

# City & Town

AUGUST 2015 VOL. 71, NO. 08

THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE







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Cover photo by Andrew Morgan

ON THE COVER—Batesville Mayor and League 2015-2016 President Rick Elumbaugh has made quality of life a priority as mayor and hopes to spread the message during his tenure as the League’s leader. Read about him and Batesville’s successes inside beginning on page 6. Note also the filing dates, election dates, and other important information about the 2016 election cycle inside beginning on page 12.—atm

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Dear Friends and Colleagues,

The summer temperatures are heating up, but in the City of Batesville we are working on some cool ideas for the League's annual planning meeting, Aug. 19-21. We are excited to be hosting and believe we have come up with some great accommodations for the meetings, as well as the down time in between.

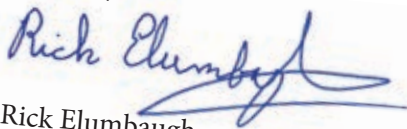
Most mayors have the immense passion that I do toward their cities. Each of us, whether governing a large or small city, wants to make a difference in our community. We strive to build an economically vibrant community that offers a quality of life for our younger generations so they can work and raise their families without having to relocate.

During my time as mayor our city has focused on improving our infrastructure with a \$50 million wastewater plant and \$3 million in water treatment plant upgrades. Quality of life improvements have included the construction of seven youth baseball fields, each a mini replica of a major league ballpark; nine soccer fields; and a 100,000-square-foot community center currently under construction. The city has also added two miles of greenway trails and several miles of bike lanes.

Over the last five years, Batesville has implemented new health and wellness programs for our employees and continues to do so. We are confident that healthy employees are productive employees. One of the incentives is a Health and Wellness Day. Employees are given up to eight hours of paid time off to schedule a wellness checkup with a primary care physician. This will eventually work in to a credit toward the amount of out-of-pocket health insurance premium the employee pays for coverage. The completion of our new community center will also offer more accessible fitness opportunities for our employees and the community. We have added an on-staff Tobacco Coordinator, funded by a grant from the Arkansas Drug Free Community Coalitions, to educate our employees and the community on the dangers of tobacco. The city adopted an ordinance in April of this year that prevents not only smoking, but the use of electronic cigarettes and smokeless tobacco on city property.

Again, I am truly excited to showcase our beautiful city during the planning meeting. You will be receiving more details in the near future. I hope that some of you will consider returning to Batesville the following weekend on August 29 for the 72nd Annual White River Water Carnival, one of the oldest running festivals in Arkansas. I would like to remind you that a budget seminar is being planned for September and a seminar on HR will be set for October. These dates will be finalized soon. I look forward to working with each of our new officers to plan out the upcoming year.

Sincerely,



Rick Elumbaugh  
Mayor, Batesville  
President, Arkansas Municipal League





# ARKANSAS MUNICIPAL LEAGUE OFFICERS

Mayor Rick Elumbaugh, **Batesville** ..... President  
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Alderman Sam Angel II, **Lake Village** .... Vice President, District 1  
Mayor Joe Smith, **North Little Rock** ..... Vice President, District 2  
Mayor Sonny Hudson, **Prairie Grove** .... Vice President, District 3  
Mayor Frank Hash, **El Dorado** ..... Vice President, District 4  
Don A. Zimmerman..... Executive Director

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

Mayor Elumbaugh, standing at right, meets at City Hall with some of the city's dedicated department heads and employees.



## Batesville mayor polishes diamond in the rough

By Andrew Morgan, League staff

When Batesville Mayor and new League President Rick Elumbaugh shares his thoughts about his beloved hometown, it usually doesn't take long for talk to turn to the water. With an incorporation date of December 20, 1848, Batesville is the oldest existing city in Arkansas, and the White River is an integral part of both the city's history and Elumbaugh's life. Water—whether it's the river, the aquatic center now under construction, or the major upgrade of the city's water treatment system—is essential to the high quality of life in Batesville.

Elumbaugh was born and raised in Batesville, and apart from his student years at Arkansas State University in Jonesboro, he has called Batesville home all his life. His wife, Margaret, an educator for 26 years, teaches fifth grade math. He has two grown children—a son, Rusty, and a stepdaughter, Maisie—and two grandchildren. Elumbaugh, now in his third term as mayor, spent 31 years in public education as a teacher and a coach.

Elumbaugh comes from three generations of water skiers. He grew up skiing the White River, even performing with his family during the annual White River Carnival, which is now in its 72nd year. He now prefers skiing the warmer waters of nearby Greers Ferry Lake and in fact had just returned from a weekend on the water at the time of our interview. He has also spent a lot of time in water of the chlorinated variety. Starting in the summers during college, Elumbaugh ran the city's swimming pools for 32 years.

When *City & Town* last visited with Elumbaugh, during his term as the League's District 1 vice president in 2010-2011, he was contemplating the way forward after a setback. Voters had just narrowly defeated a one-cent sales tax to fund a major parks and recreation plan. It failed by just 75 votes. Despite that loss at the polls, the mayor believed he could build on the existing support for the plan and try again. He was right about that. In March of 2012 voters approved the increase, and the plan is now well underway.





Coming from three generations of water skiers, Elumbaugh grew up on the water, and on a recent weekend at Greers Ferry Lake he showed that he's still got ski skills.

The broad parks plan, which includes a new community and aquatics center, ballparks, soccer fields, trails, and more, fits right into the mayor's goal to continue to improve the quality of life through recreational opportunities in the city.

"I have a friend who called Batesville a diamond in the rough," Elumbaugh says. "I try to polish it."

The \$22 million community center includes three basketball courts, indoor walking track, full service kitchen, meeting space, and a complete aquatics center. This spring's heavy rains slowed construction, but the city hopes to open the center later this year.

Elumbaugh would like to continue to reclaim and beautify the riverfront in the coming years. He credits previous Batesville Mayor Joe Beard for progress toward that end with the beginnings of the trail system and the building of an amphitheater.

"We really had something to build on with our greenway trails."

Seeing more citizens use the trail system and more people on bicycles in Batesville is exciting, Elumbaugh says. The goal is to eventually connect all the city's neighborhoods via the trail system and for the system to lead to the new community center, he says.

"I believe in these trails. I believe we're going to see more and more people commuting. I went to the barbershop yesterday—my barber commuted on his bicycle. It's just good to see that people are thinking that way. It's good for health, number one, and it's good for our country to be energy independent. You can't get any better than that."

Just west of Riverside Park is the old fire training center. With a new training center now being built on the campus of the University of Arkansas Community College at Batesville, Elumbaugh would like to have the buildings removed, giving the city the opportunity to expand its park and perhaps attract a hotel to the property on the river.

Like Batesville, many cities and towns have recognized the importance of wellness and expanded their recreational amenities in recent years, and as one of his priorities as League president, Elumbaugh would like to encourage more of that in Arkansas cities and towns statewide, he says.

Elumbaugh would also like to increase participation in and possibly expand access to the League's voluntary certification program for municipal officials. Looking into ways to do that is something he and the Executive Committee may discuss during his tenure, he says.

PHOTOS BY ANDREW MORGAN.



A massive new community and aquatics center is just part of the city's major parks and recreation upgrade, paid for with a penny sales tax passed in 2012.



Transparency is another of Elumbaugh's goals for the League this year, he says, and that's already begun with the great turnout among state Legislators we had at our 81st Convention in June.

"We have to continue to let our Legislators know what we do as a League, because we don't have as many former mayors or council members there today. We have to continue to promote ourselves."

We have to continue to build on our relationship with them, he says, and be great communicators.

As we tour the city, the mayor points out "the black and white" and waves as the officer passes us. What's unique about the moment is that this officer is part of Batesville's first police department since 1981. The city had been paying Independence County as part of an interlocal agreement to provide law enforcement. Now with its own 25-member police department, the city and the officers are better able to work with the citizens and build community, which ultimately increases public safety Elumbaugh says.

"They're very accessible now. We went from having two officers on the streets to five officers, 24-7 on the streets. We've got four officers on bikes, and they're getting in the neighborhoods and talking with people and just telling them we're there."

Business and construction have been strong in recent years. Downtown continues to attract new shops,

and the classic Melba Theater is getting refurbished and should be open in the fall, Elumbaugh says. A new traffic-calming and pedestrian-friendly streetscape is about halfway complete.

The city hopes developers will convert some of the upper stories of some of downtown's buildings into loft apartments to help attract young people back to the city's center. Young families are already starting to buy some of the classic homes in the neighborhoods around downtown, he says, and keeping that energy and talent in Batesville is very important.

Many of Batesville's key businesses, like Bad Boy Mowers, UTV-maker Intimidator, Inc., and Batesville Cold Storage continue to thrive, and poultry producer Peco Foods recently broke ground on a \$28 million expansion earlier this year.

The end is in sight for the city's major, \$50 million water/wastewater improvement project, which has included upgrades to the wastewater treatment facility, tunneling under the public golf course to get wastewater to the new facility, massive screw pumps to pull it all through, and replacing aging pipes, some of which they've found are nearly a century old.

"The lifeline of any community is its infrastructure," he says. "This is crucial, and I'm not sure we would've seen the business expansions like the new poultry plant without it." 🏠



Pylons mark the next phase of downtown's new traffic-calming streetscape, which aims to make the city center more pedestrian friendly.



# Meet your 2015-2016 LEAGUE VICE PRESIDENTS



## **First Vice President**

### **Stephens Mayor Harry Brown**

Mayor Brown has served on the League's Executive Committee since 2013, served as District 4 vice president in 2012-2013, and served on the Second Class Cities Advisory Council from 2010-2012.



## **District 1 Vice President**

### **Lake Village Alderman Sam Angel II**

Alderman Angel has served on the Executive Committee since 2014. Also Lake Village's fire chief, Angel has served five years total on the Public Safety Advisory Council.



## **District 2 Vice President**

### **North Little Rock Mayor Joe Smith**

Mayor Smith has served on the Executive Committee since 2014, and he served on the Large First Class Cities Advisory Council in 2012-2013.



## **District 3 Vice President**

### **Prairie Grove Mayor Sonny Hudson**

Mayor Hudson has served on the Executive Committee since 2013, and he served on the First Class Cities Advisory Council from 2002-2013.

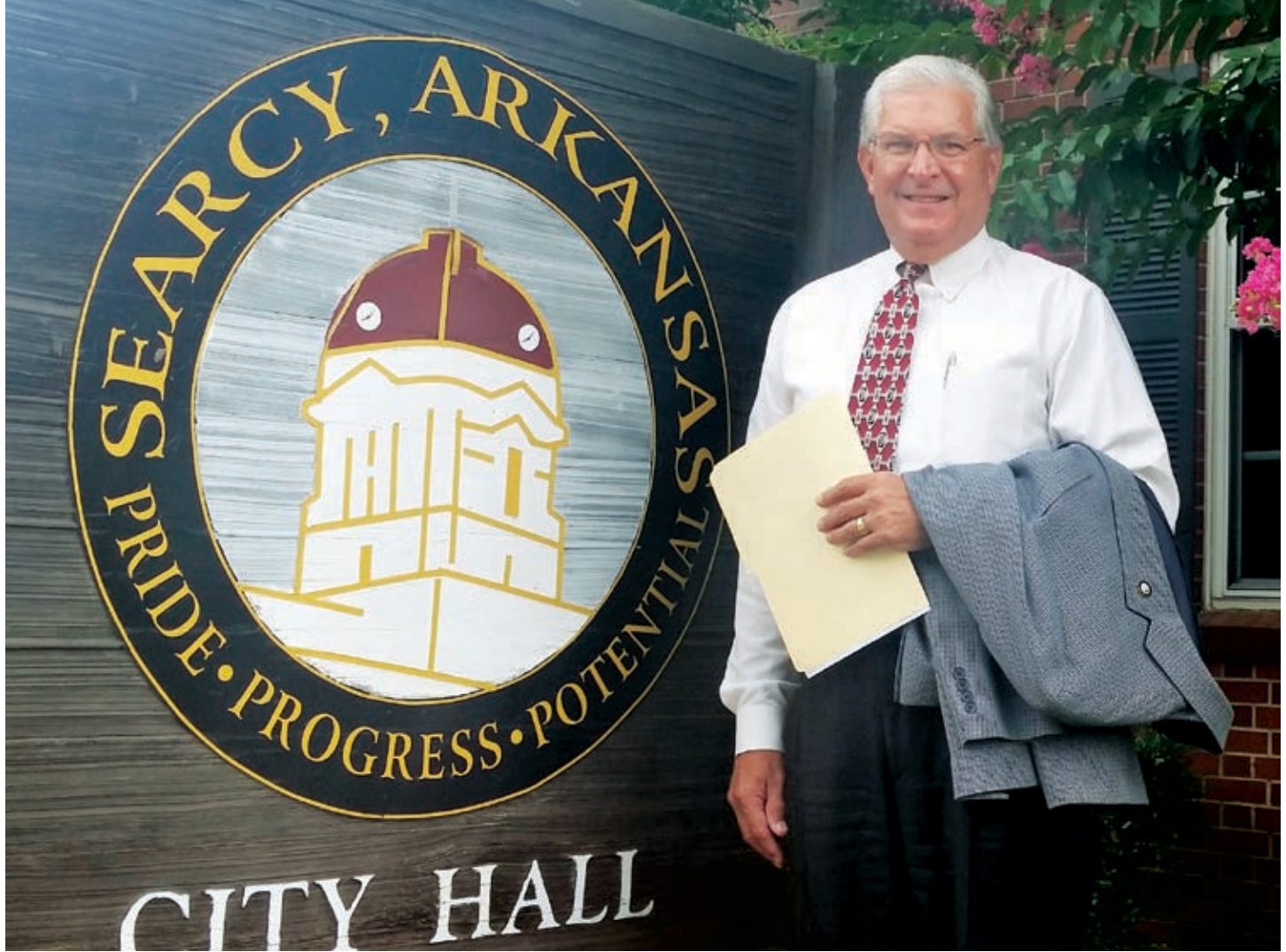


## **District 4 Vice President**

### **El Dorado Mayor Frank Hash**

Mayor Hash has served on the Executive Committee since 2014, and he served on the Economic Development Advisory Council from 2012-2014.





## Searcy Mayor David Morris marks 40 years in public service

**G**rowing up in Searcy, Mayor David Morris witnessed firsthand the positive impact public service has on the community. With his mother working for the University of Arkansas Corporate Extension Office for 55 years and a father that served in the U.S. Navy for eight years prior to becoming a postal worker and retiring after 42 years of service, he knew this was the direction his future was heading. In addition, his grandfather, Harvey Morris, served as White County's assessor during the 1940s.

Morris graduated from the University of Central Arkansas with a Bachelor of Science degree and received a Master of Health Services Management and a Masters in Business, both from Webster University in St. Louis.

Morris has an extensive background in the operation and administration of both county and city government. He began his career in 1975 as a probation officer, then as administrative assistant to the county judge, and in 1982 he was elected county judge of White County. After serving a term in office, he became assistant administrator of White County Memorial Hospital, now Unity Health.

Morris served as executive director of the North Central Arkansas Private Industry Council prior to joining the staff at the Association of Arkansas Counties, last serving as assistant director. In 2010 Morris was elected mayor of Searcy, and on Jan. 1, 2015, he was sworn in for his second four-year term.

David and his wife Gail were married in 2003. Gail is a native of Cleburne County. Together they have seven children, 12 grandchildren, and one great-grandchild.

Morris admitted that there have been many challenges along the way, but that each day has been a pleasure in serving the public.

"Where have the years gone? It seems like only last month that I began this incredible journey," Morris said. "It has indeed been my blessing."

After years of hard work, Mayor David Morris is excited to acknowledge that as of June 30, 2015, he has completed 40 years of public service and has his eyes focused upon the community he serves.





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# 2016 Municipal Election Information

## DEADLINES FOR FILING AND OTHER IMPORTANT DATES

### Filing Dates

Primary Election: From 12 p.m., Nov. 2, 2015, until 12 p.m., Nov. 9, 2015. ACA 7-7-203(c)(1).

General Election (for Independents): From July 29, 2016, until 12 p.m. Aug. 19, 2016.

ACA 14-42-206(b)(1).

OR, by City Ordinance (for Independents): From Feb. 10, 2016, until 12 p.m. Feb. 29, 2016.

ACA 14-42-206(d).

### Election Dates

Preferential Primary Election: March 1, 2016. ACA 7-7-203.

Primary Election (Runoff): March 22, 2016. ACA 7-7-203.

General Election: Tuesday, Nov. 8, 2016. ACA 7-5-102.

General Election (Runoff): Tuesday, Nov. 29, 2016. ACA 7-5-106.

## City Administrator Form of Government

### Deadlines for filing and other important dates:

Deadline for filing statement of candidacy and petition, no more than ninety (90) days (May 11, 2016) or less than seventy-five (75) days by 12 p.m. (May 26, 2016) before a municipal primary election, which is the second Tuesday of August. ACA 14-48-109(a).

Tues., Aug. 9—Primary Election for Directors and Mayor when more than two are seeking the office (second Tuesday in August preceding the municipal general election, which is Nov. 8, 2016). ACA 14-48-109(a)(2).

Tues., May 31—Deadline for clerk to certify names of candidates on the petitions to county board of election commissioners seventy (70) days before municipal primary election which is August 9, 2016. ACA 14-48-109(a)(6)(B).

## City Manager Form of Government

### Deadlines for filing and other important dates:

Deadline for all candidates for petitions of nomination and political practice pledges not more than one-hundred two (102) days (July 29, 2016) nor less than eighty-one (81) days by 12 p.m. (Aug. 19, 2016) before general election which is Nov. 8, 2016. ACA 14-47-110(a)(2).

Tuesday, Aug. 25, 2016—Deadline for city clerk to certify names of candidates for director to county board of election commissioners, unless petition fails to meet standards (seventy-five (75) days before general election, which is November 8, 2016). ACA 14-47-110(a)(3)(D).

### Political Practice Pledge and Affidavit of Eligibility

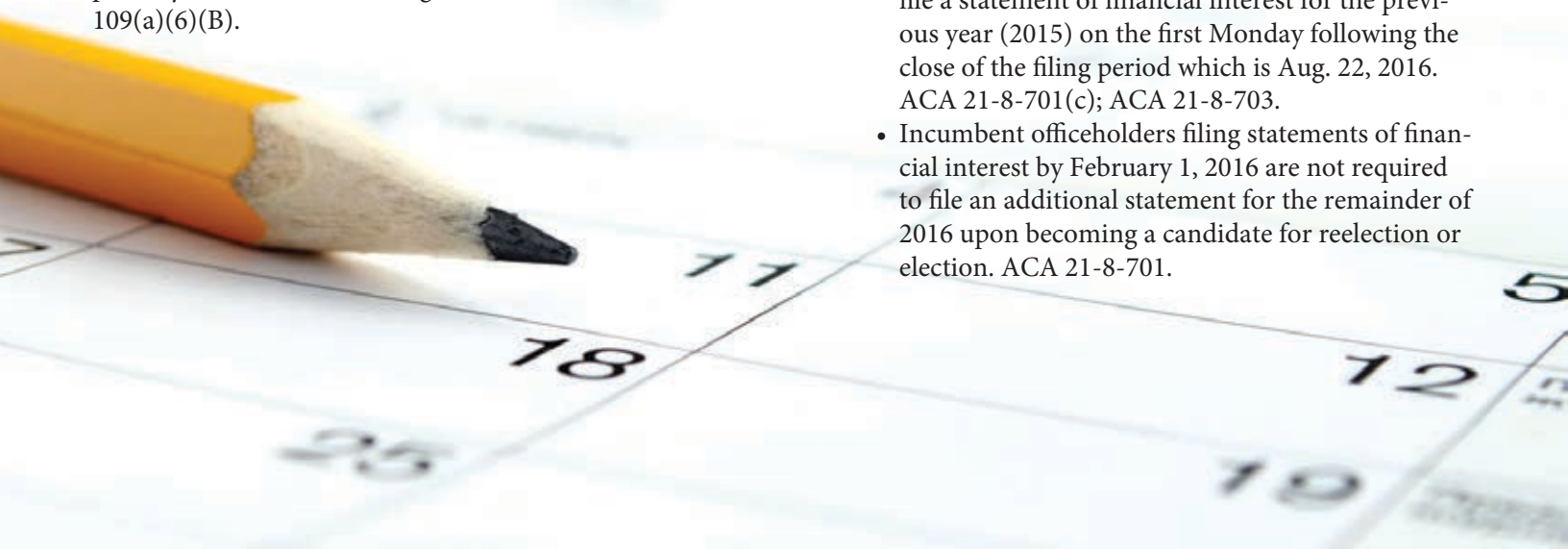
- For candidates in Preferential Primary Election: From 12 p.m. Nov. 2, 2015, until 12 p.m. Nov. 9, 2015. ACA 7-6-102(a); 7-7-301(a).
- For independent candidates: During the period for filing petition for nomination from July 29, 2016, until 12 p.m. Aug. 19, 2016. ACA 7-6-102(a); 14-42-206(b)(3).

Political Practice Pledge is filed with the County Clerk at time of filing petition for nomination, a pledge in writing stating that candidate is familiar with the requirements of ACA 7-1-103, 7-1-104, 7-3-108,

7-6-101 through 7-6-104 and will in good faith comply with their terms. See ACA 7-6-102.

### Financial Disclosure Statements

- Party candidates for elective office: Must file a statement of financial interest for the previous year (2014) on the first Monday following the close of the filing period which is Nov. 16, 2015.
- All candidates for elective office must file a statement of financial interest for 2015 by February 1, 2016. \*ACA 21-8-705.
- Independent candidates for elective office: Must file a statement of financial interest for the previous year (2015) on the first Monday following the close of the filing period which is Aug. 22, 2016. ACA 21-8-701(c); ACA 21-8-703.
- Incumbent officeholders filing statements of financial interest by February 1, 2016 are not required to file an additional statement for the remainder of 2016 upon becoming a candidate for reelection or election. ACA 21-8-701.





\*The law requires a deadline of January 31, 2016, however that is a Sunday, therefore the deadline is extended to the following Monday, February 1, 2016. Financial Disclosure Statement(s) must be filed with the City Clerk or Recorder on the first Monday following the close of the period to file as a candidate for the elective office. Any incumbent office holder who has filed the statement for the year 2015 by February 1, 2016, shall not be required to file an additional statement. ACA 21-8-701(c) and 703(a)(3). For party candidates, Financial Disclosure Statements for both 2014 and 2015 are required to be filed.

### **Reports of Contributions and Expenses**

**Pre-election Report**—No later than seven (7) days prior to any preferential primary, runoff, general, or special election. Not required if contributions and expenditures are each less than five hundred dollars (\$500), or if candidate runs unopposed.

**Final Reports**—No later than thirty (30) days after the end of the month in which the candidate's name has appeared on the ballot, regardless of whether a candidate has received contributions and/or expenditures in excess of five hundred dollars (\$500). A candidate who withdraws shall file within thirty (30) days of withdrawal a report of any contributions and expenditures not previously reported.

**Supplemental Reports**—After the final report, within thirty (30) days of contribution or expenditure. ACA 7-6-208.

**Officials elected take office: Jan. 1, 2017.**

## **Mayor-Council Form of Government**

### **Important Statutes**

#### **14-42-206. Municipal elections—Nominating petitions**

(a)(1) The city or town council of any city or town with the mayor-council form of government, by resolution passed no less than sixty (60) days before the party filing period under § 7-7-203, may request the county party committees of recognized political parties under the laws of the state to conduct party primaries for municipal offices for the forthcoming year.

(2) The resolution shall remain in effect for the subsequent elections unless revoked by the city or town council.

(3) When the resolution has been adopted, the clerk or recorder shall mail a certified copy of the resolution to the chairs of the county party committees and to the chairs of the state party committees.

(4) Candidates nominated for municipal office by political primaries under this section shall be certified by the county party committees to the county board of election commissioners and shall be placed on the ballot at the general election.

(b)(1) Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government shall file not more than one hundred two (102) days nor less than eighty-one (81) days before the general election by 12 p.m. with the county clerk the petition of nomination in substantially the following forms:

(A) For all candidates except aldermen in cities of the first class and cities of the second class:

“PETITION OF NOMINATION—We, the undersigned qualified electors of the city (town) of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of \_\_\_\_\_ (A candidate for alderman in an incorporated town shall identify the position for which he or she is running) at the next election of municipal officials in 20 \_\_\_\_\_. [Printed name, signature, street address, date of birth, and day of signing.]

(B) For candidates for alderman elected by ward in cities of the first class and cities of the second class, the nominating petitions shall be signed only by qualified electors of the ward in the following manner:

“PETITION OF NOMINATION—We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_. [Printed name, signature, street address, date of birth, and day of signing.]

(C) For at-large candidates for alderman of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by a qualified elector of the city in the following manner:

“PETITION OF NOMINATION—We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, position \_\_\_\_\_, of the next election of municipal officials in 20 \_\_\_\_\_. [Printed name, signature, street address, date of birth, and day of signing.]

(2)(A) An independent candidate for municipal office may qualify by a petition of not fewer than ten (10) electors for incorporated towns and cities of the second class and not fewer than thirty (30) electors for cities of

the first class of the ward or city in which the election is to be held.

(B)(i) The county clerk shall determine no later than ten (10) days from filing whether the petition contains the names of a sufficient number of qualified electors.

(ii) The county clerk's determination shall be made no less than seventy-five (75) days before the general election.

(C) The county clerk promptly shall notify the candidate of the result.

(3) Independent candidates for municipal office shall file a political practices pledge and an affidavit of eligibility at the time of filing their petitions.

(4)(A) An independent candidate shall state the position, including the position number, if any, on his or her petition.

(B) When a candidate has identified the position sought on the notice of candidacy, the candidate shall not be allowed to change the position but may withdraw a notice of candidacy and file a new notice of candidacy designating a different position before the deadline for filing.

(5) The sufficiency of a petition filed under this section may be challenged in the same manner as election contests under § 7-5-801 et seq.

(6) A person who has been defeated in a party primary shall not file as an independent candidate in the general election for the office for which he or she was defeated in the party primary.

(c)(1)(A) If no candidate receives a majority of the votes cast in the general election, the two (2) candidates receiving the highest number of votes cast for the office to be filled shall be the nominees for the respective offices, to be voted upon in a runoff election pursuant to § 7-5-106.

(B) In any case, except for the office of mayor, in which only one (1) candidate has filed and qualified for the office, the candidate shall be declared elected and the name of the person shall be certified as elected without the necessity of putting the person's name on the general election ballot for the office.

(2) If the office of mayor is unopposed, then the candidate for mayor shall be printed on the general election ballot and the votes for mayor shall be tabulated as in all contested races.

(d)(1)(A) The governing body of any city of the first class, city of the second class, or incorporated town may enact an ordinance requiring independent candidates for municipal office to file petitions for nomination as independent candidates with the county clerk:

(i) No earlier than twenty (20) days prior to the preferential primary election; and

(ii) No later than 12 p.m. on the day before the preferential primary election.

(B) The governing body may establish this filing deadline for municipal offices even if the municipal offices are all independent or otherwise nonpartisan.

(2)(A) The ordinance shall be enacted no later than ninety (90) days prior to the filing deadline.

(B) The ordinance shall be published at least one (1) time a week for two (2) consecutive weeks immediately following adoption of the ordinance in a newspaper having a general circulation in the city.

(e) Nothing in this section shall repeal any law pertaining to the city administrator form of government or the city manager form of government.

(f) This section does not apply in any respect to the election of district judges.

History—Acts of 1991, Act 59, §§ 2, 3; Acts of 1991, Act 430, §§ 2, 3; Acts of 1995, Act 82, § 1; Acts of 1995, Act 665, § 1; Acts of 1997, Act 645, § 3; Acts of 1999, Act 752, § 1, eff. July 30, 1999; Acts of 2001, Act 1789, § 8, eff. Aug. 13, 2001; Acts of 2003, Act 542, § 3, eff. July 16, 2003; Acts of 2003, Act 1104, § 1, eff. July 16, 2003; Acts of 2003, Act 1165, § 10, eff. July 16, 2003; Acts of 2003, Act 1185, § 24, eff. July 16, 2003; Acts of 2007, Act 149, § 1, eff. July 31, 2007; Acts of 2007, Act 1020, § 21, eff. July 31, 2007; Acts of 2007, Act 1049, § 45, eff. July 31, 2007; Acts of 2009, Act 1480, § 63, eff. April 10, 2009; Acts of 2011, Act 519, § 1, eff. July 27, 2011; Acts of 2011, Act 1185, §§ 18, 19, eff. Oct. 2, 2011. Act 4 of the First Extraordinary Session of 2015.

### **7-5-106. Runoff elections for county and municipal officers**

(a)(1) If there are more than two (2) candidates for election to any county elected office, including the office of justice of the peace, at any general election held in this state and no candidate for the county elected office receives a majority of the votes cast for the county elected office, there shall be a runoff general election held in that county three (3) weeks following the date of the general election at which the names of the two (2) candidates receiving the highest number of votes, but not a majority, shall be placed on the ballot to be voted upon by the qualified electors of the county.

(2)(A) The following procedure will govern if there are more than two (2) candidates for election to any municipal office at any general election held in this state in which no candidate for the municipal office receives either:

(i) A majority of the votes cast; or

(ii) A plurality of forty percent (40%) of the votes cast.

(B)(i) A candidate who receives a plurality of forty percent (40%) of the votes cast must obtain at least twenty percent (20%) more of the votes cast than the second-place candidate for the municipal office to avoid a runoff general election against the second-place candidate

(ii) If required, the runoff general election between the two (2) candidates shall be held in that municipality three (3) weeks following the date of the general election with the names of the two (2) candidates placed on the ballot to be voted upon by the qualified electors of the municipality.

(b) If two (2) candidates receive the highest number of votes and receive the same number of votes, a tie is deemed to exist and the names of the two (2) candidates



shall be placed on the runoff general election ballot to be voted upon by the qualified electors of the county or the municipality, as the case may be.

(c)(1) If there is one (1) candidate who receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes cast, a tie is deemed to exist between the two (2) candidates.

(2) The county board of election commissioners shall determine the runoff candidate by lot at a public meeting and in the presence of the two (2) candidates.

(d) If one (1) of the two (2) candidates who received the highest number of votes for a county elected office or a municipal office but not a majority of the votes in a county for a county elected office or either a majority or both forty percent (40%) of the votes cast and at least twenty percent (20%) more of the votes cast than the second-place candidate in a municipality for a municipal office in the general election withdraws before certification of the result of the general election, the remaining candidate who received the most votes at the general election shall be declared elected to the county elected office or municipal office and there shall be no runoff general election.

(e)(1) The person receiving the majority of the votes cast for the county elected office or municipal office at the runoff general election shall be declared elected.

(2) However, if the two (2) candidates seeking election to the same county elected office or municipal office receive the same number of votes in the runoff general election, a tie is deemed to exist, and the county board shall determine the winner of the runoff general election by lot at an open public meeting and in the presence of the two (2) candidates.

(f)(1) As used in this section, “municipal office” means offices of cities of the first class and cities of the second class and incorporated towns and includes the offices of aldermen, members of boards of managers, or other elective municipal offices elected by the voters of the entire municipality or from wards or districts within a municipality.

(2) “Municipal office” does not include offices of cities having a city manager form of government.

(g) This section does not apply to election of members of the boards of directors and other officials of cities having a city manager form of government.

(h) This section is intended to be in addition to and supplemental to the laws of this state pertaining to the election of officers for county elected offices and municipal offices at general elections.

History—Acts of 1983, Act 909, §§ 1, 2; Acts of 1991, Act 53, § 1; Acts of 1997, Act 451, § 3; Acts of 1999, Act 554, § 1, eff. July 30, 1999; Acts of 2003, Act 1165, § 3, eff. July 16, 2003; Acts of 2007, Act 1049, § 14, eff. July 31, 2007; Acts of 2011, Act 1211, § 1, eff. July 27, 2011.

Formerly—ASA 1947, §§ 3-616, 3-617.

## **Mayor-Council Form of Government**

### **The following offices will be elected in 2016:**

#### **Incorporated towns**

Aldermen—five (5) elected for two (2) year terms if there has been no approval of four-year terms and the requisite election procedures. Aldermen run by Position Nos. 1, 2, 3, 4 or 5. ACA 7-7-304(e). Voted on by all electors of the town. ACA 14-45-102. If the voters have approved a four year election cycle then initially, positions one (1), three (3), and five (5) shall have four (4)-year terms with alderman representing positions numbered two (2) and four (4) to have two-year terms and thereafter four (4)-year terms.

Marshal (if elected)—two (2) year term. Council may provide by ordinance for appointment or election of city marshal or may create police department. ACA 14-45-109, 14-52-102 and 14-52-103.

#### **Cities of the second class**

Recorder—four (4) year term. ACA 14-44-115.

Treasurer—if separate from recorder, four (4) year term. ACA 14-44-109; ACA 14-44-115.

Aldermen—two (2) from each Ward elected for two (2) year terms and must reside in Ward. File by Position Number (1) or (2), and elected city wide unless otherwise provided by ordinance. ACA 14-44-103 (b)(1) (A) and (B) and (c)(1)(A) and (B). Note: Aldermen may, by ordinance referred to the voters, be elected to four-year staggered terms. ACA 14-44-103(a)(4) through (7). Some alderman will initially be elected to two year terms in order to create the staggered terms.

Marshal (if elected)—two (2) year term. Council may provide by ordinance for appointment or election of city marshal or may create police department. ACA 14-44-111, 14-52-102 and 14-52-103.

Collector (optional)—two (2) year term. ACA 14-44-117.

#### **Cities of first class with less than 50,000 population**

Aldermen—two (2) from each Ward elected for two (2) year terms; must reside in ward, file by Position No. 1 or No. 2 and elected city wide unless otherwise provided by ordinance. ACA 14-43-307, 14-43-312. However, any first class city may, by ordinance referred to the voters, elect its aldermen to four-year staggered terms as provided in ACA 14-43-312. Note that this will mean some aldermen will initially be elected to two year terms in order to create the staggered terms.

### **Cities of first class with over 50,000 population**

Mayor—four (4) year term. ACA 14-43-303(a)(1)(A)(i).

City Clerk, Clerk/Treasurer—four (4) year term. ACA 14-43-303(a)(1)(A)(ii).

Aldermen—one (1) from each ward for four (4) year terms, must reside in the ward, elected city-wide unless City Council passes ordinance to provide otherwise. ACA 14-43-303 (a)(1)(A)(iii).

### **District Court Judges**

District Judge—beginning in 2004, all District Judges were elected to four (4) year terms. Ark. Const. Amend. 80 secs. 16, 19.

### **Election of aldermen**

Aldermen in cities of the first and second class are elected city-wide if the City Council has not adopted one of the following two options:

Option 1. All the aldermen can be elected by wards.

Option 2. One alderman from each ward can be elected city wide and one alderman from each ward can be elected by ward. ACA 14-43-307(b)(1)(B)(ii), and 14-44-103(c)(1)(B)(ii).

### **No election in 2016 of the following offices:**

#### **Incorporated towns**

Mayor—ACA 14-45-104.

City Attorney—ACA 14-42-112(a) (although this law is not entirely clear about when a city attorney should stand for election, stating only “at the time of the election of other officers...” This could mean either the other four-year office holders, or could also include the biannual election of aldermen).

Recorder/Treasurer—ACA 14-45-108.

#### **Cities of the second class**

Mayor—ACA 14-44-105.

City Attorney—See note above under incorporated towns.

#### **Cities of first class with less than 50,000 population**

Mayor—ACA 14-43-305(a).

City Attorney—ACA 14-43-315(a).

City Clerk, Treasurer or Clerk/Treasurer—ACA 14-43-316 and 14-43-405 (note: Treasurer can be appointed or elected as designated by ordinance. If elected the office follows the election cycle of the Clerk or Clerk/Treasurer and will be next elected in 2014).

### **Cities of first class with over 50,000 population**

City Treasurer—unless the office has, by ordinance, been combined with the City Clerk or is appointed rather than elected. ACA 14-43-303(a)(2)(A)(ii) and 14-43-405.

City Attorney—ACA 14-43-303(a)(2)(A)(i).

Aldermen—one (1) from each ward. ACA 14-43-303 (a)(2)(A)(iii) and 14-43-307.

### **Independent candidates—deadline for filing**

Filing deadline for independent candidate (provided that no ordinance was passed pursuant to ACA 14-42-206(d)(1) to shorten the filing period to 12 p.m. of the day before the preferential primary election) is not more than one hundred and two (102) days, nor less than eighty-one (81) days by 12 p.m. before the general election. This translates to July 29, 2016, until 12 p.m., Tuesday, Aug. 19, 2016. ACA 14-42-206(b)(1); ACA 7-6-102(a)(3).

The City Council may fix filing deadline for independent candidates for municipal office:

(i) No earlier than twenty (20) days prior to the preferential primary election; and

(ii) No later than 12 p.m. on the day before the preferential primary election (March 1, 2016). See ACA 14-42-206(d).

The council must enact this ordinance no later than 90 days prior to the filing deadline and publish it for two weeks in a newspaper of general circulation in the city. The deadline may be established even if all offices are independent or otherwise nonpartisan.

Petitions must be signed by not less than ten (10) electors for incorporated towns and cities of the second class and not less than thirty (30) electors for cities of the first class filed with the county clerk. ACA 14-42-206. The county clerk shall determine whether the petition contains a sufficient number of qualified electors. For City Administrator and City manages cities, petitions must have at least 50 signatures. ACA 14-48-109(a)(5) and ACA 14-47-110(a)(3)(A)(i).

**Defeated candidates in primary**—A person who has been defeated in a party primary shall not be an independent candidate in the general election for the office for which he or she was defeated in the party primary. ACA 14-42-206(b)(6).

**No write-in votes**—In all general elections held in cities of the first class, second class cities and incorporated towns for the election of officials of these municipalities, no ballots shall be counted for any person whose name is written thereon. Only votes cast for the regularly nominated, or otherwise qualified candidates whose names are printed on the ballot as candidates in the election, shall be counted by the judges and clerks. ACA 14-43-202.



## Who may seek municipal office:

1. Must be a U.S. citizen. Ark. Const. Art. 3 § 1.
2. Must be a resident of municipality or ward represented. Ark. Const. Art. 19 sec. 3; ACA 14-42-201(c).
3. Must be at least eighteen (18) years of age. Amendment 26, U.S. Const. Ark. Const. Art. 3 § 1.
4. Qualified elector and eligible at time of filing, or in case of age, at time of taking office. ACA 7-5-207(b).
5. Free from felony conviction, or conviction of embezzlement of public money, bribery, forgery, theft or other crime involving dishonesty, including misdemeanors. *State v. Oldner*, 361 Ark. 316, 206 S.W.3d 818 (2005); *Edwards v. Campbell*, 2010 Ark. 398 (misdemeanor theft of campaign sign was disqualifying). An exception to this rule may occur if the conviction has been sealed. See ACA §§ 16-90-1401 to 1419; *Powers v. Bryant*, 309 Ark. 568 (1992) (decided under prior law).
6. Must not claim the right to vote in another county or state. Ark. Const. Amend 51 § 6.
7. Must not presently be judged mentally incompetent by a court. Id.

## Appointed municipal officials may seek election

Officials who have been appointed to their office may run for the office to which they were appointed. Amendment 29 to the Arkansas Constitution prohibits this for federal, state, district, circuit, county and township offices, but Amendment 29 does not apply to municipal offices.

## City Administrator Form of Government

### Important Statutes

#### 14-48-109. Election of directors and mayor—Oath

(a) Candidates for the office of director and mayor shall be nominated and elected as follows:

(1)(A)(i) A special election for the election of the initial membership of the board of directors and mayor shall be called by the Secretary of State as provided in § 14-48-108.

(ii) The proclamation shall be published in accordance with § 7-11-101 et seq.

(iii) For the initial election of directors and mayor, any person desiring to become a candidate shall file within twenty (20) days following the date of the proclamation by the Secretary of State with the city clerk or recorder a statement of candidacy in the form and with the supporting signatures as provided in this section. In all other respects, the initial elections shall be governed by the provisions of this chapter for holding municipal elections.

(B)(i) Special elections to fill any vacancy under § 14-48-115 shall be called through a resolution of the board.

(ii) A proclamation of the election shall be signed by the mayor and published in accordance with § 7-11-101 et seq. in some newspaper having a bona fide circulation in the municipality;

(2)(A) Candidates to be voted on at all elections to be held under the provisions of this chapter shall be nominated by primary election, and no names shall be placed upon the general election ballot except those selected in the manner prescribed in this chapter.

(B)(i) The primary elections, other than the initial primary, for those nominations for offices to be filled at the municipal general election shall be held on the second Tuesday of August preceding the municipal general election.

(ii)(a) The elections shall be under the supervision of the county board of election commissioners, and the election judges and clerks appointed for the general election shall be the judges and clerks of the primary elections.

(b) Primary elections shall be held in the same places as are designated for the general election, so far as possible, and shall, so far as practicable, be conducted in the same manner as other elections under the laws of this state;

(3) Any person desiring to become a candidate for mayor or director shall file with the city clerk not less than seventy-five (75) days nor more than ninety (90) days prior to the primary election by 12 p.m. a statement of his or her candidacy in substantially the following form:

“STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, state that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_, County and State aforesaid; that I am a qualified elector of said city and the ward in which I reside; that I am a candidate for nomination to the office of \_\_\_\_\_, to be voted upon at the primary election to be held on the \_\_ day of \_\_, 20\_\_, and I hereby request that my name be placed upon the official primary election ballot for nomination by such primary election for such office and I herewith deposit the sum of ten dollars (\$10), the fee prescribed by law.”

(4) The statement of candidacy and the petition for nomination supporting the candidacy of each candidate to be voted upon at any general or special election shall be filed with the city clerk or recorder not less than seventy-five (75) days nor more than ninety (90) days before the election by 12 p.m.;

(5) The name of each candidate shall be supported by a petition for nomination signed by at least fifty (50) qualified electors of the municipality requesting the candidacy of the candidate. The petition shall show the residence address of each signer and carry an affidavit signed by one (1) or more persons in which the affiant or affiants shall vouch for the eligibility of each signer of

the petition. Each petition shall be substantially in the following form:

“The undersigned, duly qualified electors of the City of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, hereby requests that the name of \_\_\_\_\_ be placed on the ballot as a candidate for election to Position No. \_\_\_ on the Board of Directors (or Mayor) of said City of \_\_\_\_\_ at the election to be held in such city on the \_\_\_ day of \_\_, 20\_\_\_. We further state that we know said person to be a qualified elector of said city and a person of good moral character and qualified in our judgment for the duties of such office.”

(6)(A) A petition for nomination shall not show the name of more than one (1) candidate.

(B) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than seventy (70) days before the election unless the clerk or recorder finds that the petition fails to meet with the requirements of this chapter.

(C)(i) Whether the names of the candidates so certified to the county board of election commissioners are to be submitted at a biennial general election or at a special election held on a different date, the county board of election commissioners shall have general supervision over the holding of each municipal election.

(ii)(a) In this connection, the election board shall post the nominations, print the ballots, establish the voting precincts, appoint the election judges and clerks, determine and certify the results of the election, and determine the election expense chargeable to the city, all in the manner prescribed by law in respect to general elections; it is the intention of this chapter that the general election machinery of this state shall be utilized in the holding of all general and special elections authorized under this chapter.

(b) The result of the election shall be certified by the election board to the city clerk or recorder;

(7) The names of all candidates at the election shall be printed upon the ballot in an order determined by draw. If more than two (2) candidates qualify for an office, the names of all candidates shall appear on the ballot at the primary election;

(8)(A) If no candidate receives a majority of the votes cast in the primary, the two (2) candidates receiving the highest number of votes for mayor and for each director position to be filled shall be the nominees for those respective offices to be voted upon in the general election.

(B) If no more than two (2) persons qualify as candidates for the office of mayor or for any director position to be filled, no municipal primary election shall be held for these positions, and the names of the two (2) qualifying candidates for each office or position shall be placed upon the ballot at the municipal general election as the nominees for the respective positions. Primary elections shall be omitted in wards in which no primary contest is required.

(C) In any case in which only one (1) candidate shall have filed and qualified for the office of mayor or any director position, or if a candidate receives a clear majority of the votes cast in a primary election, that candidate shall be declared elected. The name of the person shall be certified as elected without the necessity of putting the person’s name on the general municipal election ballot for the office; and

(9) Any candidate defeated at any municipal primary election or municipal general election may contest it in the manner provided by law for contesting other elections.

(b) Each member of the board of directors, before entering upon the discharge of his or her duties, shall take the oath of office required by Arkansas Constitution, Article 19, Section 20.

History—Acts of 1967, Act 36, §§ 5, 9; Acts of 1971, Act 439, § 1; Acts of 1989, Act 347, §§ 2, 3; Acts of 1989, Act 905, § 7; Acts of 1997, Act 879, §§ 1, 2; Acts of 2005, Act 67, §§ 27, 28, eff. Aug. 12, 2005; Acts of 2005, Act 489, §§ 1, 2, eff. Aug. 12, 2005; Acts of 2007, Act 580, § 1, eff. July, 31, 2007; Acts of 2007, Act 1049, § 56, eff. July 31, 2007; Acts of 2009, Act 1480, § 74, eff. April 10, 2009. Acts of 2013, Act 313, §§ 1, 2, eff. Aug. 16, 2013.

Formerly—A.S.A. 1947, §§ 19-805, 19-809.



# **City Manager Form of Government**

## **Important Statutes**

### **14-47-110. Election of directors**

(a) Candidates for the office of director shall be nominated and elected as follows:

(1)(A)(i) A special election to elect the initial membership of the board shall be called by the mayor as provided in § 14-47-106.

(ii) The mayor's proclamation shall be in accordance with § 7-11-101 et seq.

(B)(i) A special election to fill any vacancy under § 14-47-113 shall be called through a resolution of the board of directors.

(ii) A proclamation announcing the holding of the election shall be signed by the mayor and published in accordance with § 7-11-101 et seq.;

(2) The petition mentioned in subdivision (a)(3) of this section supporting the candidacy of each candidate to be voted upon at any general or special election shall be filed with the city clerk or recorder not more than one hundred two (102) days nor fewer than eighty-one (81) days before the election by

12 p.m.;

(3)(A)(i) In respect to both special and general elections, the name of each candidate shall be supported by a petition, signed by at least fifty (50) qualified electors of the municipality, requesting the candidacy of the candidate.

(ii) The petition shall show the residence address of each signer and shall carry an affidavit signed by one (1) or more persons, in which the affiant or affiants shall vouch for the eligibility of each signer of the petition.

(B) Each petition shall be substantially in the following form:

“The undersigned, duly qualified electors of the City of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, hereby request that the name \_\_\_\_\_ be placed on the ballot as a candidate for election to Position No. \_\_\_ on the Board of Directors of said City of \_\_\_\_\_ at the election to be held in such City on the \_\_\_ day of \_\_, 20\_\_\_. We further state that we know said person to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office.”

(C) A petition for nomination shall not show the name of more than one (1) candidate.

(D)(i) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than seventy-five (75) days before the election unless the clerk or recorder finds that the petition fails to meet the requirements of this chapter.

(ii)(a) Whether the names of the candidates so certified to the county board of election commissioners are to be submitted at a biennial general election or at a special election held on a different date, the election board shall have general supervision over the holding of each municipal election.

(b) In this connection, the board shall post the nominations, print the ballots, establish the voting precincts, appoint the election judges and clerks, determine and certify the result of the election, and determine the election expense chargeable to the city, all in the manner prescribed by law in respect to general elections. It is the intention of this chapter that the general election machinery of this state shall be utilized in the holding of all general and special elections authorized under this chapter.

(c) The result of the election shall be certified by the election board to the city clerk or recorder; and

(4) The candidate for any designated position on the board of directors who, in any general or special election, shall receive votes greater in number than those cast in favor of any other candidate for the position shall be deemed to be elected.

(b) Each director, before entering upon the discharge of his or her duties, shall take the oath of office required by the Arkansas Constitution, Article 19, § 20.

History—Acts of 1921, Act 99, §§ 5, 8; Acts of 1957, Act 8, §§ 5, 6; Acts of 1965, Act 6, § 1; Acts of 1989, Act 347, § 1; Acts of 1993, Act 541, § 1; Acts of 2001, Act 552, § 1, eff. Aug. 13, 2001; Acts of 2005, Act 2145, § 33, eff. Aug. 12, 2005; Acts of 2007, Act 1049, § 52, eff. July 31, 2007; Acts of 2009, Act 1480, § 70, eff. April 10, 2009; Acts of 2011, Act 1185, § 20, eff. Oct. 2, 2011.

Formerly—Pope's Dig., §§ 10093, 10096; ASA 1947, §§ 19-705, 19-708.



# Legislature extends FOIA protections to utility customer and security information

Certain customer and critical infrastructure information of municipally owned utility systems are now exempt from disclosure under the Freedom of Information Act.

Act 186 of 2015 makes some important changes to the Arkansas Freedom of Information Act. The legislature described the intent of the Act to “(1) Protect the privacy of Arkansas citizens by exempting from disclosure the personal information of customers of municipally owned utility systems; and (2) Ensure the security of Arkansas’s infrastructure by exempting utility infrastructure information from mandatory disclosure.”

Since these provisions all pertain to “municipally owned utility systems,” the Act amended Ark. Code Ann. § 25-19-103 to provide the following definition:

(4)(A) “Municipally owned utility system” means a utility system owned or operated by a municipality that provides:

- (i) Electricity;
- (ii) Water;
- (iii) Wastewater;
- (iv) Cable television; or
- (v) Broadband service.

(B) “Municipally owned utility system” includes without limitation a:

- (i) Consolidated waterworks system under the Consolidated Waterworks Authorization Act, § 25-20-301 et seq.;
- (ii) Utility system managed or operated by a nonprofit corporation under § 14-199-701 et seq.; and
- (iii) Utility system owned or operated by a municipality or by a consolidated utility district under the General Consolidated public Utility System Improvement District Law, § 14-217-101 et seq.;

In April of 2014, the Arkansas Supreme Court had ruled that the state’s Freedom of Information Act and federal law did not protect municipally-owned utility system customers’ personal information. *Hopkins v. City of Brinkley*, Ark. 2014 Ark. 139, 432 S.W.3d 609. In response, the legislature passed Act 186, noting that the law has protected the personal information of various governmental employees, but not that of utility customers. Further, the legislature observed that the Public Service Commission has “consistently protected the personal contact information of public utility customers....” Accordingly, the General Assembly added a provision to FOIA’s record disclosure requirements

exempting “personal information of current and former public water system customers and municipally owned utility system customers, including, without limitation:

- A. Home and mobile telephone numbers;
- B. Personal email addresses;
- C. Home and business addressees [sic]; and
- D. Customer usage data.”

This exemption will now be found in A.C.A. § 25-19-105(b)((20).

The legislature also turned its attention to the need to protect sensitive infrastructure information of municipally-owned utility systems. Prior to Act 186, FOIA exempted “records, including analyses, investigations, studies, reports, recommendations, requests for proposals, drawings, diagrams, blueprints, and plans containing information relating to security for any public water system.” A.C.A. § 25-19-105(18)(A). Act 186 added the records of “municipally owned utility systems” to the exemption. The records protected include:

- (i) Risk and vulnerability assessments;
- (ii) Plans and proposals for preventing and mitigating security risks;
- (iii) Emergency response and recovery records;
- (iv) Security plans and procedures;
- (v) Plans and related information for generation, transmission, and distribution systems; and
- (vi) Other records containing information that if disclosed might jeopardize or compromise efforts to secure and protect the public water system or municipally owned utility system;

Ark. Code Ann. § 25-19-105(18)(B).

Finally, the legislature amended A.C.A. § 25-19-106, which had already allowed public agencies to meet in executive session “for the purpose of considering, evaluating, or discussing matters pertaining to public water system security as described in 25-19-105(b)(18).” Act 186 added “municipally owned utility system security” as a legitimate subject of such discussions in an executive session.

The General Assembly passed Act 186 with an emergency clause, finding “that the public availability of certain information held by municipally owned utility systems jeopardizes the security of the utility system and of the citizens that receive services from the system; and that this act should become effective as soon as possible to safeguard utility services that are critical to Arkansas communities.” Accordingly, the Act became effective upon passage and is currently the law in Arkansas. 🏛️



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# Summaries of Attorney General Opinions

Recent opinions that affect municipal government in Arkansas

From the Office of Attorney General Leslie Rutledge

## Litigation pending on city funds for Chamber payments

Opinion: 2015-005

Requestor: Lea, Andrea—State Auditor

Are the city's payments to Arkansas Valley Alliance for Economic Development, Inc. ("AVAED"), a nonprofit organization, under a contract for advice on economic development, a legal use of the sales tax revenues dedicated to economic development?

Q2) Are the city's payments to AVAED in addition to the contract amount a legal use of public funds?

Q3) Are these payments a legal use of the sales tax revenues dedicated to economic development?

Q4) Are AVAED's payments to the Russellville Chamber of Commerce for the activities of the Chamber president and finance director a valid use of the sales tax revenues dedicated to economic development? Q5) Is it legal for the city to enter into a contract with AVAED if (1) the payments under the contract will be made using the sales tax revenues dedicated to economic development and (2) the city knows that AVAED will outsource the work to the Chamber of Commerce? Q6)

Can the sales tax revenues dedicated to economic development be used to promote a renewal of the city sales tax, which is set to sunset? **RESPONSE:** I respectfully decline to give opinions on these questions. Answering them would require me to determine further facts, and then interpret a City resolution, a ballot, a written contract between the City and AVAED, and—possibly—one or more oral contracts. In giving formal opinions, the Attorney General's office is not equipped or authorized to be a factfinder. Thus, the Attorney General's office declines to interpret and apply local ordinances and resolutions, ballots, and contracts, because doing so involves significant questions of fact. Furthermore, I will not opine on questions that are the subject of pending litigation. My response does, however, briefly refer to legal issues and general propositions that are relevant to the questions.

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## General funds may go to water/ sewer upgrades

Opinion: 2015-006

Requestor: Baine, John—State Representative

May a city use city general funds to pay for water and sewer upgrades to the city system that includes customers inside and outside the city limits? **RESPONSE:** This question does not lend itself to a simple "yes" or "no" because the answer will depend upon an analysis of the particular surrounding facts. The applicable statutes generally contemplate that a city will fund its water and sewer systems through system revenues, i.e., through the rates set for resident and nonresident consumers. However, these statutes do not, in my opinion, impliedly proscribe devoting general revenues to those systems. Assuming that rates have been set in good faith, based on the "estimated cost" of the water system and "reasonable expense" of the sewer system, I see no reason to think a city is generally foreclosed from using its general funds for improvements. I believe this conclusion pertains regardless of whether the improvements will benefit customers inside or outside city limits. I cannot opine further because the specific facts will ultimately be controlling of any issues surrounding the funding of a city's water or sewer system.

## Fire association must pursue dues, not county collector

Opinion: 2015-009

Requestor: Fite, Charlene—State Representative

Q1) If a property owner in a fire association district (volunteer fire department) pays his assessed property taxes but does not pay the fire association dues to the county collector, may the county collector record his property taxes as being delinquent? Q2) If the county collector can record the property taxes as being delinquent, may the county place a lien on the property in an attempt to collect the delinquent fire association dues? Q3)



If a lien may be placed on the property, can the property be turned over to the Land Commissioner and sold at auction? Q4) If the answer to question 1 is no, what is the proper manner for a county collector or fire association to collect delinquent dues? **RESPONSE:** Q1) If recording the taxes as delinquent would mean the property is subject to forfeiture proceedings for nonpayment, then “no.” The legislature has not clearly provided for the collection of delinquent dues through forfeiture and sale proceedings. Q2) No. Q3) This question is moot in light of the previous responses. Q4) Delinquencies are to be reported to the Association for collection and the Association may pursue collection through court proceedings. I cannot opine further in this regard absent legislative clarification.

### **Property transfers to state when city dissolves**

Opinion: 2015-010

Requestor: Meeks, Stephen—State Representative  
What happens to city property when a city becomes unincorporated? The property at issue is the Bronze Indian statue at Caddo Gap, which stands on land that remains off the tax rolls as exempt, as it was when the statue was originally erected in the 1930s. **RESPONSE:** Pursuant to A.C.A. § 14-39-103, when a city has its municipal charter revoked, all real, personal, and mixed property held or used by the formerly incorporated city transfers to the custody and control of the State to remain public property. However, this answer may not be relevant to the specific issue raised, which would require factual inquiries and determinations that are outside the scope of an opinion from this office.

### **City lacks authority to control public water authority actions**

Opinion: 2015-013

Requestor: Lowery, Mark—State Representative  
According to A.C.A. § 14-200-101 et seq., does the City of Maumelle (or any municipality) have the ability to regulate the rates of a public water authority, created pursuant to A.C.A. 4-35-101, operating within the city limits? Q2) Is there any authority for a city to control the actions of such public water authority in any way? Q3) Does any agency have regulatory authority over a public water authority? **RESPONSE:** I am unable to provide an answer to your first question because it is unclear whether a public water authority is a “public utility” as defined under Ark. Code Ann. § 14-200-101 so as to make it subject to that statute. Legislative clarity is needed. With respect to Question 2, it is my opinion that a city lacks authority to control the actions of a public water authority as defined by Ark. Code Ann. § 4-35-101 et seq. Finally, as to Question 3, the text of Ark. Code Ann. § 4-35-101 et seq. suggests that public water authorities are intended to be for the most part self-regulating, although the Arkansas Natural Resources Commission is vested with some regulatory authority, at least as to the creation or conversion of water authorities from private, nonprofit water corporations. Additionally, like any water system serving the public, a public water authority is subject to Arkansas State Board of Health regulations concerning water systems.

### Some personnel file redactions inconsistent with FOIA

Opinion: 2015-034

Requestor: Kieklak, Thomas N.—Attorney at Law, Harrington Miller

Is the decision of the custodian of records to provide the attached redacted personnel file in response to a Freedom of Information request for the personnel file of a city police officer consistent with provisions of the FOIA? **RESPONSE:** Having reviewed the records in dispute, it is my opinion (1) that some of the records qualify as personnel records whose disclosure is consistent with the FOIA; (2) that a few records qualify as employee evaluations, which can only be disclosed if they formed the basis for a final suspension or termination; and (3) that, as to the redactions, (a) some redactions were likely improper, (b) some additional redactions need to be made to comply with the FOIA, and (c) all the redactions were made in a manner that is inconsistent with the FOIA because the material used to make each redaction obscures the amount of information redacted and the place where the redaction was made.

### State law gives limited flexibility on A&P commissions

Opinion: 2015-043

Requestor: King, Bryan—State Senator

Can a city council change the state’s statutes that set the membership requirements of local advertising and promotion commissions? Q2) Is the attached city ordinance valid? If not, please explain why.

**RESPONSE:** In response to Question 1, it is my opinion that the Eureka Springs city council has not attempted to change state law governing the membership requirements of its advertising and promotion commission, and that the state law at issue, Ark. Code Ann. § 26-75-605, allows limited flexibility for a city to determine the makeup of its advertising and promotion commission. As to Question 2, it is my opinion that the ordinance does comport with the requirements of Ark. Code Ann. § 26-75-605.

### Interlocal agreement permissible between nonprofit fire department and city

Opinion: 2015-047

Requestor: Rice, Terry—State Senator

Q1) Can an incorporated nonprofit fire department enter into a contract, agreement or interlocal agreement with a municipality or county, and is one of these methods preferred over the other? Q2) How would such an interlocal agreement affect a nonprofit volunteer fire department? **RESPONSE:** It is my opinion that the answer to Q.1 under current law is generally “yes” as to a contract with a county, and “perhaps yes?” as to a contract with a municipality. See opinion for discussion. I cannot definitively opine regarding an “agreement” or “interlocal agreement,” without knowing precisely what sort of arrangement is contemplated by the use of these terms. But see Act 106 of 2015 (amending Ark. Code Ann. § 14-53-101 to specifically authorize contracts or interlocal agreements between cities and certified fire departments). I cannot state an opinion as to the preferred method for a nonprofit volunteer fire department to contract with a city or a county. Nor can I address Q.2, as to how an interlocal agreement would affect a nonprofit volunteer fire department. Attempting to answer these questions may be tantamount to giving private legal advice.

### Passage of time may affect “compelling public interest” of disclosure under FOIA

Opinion: 2015-049

Requestor: Cobb, Stephen R.—City Attorney, Sherwood

In response to a Freedom of Information Act (FOIA) request for “any and all internal affairs investigations regarding Officer “X” from January 2000 through December 2001,” does such a request arise to a “compelling public interest in their disclosure” since the records are 13 years old and Officer “X” hasn’t been a city employee for 13 years? **RESPONSE:** It is my opinion that the passage of time may or may not be a sufficient basis to determine whether there is a compelling public interest in the disclosure of the employee-evaluation records in question, depending upon what other



facts are developed with respect to the former employee's suspension(s). The passage of time may well be relevant to the analysis, but sufficient information must be developed to determine the appropriate balance of the various relevant factors.

### **Release of all officers relieved of duty consistent with FOIA**

Opinion: 2015-053

Requestor: Sloan, James T.—Sgt., Little Rock Police Dept.

In response to a Freedom of Information Act ("FOIA") request for a list of all LRPD sworn personnel who have been "relieved of duty for whatever reason," the records custodian has decided to also release the identities of officers who have been relieved of duty but later exonerated after a departmental investigation. Is this decision consistent with the FOIA? **RESPONSE:** In my opinion, this decision is consistent with the FOIA.

### **Act 137 trumps local rule**

Opinion: 2015-054

Requestor: Gates, Mickey—State Representative

Can a local ordinance or rule be enforced when (1) it was enacted before Act 137 and (2) it conflicts with Act 137? **RESPONSE:** The answer to this question is "no."

### **Employee-evaluation records must be disclosed**

Opinion: 2015-077

Requestor: Cobb, Stephen R.—City Attorney, Sherwood

Is the decision of the custodian of records to release records of internal-affairs investigations that resulted in suspension for 16 current police officers, in response to a Freedom of Information Act ("FOIA") request, consistent with provisions of the FOIA? **RESPONSE:** Because I have not been provided with any of the specific records at issue, I cannot opine about the disclosure of specific records. Instead, I can opine more generally about the classification and disclosure of records generated by an internal affairs investigation of a police officer. As explained more fully in the opinion, it is my opinion that the kinds of records at issue here are properly classified as employee-evaluation records and that they must be disclosed.

### **Arkansas Municipal League not a "state agency," AG opines**

Opinion: 2015-061

Requestor: Sample, Bill—State Senator

Can the Arkansas Municipal League be classified or identified as a "state agency"? **Response:** I am unable to answer this question in the abstract. In order for me to provide a definitive response, it would be necessary to know the context of the question and/or the purpose for which it must be determined whether the Municipal League can be classified or identified as a state agency. The term "state agency" is defined by statute for various purposes.<sup>1</sup> As a general matter, it is probably accurate to say the Municipal League does not readily fit within the term "state agency," as that term is commonly statutorily defined.<sup>2</sup> But without knowing the context of, or the purpose for, the above inquiry, I cannot undertake any meaningful analysis of the question whether the League can be classified or identified as a "state agency."

<sup>1</sup> E.g. Ark. Code Ann. § 10-3-309(b)(2) (Supp. 2013) (defining "state agency" under a statute governing legislative review of rules and regulations as "any office, boards, commission, department, council, bureau, or other agency of state government having authority by statute..."); § 19-4-801(2)(A) (Supp. 2013) ("state agency" for purposes of budgeting and expenditure of cash funds means "all boards, commissions, departments, agencies, institutions, offices or officers, state-supported institutions of higher learning, and any other office or unit of government of the State of Arkansas created or established pursuant to law or pursuant to any action of the Governor, functioning under appropriation made by the General Assembly or functioning as a representative of the state without appropriation of the General Assembly."); § 19-11-203(30)(A) (Supp. 2013) (defining "state agency" under the Arkansas Procurement Law as "any agency, institution, authority, department, board, commission, bureau, council, or other agency of the state supported by appropriation of state or federal funds..."); Ark. Code Ann. § 21-1-401(2) Repl. 2004) ("state agency" for purposes of certain employment restrictions applicable to constitutional officers means "every board, commission, department, division, institution, and other office of state government whether located within the legislative, executive, or judicial branch of government and including state-supported colleges and universities.").

<sup>2</sup> According to my understanding, the Municipal League is a voluntary, non-profit organization whose membership is open to Arkansas municipalities. It is an instrumentality of the member cities, which pay an annual service charge; and it is governed by a board of municipal officials. See <http://www.arml.org/services/league-programs>.

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



## AHPP awards more than \$2.4 million in preservation grants

The Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage, has awarded \$2,402,561 in grants for projects in 44 Arkansas counties through its Historic Preservation Restoration Grant, Certified Local Government Subgrant, Main Street Slipcover Grant, and Main Street Downtown Revitalization Grant, the agency has announced.

Twenty-five projects shared \$756,763 in Historic Preservation Restoration Grants to rehabilitate buildings listed on the Arkansas or National Registers of Historic Places and owned by local governments or nonprofits. Municipal recipients of the grants, amounts, and properties to be restored include:

- Altus, \$25,070 to restore the roof at the German American Bank
- Arkadelphia, \$13,250 for paint and restoration at the Missouri Pacific Depot
- Hope, \$40,000 to stabilize and restore the Girl Scout Little House
- Portia, \$19,078 to restore the porch, doors, and windows at the Portia School
- Siloam Springs, \$56,666 to restore the roof at the former Siloam Springs Post Office
- Sulphur Springs, \$30,000 to restore the roof at the former Sulphur Springs School

Sixteen recipients shared \$116,020 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 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:

- Batesville, \$40,000 to restore the marquee and roof at the Melba Theater
- Benton, \$6,325 to update its cultural resource inventory, prepare a brochure, training and staff assistance
- Conway, \$1,500 for training and for a celebration of the 50th anniversary of the National Historic Preservation Act (NHPA)

- El Dorado, \$9,200 for National Register nominations and administrative support
- Fayetteville, \$13,150 for training, a plaque and fencing at Oaks Cemetery, and a historic structures database
- Fort Smith, \$1,500 for training
- Hot Springs, \$1,000 for a celebration of the NHPA
- Little Rock, \$2,600 for training and sign toppers for the Stiff Station/Capitol View neighborhoods
- Morrilton, \$9,500 for training, administration and signage, and outreach and education
- North Little Rock, \$17,500 for a window-repair workshop and administrative support
- Osceola, \$800 for training
- Pine Bluff, \$1,508 for training and preservation awards
- Texarkana, \$7,000 for training, a website, and outreach
- Van Buren, \$4,437 for training, tour development and a brochure

Main Street Siloam Springs received a \$6,439 "Slipcover" Removal Grant to restore the storefront at 207 South Broadway. These grants help finance removal of false façades from historic Main Street Arkansas buildings.

Main Street programs in Batesville, Blytheville, Dumas, El Dorado, Eureka Springs, Helena-West Helena, Jonesboro, Osceola, Ozark, Paragould, Rogers, Russellville, Searcy, Siloam Springs, Texarkana, and West Memphis each received \$15,000 grants through the Main Street Downtown Revitalization program. Main Street Russellville received an additional \$9,999 grant through the program for window restoration at 309 West B Street.

An additional \$11,000 in Downtown Revitalization Grants was awarded to cities involved in Main Street's Arkansas Downtown Network. Grants of \$1,000 each were awarded to the programs in Arkadelphia, Clarksville, Forrest City, Heber Springs, Malvern, Monticello, Morrilton, Pine Bluff, Rector, Warren, and Wynne. For more information, call the AHPP at 501-324-9880, email [info@arkansaspreservation.org](mailto:info@arkansaspreservation.org), or visit [arkansaspreservation.org](http://arkansaspreservation.org).



# “IT in a Box” Maximizes Bethel Heights, AR’s Technology Investments While Also Debuting a New Website



➔ AML helps city launch new website, stabilize network infrastructure, and establish a technology partner

Incorporated in 1967, the city of Bethel Heights, Arkansas has recently experienced rapid population growth. Increasing from 714 people in 2000 to 2,373 people in 2010, such quick growth changed Bethel Heights’s classification in Arkansas to a second-class city. That shift in growth means more citizens needing and demanding important services. And like many cities, Bethel Heights found itself needing to modernize its technology to keep pace with this higher demand and stress upon city staff.

## Challenge

Unfortunately, Bethel Heights struggled to find reliable IT support to meet the service demands of a rapidly growing population. The city’s previous IT vendor did not always respond to requests for help and frequently missed project deadlines. This situation left the city with quite a few problems and challenges.

- **Outdated equipment.** Despite investing in new server hardware, that new hardware sat unused for months while the city’s previous vendor missed deadline after deadline to set it up. That meant the city kept using outdated equipment and wasted its investments in new equipment.
- **Unstable, unreliable wireless network.** The city became highly dependent on an unreliable wireless connection shared between city hall and the police department. Despite both buildings located across the street from each other, both facilities stopped working when one side’s wireless connection went down.
- **Outdated, unreliable website.** Because of an outdated website that often failed to work, the city lost major opportunities to communicate with citizens and promote Bethel Heights.

- **Uncertainty related to onsite and offsite data backup.** The city could not be sure of recovering its data in case of a server failure or larger disaster such as a tornado.
- **Reduced ability to satisfy Freedom of Information Act (FOIA) requests related to email.** The city ran email software on a server that had significant storage limitations. This limited technology severely restricted the city’s ability to satisfy FOIA requests.

## Solution

Bethel Heights solved these challenges and modernized its technology by using the Arkansas Municipal League’s “IT in a Box” service. Powered by Sophicity, “IT in a Box” is a complete IT solution for cities and local governments. The service includes:

- A website
- Offsite data backup storage
- Document management
- Microsoft Office for desktops
- Server, desktop, and mobile management
- Data backup
- Email
- Vendor management
- 24x7 helpdesk and support

## Results

“IT in a Box” helped Bethel Heights:

- Implement rock solid, reliable 24x7 IT support.
- Maximize its investment of already purchased new equipment.
- Stabilize its network infrastructure to reduce downtime.
- Launch a new, modern city website.
- Set up comprehensive onsite and offsite data backup and disaster recovery.
- Migrate email to a reliable, searchable cloud platform to help with FOIA requests.
- Create a predictable IT budget.

➔ “We are so amazed with the services that Sophicity has provided for Bethel Heights. We thought our systems were secure until we became infected with a virus. We then discovered we also had many more issues that needed immediate attention. Sophicity was the only IT company that could provide every service the city needed. Since we acquired Sophicity’s services every need has been met with complete satisfaction.” - Cynthia Black, Mayor



Sophicity is an IT products and services company providing technology solutions to city governments and municipal leagues. Among the services Sophicity delivers in “IT in a Box” are a website, data backup, offsite data backup storage, email, document management, Microsoft Office for desktops, server, desktop, and mobile management, vendor management and a seven-day a week helpdesk. [Read more about IT in a Box.](#)

# Planning's brave new world

By Jim von Tungeln

**M**unicipal planning in our state is evolving into a more demanding environment, and a more focused one. The alert elected official will understand this and proceed accordingly. As cities increasingly act to implement the plans they create, it is important that they do planning the right way in the first place. What determines the right way depends on the city. This month we take a look at some alternatives.

It is important to note that the increased focus comes from several sources. First, public administrators have always encountered—probably since the first huts were constructed along the Tigris River—more needs than revenue to meet those needs. In modern times, it is particularly important that citizens trust their local government to use scarce resources wisely. A time-honored method of achieving such trust rests upon citizen-involved planning.

Also, the last two sessions of our General Assembly produced legislation affecting the way municipalities plan. Prudence dictates that we assume future sessions will produce additional attention and that our efforts don't raise unnecessary issues.

Another important consideration is that sound planning saves money and effort. As Abraham Lincoln once said, "Give me six hours to chop down a tree and I will spend the first four sharpening the axe." Savings may result from a careful analysis of alternative scenarios and their estimated costs. Or, they may help us prevent costly mistakes in our development patterns. Finally, they might result from less litigation and its cost. I'm sure the League's legal staff will agree with that.

As discussed previously, the planning of our communities must, in the future, concentrate on the proposed benefits to the health, safety, welfare, and morals of the people, what our attorney friends call our "police power." Galloping off wildly beyond the protection of these standards may create problems. With that said, let us look at some of the types of plans we might employ.

Traditionally, we have referred to a city's "Comprehensive Plan." This approach usually involved attention to future land use, traffic patterns, and the anticipated need for community facilities. A community is free to add other elements and to concentrate on those it feels are most important. Some experts believe this approach suffers from a limited scope and may produce



PHOTO BY JIM VON TUNGELN

No matter what form the plan takes, it should be citizen-based. Here, a resident of Batesville presents ideas generated during a public work session at which local citizens planned the future of their community.



static and unimaginative results. It is still, though, the most recognized approach and the one with which the courts may be most familiar.

Closely attuned to that approach is the “General Plan.” The name suggests that this approach may be less exacting and detailed. As such, it offers flexibility to property owners, planning commissions, and elected officials. Such flexibility may, on the other hand, produce outcomes that appear to be the result of non-planning.

Then there is what I call the “If We Had a Billion Dollars Plan.” These are usually produced by college students or consultants from far, far away. In either case, economic reality may be a missing element. These plans are useful for stirring our imagination and may help us consider dreams that, mired in local considerations, we might not envision. The important fact to remember is that the actual provisions of these plans seldom, if ever, come to exist unless a billion dollars falls from the sky into the city’s bank account. Even then, the legal framework of private property rights could short-circuit the fulfillment of all the pretty pictures.

The currently fashionable “Form-Based Plan,” relies heavily on urban design and combines the plan with the development of specific properties. The enacting code may be enacted as a stand-alone one or as an alternative code to be selected for use by the developer. As the name implies, this approach concentrates more on the form—size, shape, bulk, and design—of specific areas. It also allows much more emphasis on mixed-uses as opposed to the single-use method typical of most future land-use plans and their implementing codes. Its use involves the belief by planners that they know exactly what the people of the area desire in terms of their built environment, a dicey proposal in our state.

A method that ties the act of planning closely to the act of governing employs the “Policy-based Plan.” Beginning with the development of policies allows much more interaction with citizens at a modest initial cost. Proponents also believe that well-reasoned and clear policies make the development of plans much easier and less costly to produce. It also provides a good method by which the public can hold the city accountable to adopted standards. This may be a good approach for municipalities with limited financial resources.

By now, the astute reader may have concluded that a reasonable approach for any city might be a hybrid plan, or what the old-timers might have called “A Duke’s Mixture,” named after a popular low-priced tobacco of the early 1900s. It is perfectly permissible, even desirable, to use the best elements of several approaches.

If a community is not located in a high population-growth area, planning might concentrate on creating a better living environment for the residents who are living there. This would suggest a plan concentrating on the improvement of the physical appearance of the area. It would also include measures designed to prevent non-appropriate development that could mar the city’s chances for attracting new residents.

On the other hand, cities that are experiencing rapid growth may grapple with the demands of increased traffic and demands on public services. Planners there may feel as if they are riding on the back of an alligator speeding down a roaring river. Rapid changes may not allow time for detailed plans. So a policy approach may be the fastest and most effective manner of dealing with growth that might otherwise become unmanageable.

It is important that a community design an approach that will address its identified issues. We might call this “planning to plan.” Your Municipal League can help you with this preliminary work.

Above all, it is vital that a city plan within its specific constraints and opportunities. In short, facing reality may be the most difficult aspect of planning for the future. A good rule of thumb is to “fix the basics first.” This argues against the “Build It and They Will Come Plan.” As a speaker at the recent League Convention advised with regard to retail development: Don’t plan beyond the realities of your community.

If all this sounds difficult, that’s because it is. Practicing good government is more difficult, but far less costly, than the alternative. And, after all the maps and all the pretty pictures are finished, good urban planning is nothing more or less than good government.



*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).*

# New Waldo mayor aims to move city forward

By Andrew Morgan, League Staff

Like many in her position, Mayor Patricia Doss Glover didn't start her career with the goal of one day leading Waldo, a city of nearly 1,400 in Columbia County in southwest Arkansas. But career paths can take strange turns like that. She spent more than a decade in insurance before deciding to return to school for nursing, but then an opportunity arose to work as an aide, mostly with autistic children, at the elementary school in nearby Emerson. She then began thinking about her hometown and how she could serve her community in a different way.

"I would hear complaints that our town was 'going down' and everything," Glover says. "Then I thought well what are we doing to build it up?"

She decided to run for alderman and serve her city in that position. Several friends asked her why she didn't just run for mayor instead. That got her attention, and, when she went to the courthouse to file for the election, she checked off the box for mayor instead. She won the election and took office in January, but her preparation and education for the job started before that. As a part-time student at Southern Arkansas University in Magnolia she took a course in local government, and she started attending League workshops starting in December 2014, even before being sworn in, to get a head start.

"Every time there's a [League] meeting, I always try to be there, because I learn. And every time I go I meet people who can help me."

Glover says as a new mayor she's not ashamed to ask questions about what she doesn't know, and she plans to pass on the info to whomever is Waldo's next mayor when the time comes.

"You kinda have to feel your way. I've been mayor since January and I have learned a lot—I learned that



New Waldo Mayor Patricia Doss Glover, seated, with Police Chief Reginald Ellis, is working hard to address residents' needs and make Waldo a more attractive place to live and visit.

water and wastewater do not mix, and if they do you are in trouble!" she says with a laugh.

In addition to keeping the basic utilities going strong, one of her priorities is beautification, and they've been cleaning up, planting flowers, a community garden, and sprucing up the veteran's memorial.

"I want people who come into Waldo to be able to see we're moving forward," Glover says. 🏠





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# Water and Wastewater Managers Assoc. names Ward's Sipe Manager of the Year

**M**ike Sipe, right, general manager of the Ward Water and Sewer System, was named Manager of the Year by the Arkansas Water and Wastewater Managers Association at its annual conference, held July 15-18. Presenting the award is Monty Havens, left, general manager of Greenbrier Waterworks and last year's award recipient. Sipe has been with the city of Ward for 26 years.



# NEWSLETTER

AUGUST 2015

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

## Canadian medical cannabis study coming

Recently I read an article on medical marijuana, written by Jennifer Gladstone, an editor for "Employment Background Investigations," that was of interest to me. Medical marijuana is a regular topic of discussion in the media and one that I follow so that I may keep you informed. I like this article and believe Canada, as discussed by Jennifer Gladstone, may be moving ahead of the United States in trying to determine whether legalizing medical marijuana is a benefit, or not.

We have been told that there is no proven evidence that medical marijuana is of benefit. Many patients and users disagree with this statement and often share their stories on television or in articles to show it has benefitted them personally. There seems to be, according to medical professionals, no standards on usage or dosing, and therein is one of many questions to answer. Unfortunately, there is little available data showing risks from long-term use of marijuana, so this fact is often quoted as a "concern" against using medical marijuana. At this time, medical marijuana has been used for seizure disorders, multiple sclerosis, cancer, nausea, and a host of other medical conditions.

In Canada, a consortium is going to tackle the "unknown risks and benefits" of medical marijuana. Canada legalized medical marijuana in 2001 and the have years of usage to research. The *Montreal Gazette* has reported that Mark Ware, a pain management expert, will lead the research study on medical marijuana. The study will identify long-term effects on patients using the drug for chronic medical conditions. According to the article, some 40,000+ patients in Canada are legally using some form of medical cannabis (marijuana). The database will be created at the McGill University Health Center where the doctors will be trained to input volunteer's usage data. From that information, they hope a clear pattern of how to determine what type of marijuana is appropriate, what dosage is needed, and how to best deliver the drug to the patient will emerge. The study is being called a world first, and the data will be collected for 10 years and will include thousands of patients.

This study is very important to our country, as well as many other nations as we struggle to understand whether medical marijuana is really of benefit to a

patient. Of course, long-term use of any medication could potentially be damaging to the patient. I will be watching for updates on this study and will share them with you.

## Third-quarter selections sent

Matthew Gerke has sent out the third-quarter random selections for testing and you should have already received your list. If you have not received your selection list, please notify Matthew immediately at 800-837-8648. Thank you so much for updating your lists on time and for being so complete in what you submit. This helps us provide the best selections for you.

## Congratulations to Jeff Sims in becoming an SAPACC Commissioner

Jeff Sims, president of a'TEST Consultants, has recently been appointed as a commissioner to the SAPACC (Substance Abuse Professional Administrator's Certifying Commission) national board. The board is comprised of 18 professionals, selected from the United States, that are leaders within the drug and alcohol testing industry. This board reviews and approves programs in our industry. We are very proud of this continued recognition of Jeff's leadership and work in our field. He has also attained a C-SAPA and C-SI certifications and has helped a'TEST become a certified C-TPA.

With Judy Sims being active as CEO of a'TEST, the company is a certified female-owned business. According to the HUD official map, we are located in a HUB Zone, as well. Both of these designations can provide a benefit to some employer organizations.

A'TEST becomes 24 years old in September.



**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.**



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A course of cones gave teens a simulated look at the dangers and difficulty of driving while impaired.

# Siloam Springs camp connects youth and police

**S**iloam Springs Police Department reports a good turnout and enthusiastic young people have made the inaugural summer youth camp program a success. The camp, which met four mornings for a week for the 8-12 age group in July and four mornings for the first week of August for the 12-17 age group, covered a range of topics, including alcohol and drug awareness, Internet safety, and a behind-the-scenes look at the city’s public safety department.

Cpl. Jeff Bland and the department started from scratch, looked at some similar programs other police departments had, and pulled what they liked and tailored it to the city’s needs, he said.

The goals were to give the children a chance to get to know their public safety officers and to give them a behind-the-scenes look at the whole process, to take some of the mystery out of it, Bland said. For older kids

beginning to think about careers, it’s also a good chance for them to see what officers, dispatchers, prosecutors, and others in the system do and ask them questions, he said.

One aspect of the camp involved showing the children how the officers investigate and prosecute a crime such as theft. They even held a mock trial, with children in the roles of judge and prosecutors.

“The girl who was elected ‘judge’ got to wear Judge [Stephen] Thomas’s robe,” Bland said. “The kids had a lot of fun with that.”

Police Chief James Wilmeth would like to see the camp continue next year and beyond.

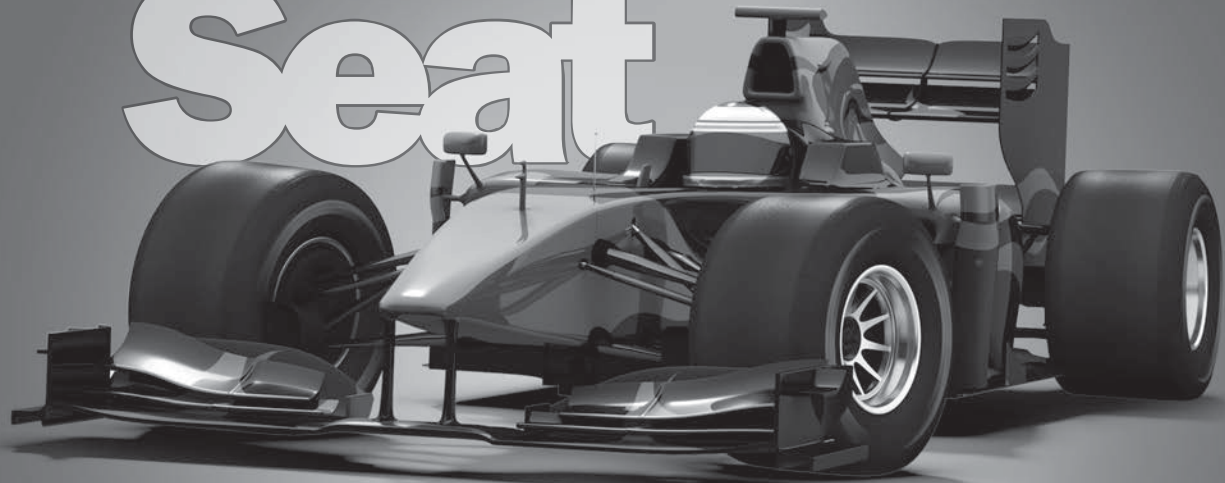
“We had a lot of cooperation and participation from other parts of the criminal justice system, so it went really well for us,” Wilmeth said. 🍷



Children at Siloam Springs Police Department’s summer youth camp got a behind-the-scenes look at how their city’s officers help keep them safe.



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## Volunteer Community of the Year nominations open now

It'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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# "Bryant 101" connects city, citizens



To help citizens understand how the city operates, Bryant created "Bryant 101," a program for the city's residents.

"A measure of successful, ongoing growth will be how well our city connects, partners and collaborates as a collective community," Mayor Jill Dabbs, at right, said. "With this in mind, we have launched Bryant 101, a 10-week orientation on Bryant."

Starting in June, the 10-week series of classes covered the ins and outs of the city's operations, from finance, to planning and zoning, to parks and recreation. Residents had the opportunity to learn how every department operates. The series wrapped up Aug. 4 with a general listening session.

Participation was enthusiastic, Assistant to the Mayor Dana Poindexter said.

"I think the class 'humanizes' our city departments as well as helps change the perspective of those attending."



## 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.



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# Twins retire after combined 72 years of service to Searcy



**F**rancis, at right, and George Hale, left, twin brothers, retired from the City of Searcy on June 30 after 72 years of combined service for the city. Both Hales began working for the city in 1972, but George moved to Texas for about 13 years before returning to work for the city in 1993. Their mother stated that she had five sons, all of whom at some time worked for the city. Francis retired as a CDL Roll-off Driver with the Sanitation Department and George retired from the Street Department as a CDL Driver.

Mayor David Morris, center, presented each of the twins with a “Key to the City” plaque and commended them for their many years of service to the community. 🏛️

## Fairs & Festivals

Aug. 29, **BATESVILLE**, 72nd White River Carnival, 870-793-2378, [www.mybatesville.org](http://www.mybatesville.org)

Sept. 17-19, **MAYNARD**, 39th Maynard Pioneer Days, 870-647-2701

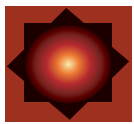
Sept. 18-19, **WALNUT RIDGE**, Beatles at the Ridge Music Festival, 501-412-6497, [BeatlesAtTheRidge.com](http://BeatlesAtTheRidge.com)

Sept. 26, **BRYANT**, 28th Fall Fest, 501-847-4702, [www.bryantchamber.com](http://www.bryantchamber.com);  
**JONESBORO**, BBQ Fest, 870-336-7282



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## Great Arkansas Cleanup starts Sept. 12

The Great Arkansas Cleanup, the annual fall statewide litter pickup campaign promoted by the Keep Arkansas Beautiful Commission, kicks off Saturday, Sept. 12, when thousands of volunteers will remove litter from roadways, lakes, streams, parks, businesses, and neighborhoods through October.

Communities all over Arkansas come together each fall during the Great Arkansas Cleanup to help increase public awareness of the importance of a clean, beautiful, and environmentally healthy state. Volunteers show their support by hosting litter pickups and recycling, beautification and educational programs, and by encouraging these efforts throughout the year.

The Great Arkansas Cleanup is sponsored by the Arkansas State Highway and Transportation



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To volunteer, host a cleanup event, or find out about events in your area, visit [keeparkansasbeautiful.com](http://keeparkansasbeautiful.com) or contact Liz Philpott, volunteer program manager at 501-682-3507, or email [elizabeth.philpott@arkansas.gov](mailto:elizabeth.philpott@arkansas.gov).



North Little Rock City Hall's exterior is made of cast stone and terra cotta block.

PHOTOS BY ANDREW MORGAN.

# North Little Rock City Hall celebrates a century

**N**orth Little Rock's iconic City Hall celebrated its 100th birthday in July with a "Sandwiching in History" tour hosted by the Arkansas Historic Preservation Program, which offered a tour of the building and a look at it and the city's colorful history.

The cornerstone of City Hall was laid on July 27, 1914, and the building was dedicated and opened on July 5, 1915. It was placed on the National Register of Historic Places in 1975 and noted for its neoclassical architectural style.

The early history of North Little Rock took some twists and turns, AHPP's Rachel Silva noted during the July 10 tour of the building. Argenta in its early days was a fairly lawless community with a bad reputation and no municipal government to speak of. In 1890 Argenta residents filed to incorporate, but instead Little Rock forcibly annexed the community, making it the city's 8th Ward. In 1903 the new city of North Little Rock, which began just north of the railroad viaduct in today's Mid-City neighborhood, annexed the 8th Ward, freeing Argenta from Little Rock. In 1906 the name of the new city reverted back to Argenta. It would be renamed North Little Rock, again, in 1917.

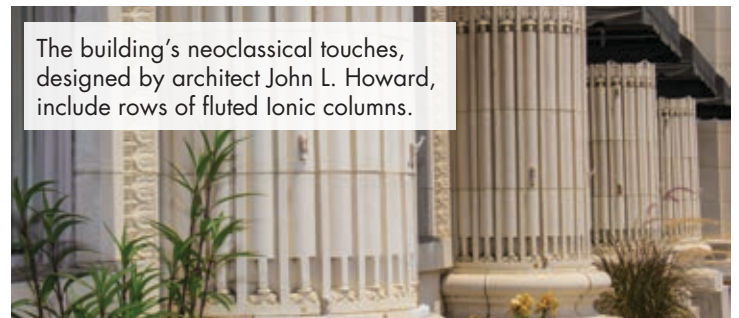
In 1914 the Argenta City Council approved \$75,000 for the construction of City Hall and work began in April that year. An estimated 3,000 people attended the grand opening on July 5, 1915, which included speeches by Mayor J.P. Faucette and Gov. George W. Hays.



PHOTO BY DIANE WHITBEY.

"Sandwiching in History" tour participants learned about the history of Argenta, North Little Rock, and its City Hall at the July 10 event.

The building's neoclassical touches, designed by architect John L. Howard, include rows of fluted ionic columns.





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PHOTO COURTESY OF TREE STREETS.

Volunteers with Little Rock-based nonprofit Tree Streets plant oaks along Louisiana Street in downtown Little Rock.

## Dear Tree

By Alison Litchy

Recently I saw an article about Melbourne, Australia, and the city’s trees. They had a relatively simple idea to mitigate an issue with tree maintenance. Officials had assigned numbers and email addresses to many of their city’s trees. This was done with the intention of enabling citizens to report damage to a specific tree in a quick and easy way. Instead, this simple program had a wonderful unintended outcome—people started to email the tree with greetings and questions.

These interactions showed the community connection with trees. Some people wrote, “Thanks for oxygen!” while others wondered how they had gotten damage to their branches, and still others asked random questions. The city ran with this positivity, taking it one step further by having the trees reply to the citizen comments. The back-and-forth exchange connected the citizens with the city and its trees. This goodwill extended beyond the city limits, as some emails came in from outside the community. One example the article gave was from a white oak in Mississippi just saying hello, an international tree message of goodwill.

This unique idea was a great way to get citizens involved with their trees, as well as their city. Citizens that are involved with their city have been proven to take

better care of it, and are more willing to stay in that city. Community involvement with green space is crucial to the survival of our urban forests, and the forest, in turn, pays dividends back to the community. An extensive body of research has shown that cities with trees have a measurable increase in people’s health over those that do not. The most recent work, published July 2015 by *Scientific Reports*, found that having 10 more trees in a city block, on average, improved health perception in ways comparable to being seven years younger. Adding an 11th tree per city block increased this to 8.4 years. Maybe trees just want us to live as long as they do. It’s easy to see that communities that invest in trees are also investing in themselves.

The Urban Forest Project in Grand Rapids, Mich., ([www.urbanforestproject.com](http://www.urbanforestproject.com)) is a great example of community involvement in the urban forest. The program educates and trains citizen volunteers about tree identification, planting, pruning, general maintenance, and the value of trees. This program rose from the community because the city did not have the staff to support the maintenance that their trees required. Citizens became advocates for the trees in their community, and then they shared what they learned with others. The citizens are also encouraged to add their trees to the online



tree map. Grand Rapids has found that when citizens plant their own trees, the trees have a greater chance of survival because they take better care of them, and this involvement brings the community together.

A little closer to home, Tulsa, Okla., has a great program called Up With Trees ([upwithtrees.org](http://upwithtrees.org)). Their mission is to beautify the greater Tulsa area by planting trees and creating urban forestry awareness through education. The program has been in place for 40 years and they have been able to create a brighter future, having planted over 30,000 trees in over 500 sites. They have been able to get trees in streets, parks, schools, fire stations, neighborhoods, and other public lands. They maintain an additional 20,000 existing trees to help preserve Tulsa's heritage. There are many ways interested citizens can contribute. Tulsa set their program up to allow anyone to choose an involvement level online and select how they want to participate. The program is possible with generous support of volunteers and donors. They recognize that just planting a tree is not enough; the tree will require maintenance to thrive and survive. They also recognize that thriving and surviving trees are a building block to a flourishing community.

Here in our state there is also a great example called Tree Streets, located in Little Rock. Tree Streets ([treestrees.com](http://treestrees.com)) is organized exclusively for a charitable purpose to benefit the public by planting trees along streets. This program also is run by citizens and funded by donors. There is a map on their website, where you can see the different tree sites they have planted and plan to plant. Tree Streets educates citizens on planting and tree care, and volunteers help plant and maintain the trees.

Community involvement does not have to be through a large program. To help maintain and grow communities with trees anyone can help simply by planting a tree in their yard. After all, few things get better with age, but trees are one of them.



*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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## Delta Leadership Institute graduates 48 from 2014-15 Executive Academy, 10 from Arkansas

**D**elta Regional Authority Federal Co-Chairman Chris Masingill announced that 48 graduates have successfully completed the year-long Delta Leadership Institute Executive Academy, a training program that brings together business and community leaders from each of the eight states of the Mississippi River Delta and Alabama Black Belt regions for a collaborative leadership development experience, emphasizing regional approaches to growing local economies and creating opportunities for the people of the Delta region.

“The Delta Leadership Institute is working aggressively to train and connect our region’s leadership,” Chairman Masingill said.

Ten DLI fellows represented the State of Arkansas this year:

- Forest Boles of Little Rock
- Chris Clifton of Wynne
- Mayor Libby Coates of Thornton
- Dr. Jennifer Conner of Lake Village
- Jamie Darling of Tuckerman
- Terri Hollingsworth of Little Rock
- Rebecca Rowe Hoskins of Paragould
- Pamela Moore of Pine Bluff
- Mayor Na’ Eem Omari of Gilmore
- Christie Patterson of Blytheville

“The DLI Executive Academy expands the knowledge base for participants by exposing them to major issue areas important to the economic growth of the Delta region, including small business and entrepreneurship development, education and workforce training, public policy and governance, infrastructure, and public





From left to right: Shawnee Carrier, Executive Director of Delta Center for Economic Development at Arkansas State University; Forest Boles of Little Rock; Frankie Gilliam, Community and Economic Development Specialist at Delta Center for Economic Development; Mayor Na’em Omari of Gilmore; Mayor Libby Coates of Thornton; Dr. Jennifer Conner of Lake Village; Jamie Darling of Newport; Terri Hollingsworth of Little Rock; Pamela Moore of Pine Bluff; Former U.S. Secretary of Transportation Rodney Slater; Chris Clifton of Wynne; Amy Fecher, Deputy Director of Arkansas Economic Development Commission and DRA board designee for Governor Hutchinson; Christie Patterson of Blytheville; Rebecca Rowe Hoskins of Paragould; DRA Federal Co-Chairman Chris Masingill; and DRA Alternate Federal Co-Chairman Mike Marshall.

health,” Masingill said. “By doing this, the program creates a corps of regional-thinking, collaborative ‘doers’ ready to address some of our region’s most prevalent challenges.”

“Congratulations to the 10 Arkansans graduating from the Delta Regional Authority’s Delta Leadership Institute,” Gov. Asa Hutchinson said. “Over the course of the past academic year, these participants have confronted the most pressing issues facing the Mississippi River Delta Region. They include high levels of poverty, poorly performing schools, high levels of unemployment, and a lack of skilled labor.”

The program included six sessions in Delta communities and Washington, D.C. In addition to the program certificate, participants graduate with an industry-recognized certification in Crucial Conversations.

Present for the ceremony were former U.S. Secretary of Transportation Rodney Slater, DRA Federal Co-Chairman Chris Masingill and Alternate Federal Co-Chairman Mike Marshall, and the gubernatorial designees to the DRA Board for each of the agency’s governors.

The DLI is coordinated in partnership with three institutions of higher education from within the DRA footprint: the University of Alabama, Arkansas State University-Jonesboro, and the University of Louisiana at Monroe.

Applications for the 2015-2016 class of the DLI Executive Academy are now being accepted through August 7. Interested applicants can learn more about the program and may begin an application at [dra.gov/leadership](http://dra.gov/leadership).

# Vaccines: Protecting ourselves and our communities

By Robert H. Hopkins Jr., M.D.

Every day, we take precautions and safety measures to make sure we are healthy and protected. Whether it's buckling up before driving, washing our hands before leaving the restroom, or taking medications to treat our health conditions and prevent complications, we take many efforts to ensure our health.

Vaccination of children and adults is a high-value preventive intervention that we can, and should, embrace to protect ourselves and our neighbors.

Unfortunately, a growing number of Americans have become alarmed by vaccines. Theories have been circulated about harmful side effects and ulterior motives of manufacturers and providers. Truthfully, vaccines are the result of extensive research to develop these tools to prevent serious infections and diseases. Before we delve deeper into what a vaccine does, it could be beneficial to explain how a vaccine works.

## Activating the immune system

When a child or adult is given a vaccine, the patient is given a component of a virus or bacteria designed to activate the immune system so the body is able to resist infection from that particular agent. For example, patients given a tetanus shot receive an inactive part of the tetanus bacteria, which activates the immune system so the individual is not infected later if exposed to the bacteria.

Vaccines are not without potential side effects. However these adverse effects are much less common and generally far less severe than the diseases these immunizations can prevent. Our current vaccines can prevent types of cancer, liver failure, severe pneumonia, the flu, and shingles, among others.

The U.S. Centers for Disease Control and Prevention recommends vaccination of nearly all children against 14 different infectious agents, including influenza, measles, tetanus, whooping cough, and rotavirus. It's particularly important to protect our children because they are vulnerable to infection and can commonly spread infectious diseases to other children and adults. There are also a small number of children who cannot receive vaccines due to medical conditions, so vaccination of people around these high-risk kids is important to minimize their risk for exposure to preventable infections.

Children in schools and childcare settings live in a "soup" of viruses and bacteria. Generally, they are less reliable than adults when it comes to washing their hands, covering their mouths while coughing, and taking other health precautions, which makes passing of infectious agents between peers more probable. A number of our standard childhood vaccines are critical to help safeguard children.

## Value times two

Making sure our children are properly vaccinated provides value at two levels: individually for the child and for the community as a whole. For example, if roughly 85-90 percent of the students in an elementary school are immunized against influenza, the likelihood of a sustained outbreak of this vaccine-preventable infection is very small. There may be isolated cases, but a large number of cases is unlikely. However, if the immunization rate falls, even to 75 percent, the chances of an outbreak, which could lead to hospitalizations and even school closing, is significant.

The easiest way for parents to stay up to date on vaccines their children need is to talk with their pediatrician or family doctor. Each medical practice should have access to our Arkansas state immunization registry, which can report the specific vaccine status of your child, and posted schedules to show what vaccines children of every age need to receive.

The value of vaccination does not stop with children. Adults also should be strongly encouraged to continue receiving preventive vaccines, including those for influenza, whooping cough, pneumococcal infections, shingles, and hepatitis B. While many adults emphasize protecting their children above their own health, it's important to stay current on vaccines. It's also important to remember that for adults, vaccination can also provide another layer of protection to children who are too young for certain vaccines.



*Robert H. Hopkins Jr., M.D., is Professor of Internal Medicine and Pediatrics, College of Medicine, University of Arkansas for Medical Sciences. In addition to practicing and teaching at UAMS, Dr. Hopkins serves on the Arkansas Department of Health's Vaccine Advisory Committee and the CDC's Advisory Committee on Immunization Practices Adult Immunization Working Group.*



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# Scenario planning: Tools for tomorrow

By Julie Lorenz

Every organization wants a crystal ball—a glimpse into the future that sets a specific direction for action. While predicting the future isn't realistic, working to anticipate the future is. Scenario planning is a tool for tomorrow, a process to help organizations make sense of potential changes coming their way.

For companies like Shell, Disney, and General Electric, scenario planning has been a valuable foundation for strategic thinking. Increasingly, the transportation industry is taking advantage of its benefits. The Arkansas State Highway and Transportation Department (AHTD) held a first-of-its-kind scenario planning workshop to support the Arkansas Long Range Intermodal Transportation Plan (LRITP) on April 29 in North Little Rock.

## Making sense of an uncertain world

We live in an uncertain world, where an interconnected web of trends, demographics, and economies combine to create a global impact. It's not enough to look at the past to understand how the future will shape up. Organizations focusing solely on incremental changes to develop strategic plans may find themselves caught off guard.

Scenario planning doesn't try to predict the future. Instead, it develops a series of plausible futures and invites participants to think about how best to prepare for those worlds.

"By thinking strategically about what transportation might look like in 50 years, we can develop a long-range plan and then dial back for smart decisions today," AHTD Director Scott Bennett said. "The rate of change in our industry continues to accelerate, so scenario planning helps us develop a blueprint for an ever-evolving future."

## Using foresight to plan for the future

Through its Foresight Report 750 Series, the National Cooperative Highway Research Program (NCHRP) developed innovative research to examine long-range issues and their implications for departments of transportation. The reports addressed categories of major impact, including freight, climate change, technology, sustainability, energy and fuels, and demographics.

The series outlined several plausible scenarios for the future, a few of which include:



PHOTO COURTESY ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT.

- **Momentum**, where slow population growth leads to modest domestic economic growth but world trade is active. Technology has made vehicles safer and more efficient.
- **Global chaos**, where a U.S. recession leads to negative economic growth. Weather events have increasing negative impacts and global conflicts mean job and oil shortages.
- **Tech triumph**, where technology fundamentally changes the world of transportation. Economic growth is booming, the population grows and the U.S. becomes more self-reliant.
- **Gentle footprint**, where sustainable attitudes drive life choices. High carbon taxes reduce energy consumption and increased regulation results in greater social and economic control.

It's likely a combination of these scenarios—rather than any single one—will actually occur. But decision-makers who participate in sessions like this are more equipped to recognize and prepare for aspects of these scenarios when they arrive.

The Burns & McDonnell/High Street Consulting team worked with NCHRP to increase the accessibility of the research materials by providing a structured, high-level approach to scenario planning. The AHTD workshop is the first time the Foresight materials have been used to kick off a long-range plan for a department of transportation.





The AHTD along with planning partners from across the state gathered in April for a first-of-its-kind scenario planning workshop to support the Arkansas Long Range Intermodal Transportation Plan.

## Thinking big about tomorrow

Leaders at the AHTD sought to create a vision for intermodal transport that went beyond the typical 20-year plan. They brought together more than 100 employees and planning partners from across the state for a brief but effective session.

“Our partners should have a vital, ongoing voice in this plan,” said Jessie Jones, the AHTD division engineer for transportation planning and policy. “We want to hear what they think about the future, and better understand how AHTD can partner with them to improve the quality of life, safety and economy in Arkansas.”

The workshop encouraged big thinking by asking big questions. How might technology change driving patterns and transportation needs in Arkansas? How do changing population trends and demographics, including an aging population, impact transportation? How might AHTD’s role change in the future and what issues are most important for the LRITP to address?

A diverse group of participants helped achieve a useful balance, providing perspectives from outside the technical realm.

“We saw people challenging the status quo, brainstorming without biases, and identifying trends and connections that will make a real difference in our long-term planning,” Jones said.

A post-workshop survey revealed participants believe economics, technology, and politics will have the biggest impact on the Arkansas transportation system in the future. AHTD leaders plan to continue the forward-thinking conversation through statewide input sessions in the fall of 2015 and spring of 2016. To receive project updates and learn more about how to share your thoughts, simply send your name and email address to [AR\\_LRITP@ahtd.ar.gov](mailto:AR_LRITP@ahtd.ar.gov). AHTD is eager to hear input from all Arkansas citizens.

## How scenario planning applies to you

Once just the purview of executives at major corporations, scenario planning for a long-term view provides considerable benefits across all organizational areas—operations, finance, human resources, and more—not just planning. Why double down on solutions for today’s problems when the whole world might change? We can’t predict the future, but we can better prepare for it.



*Julie Lorenz is Sr. Strategic Consultant, Burns & McDonnell.*

From left, Mulberry Mayor Gary Baxter, Assistant to the Mayor Monica Freeland, and the author discuss future development efforts for the city's downtown under their 19 by 19 Plan.



PHOTO BY SHELBY FIEGEL.

# Mulberry a community planning success story

By Josh Markham

“Where there is no vision, the people perish.” This quote from the book of Proverbs sums up Mulberry Mayor Gary Baxter’s belief in the importance of community planning. Baxter has leveraged his unique background to achieve great success for the city. He combines the attention to detail and meticulous pragmatism of 27 years in military service with a genuine interest in building community that comes from 22 years as an ordained minister.

Since taking office in Mulberry in January 2011, Baxter has successfully implemented numerous projects. While Mulberry is a small city of around 1,600 people, in the past five years, the city has completed development efforts ranging from park renovations, street improvements, new construction of a senior center, and the attraction of several new businesses.

Baxter will attest that having a clear, action-oriented vision for Mulberry has been critical to the city’s success.

“We needed to be ready for the future. It is the leader’s responsibility to communicate to others the direction of the community,” Baxter said.

This responsibility led Baxter to develop his 19 by 19 Plan for Mulberry. This visioning document is a clear,

project-focused plan for the next four years of his term in office. The 19 goals focus largely on continued infrastructure improvements and economic development, but arriving at a short list to focus on was difficult. Over 100 items for future development were initially considered. Baxter noted that “our staff weighed the most important, immediate needs of the community” and then tried to trim the list down based upon what development needed to logically take place first.

His initial approach to communicating this plan was as straightforward as the plan itself.

“I just went door-to-door and talked to people,” Baxter said.

While this initial approach was no easy task, the effort to honestly communicate the leadership’s plan for the community underlies two focus areas that Baxter feels are integral to implementing the plan: building trust and building relationships.

While many community plans often end up on a bookshelf, for Baxter, the 19 by 19 Plan is much more than a bookend. His plan guides weekly staff meetings and helps his staff to stay on track. Additionally, due to the concise nature of the plan, it is easy for the mayor to share with people. This ease of use is a plus for all



involved, but the streamlined nature of the plan was intentional for other reasons.

“Even with 19 specific focus areas, each area has ripple effects that have a larger impact on the community” Baxter said.

As such, the 19 by 19 Plan has a comprehensive approach to community and economic development by focusing on core development issues. For example, by focusing on affordable new housing, the plan aims to attract new residents, which will positively impact local businesses.

Ultimately, Mayor Baxter hopes this planning effort will lead to a strong, self-sustaining community. Economic success aside, Baxter noted that he has already seen a large increase in community pride due to the city’s conscious development efforts. This 19 by 19 Plan is designed to continue that growth. Baxter noted that “businesses need to see that the community is being taken care of. Quality of life factors such as parks and sidewalks are important to people and to the economy.”

As a result, his 19 by 19 Plan is designed to pay dividends to both residents and businesses.



*Josh Markham is Assistant Director, Center for Community and Economic Development, University of Central Arkansas.*

## Sample priorities from Mulberry’s 19 by 19 Plan

- Expansion of farmers market
- Upgrades to city park
- \$300,000 library expansion
- Downtown renewal
- Repair and overlay city streets
- Repair sidewalks and construct new sidewalks between high school and elementary school
- Attract business to 100-acre site in industrial park
- Sewer upgrades
- Water treatment plant expansion

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# 2015 State Turnback Funds

Actual Totals Per Capita						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2014	2015	2014	2015	2014	2015
January	\$5.1428	\$4.8662	\$0.3163	\$0.5728	\$1.9533	\$2.0995
February	\$4.5811	\$4.8562	\$0.4833	\$0.4599	\$1.0052	\$1.0921
March	\$4.7165	\$5.1898	\$0.4463	\$0.2339	\$1.0055	\$1.0909
April	\$4.8363	\$4.7309	\$0.5347	\$0.6375	\$1.0055	\$1.1417
May	\$5.1527	\$5.2197	\$0.5897	\$0.2544	\$1.0053	\$1.0906
June	\$4.9881	\$5.2355	\$0.6126	\$0.2735	\$1.0050	\$1.0909
July	\$5.5230	\$5.3027	\$0.5581	\$0.6593	\$3.9543	\$2.9716
August	\$4.9486		\$0.6130		\$1.0932	
September	\$5.0410		\$0.5763		\$1.0910	
October	\$5.1889		\$0.5542		\$1.0930	
November	\$4.9326		\$0.4906		\$1.0928	
December	\$4.8110		\$0.4013		\$1.0919	
<b>Total Year</b>	<b>\$59.8626</b>	<b>\$35.4009</b>	<b>\$6.1764</b>	<b>\$3.0913</b>	<b>\$16.3960</b>	<b>\$10.5774</b>

Actual Totals Per Month						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2014	2015	2014	2015	2014	2015
January	\$9,666,249.40	\$9,159,751.23	\$594,574.44	\$1,078,253.79	*\$3,671,282.93	*\$3,951,880.56
February	\$8,610,432.52	\$9,140,972.61	\$908,313.92	\$865,620.02	\$1,889,234.55	\$2,055,766.00
March	\$8,864,931.29	\$9,768,890.51	\$838,837.95	\$440,227.94	\$1,889,913.97	\$2,053,376.13
April	\$9,090,103.48	\$8,905,034.06	\$1,005,050.29	\$1,199,954.61	\$1,889,913.97	\$2,149,094.75
May	\$9,684,675.50	\$9,840,348.46	\$1,108,429.75	\$479,664.03	\$1,889,592.55	\$2,056,091.57
June	\$9,380,093.69	\$9,870,151.62	\$1,151,947.00	\$515,640.06	\$1,889,914.20	\$2,056,559.07
July	\$10,386,236.87	\$9,996,770.39	\$1,049,503.01	\$1,242,957.21	**\$7,436,192.77	***\$5,602,259.11
August	\$9,310,016.61		\$1,153,167.19		\$2,056,570.50	
September	\$9,483,759.74		\$1,084,169.71		\$2,052,581.22	
October	\$9,763,094.43		\$1,042,826.36		\$2,056,448.50	
November	\$9,282,963.15		\$923,263.56		\$2,056,540.00	
December	\$9,054,075.63		\$755,208.69		\$2,054,945.78	
<b>Total Year</b>	<b>\$112,576,632.31</b>	<b>\$66,681,918.88</b>	<b>\$11,615,291.87</b>	<b>\$5,822,317.66</b>	<b>\$30,833,130.94</b>	<b>19,925,027.19</b>

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

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

\*\*\* Includes \$3,516,801.52 supplemental for July 2015



# Local Option Sales and Use Tax in Arkansas



KEY: Counties not collecting sales tax

Source: Rachel Graves, Office of State Treasurer

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

Sales and Use Tax Year-to-Date 2015 with 2014 Comparison (shaded gray)									
Month	Municipal Tax		County Tax		Total Tax		Interest		
January	\$48,260,965	\$44,899,051	\$42,805,543	\$41,135,484	\$91,066,508	\$86,034,535	\$12,222	\$4,805	
February	\$57,956,453	\$51,556,660	\$50,071,410	\$46,326,186	\$108,027,863	\$97,882,846	\$12,659	\$5,765	
March	\$46,032,300	\$41,142,676	\$41,404,634	\$37,596,230	\$87,436,935	\$78,738,906	\$19,161	\$5,571	
April	\$46,694,339	\$44,819,678	\$42,176,819	\$41,824,879	\$88,871,158	\$86,644,557	\$15,459	\$6,185	
May	\$52,104,723	\$48,373,032	\$46,560,371	\$43,431,803	\$98,665,094	\$91,804,835	\$4,827	\$6,011	
June	\$49,711,589	\$45,121,494	\$44,369,398	\$40,770,568	\$94,080,987	\$85,892,061	\$25,867	\$7,080	
July	\$50,358,675	\$50,985,699	\$44,565,666	\$45,660,838	\$94,924,341	\$96,646,537	\$18,804	\$7,291	
August		\$48,591,520		\$44,364,160		\$92,955,680		\$7,038	
September		\$48,279,490		\$43,224,258		\$91,503,748		\$9,120	
October		\$50,649,942		\$45,482,360		\$96,132,302		\$8,604	
November		\$48,903,456		\$44,043,654		\$92,947,110		\$19,648	
December		\$49,348,276		\$44,623,076		\$93,971,352		\$14,221	
<b>Total</b>	<b>\$351,119,044</b>	<b>\$572,670,974</b>	<b>\$311,953,841</b>	<b>\$518,483,496</b>	<b>\$663,072,886</b>	<b>\$1,091,154,469</b>	<b>\$108,999</b>	<b>\$101,339</b>	
<b>Averages</b>	<b>\$50,159,863</b>	<b>\$47,722,581</b>	<b>\$44,564,834</b>	<b>\$43,206,958</b>	<b>\$94,724,698</b>	<b>\$90,929,539</b>	<b>\$15,571</b>	<b>\$8,445</b>	







## Jonesboro mayor appointed to Arkansas Workforce Development Board

Gov. Asa Hutchinson has selected Mayor Harold Perrin of Jonesboro to represent elected municipal officials on the Arkansas Workforce Development Board. Mayor Perrin was recommended to the Governor by the Arkansas Municipal League to represent municipalities in Arkansas. The Board was formed by Act 907 of 2015, which calls for the creation of the Arkansas Workforce Development Board, a group that will advise the Governor on workforce needs and development. It replaces the Workforce Investment Board that had previously existed. Gov. Hutchinson has made workforce development a significant part of his economic development initiatives.

"I am pleased with the Municipal League's choice of Mayor Perrin of Jonesboro. He is a strong leader and an advocate for workforce training and economic growth in Northeast Arkansas," Governor Hutchinson said.

"Workforce Development is one of our greatest challenges if we are to obtain the type jobs needed to advance Arkansas's people and communities," League Executive Director Don Zimmerman said. "Mayor Perrin brings much experience and a good track record, which will assist the Board in meeting this challenge. The Governor selected a fine representative for the 500 municipalities of our state."

"A broad-based and well-trained workforce is vital to economic development," Perrin said. "I am honored to be selected to serve on this Board, and I am looking forward to helping guide the workforce development in our great State."

Perrin will represent the 500 municipalities in Arkansas on the Workforce Development Board. The Board held its first meeting on June 9.

## USDA initiative highlights Arkansas communities

The United States Department of Agriculture (USDA) has released its updated state-by-state report for its "Made in Rural America" initiative, highlighting the fact that the export of farm and ranch products contributed \$4 billion to the Arkansas economy in the past year, *Talk Business & Politics* reported July 10. In 2014, the USDA said it invested in 577 local food projects across Arkansas, helping to develop food hubs, small-scale processing, farmers markets, and other market opportunities in local food. Overall, the USDA said it has invested \$16 million to help rural manufacturers in Arkansas increase production and capacity, helping to support many of the state's 75,614 blue collar jobs in rural areas of the state.

In Arkansas, the USDA "Made in Rural America" program has:

- Helped 27,123 Arkansas families purchase or repair a home, providing access to safe, affordable housing critical to maintaining the state's rural labor force, officials said.
- Invested \$279.8 million in telecommunications projects serving rural Arkansans, which has helped to expand access to state-of-the-art health care, educational, and cultural resources and helps rural businesses compete in the global economy.
- Advanced \$261.7 million to support efficient water supply, treatment and storage facilities, and wastewater treatment systems. That investment has improved the health of thousands of rural Arkansans who now have access to clean water and reliable sanitation.

In addition to releasing its state-by-state report, the Obama administration has also invited communities to participate in "Local Foods, Local Places," a two-year old federal initiative that provides direct technical support to build strong local food systems as part of a community's emerging economic action plan. Under this effort, a team of agricultural, transportation, public health, environmental, and regional economic experts will work directly with local communities to spur local economic growth and improve the quality of life for all residents.

In the second year of the program in 2014, three Arkansas cities were among the 26 rural and urban communities that participated in the federal food development program.

Community members in Flippin came together to create a new school garden, launch a farmers market, and plan a new sidewalk connecting the town's school complex, downtown, and park. With its new "Local

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Foods, Local Places” action plan, the city is working toward forming a local growers’ co-op and establishing a Whole Farm Conference to better connect farmers with one another, federal officials said.

In North Little Rock, the Arkansas Regional Innovation Hub and community officials developed an action plan focused on creating a new food hub, enhancing the services of regional food bank efforts, and linking emerging food-related activities to boosting walkability, livability and economic vibrancy in the Argenta neighborhood.

Technical support teams in Osceola, which included local city officials, the University of Arkansas and the local school district, used their new action plan to coordinate and enhance healthy foods education, including development of a new healthy foods cooking curriculum in the school district. The community is also creating a farmers market in the downtown, where it is working on infrastructure improvements, cleanup efforts, USDA officials said.

## **Congressional Delegation announces airport awards**

U.S. Senators John Boozman and Tom Cotton and Congressmen Rick Crawford and Bruce Westerman announced that 12 Arkansas airports have been awarded more than \$3 million from the Department of Transportation to support facility upgrades and expansions, *Talk Business & Politics* reported July 10.

The airports receiving funding are as follows: Almyra Municipal Airport will receive \$532,800 to construct the taxiway and expand the apron; Blytheville Municipal Airport will receive \$177,300 to install perimeter fencing; Carlisle Municipal Airport will receive \$85,483 to rehabilitate the runway; Danville Municipal Airport will receive \$267,427 to rehabilitate the runway; J. Lynn Helms Sevier County Airport will receive \$870,000 to construct a taxiway and install taxiway lighting; Hope Municipal Airport will receive \$230,000 to install taxiway lighting; Jonesboro Municipal Airport will receive \$294,183 to rehabilitate the taxiway; Lake Village Municipal Airport will receive \$70,200 to rehabilitate runway lighting; Melbourne Municipal – John E Miller Field will receive \$45,000 to construct a taxiway; Baxter County Airport will receive \$207,000 to rehabilitate the aviation apron; Paragould’s Kirk Field will receive \$155,628 to rehabilitate the apron and rehabilitate the taxiway; and Walnut Ridge Regional Airport will receive \$497,012 to improve airport drainage and rehabilitate the taxiway.

## **Arkansas’s low cost of living second only to Mississippi**

A dollar earned in Arkansas goes further than just about any other state, according to a recent report by the Tax Foundation, *The City Wire* reported July 20. Based on earnings and cost-of-living data compiled by the Bureau of Labor Statistics, the relative value of \$100 earned in Arkansas is really \$114.29 because of the state’s lower cost-of-living.

Arkansas has the second lowest cost-of-living reading in the nation. Only Mississippi (\$115.21) offered more purchasing power. Both states enjoy prices about 13 percent lower than the national average.

A separate report by the Bureau of Labor Statistics released July 1, found that the cost of goods and services in Arkansas had a price parity of 87.5 compared to the national average of 100. That cost savings is consistent with findings noted by the Tax Foundation.

Within Arkansas, the Fort Smith and Jonesboro metro areas ranked among the lowest in the nation in terms of the cost of goods and services. Jonesboro had a regional price parity of 81.7 compared to the national 100 and the state parity of 87.5. Fort Smith’s regional price parity was 81, tied with Pine Bluff for the lowest in the state. Conversely, Little Rock and Northwest Arkansas had the two highest cost of living ratings in the state at 89 and 87, respectively.

Across the Midwest and the South the cost of living is lower than on either coast, predominantly because of reduced housing expenses which are the greatest in California, New England and New York City. Outside of Honolulu, New York City metro area had the highest cost of living with a price parity of 122.3, compared to the national reading of 100. San Jose, Calif., metro showed a price parity reading of 121.3 while Bridgeport, Conn., had a reading of 120.8.

It’s true that the lower cost of living also typically means lower household incomes and sometimes slower wage growth. The Tax Foundation looked at Nebraska and California and found that per capita income was quite similar, but the added purchasing power in Nebraska meant the dollars earned went much further.

The Fayetteville metro area is often compared to Austin, Texas, a diversified economy but slightly tilted toward technology. The household earning \$60,000 in Fayetteville would need to earn \$63,214 in Austin, even though Arkansas has a state income tax and Texas does not. A cost-of-living calculator provided by Money.CNN.com indicates groceries in Austin are 8 percent cheaper than in Fayetteville, but housing costs are 10 percent higher while health care expenses are 9 percent more than in Northwest Arkansas.

*Continued on page 58*

# Municipal Notes continued

Little Rock looks to be more expensive than Austin for a household earning \$60,000. In Austin that comparable salary would be \$57,619, with the savings coming in groceries down 10 percent, housing costing 9 percent less and 5 percent reduced utility costs, according the same calculator. Within the Natural State, Little Rock looks to be the most expensive place to live for a family earning \$60,000. That same family would need to earn \$54,689 in moving to Northwest Arkansas.

## Federal disaster aid to local governments helping rebuild Arkansas cities after severe weather

Federal officials say more than \$6 million in disaster assistance will help fund local governments' storm recovery efforts following this spring's severe weather in Arkansas, the Associated Press reported July 31. Almost \$2 million in federal disaster assistance has already been approved to help individuals, families, and businesses repair property and replace essential possessions. The Federal Emergency Management Agency says the federal funds will help reimburse local governments for the emergency work and debris removal that took place in the storm's immediate aftermath.

Other public assistance projects are being developed and approved by local, state, and federal officials. The estimated cost when they are complete is more than \$4.1 million. Recovery officials are working with more than 65 applicants to develop specifications and costs for about 75 projects in the 28 counties eligible for disaster assistance.

## Egg distributor coming to Berryville

A Missouri-based poultry company had some "egg-citing" after officials announced a plant will be built in Berryville, *Talk Business & Politics* reported Aug. 4. Berryville Mayor Tim McKinney said Mid-States Specialty Eggs will be building its first Arkansas egg processing and distribution plant in Berryville.

The approximately 57,000 square-foot facility will process and distribute around 100,000 dozen specialty eggs per day. Specialty eggs are eggs from chickens that are grown "on the floor," meaning no cages, and are fed with organic feed—certified non-genetically modified. A majority of the specialty eggs are shipped to California.

The plant will employ around 25 full-time employees and 15-20 part-time or contract employees. The company plans to begin construction sometime in August.

## Obituaries

**ROBERT COGDELL**, 66, who served Maumelle for more than 30 years as the city's first and only public works director, died July 21.

**JOHN L. COLEMAN JR.**, 84, a Paragould alderman for nine years, died July 20.

**WILLIAM LEE FERGUS**, 66, circuit judge in Arkansas's 2nd Judicial District and a former municipal judge in Osceola, died July 20.

**DAVID HAROLD MARTIN SR.**, 76, who worked in Little Rock's Public Works Department in the Operations Division since 2002, died July 19.

**JAMES NEAL**, 39, a Bonanza alderman of eight years, died July 3.

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# Changes to 2015 Directory, Arkansas Municipal Officials

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

## Bonanza

Delete DPW Ron Norris  
 Add DPW (Vacant)  
 Delete WS Tom Davis  
 Add WS Kim Hicks  
 Delete AL James Neal, Jr.  
 Add AL Bill Collins

## Eureka Springs

Delete AM Diane Wilkerson  
 Add AM Kim Stryker

## Gosnell

Delete CEO Kathleen Hunt-Cross  
 Add CEO Darryl Grissom

## Jonesboro

Delete FO Ben Barylske  
 Add FO (Vacant)

## Maumelle

Delete DPW Robert Cogdell  
 Add DPW (Vacant)

## Mayflower

Delete T Dale Carter  
 Add T Crystal Hatfield

## Mount Vernon

Delete M Ricky Pearce  
 Add M Jonathon Hawkins  
 Delete AL Elyce Hawkins  
 Add AL Debbie Hawkins  
 Delete AL Doris Sanders  
 Add AL Cody Hawkins  
 Delete AL Ben Waggoner  
 Add AL Suzann Waggoner  
 Delete AL Kenny Highfill  
 Add AL Bonnie Ussery  
 Delete AL Melissa Coger  
 Add AL Johnny Koch

## Poyen

Delete AL Steven Howell  
 Add AL Archie McCoy

## Prairie Grove

Delete AL Justin Clark  
 Add AL Marquita Smith

## Stamps

Delete PC Jerry Reich  
 Add PC Jeff Black  
 DeleteSS/SAN Cecil Gaines



## 2015 Directory of Arkansas Municipal Officials

Price: \$25 each

Orders must be pre-paid

To get your copy of this valuable resource, fill out form below,  
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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Title \_\_\_\_\_

Mailing Address:

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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 North Little Rock, AR 72115-0038

# MUNICIPAL MART

To place a classified ad in City & Town, please email the League at [citytown@arml.org](mailto:citytown@arml.org) or call 501-374-3484. Ads are FREE to League members 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.

**ASST. CITY ATTORNEY**—The City of Jonesboro is accepting applications for an Asst. City Attorney. Requires a Professional degree (J.D., Ph.D., etc), plus 3 years related experience and/or training, and 1 to 6 months related management experience, or equivalent combination of education and experience. The city offers an excellent benefit package. Applications will be accepted in the Human Resources Department, 300 S. Church or at [www.jonesboro.org](http://www.jonesboro.org). EOE.

**CHIEF FINANCIAL OFFICER**—Jonesboro seeks a Chief Financial Officer. CFO is Responsible for city finance and accounting as well as other administrative functions to include information systems, human resources, and grants administration. Ensures compliance with all local, state and federal laws regarding financial reporting, payment of various taxes and other administrative areas. An integral member of the senior executive leadership team for the city. Oversight for treasury, accounting, budget, tax, audit, and other administrative functions of the city. Position requires broad knowledge of such fields as accounting, marketing, business administration, finance, etc. Equivalent to a four-year college degree, plus 7 years related experience and/or training, and 5 years related management experience, or equivalent combination of education and experience. Requires strong communication, mathematical, and critical thinking skills. CPA license preferred. For more information and a complete job description, contact Gloria Roark, Director of Human Resources, City of Jonesboro, [groark@jonesboro.org](mailto:groark@jonesboro.org), 870-933-4640 Ext. 1221.

**CITY ADMINISTRATOR**—The City of Cassville, Mo., is accepting resumes for a City Administrator. Cassville is located in Barry County, population 3,000 with 30 employees and an annual budget of \$4,200,000. It is governed by a mayor and four aldermen. Applicant must be knowledgeable about public works, budgeting, long range planning (including planning and zoning), economic development and possess excellent management skills. The applicant must relate well to the public, city personnel and city council. Applicant should possess a degree in public municipal administration or equivalent qualifications and experience in financial, administration and/or general management. Three (3) years of municipal administration experience is preferred. Salary is DOE and education with an expected range of \$55,000-\$65,000 and excellent benefits. Submit a cover letter, resume, college transcripts, salary history, and references to: City Administrator Search, City of Cassville, 300 Main Street, Cassville, MO 65625. The successful candidate will be required to establish residency within 12 months. Open until filled. Please contact City Clerk/Finance Officer Jennifer Evans for more information at 417-847-4441 or [jevans@cityofcassville.com](mailto:jevans@cityofcassville.com). EOE.

**CITY ADMINISTRATOR**—Kiowa, Kan. (pop. 1,028; \$2.9 million budget; 10 FTE's), is a tight-knit community located 90 miles southwest of Wichita. The City is looking for a hard-working, professional leader with a bachelor's degree and at least 2 years of local government experience. MPA is preferred. Salary \$55K-\$65K DOQ. Send cover letter, resume, and 3 professional references to [LEAPS-Kiowa@lkm.org](mailto:LEAPS-Kiowa@lkm.org) or LEAPS-Kiowa, 300 SW 8th, Topeka, KS, 66603. EOE. Open until filled. Application review begins August 23.

**CITY ADMINISTRATOR**—Lakin, Kan. (pop. 2,260; \$5.1 million budget; 18 FTE's), is a progressive bedroom community located 20 miles west of Garden City. The city is looking for a hard-working, communicative leader with at least 2 years of local government experience. Salary \$55K-\$68K DOQ. Send cover letter, resume, and 3 professional references to [LEAPS-Lakin@lkm.org](mailto:LEAPS-Lakin@lkm.org) or LEAPS-Lakin, 300 SW 8th, Topeka, KS, 66603. EOE. Open until filled. Application review begins August 17.

**DISPATCHER**—The City of Siloam Springs is accepting applications for the position of Communications Dispatcher. This position is responsible for answering multiple phone lines including 911. The position requires simultaneous data entry into a computer aided dispatch program while dispatching routine and emergency calls to include police, fire, ambulance and other emergency response, maintain logs and tapes and other duties as required. The successful applicant should possess strong computer and typing skills and the ability to multi-task. Knowledge of modern office practices and procedures as well as office equipment, radios, computer and Internet applications is required. Applicants must possess the ability to communicate effectively and perform cashier duties accurately. Previous experience and certification preferred. Requirements: must be a U.S. citizen, 18 years of age, possess valid DL, HS diploma or equivalent, no felony record. Must be able to work nights, weekends, and holidays. Must pass background check. Hire Rate: \$12.33 per hour. The City

offers a generous benefit package including, but not limited to medical, dental, vision, LTD, 457 Deferred Compensation, vacation and sick leave. The City requires a completed application be submitted for all positions. Applications are available at City Hall, 400 N. Broadway, Siloam Springs, AR; or can be accessed on our web site [www.siloamsprings.com](http://www.siloamsprings.com). For further information please call 479-524-5136 or email [humanresources@siloamsprings.com](mailto:humanresources@siloamsprings.com). This position is governed by state and federal laws, emergency protocol procedures and department policy. EOE. Open until filled.

**GRANTS ADMIN.**—The City of Jonesboro is currently seeking a Grants Administrator with a proven track record of successful and effective grant acquisition and administration. The Grants Administrator is responsible for the acquisition and implementation of multi-million dollar grants, including researching and interpreting relevant regulations and guidelines; applying for and securing new grants from both public and private funding sources; providing management and administration for acquired grants; and ensuring compliance with all individual and overall grant administrative requirements. The Grants Administrator works closely with the Mayor and Administration to identify funding needs and opportunities, and to develop systems for administering grant funding for successful grant initiatives. The Grants Administrator is expected to identify grant opportunities on an ongoing basis and is charged with the responsibility for developing relationships and researching opportunities from a multitude of sources. Required qualifications: Equivalent to 4 years of college, plus 3 years related experience and/or training, and 2 years related management experience; or equivalent combination of education and experience. Apply in person at the City of Jonesboro Human Resources Department, Municipal Complex, 300 S Church Street, or online at [www.jonesboro.org/Jobs.aspx](http://www.jonesboro.org/Jobs.aspx). EOE.

**HUMAN RESOURCES DIRECTOR**—Bryant seeks a Human Resources Director. The director develops policy and directs and coordinates human resources activities, such as employment compensation, labor relations, benefits, training, and employee services by performing the following duties personally or through subordinate supervisors. Other duties may be assigned. Qualifications: Knowledge of a specialized field (however acquired), such as basic accounting, computer, etc. Equivalent of four years in HS, plus night, trade extension, or correspondence school specialized training, equal to two years of college, plus 9 to 10 years related experience and/or training, and 8 years related management experience, or equivalent combination of education and experience. Special Requirements: A valid Arkansas DL or a valid DL recognized by the State of Arkansas. Preferred certificates, licenses, registrations: International Public Management Association for Human Resources Certification, Professional Human Resource Management Certification, or Senior Professional Human Resource Management Certification preferred. Starting salary \$55,245 DOQ. Applications may be completed online at [www.cityofbryant.com](http://www.cityofbryant.com) or picked up at the HR Department, 210 S.W. 3rd St., Bryant, AR 72022. A City application must be completed and submitted. Position closes at 5 p.m. Aug. 8 or Open Until Filled. EOE. **PARAMEDIC/FIREFIGHTER**—Lowell Fire Department is currently accepting applications for full time Paramedic Firefighters. Applications are available at Lowell Fire Department, 220 N. Lincoln St, Lowell, AR; or online at [www.lowellarkansas.gov](http://www.lowellarkansas.gov). Application may be submitted by mail, fax, or in person. Mailing address is 216 N. Lincoln St, Lowell, AR 72745; Fax 479-770-6047.

**POLICE OFFICER**—Siloam Springs is accepting applications for the position of Police Officer. This position is responsible for vehicle police patrol, investigations, traffic regulation and related law enforcement activities. Federal and State laws and departmental policy govern this position. Minimum qualifications: Must be Arkansas Certified or capable of meeting reciprocity requirements for Licensure; U.S. citizen; possess valid DL; HS diploma or equivalent; at least 21 years of age; free of felony record. Hiring process includes a written test, physical agility assessment, oral interview board, psychological test, drug test and a thorough background investigation. Additionally, an applicant must meet the medical standards required by law Enforcement Minimum Standards and pass a health examination for communicable diseases. Certified Salary Range: \$15.55 - \$17.10 per hour. Starting salary for a lateral transfer will be considered on a sliding scale. Shift work and irregular working hours are required. This position is subject to call out. Please attach a copy of the following documents to your application for employment: Your birth certificate, social security card, HS diploma or GED certificate, valid DL. The City offers a benefit package including, but not limited to medical, dental, vision, LTD, 457 Deferred



Compensation, LOPFI, vacation and sick leave. The City requires a completed application be submitted for all positions. Applications are available at City Hall, 400 N. Broadway, Siloam Springs, AR; or can be accessed on our web site [www.siloamsprings.com](http://www.siloamsprings.com). For further information please call 479-524-5136 or email [humanresources@siloamsprings.com](mailto:humanresources@siloamsprings.com). EOE. Open until filled.

**WASTEWATER TECH**—The City of Bentonville has a job opening for Wastewater Lab Pre-Treatment Technician. The hiring salary range is \$17.88-\$22.35/hr. DOE. This position is located at the Wastewater Treatment Plant under the direct supervision of the Wastewater Lab Pre-Treatment Supervisor. Requires the flexibility to fulfill all laboratory duties when necessary; it requires skilled analytical work involving proper sampling and laboratory analysis to determine water quality. Position includes conducting inspections of and corresponding with commercial and industrial entities to determine the nature of their discharge processes; evaluating and approving pretreatment systems, and the ability to determine compliance with pretreatment regulations. Maintaining precise documentation of inspections and correspondence is required. Performs lab analyses. Collects, evaluates, and records data on wastewater samples. Maintains and calibrates lab equipment. Other duties as assigned. Must have strong math and organizational skills. Strong science/chemistry background with emphases on wet chemistry and gravimetric analysis. Wastewater field familiarization preferred. Must be able to work weekends as required. Additionally, must possess a Class II Arkansas Wastewater License at time of hire. Must acquire and maintain a Class III Arkansas Wastewater License within three years. Must possess and maintain a valid DL commensurate with work duties. To apply for the position, access an application on the City website ([www.bentonvillear.com](http://www.bentonvillear.com)). Completed application and/or resumes can be emailed to [ewheeler@bentonvillear.com](mailto:ewheeler@bentonvillear.com) or mailed to City of Bentonville, Attn: Human Resources, 117 West Central Avenue, Bentonville, AR 72712. EOE.

**WATER TREATMENT OPERATOR**—The City of Danville is accepting applications for a Water Treatment Operator. Applicants must have a minimum of a Class III or Class IV treatment license and Class II distribution license. Salary depends on experience and qualifications. Benefits include health insurance package, paid vacation, sick leave and retirement. For more information contact Danville City Hall at 479-495-2013, email resume to [danville@arkwest.com](mailto:danville@arkwest.com), or mail to Danville City Hall, P.O. Box 69, Danville, AR 72833.

**WATER OPERATOR**—Forrest City Water Utility is seeking a water operator that has a Class IV Water Treatment and Distribution license. The Water Supply Operator is responsible for the operation of the Water Treatment Plant, storage distribution system monitoring on an assigned shift and other related duties. Application can be found on [dws.arkansas.gov](http://dws.arkansas.gov) or you can ask for Derrick Spearman at Arkansas Workforce at 870-633-2900 located at 300 Eldridge Rd #2, Forrest City, AR 72335. Open until filled. Forrest City Water Utility is located at 303 N. Rosser in Forrest City, AR 72335.

# Pine Bluff's Johnson named Wastewater Manager of the Year




The Water Environment Association (WEA) recognized Ken Johnson, right, with the Mike Thomason Wastewater Manager of the Year Award. Aaron Benzing, left, president of the WEA, presented the award to Ken during the AWW & WEA annual conference on April 27 in Hot Springs. Ken has worked at the Pine Bluff Wastewater Utility for 32 years and has been Manager since 2001. He holds a Master's Degree in Public Administration, Class IV Wastewater Operators license, and a Commercial Pilot's license.

## CALENDAR

National League of Cities  
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## October is Act 833 funding deadline

The deadline to apply for 2015 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 2015 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 501-683-6700, 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.



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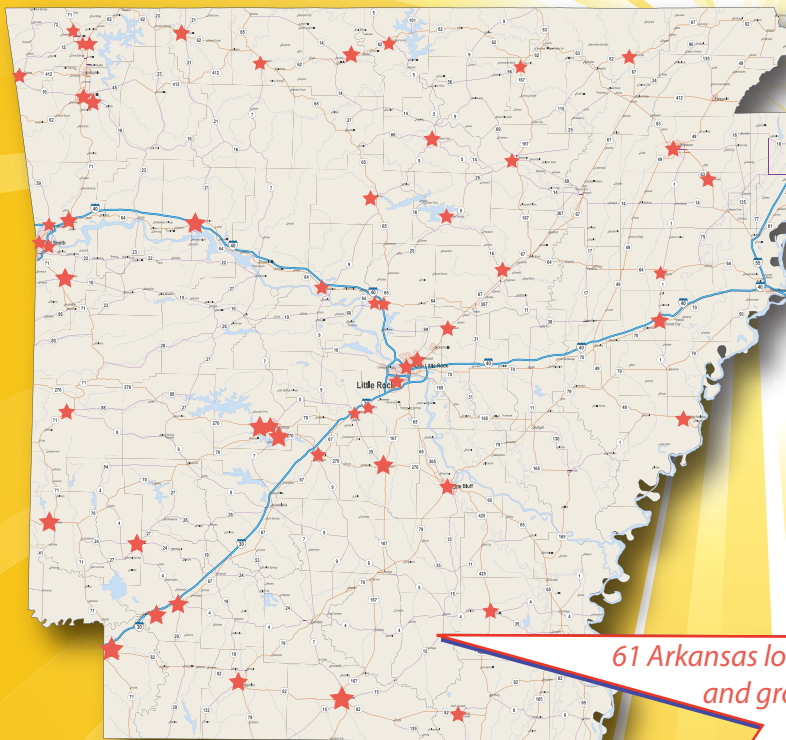
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