unsafe building into which he would not send his firefighters. The City Board passed the new code in late 2013, requiring property owners of boarded-up multi-story buildings to invest in improving



PHOTO COURTESY THE CITY OF HOT SPRINGS.

The February fire that gutted what was left of the former Majestic Hotel in downtown Hot Springs has inspired leaders to pursue a new path forward for the historic city.

their properties with some flexibility in enforcing that action.

The Greater Hot Springs Chamber of Commerce and our professional economic development organization, the Hot Springs Metro Partnership recognized after the Majestic Hotel fire that we should embrace the old adage to “never let a crisis go to waste.” Organization chairs Bryan Smith and Paul Riser immediately commissioned the Downtown Game Plan Task Force to study all aspects of downtown development and produce a road map for the city and potential investors and developers. Four significant gatherings followed in quick succession.

Downtown property owners were invited to air their grievances in a closed-door session at the Chamber office. We learned that there were people with legitimate obstacles, which had kept them from improving their properties. Some property owners had little faith that significant increases in business would follow if they invested in downtown. Some felt that the new fire code placed an undue burden and unrealistic compliance deadlines on them. Other entrepreneurs, however, were enthusiastic and anxious to use this impetus to send Hot Springs to a new Golden Age.

The task force held three public hearings where they listened to city officials, property owners, visionary leaders, and developers from other Arkansas cities, as well as officials from the State Historic Preservation Alliance and Department of Arkansas Heritage. The task force released their findings on June 4.

The first two action items call for the creation of a new organization solely focused on downtown redevelopment. Under the aegis of the Metro Partnership, the new group will be built on the framework of the nonprofit Downtown Hot Springs Initiative. The new

group will be authorized to quickly carry out action item number two: hiring a new Downtown Development Director who will “wake up every morning concentrating on methods and action for improving downtown Hot Springs.”

Due to the unavoidable interconnections between downtown Hot Springs and the federal government, the next goal is to pursue financial assistance—with the aid of our Congressional delegation—from the National Park Service, FEMA, and the EPA. It’s undeniable that potential flooding, rockslides, and fires could require millions in federal dollars to clean up. Why not invest now to mitigate potential disasters and encourage property owners and developers to take on projects where some risks have been eliminated? Consider the economic and social impact on New Orleans if federal agencies had spent proactively on New Orleans’ levee and flood prevention system before Hurricane Katrina hit.

An online survey conducted by the Task Force showed that a large number of people in Hot Springs are willing to move into downtown if apartments and condos are created in the upper stories of historic buildings. One recommendation is that an investment fund be created to finance such developments.

The Downtown Game Plan is meant to be a living document to be improved and revised in the coming years. Year one plans include prioritizing the pursuit of

public projects including a new performing arts venue, a public “hot springs,” and the creation of a plaza entrance to one of our state’s greatest treasures, the Arkansas School for Mathematics, Sciences and the Arts. The school’s campus will be a visible and literal anchor at the north end of Central Avenue.

In order to help smooth the path for entrepreneurs and developers, we’ll be working with the city to create an easy-to-use “Guide to Rehabilitation and Development of Downtown Buildings.” Our intent is that this will become the handbook of building guidelines and codes, necessary permits, rules for occupancy, and directions to the resources and people to make a project economically viable.

Rex Nelson has characterized downtown Hot Springs as “Arkansas’s Bourbon Street, our Beale Street, the iconic heart and spirit of our state.” We agree. The Downtown Game Plan Task Force has done yeoman’s work studying the issues and proposing a roadmap to help our downtown live up to its reputation. Now it’s up to us to take a long, hard look at the potential for Hot Springs and make the investment required, pick up a shovel, hammer, or saw, put our shoulders to the grindstone, and get to work!

*Jim Fram is president and CEO of the Greater Hot Springs Chamber of Commerce and the Hot Springs Metro Partnership.*

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# AHPP awards more than \$2 million in preservation grants

The Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage, has awarded \$2,043,454 in grants for projects in 33 Arkansas counties through its Historic Preservation Revitalization Grant, Certified Local Government Subgrant, and Main Street Downtown Revitalization Grant programs, the agency has announced.

Seventeen projects shared \$562,199 in Historic Preservation Restoration Grants for the rehabilitation of buildings listed on the Arkansas or National Registers of Historic Places and owned by local governments or not-for-profit organizations. Municipal recipients of the grants, amounts, and properties to be restored include Eureka Springs, \$14,485 to restore sill logs, roof, and chimney at the Harmon Park Trolley Barn; Little Rock, \$72,000 for restoration work at the mausoleum in Oakland Fraternal Cemetery; Mena, \$50,000 for roof and soffit and fascia repair at the Mena Depot; Redfield, \$53,333 to restore timber columns on the James Street Overpass; Sherwood, \$78,000 to continue restoration work at the 1936 Roundtop Filling Station; and the town of Chester, \$10,000 for window restoration and electrical upgrades at the Masonic Lodge and Community Building.

Fourteen recipients shared \$128,599 in grants through the AHPP's Certified Local Government program, which is open to Arkansas cities and counties that contain a historic district

commission and a historic district protected by a local ordinance, as well as to cities and counties that are seeking to join the CLG program. These grants provide training opportunities to local historic district commissions and can fund other local preservation projects. Municipal recipients and amounts include Benton, \$9,500 for training and design guidelines; Conway, \$6,000 for training; El Dorado, \$8,312 for administration and training; Eureka Springs, \$6,000 for training; Fayetteville, \$8,515 for training and website modifications; Fort Smith, \$4,758 for training; Hot Springs, \$13,500 for training outreach on building codes; Little Rock, \$18,523 for training, design guidelines updates, and education and outreach in the Dunbar Neighborhood Historic District; Morrilton, \$14,800 for training, administration and evaluation and assessment of the Morrilton Commercial Historic District; North Little Rock, \$7,972 for administration and training; Osceola, \$6,000 for training; Rogers, \$12,719 for administration, training, and updated design guidelines; Texarkana, \$6,000 for training; and Van Buren, \$6,000 for training.

Main Street programs in Batesville, Dumas, El Dorado, Eureka Springs, Helena-West Helena, Jonesboro, Ozark, Paragould, Rogers, Russellville, Searcy, Siloam Springs, Texarkana and West Memphis each received \$10,000 grants through the Main Street Downtown Revitalization program.

# Camden's Mama Weaver celebrates 116th birthday

Camden's Gertrude Weaver, or Mama Weaver as she's known, celebrated her 116th birthday in July, the Associated Press has reported. She is now officially the oldest living American and the second-oldest person in the world, the Gerontology Research Group said.

The research group, which consults with the *Guinness Book of World Records*, found that the 1900 Census listed Weaver as 2 years old—putting her birthday in 1898.

That makes Weaver the second-oldest person in the world behind 116-year-old Misao Okawa of Japan, and the 11th oldest person of all time.

Weaver was born in southwest Arkansas near the border with Texas, and was married in 1915. She and her

husband had four children, all of whom have died except for a 93-year-old son. Along with Census records, the Gerontology Research Group used Weaver's 1915 marriage certificate, which listed her age as 17, to confirm her birth year.

Although no birth record exists for Weaver, she celebrates her birthday each year on July 4.

Weaver cited three factors for her longevity: "Trusting in the Lord, hard work, and loving everybody."

"You have to follow God. Don't follow anyone else," she told the *Camden News*. "Be obedient and follow the laws and don't worry about anything. I've followed him for many, many years and I ain't tired."

Camden Mayor Chris Claybaker, right, greets Mama Weaver, seated in middle, at her 116th birthday celebration and shakes hands with her 93-year-old son.



PHOTO BY STEPHANIE DUNN, CAMDEN NEWS.

# Inventories a snap with new tree tech

By Alison Litchy

**T**he perceptions of forestry and technology do not always mix. However, as with every field, technology changes and improves all the time. Old techniques are still valid and an integral part of daily practices, and by adding new technology to the mix it allows for even greater results. Advances in technology have directly affected the efficiency and detail of tree inventories.

It is important to know what trees exist in a city in order to be able to manage an urban forest. One technique that urban foresters practice is to conduct a tree inventory. A typical inventory will include species, tree height, crown height, dead or missing branches in the crown, and any other pertinent data for that individual tree. With this information, the data can then be mapped out in various ways. The inventory will show individual species, tree health, crown spread, planting sites, trees that need to be removed, or anything else you want to see related to the trees. This provides a better idea of what trees need to be managed for and the priority for their care. In the event of a natural disaster, the data would provide a starting point for tree management decisions.

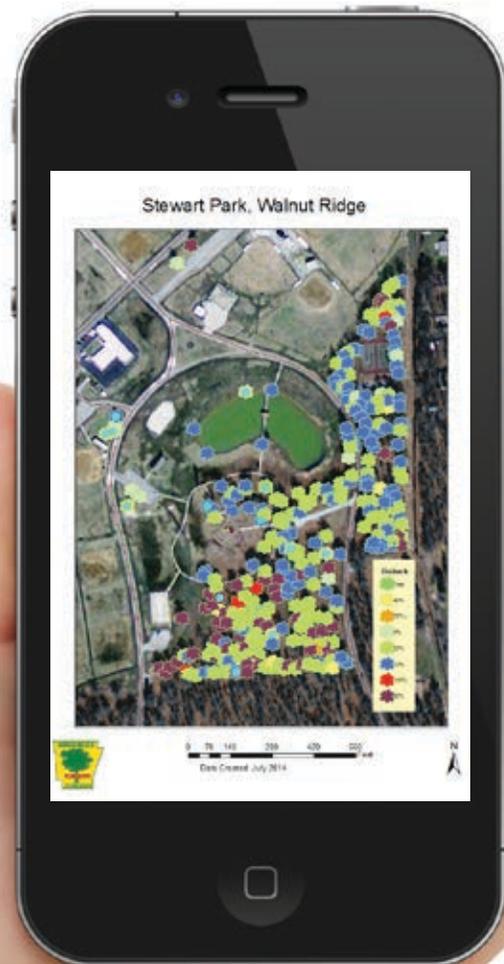
The information can also be used to determine the environmental services the trees provide. Some examples of what can be found with this data include how much pollution in various forms (CO, O<sub>3</sub>, NO<sub>2</sub>, etc.) the trees are removing per year, avoided runoff (water that does not have to go into sewer systems), and other benefits trees provide. It is much easier to communicate the importance of saving or planting trees when you have the facts to support a tree management plan and budget.

How can inventories be done? There are a number of opportunities for conducting tree inventories. The windshield approach is considered a partial inventory and can be done quickly and inexpensively. On-ground partial inventories are good for developing a tree work contract. Companies can be hired to perform and analyze the data. This is a great option and the type of inventory needed will determine the cost. The Arkansas

Forestry Commission can complete some smaller scale inventories with assistance from the city.

As time progresses and technology improves, we are able to conduct inventories faster and easier. Originally inventories were conducted on paper and were very time consuming. Then, handheld GPS instruments were developed and made the task easier, faster, and even more accurate. Now, there are programs that can make conducting an inventory open to cities that do not have an expensive GPS unit. GIS Cloud Developers have come out with Mobile Data Collection for Tree Inventory that can be used on a smartphone. It allows data to be taken right from your smartphone, and photos can be added directly with the data to assist with remembering the tree. Additional fields of information can be added as well.

AFC recently conducted an inventory for Walnut Ridge at Stewart Park, for a total of 319 trees. The tree inventory showed that 53 percent of their tree species were



A new smartphone application helped Walnut Ridge inventory its park's trees quickly and accurately.

Willow oak and 31 percent red oak. It revealed the city's need to increase species diversity and increase diversity in the age of the park's trees. It also revealed the park's trees are giving the city annual structural value benefits of over \$650,000 a year. This is determined by the tree characteristics and health of the tree as well as average replacement cost. The overall health of the trees showed about 75 percent in the good to fair range. This is a good number with a majority of the trees being mature. Over 15,000 lbs./year of carbon is sequestered. Walnut Ridge will be able to use this information to help manage its park planting and care in the years to come.

As technology increases, we are better able to give those ever-important numbers to communities to help prove the value of trees in our urban areas beyond the aesthetics. Different applications for different purposes arise as needs grow. New threats to our trees, both

natural and man-made, will require different techniques to manage. There are currently applications from tree identification to reporting diseases. AFC can offer assistance with training staff and inventories or answering questions about them. Feel free to contact us with any further questions.



*Alison Litchy is urban forestry partnership coordinator with the Arkansas Forestry Commission. Call Alison at 501-984-5867 or email [alison.litchy@arkansas.gov](mailto:alison.litchy@arkansas.gov).*



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## **BEACON**

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# Perform preventative maintenance before the weather turns

By Dan Beranak, PE

Perhaps you're immersed in the joys of summer—boating at the lake, fishing for those elusive trout, vacationing with family, honing the skills of that long drive on the golf course. You're probably not thinking about the fall rains and flooding that come with them. Just as we envy the man who's spending a hot summer day chopping wood to increase the height of his woodpile for winter, we too should be concentrating now on our accumulating outdoor debris. While the weather and streets are clear, we should be thinking about the torrential downpours that will certainly be testing our storm drainage systems drains and rain gutters very soon, impairing travel with standing water and creating hazards.

Making the time now to concentrate on cleaning up and cleaning out areas that are perpetually a problem in our cities will be rewarded down the road. We know that preventative maintenance while the weather is far more accommodating is a more pleasant task than waiting until the temperatures drop, the rain is falling, and the ice has formed, when even the simplest task is finger numbing at best.

Make a plan with your street department to schedule time each week to begin working on that list of preventive activities. This will save you time—and overtime—later on in the year. The best way to minimize any adverse effects on your personnel, your budget (to avoid overtime pay), and your potentially inconvenienced citizens is to start now devising a plan for preventative maintenance. Make your residents aware by using notices on your websites, signage in your towns, and bringing up the topic at your commission or city meetings. Provide information about how and why storm drainage systems work, explain why they are not meant to be used for leaf collection. Even a simple statement or education program explaining the effects of oil or pet wastes into the system could change the way your residents view their methods. For example: Dumping oil into a storm



PHOTOS COURTESY MCCLELLAND ENGINEERS, INC.

Preventative drainage improvements helped avoid a repeat of the flooding that plagued this Prairie Grove neighborhood.

drain can have almost unthinkable consequences. If it reaches a river, lake or stream, just five quarts of oil can create an oil slick as large as two football fields and persist on mud or plants for six months or more.

Assure them that you, the city, is only a phone call away to provide assistance should they find a problem with their neighborhood catch basins. Help them learn to be aware of their surroundings, to watch for potential problems, and address the recurring issues they deal with annually. Let them know they can come to your department for help with a problem they may struggle with each year but that affects other residents in their area as well.

What you can successfully do now to avert potential problems in the fall will save you money and save your citizens' frustration and perhaps damage.



Dan Beranak, PE, is president of McClelland Consulting Engineers, Inc.'s Little Rock office. Contact Dan at 501-371-0272 or email [dberanak@mcclelland-engrs.com](mailto:dberanak@mcclelland-engrs.com).

# Jonesboro's historic first community center renovated



Jonesboro's first community center, seen here upon its 1936 completion, was built for just over \$100,000



The city invested \$150,000 to renovate the Earl Bell Community Center, which will serve the whole community for years to come.

Jonesboro built its first community center 78 years ago and Mayor Perrin is proud to announce that it has been newly renovated.

The idea of a community center in Jonesboro was conceived in the minds of the Young Men's Civic Club, known today as the Jonesboro Jaycees. Construction began in late 1935 and was completed in 1936 with a cost of just over \$100,000.

The first event held at the community center was the Craighead County Fair, Oct. 30-31, 1936. The event had an estimated 20,000 people in attendance. Over the years the center has been used for many different events, such as: talent shows, minstrel shows, concerts, and performances by Elvis Presley and Roy Orbison. One popular event held at the community center was the wrestling matches that used to happen in the gym. It has been used for many athletic events over the past several years as well.

Its name has changed over the years from Community Center, when it was built, to the YMCA in the late 1960s. In 1984 the City Council passed a resolution to name the community center after Earl Bell, the bronze-winning Olympic pole vaulter from

Jonesboro. In 2008 the Earl Bell Community Center was added to the National Register of Historic Places.

Today Earl Bell Community Center has a new hardwood basketball court, a climbing wall, new bathrooms with showers, new heat and air, and a generator was added last year to make this facility available as an emergency center if needed.



PHOTOS COURTESY THE CITY OF JONESBORO.

Renovations and upgrades include a hardwood basketball court, a rock climbing wall, new showers, and HVAC.

# The environment and economic development

By Dr. Ron Swager, CEcD

**A**ir quality, attainment, water quality standards, superfund sites, environmental assessments, mitigation, environmental impact studies—all familiar terms to economic developers and other community leaders over the past few decades in their efforts to develop businesses, create jobs, and improve the quality of life for their constituents. But in recent years, several new programs relating to the environment have been added, mostly through federal initiatives. They include even stronger regulations on water and air from the Environmental Protection Agency, the so-called “Cap-and-Trade” mandates, and response to natural disasters.

Economic development has to do with wealth creation. Some argue that environmental regulation has become so excessive that economic development is being compromised. If regulations increase the cost of doing business, a community’s ability to create wealth can be diminished. So what are the offsetting benefits?

One argument is that additional environmental regulation will improve the air and water quality of the country. However, the United States has made great strides in the past four decades, and additional regulation will make only marginal improvements domestically. Globally, U.S. regulation can make no difference in light of massive pollution in countries such as China, India, and Russia.

Another argument is extensive environmental regulation will spawn new industries in the “clean” energy sector. Countering that argument is the likelihood that existing businesses will disappear and remaining ones will pay much higher compliance and energy costs. The benefits at best are long-term, while the loss is both long-term and short-term. And adding to existing regulations places a heavy burden on businesses that barely are competitive. Business costs increase and so do prices the consumer has to pay. Inevitably, jobs are lost because some reduce the size of their companies, and some go out of business entirely. This is wealth creation in reverse.

Cap-and-trade is the most recent federal initiative in which the EPA requires states to reduce carbon output from power plants by 30 percent by 2030, with state plans in place by 2016. The plan will affect the coal industry directly. President Obama, speaking to the *San Francisco Chronicle* early in his campaign, famously warned in 2008, “Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket. Coal-powered plants ... would have to retrofit their operations. That will cost money. They will pass that money on to consumers.”

The U.S. Chamber of Commerce figures the plan could cost \$50 billion in GDP and more than 220,000 jobs per year. Annual disposable household income would decline more than \$550 billion. On the other hand, the Natural Resources Defense Council estimates cap-and-trade ultimately will create more than 250,000 jobs (to produce and install solar panels and windmills) and eventually will lower energy bills (*Forbes*, June 2, 2014).

In Arkansas, cap-and-trade will define winners and losers. Winners include the shale gas and windmill industries. Losers include the would-be lignite industry and consumers’ pocketbooks.

While the effects of environmental regulations, therefore, will be a difficult challenge, a better opportunity exists regarding natural disasters. As officials in Joplin, Mo.; Clinton, Ark.; and, more recently, Mayflower and Vilonia can painfully attest, any help available in dealing with disasters is welcome. Here, the benefits of federal efforts are clearer.

Stemming from the Katrina experience, FEMA, EDA, and other federal agencies, working in cooperation with state and local entities, are developing programs to deal with disasters. In Arkansas, these efforts focus on our most frequent disasters—tornados and floods. While the toll on human suffering is the most important aspect of any recovery efforts, the economic development effects also can be devastating. Think of Vilonia, where the 2014 tornado destroyed much of the business base. Not only did that eliminate hundreds of jobs, but it removed a huge portion of the community’s tax base. Local wealth-creation was reduced greatly—overnight.

Over time, efforts to deal with such disasters have begun to yield effective programs, not only to help with business recovery after a disaster, but to make better preparation before a disaster strikes. A future column will detail some of these efforts. For now, the best advice is to seek help to get prepared for a disaster.

Change always carries opportunities and threats with it. Economic developers, elected officials, and other community leaders must be prepared to seize the opportunities and minimize the threats. If you do, wealth creation and economic development can be enhanced.



*Dr. Ron Swager is Senior Research Professor with the Institute for Economic Advancement at the University of Arkansas at Little Rock. He may be reached at 501-683-7347 or rjswager@ualr.edu.*

# NEWSLETTER

AUGUST 2014

The Newsletter, provided by a'TEST consultants, is included in City & Town as a service of the Arkansas Municipal League Legal Defense Program.

## DOT issues new specimen collection rule

It seems that DOT is always changing rules that impact an employer's testing program. As of July 3, 2014, clinics and specimen collectors must follow more stringent procedures. To read the entire document, go to [DOT.GOV/ODAPC](http://DOT.GOV/ODAPC).

Because the rule had some changes that we needed clarified, Bobby Sims called the director's office to discuss some concerns. The answers are provided herein for your review.

If a CDL holder arrives at a clinic for a drug test and has no driver's license or picture identification, the clinic must contact the DER to identify the donor. An accompanying co-worker or supervisor cannot make the identification. The DER may choose to identify an accompanying employee as an Assistant DER; however, a written document stating this appointment must be provided to the clinic prior to testing.

If a donor fails to provide a specimen, the collector does not have to tell the donor that this is a refusal. That is the DER's role.

Collector personnel do not have to read the back of the DOT Custody and Control Form to the donor; however, they should show the donor where it is located.

### Come on now—Are we stupid?

You might think it totally ridiculous that the DOT would issue a statement in the newly rewritten regulations that says, "A donor may not collect their own specimen." What? Wouldn't it make sense that this would not be allowed and employers would already know this fact? Well, believe it or not, we have had several occasions where this very thing has happened—the employee collects their own specimen and sends it in for testing. Of course, it is easy to detect a problem when this type

of specimen arrives at our office (primarily because of custody and control form errors and sealing issues. We hope this isn't your problem because it still costs the employer money for the test to be sent to the laboratory and you receive no result. Crazy?

### FAA issues new category

The Federal Aviation Administration has issued a new safety-sensitive employee category known as "Operations Control Specialist" to the drug-testing program. Managers of FAA drug and alcohol testing programs should refer to the DOT (Department of Transportation) FAA website for further information on this new employee category. It is in effect now.

### Marijuana initiative fails

The groups attempting to get medical marijuana on the ballot this year failed to get the required signatures needed to be successful. They will try again.



a'TEST CONSULTANTS, Inc., provides drug and alcohol testing as a service of the Arkansas Municipal League Legal Defense Program. The program helps cities and towns comply with the U. S. Department of Transportation's required drug testing for all holders of commercial drivers' licenses.

# Good commission chairs exhibit “charismatic authority”

By Jim von Tungeln

Probably the best way to be elected chair of a planning commission in our state is to miss the meeting at which nominations for officers are made. That process has produced some fine ones. More often, it produces a “deer in the headlights look” of pure bewilderment.

Somehow our cities muddle through.

In a perfect world, a person would rise to chair a group as vital as a planning commission through a process of experience, first as a planning commissioner and next as a veteran of lesser offices. The chair then represents the commissioner with the best combination of experience, skill, professionalism, and knowledge.

Note: Length of services doesn’t always assure success. After three years, some planning commissioners have three years of experience. Others have one month of experience 36 times. Some arrive on the commission with a personal agenda and never relinquish it. There are some, as well, who feel their role is to protect a particular constituency. While this may be acceptable, at times, for a particular commissioner, it is not the desired role of a chair.

Assuming, however, that a city enjoys the service of a planning commission chair of the highest standards, what characteristics should be evident? First, the other commissioners will benefit from the ability of the chair to lead. This doesn’t imply control. It implies leadership, first by example, then by gentle nudging, and finally by a firm hand when necessary.

For example, a good chair would never agree to secret meetings with applicants to discuss the future of a project. A good chair sets an example by not engaging in *ex parte* communications of any sort. This is the practice—supposedly forbidden in our state—of conversing with those representing only one side of an issue and receiving both material and arguments not available to the public.

Additionally, a good chair would move the other commissioners toward a decision that is both sensible and understandable. This requires the most adroit form of gently easing the commissioners along a path that follows the rules of order while not interjecting herself or himself into the decision. And finally, a good chair would never allow *ad hominem* (person-critical) comments to enter into the decision-making process.

In summary, a good chair exhibits what Max Weber, a pioneer of public administration theory called “charismatic authority,” or that “... resting on devotion to the exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him [or her].” That is a pretty tall order, but our cities deserve it.

As odd as it might sound, a planning commission chair should also be a follower. That is to say that the chair should follow the commission’s bylaws, the city’s ordinances, state statutes, and both state and federal constitutions. To this end, a good chair will have a close working relationship with the city attorney.

The chair should also follow the visions and provisions of the city’s adopted plans. If the plans aren’t valid, wouldn’t it be better to revise them than continually violate them?

Of course a good chair will be a good manager. First, one must manage time. It is a truism among planning commissions that a case appearing last on a long and arduous agenda will never receive the same level of scrutiny as the first few items. Cagey applicants have even been known, it is rumored, purposefully to submit applications in such way as to appear toward the end of a long meeting. A good chair has seen it all, or at least most of it.

Second, a chair must manage public involvement episodes that can, and do, become contentious, unruly, and counterproductive. In such cases, the public expects the chair to be fair while, at the same time, being conscious of the need to keep the meeting peaceful and on schedule. A chair will manage sincere and valuable input from the public, but will anticipate that present times may produce more bizarre rants. These range from the claim of “black helicopters” to the presence of secret



Our state is lucky to have planning commission chairs like Carol Short of Bull Shoals, who personify both leadership and professionalism.

armies poised to take one's home. Life ain't easy for a person named "Chair."

A competent chair will nonetheless guide public input in such a manner as to avoid repetition, maintain decorum, promote equity of discussion, and not let false science or conspiracy theories form the basis for planning decisions.

The management of other commissioners may be the toughest challenge for a chair. After all, they are the nominal equals of the chair and, like the chair, are volunteers in service to their city. Their control and management might be as simple as separating two "chat-terboxes" in the seating arrangement. It may require steps involving the most obscure tenants of organiza-tional theory. That is why the choice of a chair is so vital.

Chairs that enjoy the services of a staff have ad-ditional demands. Staff should be treated with the respect due them while understanding that the planning commissioners have the right to make decisions. Neither blind adherence to staff recommendations nor unceasing rejection of them befits the role of a planning commis-sioner. The competent chair will recognize this and manage accordingly.

The person, therefore, who is delighted to serve as chair because "I don't have to vote anymore except to break a tie," may be in for a shock. As with elected of-ficials, it is common to find a person chairing a planning commission who exhibits one of the characteristics of being a good leader, follower, or manager. It is rare to find one that exhibits all three, but all are vital.

The best solution is training. There is talk circulating about a certification program for planning commis-sioners. This would involve a series of training steps designed to prepare a commissioner for both effectiveness and, ultimately, leadership. Your author is currently discussing this with the Institute of Government at the University of Arkansas at Little Rock. Comments from elected officials would be welcome.



*Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Contact him at 501-944-3649. His website is [www.planyourcity.com](http://www.planyourcity.com).*

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# Rogers promotes safety, fitness at new aquatics center

The Rogers Aquatics Center is a seasonal, multi-use facility providing recreational water play and activities to the residents of Rogers and surrounding areas. This waterpark also is the home of the Rogers Summer Swim Academy providing a full Learn-To-Swim program to all ages and levels and a developmental swim team, the Ballistic Bullfrogs. Our aquatic programming runs through the entire 89-day summer season and is available to anyone desiring to register as long as space is available.

The Rogers Aquatics Center was completed in May of 2013, funded with a 2011 bond issue. This park was an investment in the city of Rogers that cost \$12.9 million. Its intent is to provide a state-of-the-art aquatic recreation and learning facility unlike anything within a 75-mile radius to the citizens of Rogers and surrounding areas. Young families make up a large portion of our guests, as there are several interactive attractions and slides that allow for safe and active play for children 1–10 years old. Tweens and teens also enjoy our 40-foot body and speed slides, the diving boards at the 25-meter competition pool, and the basketball and volleyball nets. All kids find a safe and healthy place to be during the hot, summer months. In addition to play, many people enjoy fitness swimming in the competition pool. Lanes are sectioned off for this purpose and are usually full.

Flanking the main, open swim hours, the Rogers Summer Swim Academy offers group and private swim lesson. Levels 1-4 are for children six months and up. Adults utilize the private swim lessons for a customized session anywhere from learning to swim and water safety to advanced strokes. These sessions are designed to empower children and adults in aquatic environments and provide water safety education. Our Ballistic Bullfrogs summer

swim team provides a continuation of stroke development and incorporates the experiences of competition, sportsmanship, and physical fitness. We are surrounded by lakes, rivers, and pools. Opportunities for water safety awareness and empowerment are crucial for keeping our community safe and eradicate drownings.

Our instructors and lifeguards are certified through the American Red Cross and receive regular in-service trainings to ensure competency, proficiency, and professionalism in their jobs.

We have invested in several different advertising media, including, kid's publications, radio, TV, fliers, blogs, and Facebook, which allows us to reach out and let more of the public know about our wonderful facility. We have also offered various specials, evening rates, group rates, and pass specials that engage the public to be aware of what the Rogers Aquatics Center is up to.



Rogers Aquatics Center mascot Wet Willy welcomes residents to beat the heat at the city's three-acre, \$12.9 million water park.

PHOTO COURTESY ROGERS PARKS DEPARTMENT.

# Little Rock welcomes World Changers volunteers

During the week of July 7, more than 200 teenagers participated in the annual World Changers volunteer effort that helps cities across the country alleviate substandard housing. The faith-based organization started in 1990 and since then has helped connect teenagers with thousands of service projects across the United States. More than 19,000 teenagers volunteered across the nation this summer. This is the group's 10th year in Little Rock.

Working in partnership with Little Rock's Department of Housing and Neighborhood Programs, volunteer crews did roofing, painting, landscaping, wheelchair ramp installation, and other tasks at 14 homes across the city that met World Changers' eligibility requirements, which include:

- ◆ Must be at least 16 years of age or disabled.
- ◆ Must own and occupy the home.
- ◆ Must meet the income guidelines for the program.



A young World Changers volunteer preps the Valleys' home for a fresh coat of paint.



At a July 8 kickoff event, the Valley family expresses gratitude for the work of the volunteers.

# Articulate your need and vision

By Chad Gallagher

A well-written grant is an important part of receiving funding. The only thing more important than a well-written grant application is a well thought out and developed concept for which you are requesting funding. It is for this reason that we strongly encourage applicants to undergo thorough strategic planning exercises before seeking funding. Doing so not only helps the overall community development effort but it tremendously enhances your grant writing success.

Most grant applications have some key components. In a normal application you will have to provide information on your organization and its capacity to manage the project and the funding, demonstrate need, and outline your vision and program proposal. Of great importance are the project budget and the budget justification. Typically, it will be necessary to provide resumes of key personnel, information on strategic partners, future program expansion and how sustainable the project is without the funding provider's involvement, as well as how the program will be evaluated for success.

A major component of every grant is the statement of need and the program vision. It is here that you must demonstrate to the funding agency the validity of the need you are trying to address and why your proposed solution to addressing the need is worthy of funding. In your statement of need it is important to provide the funding agency with basic information about the geographical area and the population you are looking to serve. Most of the time a funding request is designed to target a specific geographical area, such as a town, county, or region, or it is designed to serve a very specific population, like senior citizens, a particular minority, single moms, etc. For example, instead of writing that there are single moms in your area that desperately need help that could be provided through a particular educational program, it is better to provide the funder with statistics on how many single moms there are, their average income and education levels, etc. When developing your statement of need it is important to use statistics that provide context for the funding agency. Make them aware of overall demographics, alarming statistics, and other periphery details that help clearly demonstrate the need you are trying to address.

When writing the statement of need it is preferable to use hard data over soft data. Hard data is concrete in nature. This includes statistics and demographics. Too many applicants with good intentions fail to include any real and quantifiable data. In essence, hard data is provable, research based, verifiable, and fixed. This is the type of data that clearly demonstrates your knowledge of the challenge your community or organization is trying to overcome. Your statement of need is also an appropriate

place to articulate the need for financial assistance to solve the problem. If you could solve the problem without outside funding assistance then you presumably would have done so. In your need statement it is appropriate to demonstrate the projected financial investment necessary to address the identified challenge.

Your vision statement is an appropriate place to use both hard and soft data. Soft data is anecdotal in nature. It can be more artistic. It is designed to put a face on the facts. It paints a picture and tells a story. Soft data may use an example of a child's life devastated by a drunk driver in a funding application to address alcohol abuse. Soft data includes a glowing description of how things will look after your proposed solution has been funded.

Soft data is appropriate to use in your vision statement. It may also be appropriate combined with hard data in the application's program narrative. Explain what statistics you think your efforts will change and by what amount. Make justifiable predictions. Your vision statement is not where you explain the detailed approach the proposed program will take—this is done in the program narrative—but it does create a clear picture of the end result. In your vision statement help them see the future you envision upon achieving success. Funding agencies are then in a position to hold side by side the current need and status of the community and the specific problem being addressed against the description of a better future. This becomes a strong motivator for funding a request.

In the next couple of columns in this space we will offer specific guidance on various sections of your grant application including the program narrative and application budget. Your program narrative is the real meat of an application, where goals and objectives are set and an implementation model is unveiled. Every part of an application is important to successful grant writing. Sometimes looking at each section one by one can be helpful in creating an outline in your mind.

Don't forget: Legacy Consulting and The Arkansas Grant book will host a new series of grant writing workshops in each region of the state this fall. These workshops are sponsored by the Municipal League and are offered at no cost for municipal representatives to attend. If your city is willing to host one of these in your area please contact Alisha Williams at [Alisha.williams@legacymail.org](mailto:Alisha.williams@legacymail.org) or call 501-246-8842.



*Chad Gallagher is principal of Legacy Consulting and a former mayor of De Queen. Contact him in De Queen at 870-642-8937, 501-246-8842 in Little Rock, or email [chad.gallagher@legacyincorporated.com](mailto:chad.gallagher@legacyincorporated.com).*

# Municipal Notes

## Attention: Additional coverage available for Municipal Property Program members

Combined Business Interruption, Rental Income, Tax Revenue Interruption and Tuition Income coverage is available for cities and towns participating in the Municipal Property Program (MPP). Limits are \$500,000 per entity subject to a maximum of \$2,500,000 per occurrence for Business Interruption, Rental Income and Tuition Income combined. A maximum of \$5,000,000 per occurrence for Tax Revenue Interruption coverage is in place. Through the MPP, members can purchase additional coverage above \$500,000. To purchase additional coverage, complete an MPP Enumeration Schedule with desired coverage amount and submit to Linda Montgomery at [lm@arml.org](mailto:lm@arml.org). For further information or questions, call 501-978-6562.

## State Aid City Street Program debuts web portal

The State Aid City Street Program has a new look online at [citystreet.arkansas.gov](http://citystreet.arkansas.gov), its updated web portal. The site provides details on projects that have received funding through the program, project guidelines, and information on submitting project requests.

## Case against court clerks dismissed

In what is a victory for court clerks in Arkansas, the class-action suit *Miroslava Collins v. Grace Haynie, et al* has been dismissed by Circuit Judge Pamela Honeycutt of the Second Judicial District. The court held that ACA § 27-37-705 "imposes no obligation on Clerks to assess fines nor does it grant an independent right to sue."

A clerk failing to reduce a fine does not amount to an illegal exaction.

"If the Clerks are expected to know all new laws and to automatically reduce fines," the opinion states, "they would be engaging in a quasi-judicial act and

they should be entitled to absolute immunity with respect to the 'act' of failing to reduce the fines."

## Former League president helms Accelerate Arkansas

Gary Campbell, former vice mayor of Fort Smith and League president in 2009-2010, has been elected chairman of the board of Accelerate Arkansas, *Arkansas Business* reported July 28. Accelerate Arkansas is a group of business and education leaders in the state with the goal of raising per capita income of Arkansas residents to the U.S. average by 2020.

## Conway breaks ground on \$130 million hospital

Arkansas Gov. Mike Beebe joined Conway Mayor Tab Townsell, Conway Area Chamber of Commerce and Conway Development Corporation President Brad Lacy and Baptist Health officials for Monday's groundbreaking for the Baptist Health Medical Center-Conway, the Associated Press reported July 9.

Baptist Health of Little Rock announced plans for the hospital last November. It is expected to open in 2016 with 96 beds, eight operating rooms and a trauma-center emergency room.

The project is estimated to generate about 250 construction-related jobs and the hospital is expected to have about 425 employees once it's open.

## Diamond in the rough

*USA Today Travel* included the Crater of Diamonds State Park in Murfreesboro on its list of "10 Best: Southern tourist attractions worth the crowds," the *Arkansas Democrat-Gazette* has reported.

## Obituaries

**DAVID ANDERSON**, 65, a Lake View (Phillips County) alderman for six years, died July 6.

# Success is more than a number

By Adam Carter

**D**efine success when it comes to weight loss. If you are like most people, you thought of a number, either a number on the scale or a size of clothing you wish to wear. That number represents what you consider success in improving your health.

Now, throw it away. Throw it away quickly because if your goal is weight loss, it will never happen by fixating on a number as the only measurement of success. The idea of perfection in health based upon a number is a trap.

I know this because of my 14 years in and around the fitness industry, including more than seven years as a personal trainer. My experience has taught me that people who need to lose excessive body fat will not achieve their goals if a specific number on the scale is their only definition of success.

I learned this lesson firsthand during my own weight-loss journey. At age 16, I weighed 260 pounds. I was pre-diabetic and pre-hypertensive. Over two years I lost 100 pounds and added 20 pounds of muscle to my body, graduating high school a very different person. It has been 15 years since my weight-loss journey began, and the weight has not returned.

What sets my success apart from the millions of people in America who struggle with health complications from obesity and try to lose weight but don't succeed? I never told myself that I had to be a specific weight or size. My measurement of success was and remains simply to be healthy. That goal includes a healthy weight away from diabetes and high blood pressure and being comfortable with who I am and my body. These are the only objectives I have ever had. I do not care what the scale says or what the size of my clothes is.

Anyone who truly wants to succeed at weight loss should think like this. Stop caring about numbers on the scale or a specific size. Stop wishing things would get easier. Those are ingredients for failure. Instead, shift your attitude and focus to become healthier and to feel better, and the process will become easier as your health improves. Feeding the body healthy foods and getting regular exercise are not burdens to endure. They are choices made to achieve health. Healthy nutrition and exercise are two potent forms of medicine that create significant improvements in health. The vast majority of people do not focus on becoming healthier. As a result, most people have no idea how good the human body is designed to feel.

Feeling better, eating better, and being more active make the body healthy. Regardless of what the scale says, that is success. Do not measure success by the final outcome but by the persistence, consistency, effort, determination and discipline required to get there. With this attitude, setbacks and mistakes do not become failures. Instead, recognize them as opportunities to learn and do better in the future.

At some point, everyone has been a beginner at something. There is no shame in starting, no matter how far you may need to go. Ultimately, to succeed in the pursuit of living a healthy life, success must be redefined as something more than a number. Keep going to overcome the obstacles by shifting the focus into improvement of both physical health and fitness and success will come.



*Adam Carter is Fitness Center Coordinator, University of Arkansas for Medical Sciences.*

## October is Act 833 funding deadline

**T**he deadline to apply for 2014 State Fire Grant Act 833 funds through the office of Fire Protection Service is October 31. Applications must be postmarked by that date to qualify for the 2014 funding year. Applications and program guidance documents are available on the ADEM website, [www.adem.arkansas.gov](http://www.adem.arkansas.gov). For more information on the grant program, contact Kendell Snyder, Fire and EMS Coordinator, at 501-683-6781, or email [kendell.snyder@adem.arkansas.gov](mailto:kendell.snyder@adem.arkansas.gov). Mail completed applications to Office of Fire Protection Services c/o Arkansas Department of Emergency Management, Bldg. #9501 Camp Joseph T. Robinson, North Little Rock, AR 72199-9600.

# ANNOUNCING...

## The 2014-2015 Voluntary Certified Continuing Education Program

The League's Voluntary Certified Continuing Education Program continues in 2014 with a series of workshops covering topics helpful to municipal leaders. The first 4 years of workshops were a great success and drew capacity crowds to cover issues such as municipal finance and budgeting, personnel matters and municipal operations.

**Who?** For Arkansas mayors, aldermen, city directors, city managers, city clerks, clerk/treasurers, city recorders and recorder/treasurers.

**What?** The certification plan is voluntary, approved by the Executive Committee, and consists of 21 credit hours of topics.

**Why?** To increase the knowledge of local officials on how cities and towns function and equip them with the leadership skills needed to meet the challenges of the 21st Century.

**When?** This workshop is focused on Municipal Finance & Budgeting. The workshop will be held September 10, 2014, from 9AM to 3PM. (5 hour core credit)

**Where?** Arkansas Municipal League headquarters, 301 W. Second Street, North Little Rock.

Schedule and topics to be covered:

- Understanding the Basics of Building Your Budget, Budgeting Laws, Major Sources of Revenue, Information on the New Street Aid Program, Chart of Accounts and Bidding and Professional Services.

Upcoming Voluntary Certification Workshop: HR and Personnel Matters – TBA

\*For those city officials who have completed the 21 hours of core curriculum, you must obtain 6 hours of continuing education to maintain your certification status.

For more information on the Certification Program, contact Ken Wasson at 501-374-3484 Ext. 211, or email [kwasson@arml.org](mailto:kwasson@arml.org).



The League now offers online registration for meetings and seminars. We hope you enjoy the added convenience.

Look for registration invites sent to your email address. A unique email address is required. Submit your email address to [info@arml.org](mailto:info@arml.org).

# REGISTER ONLINE

**District court divisions administrative in purpose**

Opinion: 2014-046

Requestor: Woods, Jon—State Senator

Administrative Order No. 18 governs District Courts’ operations. The Order prohibits persons or organizations from bringing an action in Small Claims Division if they are a “collection agency, collection agent, or assignee of a claim.” Is this rule an issue of subject-matter jurisdiction such that the judge has no authority to issue a default judgment in favor of the collection agency or assignee? Or is the rule an issue of personal jurisdiction such that it may be waived by a defendant’s failure to answer? **RESPONSE:** Administrative Order 18 clearly provides that the “designation of divisions” within District Courts “is for the purpose of judicial administrative and caseload management and is not for the purpose of subject-matter jurisdiction.” Thus, the prohibition on collection agencies suing in Small Claims division is an administrative, not a jurisdictional, bar. Thus, a District Court judge

would have jurisdictional but not administrative authority to issue the default judgment in the scenario you describe. Anyone aggrieved by such a default judgment would have to follow the standard rules for seeking reconsideration or review of such a judgment.

**Filing deadline ordinance need not be filed with county clerk**

Opinion: 2014-061

Requestor: Gillam, Jeremy—State Representative (Q1) Does a city ordinance that changes filing deadlines for a municipal election need to be filed with the county clerk? (Q2) If so, is there a set time frame or number of days that an ordinance must be filed prior to the filing period for municipal elections? **RESPONSE:** The answer to Question 1 is “no,” which renders Question 2 moot.

*For full Attorney General opinions online, go to [www.arkansasag.gov/opinions](http://www.arkansasag.gov/opinions).*

# Time To Levy Property Taxes

City and town councils may levy general property taxes of up to five mills on the dollar (Ark. Const. art. 12 § 4; ACA 26-25-102 and 103). ACA 14-14-904(b) requires the Quorum Court to levy the county, municipal and school taxes at its regular meeting in November of each year. ACA 26-73-202 requires the city or town council on or before the time fixed by law for levying county taxes to certify to the county clerk the rate of taxation levied by the municipality. ACA 14-14-904(b) establishes the November meeting of the Quorum Court as the time to levy those taxes.

In other words, the governing body of the city or town must levy and certify its property tax to the county court every year prior to the November meeting of the Quorum Court. As the Attorney General has explained, the “millage is an annual levy, and failure to levy by the required date results in a millage of zero for the following year.” (Ark. Op. Atty. Gen. No. 91-044; citing Ark. Op. Atty. Gen. No. 85-5.)

**The bottom line: If your city or town wishes to collect property taxes for the following year, make sure that council approval and certification to the county clerk occur prior to the November meeting of the Quorum Court. It would be advisable to have this done at the council’s October meeting at the latest.**

# Fairs & Festivals

Aug. 22-23, **ROGERS**, 30th Frisco Festival, 479-936-5487, [MainStreetRogers.com](http://MainStreetRogers.com)

Sept. 1, **RECTOR**, 73rd Rector Labor Day Picnic, 870-595-3035

Sept. 5-6, **COLT**, 23rd Colt Pioneer Days, 870-278-9458; **HUNTINGTON**, 21st Olde Miners Fall Festival, 479-928-0245

Sept. 13, **BATESVILLE**, 71st White River Carnival, 870-793-2378, [www.whiterivercarnival.com](http://www.whiterivercarnival.com)

# AGFOA meets at League HQ



The Arkansas Governmental Finance Officer Association held its 2014 Summer Conference July 23-25 at the League's North Little Rock headquarters. About 70 members discussed financial issues important to government entities in Arkansas, including grant programs, financial ethics, GASB 67 and 68, implementation of the Affordable Care Act, and more.

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# Cherokee Village sees success through ArCOP's Growing Healthy Communities initiative

By Amanda Potter Cole

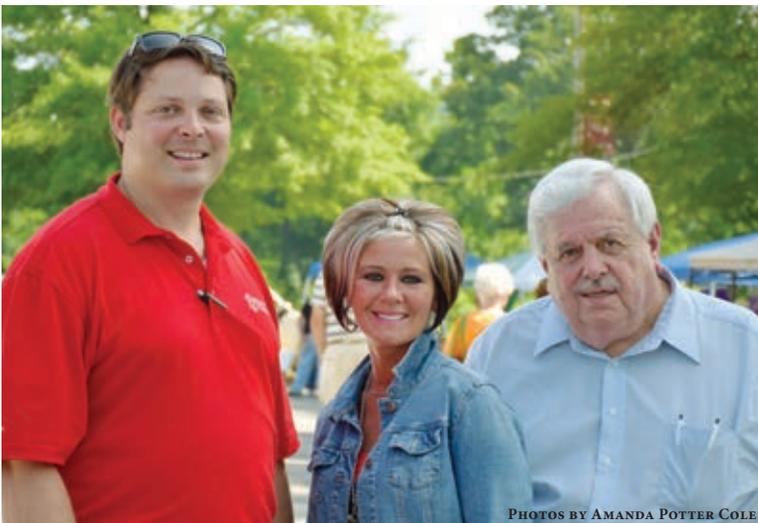
After learning the economic impact of healthy communities through training sessions (including one hosted by the Arkansas Municipal League), Mayor Lloyd Hefley envisioned a reinvigorated future for Cherokee Village. He enlisted the help of Alderman Jerry Adams and the city became involved with the Arkansas Coalition for Obesity Prevention's (ArCOP) Growing Healthy Communities initiative.

More community members got involved, including Jonathan Rhodes, Pamela Rowland, and Pat Clary, and in just three years, Cherokee Village has developed

partnerships with neighboring towns, businesses and schools; built new trails; established a farmers' market; prioritized nutrition education for youth; and established an advertising and promotions commission. Because of these efforts, the city is on the cusp of a renaissance.

"In the months and years to come, there will be a significant effort here to expand community infrastructure (such as trails and bike paths) and activities (growing the farmers market, outdoor athletic competitions/ races, etc.) that promote healthy lifestyles," Rhodes said. "Growing Healthy Communities is playing an important role in this movement and we look forward to continue working with ArCOP as we develop our plans for revitalizing and growing our community in part by appealing to a new generation of people who are seeking communities with top-shelf recreation amenities and activities that promote active and healthy living."

ArCOP provides training and resources to community leaders who understand that, by increasing access to healthy foods and physical activity, obesity and related healthcare costs decrease while quality of life increases. The Coalition will host a free Mayors Mentoring Mayors (3M) lunch-and-learn series later this year. Watch [www.arkansasobesity.org/ghc/3m/](http://www.arkansasobesity.org/ghc/3m/) for more details.



PHOTOS BY AMANDA POTTER COLE

From left, Jonathan Rhodes, Pamela Rowland, and Cherokee Village Mayor Lloyd Hefley visit the Spring River Farmers' Market.



Pamela Rowland and Junior Sprouts program participants show off the fruit they purchased.

# CALENDAR

## **Municipal Finance & Budgeting**

Voluntary Certified Continuing Education Program

September 10, 2014  
301 W. Second Street  
North Little Rock, AR

## **National League of Cities**

2014 Congress of Cities and Exposition

Wednesday-Saturday  
November 19-22, 2014  
Austin Convention Center  
Austin, TX

## **Arkansas Municipal League**

Winter Conference  
Wednesday-Friday  
January 14-16, 2015  
Statehouse Convention Center  
Little Rock, AR

**CSA**softwaresolutions  
Accounting & Billing Specialists

**CenterPoint**

**Fund Accounting & Payroll**

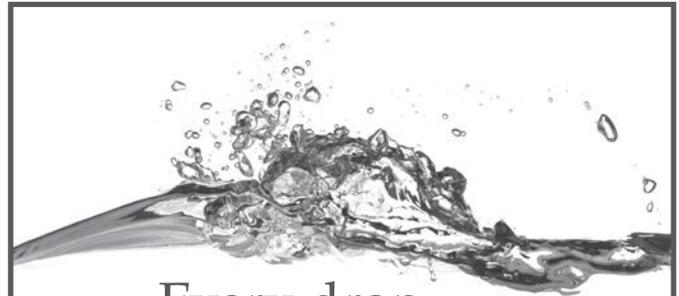
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# 2014 State Turnback Funds

Actual Totals Per Capita						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2013	2014	2013	2014	2013	2014
January	\$3.2369	\$5.1428	\$0.3020	\$0.3163	\$3.1338	\$1.9533
February	\$3.4064	\$4.5811	\$0.3873	\$0.4833	\$1.0094	\$1.0052
March	\$3.0946	\$4.7165	\$0.3953	\$0.4463	\$1.0055	\$1.0055
April	\$3.2024	\$4.8363	\$0.3438	\$0.5347	\$1.0056	\$1.0055
May	\$3.5348	\$5.1527	\$0.3138	\$0.5897	\$1.0028	\$1.0053
June	\$3.6607	\$4.9880	\$0.3573	\$0.6126	\$1.0055	\$1.0050
July	\$3.5917	\$5.5230	\$0.4276	\$0.5581	\$2.8863	\$3.9543
August	\$4.0882		\$0.4603		\$1.3763	
September	\$5.0401		\$0.4348		\$1.0055	
October	\$5.0134		\$0.3953		\$1.0055	
November	\$4.3811		\$0.3652		\$1.0053	
December	\$4.4869		\$0.3649		\$1.0055	
<b>Total Year</b>	<b>\$46.7372</b>	<b>\$34.9404</b>	<b>\$4.5476</b>	<b>\$3.5410</b>	<b>\$16.4470</b>	<b>\$10.9341</b>

Actual Totals Per Month						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2013	2014	2013	2014	2013	2014
January	\$6,083,989.12	\$9,666,249.40	\$567,571.55	\$594,574.44	*\$5,890,046.27	*\$3,671,282.93
February	\$6,402,534.31	\$8,610,432.52	\$728,037.16	\$908,313.92	\$1,897,309.37	\$1,889,234.55
March	\$5,816,498.28	\$8,864,931.29	\$742,998.16	\$838,837.95	\$1,889,913.31	\$1,889,913.97
April	\$6,019,069.40	\$9,090,103.48	\$646,153.53	\$1,005,050.29	\$1,890,083.64	\$1,889,913.97
May	\$6,643,763.23	\$9,684,675.50	\$589,734.49	\$1,108,429.75	\$1,884,771.73	\$1,889,592.55
June	\$6,880,560.47	\$9,380,093.69	\$671,509.25	\$1,151,947.00	\$1,889,910.83	\$1,889,914.20
July	\$6,750,810.43	\$10,386,236.87	\$803,621.40	\$1,049,503.01	**\$5,424,973.20	***\$7,436,192.77
August	\$7,684,015.71		\$865,190.21		\$2,586,803.92	
September	\$9,473,119.80		\$817,319.05		\$1,889,909.64	
October	\$9,422,855.56		\$742,984.39		\$1,889,909.64	
November	\$8,234,597.41		\$686,466.96		\$1,889,429.45	
December	\$8,433,440.86		\$685,869.13		\$1,889,909.64	
<b>Total Year</b>	<b>\$87,845,254.58</b>	<b>\$65,682,722.75</b>	<b>\$8,547,455.28</b>	<b>\$6,656,656.36</b>	<b>\$30,912,970.64</b>	<b>\$20,556,044.94</b>

\* Includes \$2 million appropriation from the Property Tax Relief Fund

\*\* Includes \$3,516,799.83 supplemental in July 2013

\*\*\* Includes \$3,516,800.29 supplemental and \$2 million appropriation from Category B of Budget Stabilization for July 2014

# Local Option Sales and Use Tax in Arkansas



KEY: Counties not collecting sales tax

Source: Debbie Rogers, Office of State Treasurer

See also: [www.dfa.arkansas.gov](http://www.dfa.arkansas.gov)

**2014 ELECTIONS**

- YELL Co.,** Jan. 14  
Passed. 1%
- BRADFORD,** Feb. 11  
Passed. 2%
- SEARCY,** Feb. 11  
Passed. 1% temp. increase
- CONWAY Co.,** Mar. 11  
Failed. .25%
- SHARP Co.,** Mar. 11  
Failed. 1.5%
- STUTTGART,** Mar. 11  
Passed. 1%
- HARRISON,** April 8  
Failed. 1%
- BAUXITE,** May 20  
Failed. .5%
- CRAWFORD Co.,** May 20  
Passed. .5%  
Passed. .25%
- CRITTENDEN Co.,** June 24  
Passed. 1%
- ELKINS,** June 24  
Passed. .75%
- ROCKPORT,** July 8  
Passed. 1% renewal

Sales and Use Tax Year-to-Date 2014 with 2013 Comparison (shaded gray)

Month	Municipal Tax		County Tax		Total Tax		Interest	
January	\$44,899,051	\$43,764,256	\$41,135,484	\$39,379,372	\$86,034,535	\$83,143,628	\$4,805	\$12,329
February	\$51,556,660	\$51,585,273	\$46,326,186	\$44,215,215	\$97,882,846	\$95,800,488	\$5,765	\$26,338
March	\$41,142,676	\$42,875,487	\$37,596,230	\$38,040,827	\$78,738,906	\$80,916,314	\$5,571	\$8,508
April	\$44,819,678	\$44,204,032	\$41,824,879	\$39,707,294	\$86,644,557	\$83,911,326	\$6,185	\$24,953
May	\$48,373,032	\$47,315,206	\$43,431,803	\$42,055,467	\$91,804,835	\$89,370,673	\$6,011	\$5,611
June	\$45,121,494	\$46,455,658	\$40,770,568	\$41,846,373	\$85,892,061	\$88,302,031	\$7,080	\$27,062
July	\$50,985,699	\$47,227,642	\$45,660,838	\$42,580,665	\$96,646,537	\$89,808,307	\$7,291	\$7,773
<b>Total</b>	<b>\$326,898,290</b>	<b>\$323,427,554</b>	<b>\$296,745,988</b>	<b>\$287,825,213</b>	<b>\$623,644,277</b>	<b>\$611,252,767</b>	<b>\$42,708</b>	<b>\$112,574</b>
Averages	\$46,699,756	\$46,203,936	\$42,392,284	\$41,117,888	\$89,092,040	\$87,321,824	\$6,101	\$16,082

## July 2014 Municipal Levy Receipts and July 2014 Municipal/County Levy Receipts with 2013 Comparison (shaded gray)

CITY SALES AND USE	AMOUNT	LAST YEAR									
Alexander	66,189.20	59,586.32	Gentry	52,841.58	43,530.01	Ola	14,572.10	15,942.49	Lakeview	9,938.31	9,526.13
Alma	214,239.89	189,897.54	Gilbert	849.94	998.82	Oppelo	2,336.72	2,331.46	Mountain Home	166,952.85	160,028.72
Almyra	2,778.06	1,834.03	Gillett	8,699.01	10,116.43	Osceola	101,545.53	81,132.16	Norfork	6,853.54	6,569.30
Alpena	3,970.81	3,990.73	Gillham	1,702.83	1,962.79	Oxford	1,716.24	1,145.02	Salesville	6,035.41	5,785.11
Alzheimer	2,620.30	2,558.74	Gilmore	301.96	249.97	Ozark	81,955.84	87,710.71	Benton County	694,417.99	607,978.73
Altus	7,462.29	7,384.27	Glenwood	65,351.38	69,191.20	Palestine	20,149.39	17,338.90	Avoca	7,859.63	6,681.99
Amity	8,659.29	9,223.26	Gosnell	17,803.36	14,917.24	Pangburn	7,052.93	NA	Bella Vista	426,175.77	362,319.83
Anthonyville	315.78	268.17	Gould	3,228.79	3,778.45	Paragould	293,476.56	283,157.02	Bentonville	568,551.11	483,362.40
Arkadelphia	159,472.42	151,106.04	Grady	3,764.55	4,341.98	Paris	76,868.39	24,293.22	Bethel Heights	38,202.98	32,478.84
Ash Flat	91,342.34	86,267.76	Gravette	174,961.20	170,409.34	Patmos	58.29	73.89	Cave Springs	27,846.94	23,674.50
Ashdown	107,067.96	100,106.35	Green Forest	64,852.38	24,697.22	Patterson	1,250.95	1,221.79	Centerton	153,246.76	130,285.07
Atkins	64,782.06	45,378.19	Greenbrier	161,721.95	133,697.73	Pea Ridge	34,950.19	25,505.34	Decatur	27,363.77	23,263.72
Augusta	33,812.56	24,722.44	Greenland	18,371.64	18,561.57	Perla	4,160.89	2,295.79	Elm Springs	612.02	520.32
Austin	24,206.61	20,186.25	Greenwood	206,030.13	170,103.69	Perryville	18,957.83	18,530.13	Garfield	8,085.12	6,873.68
Avoca	5,081.45	1165.60	Guion	7,488.07	6,157.38	Piggott	63,843.23	78,959.73	Gateway	6,522.85	5,545.50
Bald Knob	58,262.70	56,633.82	Gum Springs	1,737.77	225.53	Pine Bluff	985,781.21	930,277.09	Gentry	50,862.14	43,241.22
Barling	22,588.99	18,689.92	Gurdon	18,678.22	20,717.35	Pineville	2,002.86	1,502.11	Gravette	50,137.38	31,835.29
Batesville	583,701.69	559,425.67	Guy	3,389.13	4,905.44	Plainview	2,614.59	3,026.68	Highfill	9,389.69	7,982.78
Bauxite	19,297.00	19,602.31	Hackett	5,713.43	5,587.05	Plumerville	11,784.76	10,761.90	Little Flock	41,633.51	35,395.37
Bay	6,472.73	5,166.75	Hamburg	31,429.34	28,118.84	Pocahontas	234,626.23	110,471.71	Lowell	118,007.25	100,325.66
Bearden	10,521.39	13,071.22	Hardy	18,375.15	21,058.42	Portia	2,808.60	2,138.99	Pea Ridge	77,211.24	65,642.31
Beebe	117,878.43	87,556.78	Harrisburg	25,668.42	24,933.77	Portland	5,961.74	NA	Rogers	901,345.40	766,292.55
Beedeville	190.07	73.07	Harrison	286,240.89	254,909.92	Pottsville	24,312.66	26,250.03	Siloam Springs	242,215.24	205,922.98
Bella Vista	153,515.92	118,233.90	Hartford	2,635.66	1,940.75	Prairie Grove	91,889.18	78,997.13	Springdale	105,525.25	82,894.99
Bellefonte	2,280.62	1,977.63	Haskell	19,476.13	17,667.30	Prescott	50,348.95	45,996.27	Springtown	1,401.21	1,191.26
Benton	1,162,559.41	688,129.21	Hatfield	3,330.84	2,880.46	Pyatt	663.12	573.33	Sulphur Springs	NA	6,996.93
Bentonville	2,021,830.15	1,633,953.19	Havana	3,034.61	2,399.07	Quitman	26,434.95	24,741.28	Boone County	392,488.84	359,512.84
Berryville	242,791.42	224,854.84	Hazen	58,791.46	59,736.96	Ravenden	3,341.54	2,891.06	Alpena	4,141.61	3,793.64
Bethel Heights	75,570.32	55,177.62	Heber Springs	146,026.60	145,484.52	Rector	25,930.90	23,210.23	Bellefonte	5,894.33	5,399.10
Black Rock	NA	6,141.73	Helena-West Helena	260,772.70	234,660.14	Reidfield	19,618.22	13,775.63	Bergerman	5,699.58	5,220.72
Blevins	2,827.85	1,642.37	Hermitage	3,952.20	4,492.61	Rison	12,291.98	11,918.16	Diamond City	10,152.78	9,299.77
Blue Mountain	127.95	104.43	Highfill	79,728.09	90,600.16	Rockport	7,630.23	10,686.70	Everton	1,726.75	1,581.67
Blytheville	254,327.48	589,664.77	Highland	26,951.93	25,405.41	Roe	583.81	520.64	Harrison	168,040.26	153,921.91
Bonanza	3,135.39	1,612.51	Holly Grove	9,082.22	7,502.62	Rogers	2,656,894.34	2,355,701.70	Lead Hill	3,518.42	3,222.81
Bono	13,728.44	10,157.53	Hope	168,146.99	168,053.83	Rose Bud	15,655.92	14,684.42	Omaha	2,194.14	2,009.80
Booneville	91,144.13	88,962.66	Horseshoe Bend	21,885.30	24,189.40	Russellville	982,793.95	1,040,440.80	South Lead Hill	1,324.28	1,213.01
Bradley	3,302.91	2,575.82	Hot Springs	1,567,433.05	1,486,873.20	Salem	21,383.42	20,871.90	Valley Springs	2,375.91	2,176.29
Branch	1,855.57	1,941.39	Hoxie	16,669.71	14,979.36	Salesville	4,478.80	4,033.49	Zinc	1,337.26	1,224.91
Briarcliff	1,514.54	854.45	Hughes	13,562.57	9,218.26	Searcy	264,935.58	822,429.08	Bradley County	114,376.85	121,489.71
Brinkley	110,131.60	107,957.21	Humphrey	2,188.18	2,383.22	Shannon Hills	11,131.58	11,204.46	Banks	883.16	938.09
Brookland	13,422.70	12,936.93	Huntington	2,945.42	2,175.71	Sheridan	185,008.76	202,746.35	Hermitage	5,911.50	6,279.12
Bryant	1,006,280.41	983,741.68	Huntsville	123,532.08	48,956.56	Sherrill	624.87	816.66	Warren	42,755.12	45,413.96
Bull Shoals	14,387.32	14,470.80	Imboden	6,591.12	7,010.65	Sherwood	427,253.94	402,967.22	Calhoun County	41,353.16	66,767.67
Cabot	687,983.31	668,165.82	Jacksonville	646,559.54	609,625.11	Shirley	2,469.20	2,365.10	Hampton	9,105.54	14,701.55
Caddo Valley	53,424.37	51,971.97	Jasper	29,415.90	29,478.20	Siloam Springs	555,575.30	481,643.77	Harrell	1,746.83	2,820.39
Calico Rock	37,212.05	24,684.03	Jenette	128.27	87.64	Sparkman	3,260.38	3,973.19	Thornton	2,799.06	4,519.28
Camden	290,209.06	276,003.96	Johnson	56,550.40	45,481.70	Springdale	2,049,002.68	1,814,193.22	Tinsman	371.37	599.60
Caraway	4,568.81	4,278.26	Joiner	2,062.32	1,911.01	Springtown	282.24	137.40	Carroll County	162,577.90	150,589.48
Carlisle	49,666.42	57,164.50	Jonesboro	2,053,681.09	1,873,812.95	St. Charles	2,773.72	2,309.77	Beaver	595.17	551.29
Cave City	13,731.07	NA	Junction City	5,005.17	2,367.19	Stamps	17,284.38	12,115.49	Blue Eye	178.55	165.39
Cave Springs	25,172.58	16,682.43	Keiser	3,769.61	2,259.63	Star City	77,881.05	74,846.45	Chicot County	222,011.02	230,838.63
Centerton	111,250.94	85,868.71	Keo	1,469.01	1,584.07	Stephens	7,561.15	6,879.06	Dermott	23,182.49	24,104.27
Charleston	27,861.82	23,943.91	Kibler	3,221.55	2,407.67	Strong	10,516.51	8,890.75	Eudora	18,207.36	18,931.32
Cherokee Village	15,787.30	15,756.95	Kingsland	1,573.11	1,856.04	Stuttgart	403,777.51	356,249.45	Lake Village	20,662.82	21,484.42
Cherry Valley	208.86	5,814.14	Lake City	10,834.51	11,092.98	Sulphur Springs	1,753.38	1,123.49	Clark County	386,136.00	365,396.91
Chidester	2,805.35	2,293.55	Lake Village	72,596.14	76,833.48	Summit	4,282.15	3,959.15	Clay County	87,949.71	51,513.43
Clarendon	47,315.12	45,219.79	Lakeview	5,932.43	3,480.66	Sunset	2,061.50	2,409.89	Corning	23,739.60	NA
Clarksville	361,560.35	364,847.49	Lamar	9,522.88	9,350.25	Swifton	2,404.49	2,934.41	Datto	1,054.47	355.85
Clinton	83,633.89	88,027.50	Lepanto	26,639.75	20,455.69	Taylor	5,882.63	7,690.72	Greenway	2,203.84	743.73
Coal Hill	2,597.75	1,770.32	Leslie	4,113.43	5,253.77	Texarkana	426,695.95	395,996.14	Knobel	3,026.32	1,021.30
Conway	2,062,223.81	1,972,466.36	Lewisville	9,556.59	14,569.21	Texarkana Special	211,756.20	196,811.43	McDougal	1,961.31	661.89
Corning	84,015.84	73,825.52	Lincoln	37,494.66	39,361.32	Thornton	1,093.80	1,207.87	Nimmons	727.59	245.54
Cotter	13,770.20	7,875.38	Little Flock	8,301.02	6,176.19	Tontitown	114,294.10	114,391.10	Peach Orchard	1,423.53	480.40
Cotton Plant	1,390.76	1,506.49	Little Rock	6,294,580.15	5,859,927.84	Trumann	69,682.67	66,769.17	Piggott	27,057.66	NA
Cove	11,313.45	11,213.59	Lonoke	144,997.70	152,047.91	Tuckerman	13,802.54	14,490.77	Pollard	2,340.92	790.00
Crossett	337,970.02	180,987.94	Lowell	279,754.57	295,047.45	Turrell	6,547.45	7,657.01	Rector	13,897.90	NA
Damascus	7,321.20	10,923.65	Luxora	2,827.44	2,080.36	Turn	0.56	0.33	St. Francis	2,636.17	889.64
Danville	44,243.88	48,337.75	Madison	1,530.45	1,380.12	Tyronza	2,590.12	2,398.00	Success	1,571.16	530.22
Dardanelle	157,644.29	151,659.45	Magazine	9,026.15	8,497.15	Van Buren	654,835.41	604,430.47	Cleburne County	397,237.74	327,274.39
De Cadeur	18,245.89	15,867.92	Magnolia	404,668.58	425,669.45	Vandervoort	415.66	678.12	Concord	2,949.10	2,429.69
Delight	3,985.33	3,595.64	Malvern	154,960.89	150,042.39	Vilonia	88,828.97	83,014.58	Fairfield Bay	2,211.83	1,822.27
De Queen	96,709.28	90,737.88	Mammoth Spring	9,142.62	7,911.73	Viola	2,795.74	2,277.85	Greers Ferry	10,769.07	8,872.37
Dermott	27,607.98	38,715.83	Manila	43,261.79	41,909.50	Wabbaseka	1,001.95	841.13	Heber Springs	86,599.73	71,347.39
Des Arc	19,074.22	17,445.14	Mansfield	35,738.04	34,560.08	Waldenburg	10,324.88	8,666.69	Higden	1,450.38	1,194.93
DeValls Bluff	11,940.57	11,756.21	Marianna	90,639.36	79,185.62	Waldron	44,203.70	45,385.64	Quitman	8,847.32	7,289.09
DeWitt	159,777.78	164,656.36	Marion	189,978.05	177,497.39	Walnut Ridge	69,927.16	66,520.02	Cleveland County	36,048.75	36,011.74
Diamond City	2,699.05	3,184.40	Marked Tree	54,570.91	49,024.08	Ward	18,599.72	19,801.85	Kingsland	1,776.55	1,774.73
Diaz	3,343.78	5,927.24	Marmaduke	14,022.74	17,901.87	Warren	62,682.01	68,645.47	Rison	5,341.59	5,336.10
Dierks	14,357.82	17,110.15	Marshall	15,565.36	13,462.11	Washington	2,427.72	1,990.57	Columbia County	338,575.31	366,905.43
Dover	20,329.99	19,068.07	Marvell	23,265.39	25,645.95	Weiner	9,633.39	10,437.54	Emerson	603.17	653.64
Dumas	127,299.12	154,650.61	Maumelle	206,241.98	190,009.82	West Fork	35,431.24	32,151.34	Magnolia	18,975.17	20,562.91
Dyer	1,723.75	900.79	Mayflower	75,659.57	47,707.53	West Memphis	598,324.71	559,721.86	McNeil	845.74	916.51
Earle	24,877.01	21,935.81	Maynard	5,007.63	4,172.03	Wheatley	4,393.42	3,304.40	Taylor	927.70	1,005.32
East Camden	3,010.34	5,186.55	McCrary	20,114.21	20,074.61	White Hall	65,581.33	63,228.10	Waldo	2,248.76	2,436.93
El Dorado	553,479.36	509,340.69	McGehee	176,857.23	168,966.67	Wickes	3,784.74	4,251.31	Conway County	350,449.38	365,022.44
Elkins	51,638.81	44,120.42	McRae	3,964.96	3,412.17	Widener	2,720.28	3,691.75			

Mountainburg	5,974.15	5,576.54	Jackson County	256,788.18	133,460.34	Gosnell	43,392.21	40,293.32	Gilbert	195.07	168.03
Mulberry	15,666.12	14,626.26	Amagon	921.02	946.01	Joiner	7,044.51	6,541.42	Leslie	3,072.28	2,646.55
Rudy	577.53	539.09	Beedeville	1,005.60	1,032.89	Keiser	9,282.67	8,619.68	Marshall	9,439.78	8,131.68
Van Buren	215,779.35	201,418.15	Campbell Station	2,396.53	2,461.57	Leachville	24,374.48	22,633.76	Pindall	780.26	672.14
Crittenden County	705,197.64	666,338.76	Diaz	12,386.77	12,722.92	Luxora	14,407.00	13,378.11	St. Joe	919.59	792.17
Anthonyville	1,030.01	973.25	Grubbs	3,627.69	3,726.14	Manila	40,872.82	37,953.85	Sebastian County	842,503.66	739,411.17
Clarkedale	2,373.50	2,242.71	Jacksonport	1,962.41	2,046.48	Marie	1,027.32	953.96	Baring	77,000.80	67,578.64
Crawfordsville	3,064.43	2,895.57	Newport	74,048.07	76,057.58	Osceola	94,868.48	88,093.37	Bonanza	9,523.65	8,358.30
Earle	15,443.72	14,592.71	Swifton	7,499.73	7,703.25	Victoria	452.51	420.20	Central City	8,314.56	7,297.16
Edmondson	2,581.76	2,581.23	Tuckerman	17,499.37	17,974.26	Wilson	11,043.72	10,255.02	Fort Smith	1,427,868.72	1,253,148.37
Gilmore	1,514.30	1,430.86	Tupelo	1,691.67	1,737.58	Monroe County	NA	NA	Greenwood	148,270.84	130,127.76
Horseshoe Lake	1,868.09	1,765.15	Weldon	704.86	723.99	Montgomery County	46,831.26	44,154.97	Hackett	13,449.05	11,803.37
Jennette	662.15	625.66	Jefferson County	669,372.80	680,427.26	Black Springs	605.26	570.67	Hartford	10,633.36	9,332.22
Jericho	761.31	719.36	Altheimer	9,644.40	9,803.67	Glenwood	256.78	242.10	Huntington	10,517.42	9,230.47
Marion	78,977.92	74,625.96	Humphrey	3,018.77	3,068.63	Mount Ida	6,578.39	6,202.45	Lavaca	37,912.42	33,273.28
Sunset	1,140.05	1,077.23	Pine Bluff	481,073.07	489,017.82	Norman	2,310.99	2,178.93	Mansfield	11,974.96	10,509.65
Turrell	3,541.05	3,345.93	Redfield	12,712.18	12,922.11	Oden	1,418.39	1,337.33	Midland	5,382.93	4,724.25
West Memphis	167,904.04	158,651.95	Sherrill	823.30	836.90	Nevada County	97,952.79	32,808.55	Sevier County	248,221.86	231,244.11
Cross County	262,978.46	247,506.71	Wabbaseka	2,499.31	2,540.59	Bluff City	901.79	909.72	Ben Lomond	1,130.74	1,053.40
Cherry Valley	6,754.74	6,357.34	White Hall	54,161.52	55,055.98	Bodcaw	1,003.60	1,012.43	De Queen	51,421.19	47,904.11
Hickory Ridge	2,822.26	2,656.22	Johnson County	115,953.93	112,482.26	Cale	574.52	579.58	Gillham	1,247.71	1,162.37
Parkin	11,465.42	10,790.88	Clarksville	85,172.08	82,621.91	Emmet	3,454.42	3,484.81	Horatio	8,141.30	7,584.45
Wynne	86,815.58	81,707.98	Coal Hill	9,391.39	9,110.20	Prescott	23,970.04	24,180.90	Lockesburg	5,762.85	5,368.69
Dallas County	130,797.86	158,515.39	Hartman	4,816.33	4,672.13	Rosston	1,898.11	1,914.81	Sharp County	77,614.08	74,619.25
Desha County	102,758.45	108,468.02	Knoxville	6,783.70	6,580.59	Willisville	1,105.42	1,115.13	Ash Flat	9,283.75	8,925.53
Arkansas City	3,976.91	4,197.87	Lamar	14,894.45	14,448.47	Newton County	58,241.74	53,255.67	Cave City	16,502.35	15,865.58
Dumas	51,134.75	53,975.94	Lafayette County	78,376.86	85,117.92	Jasper	2,330.67	2,131.14	Cherokee Village	36,737.14	35,319.60
McGehee	45,843.07	48,390.25	Bradley	3,693.79	4,011.49	Western Grove	1,920.55	1,756.13	Evening Shade	4,092.43	3,934.52
Mitchellville	3,911.71	4,129.06	Buckner	1,617.50	1,756.62	Ouachita County	352,138.33	339,017.92	Hardy	6,915.45	6,648.61
Reed	1,868.93	1,972.77	Lewisville	7,528.74	8,176.28	Bearden	9,239.11	8,894.87	Highland	9,899.51	9,517.53
Tillar	228.18	240.86	Stamps	9,957.94	10,814.41	Camden	116,521.85	112,180.33	Horseshoe Bend	75.79	72.86
Watson	2,292.69	2,420.09	Lawrence County	200,267.36	125,963.74	Chidester	2,764.08	2,661.09	Sidney	1,714.65	1,648.49
Drew County	424,309.05	415,251.27	Alicia	720.05	679.35	East Camden	8,904.36	8,572.59	Williford	710.50	683.08
Jerome	461.15	451.30	Black Rock	3,844.15	3,626.83	Louann	1,568.54	1,510.10	St. Francis County	154,472.49	132,489.88
Monticello	111,940.64	109,551.03	College City	2,642.13	2,492.76	Stephens	8,521.80	8,204.29	Caldwell	10,163.86	8,717.48
Tillar	2,412.16	2,360.66	Hoxie	16,143.10	15,230.48	Perry County	94,723.55	90,840.24	Colt	6,922.42	5,937.30
Wilmar	6,042.22	5,913.23	Imboden	3,931.25	3,709.01	Adona	844.14	809.53	Forrest City	281,493.37	241,434.73
Winchester	1,974.65	1,932.51	Lynn	1,672.38	1,577.83	Bigelow	1,272.27	1,220.11	Hughes	26,389.44	22,634.02
Faulkner County	744,552.46	709,472.25	Minturn	632.95	597.17	Casa	690.66	662.35	Madison	14,082.90	12,078.80
Enola	2,267.15	2,160.34	Portia	2,537.60	2,394.14	Fourche	250.42	240.15	Palestine	12,471.34	10,696.58
Holland	3,736.11	3,560.08	Powhatan	418.09	394.46	Houston	698.74	670.09	Perry	1,045.81	5,655.13
Mount Vernon	972.60	926.77	Ravenden	2,729.23	2,574.94	Perryville	5,896.86	5,655.13	Phillips County	121,432.47	107,911.52
Twin Groves	2,247.03	2,141.16	Sedgwick	882.64	832.75	Elaine	13,593.37	12,079.81	Elaina	13,593.37	12,079.81
Wooster	5,768.50	5,496.71	Smithville	452.94	427.33	Helena-West Helena	215,400.59	191,416.72	Lake View	9,468.34	8,414.08
Franklin County	188,584.96	169,760.42	Strawberry	1,753.68	1,654.53	Lexa	6,112.75	5,432.12	Marvell	25,348.65	22,526.19
Altus	7,388.42	6,650.91	Walnut Ridge	28,395.60	26,790.30	Lee County	34,270.34	29,806.61	Pike County	151,094.03	152,719.80
Branch	3,577.24	3,220.16	Aubrey	1,061.97	923.65	Haynes	937.03	814.98	Antoine	968.98	979.40
Charleston	24,582.57	22,128.74	Aubrey	1,061.97	923.65	LaGrange	555.97	483.56	Daisy	952.41	962.66
Denning	4,590.96	4,132.68	Haynes	937.03	814.98	Marianna	25,705.88	22,357.67	Delight	2,310.64	2,335.50
Ozark	35,908.88	32,324.45	LaGrange	555.97	483.56	Moro	1,349.32	1,173.57	Glenwood	18,104.12	18,298.92
Wiederkehr Village	370.39	333.42	Marianna	25,705.88	22,357.67	Rondo	1,236.89	1,075.77	Murfreesboro	13,500.51	13,736.75
Fulton County	113,620.74	95,282.47	Moro	1,349.32	1,173.57	Lincoln County	49,207.33	53,438.16	Poinsett County	115,658.85	112,477.02
Ash Flat	449.51	376.96	Rondo	1,236.89	1,075.77	Gould	3,895.08	4,229.97	Fisher	1,729.87	1,682.28
Cherokee Village	3,494.76	2,930.70	Lincoln County	49,207.33	53,438.16	Grady	2,089.47	2,269.13	Harrisburg	17,857.22	17,365.96
Hardy	185.09	155.22	Gould	3,895.08	4,229.97	Star City	10,582.32	11,492.19	Lepanto	14,684.50	14,280.52
Horseshoe Bend	74.92	62.83	Grady	2,089.47	2,269.13	Little River County	164,798.21	161,676.40	Marked Tree	19,905.14	19,357.54
Mammoth Spring	4,305.64	3,610.72	Star City	10,582.32	11,492.19	Ashdown	33,614.78	32,978.01	Trumann	56,596.99	55,039.98
Salem	7,205.45	6,042.50	Little River County	164,798.21	161,676.40	Foreman	7,195.54	7,059.24	Trumana	5,911.03	5,748.42
Viola	1,485.17	1,245.46	Ashdown	33,614.78	32,978.01	Ogden	1,281.11	1,256.84	Waldenburg	473.19	460.18
Garland County	1,987,897.89	1,855,797.89	Foreman	7,195.54	7,059.24	Wilton	2,661.85	2,611.43	Weiner	5,554.19	5,401.39
Fountain Lake	6,748.74	6,300.13	Ogden	1,281.11	1,256.84	Winthrop	1,366.51	1,340.62	Polk County	246,320.27	237,347.52
Hot Springs	202,364.46	188,912.65	Wilton	2,661.85	2,611.43	Logan County	97,295.88	94,813.06	Cove	7,388.64	7,119.50
Lonsdale	1,261.19	1,177.36	Winthrop	1,366.51	1,340.62	Blue Mountain	958.66	934.19	Grannis	10,715.46	10,325.12
Mountain Pine	10,331.08	9,644.33	Logan County	97,295.88	94,813.06	Booneville	30,847.09	30,059.92	Hatfield	7,988.24	7,697.26
Grant County	170,181.21	180,313.57	Blue Mountain	958.66	934.19	Caulksville	1,646.72	1,604.70	Mena	110,965.01	106,922.86
Greene County	486,797.34	471,035.74	Booneville	30,847.09	30,059.92	Magazine	6,548.24	6,381.14	Vandervoort	1,682.76	1,621.46
Delaplaine	1,255.68	1,215.02	Caulksville	1,646.72	1,604.70	Morrison Bluff	494.79	482.16	Wickes	14,583.87	14,052.61
Lafe	4,957.77	4,797.24	Magazine	6,548.24	6,381.14	Paris	27,306.24	26,609.44	Pope County	339,514.22	355,177.85
Marmaduke	12,026.37	11,636.98	Morrison Bluff	494.79	482.16	Ratcliff	1,561.68	1,521.83	Atkins	40,774.69	42,655.85
Oak Grove Heights	9,623.26	9,311.68	Paris	27,306.24	26,609.44	Scranton	1,731.77	1,687.57	Dover	18,629.82	19,489.31
Paragould	282,668.39	273,516.12	Ratcliff	1,561.68	1,521.83	Subiaco	4,422.19	4,309.36	Hector	6,083.76	6,364.43
Hempstead County	340,366.73	535,662.94	Scranton	1,731.77	1,687.57	Lonoke County	248,073.10	244,290.58	London	14,046.72	14,694.77
Blevins	3,178.07	3,328.56	Subiaco	4,422.19	4,309.36	Allport	1,003.11	987.81	Pottsville	38,368.23	40,138.36
Emmet	433.83	454.37	Lonoke County	248,073.10	244,290.58	Austin	17,776.83	17,505.77	Russellville	377,463.34	394,877.79
Fulton	2,027.91	2,123.94	Allport	1,003.11	987.81	Cabot	207,390.50	204,228.30	Prairie County	64,022.36	29,013.61
Hope	101,849.72	106,672.40	Austin	17,776.83	17,505.77	Carlisle	19,312.02	19,017.56	Bischoe	2,660.42	2,405.65
McCaskill	968.56	1,014.42	Cabot	207,390.50	204,228.30	Coy	837.38	824.61	Des Arc	12,583.87	11,378.80
McNab	686.06	718.55	Carlisle	19,312.02	19,017.56	England	24,641.58	24,265.85	DeValls Bluff	4,536.64	4,102.20
Oakhaven	635.61	665.71	Coy	837.38	824.61	Humnoke	2,477.24	2,439.47	Hazen	10,758.95	9,728.64
Ozan	857.58	898.58	England	24,641.58	24,265.85	Keo	2,233.01	2,198.96	Ulm	1,245.93	1,126.61
Patmos	645.70	676.28	Humnoke	2,477.24	2,439.47	Lonoke	37,027.79	36,463.20	Pulaski County	883,547.54	830,453.30
Perrytown	2,744.24	2,874.18	Keo	2,233.01	2,198.96	Ward	35,475.14	34,934.26	Alexander	4,277.10	4,020.08
Washington	1,816.05	1,902.04	Lonoke	37,027.79	36,463.20	Madison County	194,928.84	157,597.48	Cammack Village	13,918.70	13,082.30
Hot Spring County	284,645.76	276,599.50	Ward	35,475.14	34,934.26	Hindsville	411.24	332.48	Jacksonville	514,049.53	483,159.20
Donaldson	2,302.90	2,240.71	Madison County	194,928.84	157,597.48	Huntsville	15,815.97	12,787.01	Little Rock	3,507,295.18	3,296,534.40
Friendship	1,346.55	1,310.19	Hindsville	411.24	332.48	St. Paul	761.81	615.92	Maumelle	311,050.35	292,358.67
Malvern	78,941.39	76,809.60	St. Paul	761.81	615.92	Marion County	86,364.91	79,050.72	North Little Rock	1,129,154.62	1,061,301.33
Midway	2,976.18	2,895.81	Marion County	86,364.91	79,050.72	Bull Shoals	14,878.66	13,618.60	Sherwood	535,054.44	502,901.89
Perla	1,843.85	1,794.06	Bull Shoals								

# Changes to 2014 Directory, Arkansas Municipal Officials

Submit changes to *Whitnee Bullerwell, wvb@arml.org.*



## Bentonville

Delete AL Shane Perry  
Add AL James Smith  
Delete AL Leah Williams  
Add AL John Skaggs

## Bull Shoals

Delete R/T Jenny Hargleroad  
Add R/T Kimberly Williams  
Delete CA Roy Danuser  
Add CA Roger Morgan

## Cave City

Delete PC Nathan Presser  
Add PC Nathan Stephens  
Delete AL Ed Turnbough  
Add AL Nathan Marlin

## Diamond City

Delete PC John Langert  
Add PC Troy Burleson

## Greenland

Delete AL John Boles  
Add AL Larry Forrester

## Gum Springs

Delete AL (Vacant)  
Add AL Frank Smithy

## Hartford

Delete R/T Janice Keller  
Add R/T (Vacant)

## Lake View (Phillips)

Delete AL David Anderson  
Add AL (Vacant)  
Delete R/T Everlene Tucker  
Add R/T (Vacant)

## Mansfield

Delete AL Ann Johnson  
Add AL (Vacant)

## Mitchellville

Delete FAX 870-382-5043  
Add FAX 870-382-3043

## Western Grove

Delete R/T Frances Cope  
Add R/T Joyce Sweet  
Delete AL Josh Trammel  
Add AL Lloyd Nichols



## 2014 Directory of Arkansas Municipal Officials

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and send it to the Arkansas Municipal League at the address below.

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My check of \$ \_\_\_\_\_ is enclosed, payable to: The Arkansas Municipal League.

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Clip and mail to: **Arkansas Municipal League**  
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# MUNICIPAL MART

To place a classified ad in *City & Town*, please contact the League at 501-374-3484 or e-mail [citytown@arml.org](mailto:citytown@arml.org). Ads are FREE to members of the League and available at the low rate of \$.70 per word to non-members. For members, ads will run for two consecutive months from the date of receipt unless we are notified to continue or discontinue. For non-members, ads will run for one month only unless otherwise notified.

**CITY PLANNER**—Texarkana is seeking qualified candidates for the position of City Planner. The purpose of this position is to provide a wide range of short and long-term planning services to promote the orderly development, redevelopment and use of land within the community while being responsible for the detailed oversight of the City's zoning and subdivision ordinances. Starting annual salary range of \$40,000 to \$70,000 DOE/Q. Benefits include: 13 days vacation, 13 days sick time, 13 holidays, Municipal Retirement System, ICMA-RC 457, IRA, longevity pay, medical, dental, and other benefits per the Personnel Policy. Apply online at [arkansas.txkusa.org](http://arkansas.txkusa.org), or contact Human Resources at 870-779-4997.

**INTERNAL AUDITOR**—Fort Smith is recruiting a professional to fill the role of Internal Auditor. This position provides an independent, objective assurance and consulting role in service to the board, administration, and the citizens. Starting salary \$54,787 to \$70,470 with growth potential to \$86,174 + excellent benefits. A detailed recruitment brochure is available by calling the City of Fort Smith human resources department at 479-784-2221 or online at [www.fortsmithar.gov/humanresources](http://www.fortsmithar.gov/humanresources) under the documents tab. EOE.

**PARKS AND RECREATION DIRECTOR**—Mena is accepting applications for a Parks and Recreation Director. A degree in Parks and Recreation Administration or closely related field is preferred for this position and at least 5 years previous experience in parks and recreation management is desired. Any equivalent combination of education and experience will be considered. Former experience and related skills in parks facility and grounds maintenance (including baseball/softball and soccer field preparation), business management techniques, budgeting, and an understanding of parks and recreation principals and practices is desired. Paid vacation, holidays, and sick leave. Salary negotiable DOE. A comprehensive background investigation will be conducted. Applications with resumes and copies of certifications will be accepted at the Arkansas Employment Security Department, Northside Shopping Center, Mena, AR 71953. Open until filled. For more information contact Becky Horton, 479-394-4585. EOE.

**POLICE CHIEF**—Bradley is now accepting applications for a full-time police chief. Must be certified and meet all requirements of law enforcement standards and training. Send Resume to, or applications are available at: City of Bradley City Hall, P.O. Box 729/410 Pullman Street, Bradley, AR 71826. Office hours 8-4 Mon-Fri, 870-894-3464. EOE.

**POLICE OFFICER**—Clinton is seeking certified applicants for the position of full-time police officer. Paid vacation, holidays, and sick leave. Send resume to Clinton Police Department, P.O. Box 1050 Clinton, AR 72031; or email [chiefclintonpd@clintoncable.net](mailto:chiefclintonpd@clintoncable.net).

**POLICE OFFICER**—Fordyce is accepting applications for the position of full-time police officer. Candidates must be able to meet all requirements of law enforcement standards and raining. Fordyce maintains a residency requirement for full-time officers. Benefits include health insurance package, paid vacation, sick leave and retirement. Certified and/or military veterans preferred. For applications contact Chief Jimmy Vaughan at 870-352-2178.

**POLICE OFFICER**—Shannon Hills is seeking certified applicants for the position of a full-time Police Officer. Paid vacation, holidays and sick leave. Send resume to Shannon Hills Police Department @ 10401 High Road East, Shannon Hills, AR 72103; or email [shannonhillspdchief@aristotle.net](mailto:shannonhillspdchief@aristotle.net). EOE.

**PROJECT ENGINEER**—Conway is accepting resumes for a Project Engineer working within the City of Conway Street and Engineering Department. The Project Engineer will provide engineering expertise in the area of street and drainage design as well as storm water management, traffic control, and development review. Education and experience: Degree required from an ABET accredited engineering school with a Bachelor of Science in Civil Engineering or closely related field. 4 years of relevant

experience is required; 7 years preferred. Certifications, licenses, and registrations: Applicant should have registration as a Professional Engineer in the state of Arkansas as well as a valid Arkansas driver's license and acceptable driving record.

For complete job description, contact the Human Resources Department. Please submit resume with salary history to: Human Resources Director; City of Conway; 1201 Oak Street; Conway, AR 72032. Email: [humanresources@cityofconway.org](mailto:humanresources@cityofconway.org); fax 501-513-3503. Open until filled. Submitted resumes will be subject to disclosure under the Arkansas Freedom of Information Act. EOE.

**SANITATION SUPERVISOR**—Arkadelphia is accepting applications for a Sanitation Supervisor. Under the direction of the City Manager, the Sanitation Supervisor is responsible for managing and directing the day to day operations of the workers to include trash collecting/ recycling, animal control and minor repairs of vehicles. Responsible for annual budget review and keeping within this budget. Responsible for all supervisory functions including evaluating, disciplining, completing time-cards. Experience in sanitation or related field preferred with 3 years of managerial experience preferred. Salary DOE. Benefits include vacation, sick leave, paid holidays, APERS retirement, health insurance as well as dental, vision and life insurance. Submit resume and cover letter to City of Arkadelphia, Attn: City Manager 700 Clay St., Arkadelphia, AR 71923.

**WATER/SEWER/STREET OPERATOR**—Hermitage is hiring a part-time water/sewer/street operator. For information call 870-463-2209 from 9 a.m. to 5 p.m. weekdays.

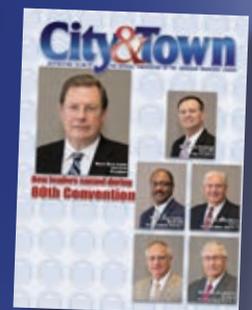
**FOR SALE**—1996 Leach Alpha 20 cubic yard rear loading trash compactor bed. In good condition. Contact City of Judsonia 501-729-5222 or 501-284-9155.

**FOR SALE**—Hampton has for sale 2 pothole/spreader machines. One runs, the other does not. Anyone interested can call Rick at 870-866-7562.

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You can download last month's issue or older issues of *City & Town* that you might have missed.

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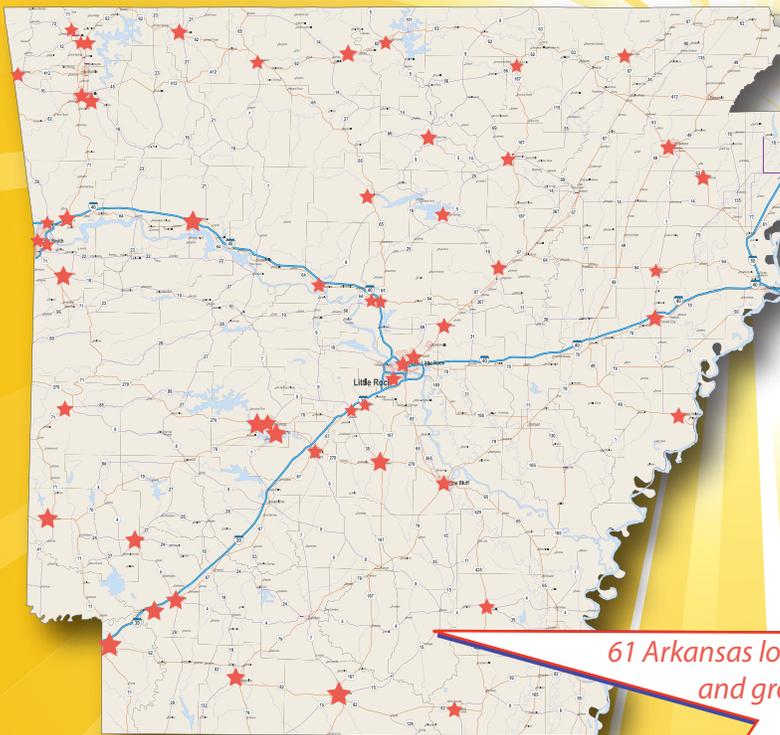
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