

# City & Town

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THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



**Siloam Springs up  
for *Small Business  
Revolution*—Main  
Street series spotlight**



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ON THE COVER—Siloam Springs will learn this month if it makes the final 5 contestants for Small Business Revolution, which airs on Hulu. If they make it, the public will then have a chance to vote on an ultimate winner, which will be featured on season 3 of the series. Read on page 14 about the Northwest Arkansas city’s efforts and how to root for them. Read also inside coverage of a very successful 2018 Winter Conference beginning on page 6, analysis of an approaching U.S. Supreme Court case that could impact the issue of marketplace fairness, and more.—atm

## Features

### 6 League wraps eventful, educational 2018 Winter Conference

City and town leaders from across Arkansas met in Fort Smith in January at the League’s 2018 Winter Conference, which featured sessions on the opioid epidemic, the state’s economic outlook, the 2020 Census, and more.

### 14 Siloam Springs aims for spot on *Small Business Revolution*

Siloam Springs is among the final 10 cities from across the country in the running for a spot on *Small Business Revolution*, a television show that focuses on the local businesses that make our downtowns special.

### 16 Coming Supreme Court decision will impact marketplace fairness

The State and Local Legal Center believes there is a good chance the U.S. Supreme Court in June will overrule the 1992 *Quill v. North Dakota* decision, which could open the way for states and cities to collect sales tax on Internet purchases.

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Hello,

Last month, my office participated in a Martin Luther King Jr. Day celebration to honor the legacy of this great man. The month of February is Black History Month, and it is another important opportunity to reflect on the legacy of African-American leaders in our country and to acknowledge and celebrate the contributions African-Americans and people of color make in our communities every day. Please join me in celebrating the spirit of this month, and find opportunities for fellowship and reflection in your communities. Furthermore, I hope you will continue to embrace opportunities all year around to show appreciation for the beautiful diversity in your cities and towns, and be thankful to each and every person who chooses to make your community their home.



February will be an important month for many other great reasons, as well. This month, Springdale voters will decide on a bond program that will have a major and positive impact on the future of our city. Voters will decide on six ballot items: refunding the 2013 bonds, street improvements, parks and recreational improvements, fire department improvements, criminal justice and administration building improvements, and animal shelter improvements. Special elections can be a challenge due to traditionally low voter turnout, but we have confidence that our residents will get out and make their voices heard on Feb. 13.

The League also has a full schedule in the month of February. Notably, the fiscal session of the 91st General Assembly Convention begins Monday, Feb. 12. As many of you know, bill filing began on Jan. 8. Additionally, the Advisory Council meetings began on Jan. 31 and will run through Feb. 9.

We had a great turnout at the 2018 Winter Conference in January, and we were honored to be joined by Governor Asa Hutchinson. We heard from many great speakers who addressed issues that affect all of our communities, such as the opioid crisis, medical marijuana, municipal pension systems, and tax reform. I look forward to seeing you all again at our Convention in June.

The opioid crisis is one issue that is hitting Arkansas hard. In Springdale, we spent about \$3,000 last year on Narcan, which is a drug used to treat overdoses. Emergency services personnel around the state regularly respond to calls where residents have overdosed, and this crisis is not only causing a financial burden on municipalities, but it is hurting families and communities. That is why I urge you to sign onto the multidistrict litigation regarding opioids in Arkansas. Please contact the League for more information. This is a fight we can win if we all work together and make it a priority.

Next month, the National League of Cities Congressional City Conference will take place March 11-14 in Washington, D.C. I encourage you to register and attend this meeting. It is an opportunity to discuss important matters with our congressional delegation and show support for Little Rock Mayor Mark Stodola, who is NLC's president. I am looking forward to attending, and I hope I see you there.

Best Wishes,

A handwritten signature in blue ink that reads "Doug Sprouse". The signature is written in a cursive, flowing style.

Doug Sprouse  
Mayor, Springdale  
President, Arkansas Municipal League



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# League preps for challenges ahead at 2018 Winter Conference

By Andrew Morgan, League staff

City and town leaders from across Arkansas gathered Jan. 10-12 at the Fort Smith Convention Center and DoubleTree Hotel for the League's 2018 Winter Conference, which featured sessions covering the opioid epidemic, Arkansas's economic outlook, the 2020 Census, and other issues important to municipalities.

Total attendance at the Winter Conference was 848. During each Winter Conference the League invites state and federal government agencies and other organizations that offer support services for municipalities to exhibit and visit with city and town leaders. This year 43 agencies and service providers exhibited with us.

Gov. Asa Hutchinson addressed municipal leaders on the morning of Friday, Jan. 12, the final day of the conference. The governor began by saying he valued the good relationship his administration has with the League and municipal leaders from cities large and small across the state.



Hutchinson

"Our success in Arkansas is, in significant part, because of the leadership of our municipal officers, our mayors, economic developers within the cities, and council members," Hutchinson said. "Your leadership is critical to our success."

Hutchinson touted the state's economy, which is in a strong place, he said, as we prepare for the upcoming fiscal session of the Arkansas Legislature. In 2017 the state achieved the lowest unemployment rate in the history of Arkansas, Hutchinson said.

Hutchinson acknowledged the many cities and towns who have sent him resolutions they passed asking for him to call a special session of the legislature to address marketplace fairness to help even the playing field for brick-and-mortar businesses by providing a mechanism to collect online sales tax.

"I do not see a special session being called for that purpose simply because I don't believe there is a consensus around that issue yet," Hutchinson said.

He encouraged cities to continue to work with legislators to build support for marketplace fairness.

The announcement comes as a disappointment to the League, which supports the issue and has been working to take action at the state level because federal legislation on marketplace fairness has stalled despite broad bi-partisan support. The tide could turn, however, after the U.S. Supreme Court hears the case *South Dakota v. Wayfair* this June. It hinges on overturning the decision from 1992 in the case *Quill v. North Dakota*, which held that states and local governments cannot require businesses to collect sales tax unless the business has a physical presence in the state. According to the State and Local Legal Center, the odds are good that *Quill* will be overturned. For analysis on this issue, see page 16 in this issue.





Zook

Regarding the Arkansas economy, Randy Zook, president and CEO of the Arkansas State Chamber of Commerce, said the state is outpacing the national average in growth, the population is increasing, and that we've added about 75,000 to the employment rolls since 2015. Much of that growth has been in the northwest part of the state, which leaves much of the state facing economic challenges, he said.

To stimulate growth in the rest of the state, Zook said it's essential to have robust K-12 school systems and opportunities for workforce training after that. Skilled workers are in demand all over the state, he said.

"We've got to step on the gas in terms of our education system," Zook said. "You need to be among the leaders in your community who demand more from your school system."



Childers

Dr. Charisse Childers, director of the Arkansas Department of Career Education, said that in Arkansas 45 percent of skilled-trade workers are 45 years of age or older, and nearly 18 percent are 55-64. Studies also show that fewer young people are pursuing the skilled trades. The Department of Career Education's job is to change that, she said, and it's building a comprehensive state-wide system with job training geared toward employment. Childers asked municipal leaders to work within their cities to make young people aware of the needs of employers and to help prepare them for those jobs.

Appearing just before Gov. Hutchinson on Friday morning, several state legislators and a representative from Legislative Audit updated conferees on the efforts of legislative taskforces and interim studies, the status of the medical marijuana implementation in Arkansas, and information about municipal audits.

Rep. Doug House, who is heading the legislature's implementation of the state's new medical marijuana law, said that the state is close to approving both growing permits and dispensary permits. Most, though possibly not all, growing operations will be outside of city limits, House said. Dispensaries will be within cities and towns that approve them. House said the results of the permit application process should be released at the end of February.



House

North Little Rock Mayor Joe Smith, the League's first vice president, encouraged cities with questions about local implementation or about adjusting human resources and drug-testing policies to contact the League's legal staff. He also said his own city staff would be available to offer guidance.

John Elser, a field audit supervisor with the Division of Legislative Audit, asked cities and towns to reach out to their field auditor with any questions about accounting issues. Keeping up with changes in the law can be difficult and confusing, particularly for small municipalities, he said.



Smith



“I know that you’re doing the best you can, and we recognize that,” Elser said. “We’re going to try and work with you as much as we can.”

The 2020 Census is fast approaching, and it is crucial that cities have an accurate count in order to maximize the local economic benefit. Whether it is turnback, Community Development Block Grant dollars, or infrastructure funding, all those things are dependent upon the census, said Ellisa Johnson, partnership coordinator with the U.S. Census Bureau. It’s important that cities work with the bureau to ensure that they have accurate addresses and boundaries, she said.



Ellisa Johnson

Another important reason to make sure every city has an accurate census count and updated boundaries is the coming 2021 redistricting, said Shelby Johnson, the state’s geographic information officer with the Arkansas GIS Office. Arkansas GIS can help cities make sure that their boundary maps are up to date before the census.

“Redistricting is a very important part of our democracy,” he said. “It helps ensure, of course, that we have an opportunity to have equal representation.”



Shelby Johnson

Friday morning’s general session featured a public safety forum with representatives from municipal police and fire departments. They discussed the changing role of public safety departments in modern cities and the citizens’ expectations of those departments. Adapting to

new technology, increasing community policing efforts, and adopting uniform policies across Arkansas are all major priorities for police departments, the participating officers agreed.

On the firefighting side of public safety, the ever-expanding roles first responders play in our cities and towns is the biggest challenge. The name “firefighter” is actually a bit of a misnomer these days, Rogers Fire Chief Tom Jenkins said.

“At least in Rogers, upwards of 90 percent of the time that the lights come on at the fire station, we’re going to something other than a fire,” Jenkins said. “We’re now, in 2018, the only healthcare providers that still make house calls.”

The nation’s opioid epidemic, which has hit Arkansas particularly hard, is one of the crises stretching the resources of first responders. Arkansas ranks as the number two state in the nation in per capita opioid prescriptions, League Executive Director Don Zimmerman said, with 114 prescriptions per 100 people. That’s near double the national average, he said.

“That is a serious, serious health crisis,” Zimmerman said.



From left, North Little Rock Mayor and League First Vice President Joe Smith, League Executive Director Don Zimmerman, and Little Rock Mayor and National League of Cities President Mark Stodola.

According to the Centers for Disease Control, 115 Americans die every day from an opioid overdose. The epidemic has an economic cost to our society as well, with Arkansas losing an estimated \$265 million since 2011.

In an effort to help municipalities and first responders combat the epidemic, the League has joined with the Association of Arkansas Counties (AAC) and the Arkansas Public Entities Risk Management Association (APERMA) to pursue litigation to hold the leading pharmaceutical companies accountable for misleading and deceptive marketing of opioids that has resulted in their overuse. To date, 69 of the state’s 75 counties have signed onto the litigation, and 175 cities representing 85 percent





From left, Springdale Mayor and League President Doug Sprouse, Lake Village Fire Chief Sam Angel, Rogers Fire Chief Tom Jenkins, Fort Smith Chief of Police Nate Clark, Trumann Chief of Police Chad Henson, and Arkansas Drug Director Kirk Lane participate in a forum on the changing face of public safety.

of the state’s population have joined the suit. It does not cost cities anything to join, Zimmerman said, and he encouraged every municipality to strongly consider it and to do it quickly because it’s moving forward rapidly.

“I’m a firm believer that when this organization puts its collective will and mind together to get something accomplished, we get it done,” Zimmerman said.

For more information on the litigation, contact the League’s legal staff.

Each Winter Conference focuses on educational opportunities for municipal leaders and provides a forum for sharing best practices with each other. This year’s meeting did both simultaneously with a series of panel discussions featuring mayors and council members from cities large and small across the state. The sessions earned city officials participating in the League’s voluntary certification program three hours of continuing education credit.

Prompted by scenarios such as dealing with angry citizens at a city council meeting, budget disagreements within city leadership, and working with a developer who wants the city to provide utilities beyond city limits,

they offered advice from experience in resolving conflicts among city departments, within the council, and in the community.

After the final general session on the last day of the Winter Conference, many officials remained to attend two workshops that went into more detail on important issues. The Division of Legislative Audit’s John Elser hosted a workshop to provide information and advice to help cities and towns prepare for their next audit. League Planning Consultant Jim von Tungeln, Northwest Arkansas Regional Planning Commission Executive Director Jeff Hawkins, and State Geographic Information Officer Shelby Johnson presented “Everything You Always Wanted to Know about Annexation but Were Afraid to Ask,” which covered zoning, mapping, and further information about preparing for the 2020 Census.

The Winter Conference was also the venue for three awards presentations. The Department of Arkansas Heritage presented the Main Street Arkansas Awards at the opening night banquet, Wednesday, Jan. 10. The awards honor cities and businesses across Arkansas

devoted to downtown rejuvenation. The Arkansas Business Publishing Group presented the Trendsetter City Awards during Thursday morning’s general session, recognizing cities implementing innovative solutions to challenges in areas such as infrastructure, public safety, and tourism.

Each year the League partners with the DHS Office of Communications and Community Engagement to recognize the Volunteer Communities of the Year during Winter Conference. For a brief look at the 2017 winners, see page 20. 🏛️



From left, League Director of Operations Ken Wasson, Rogers Mayor Greg Hines, Hope City Manager Catherine Cook, and Blytheville Mayor James Sanders participate in one of three panel discussions on the topic of resolving conflicts.



# 2018 Winter Conference Snapshots









# 2018 Winter Conference Snapshots











IMAGES COURTESY CITY OF SILOAM SPRINGS

Main Street Siloam Springs Director Kelsey Howard, left, chats with *Small Business Revolution* co-host Amanda Brinkman when the show's producers paid a visit to the city in January.

## Siloam Springs aims for *Small Business Revolution*

By Andrew Morgan, League staff

Siloam Springs has worked hard to rejuvenate its historic downtown and to grow the local businesses that support it, and the city's efforts haven't gone unnoticed. In mid-February Siloam Springs will learn if it has made the cut to be among the final five cities vying to be the one featured on the show *Small Business Revolution*.

The show, which airs on popular streaming platform Hulu, focuses on a small city and six of its local businesses. Those businesses, in addition to receiving national exposure, win a \$500,000 boost.

In 2017 Siloam Springs was one of thousands of nominees from across the U.S., Canada, and Puerto Rico hoping to be featured in season 3 of the series. In December the Northwest Arkansas city learned it had made the top 10. If Siloam Springs makes the top 5, the public will have a week to vote to







see which finalist is picked for season 3, and filming will begin in March.

From the city’s perspective, being a top-10 finalist is already something to celebrate, says Kelsey Howard, director of Main Street Siloam Springs. That organization, the city administration, and the Siloam Springs Chamber of Commerce have worked together very closely to implement the city’s master plan and support its businesses. Main Street initiated the application process for *Small Business Revolution*.

They called back within just a few days.

“Something in the application caught their attention,” Howard says.

Several phone interviews followed with the show’s producers.

“They wanted to discuss the growth downtown is experiencing right now, and the kinds of businesses that are opening up. They wanted to know about the stories of the people who believe in downtown and are investing money and settling here.”

Things kept rolling from there, Howard says.

“I guess they liked what they heard,” she says.

Siloam Springs Communications Manager Holland Hayden reiterates the importance of the cooperation among the stakeholders in the city to bring all this about.

“They really worked seamlessly together,” she says, “not just for tourism or economic development, but to really publicize our community as a whole.”

The public has shown great support through this process, Hayden says, and uses the hashtag **#MySiloamSprings** on platforms like Facebook and Instagram to spread the word.

“That’s one of the good bits of feedback we got back from the producers, that our social media game was strong,” she says.

The city will learn on Feb. 13 if they make the top 5, Hayden says, and if they do...

“We’re going to need everybody’s help!”

The League will help spread the word via social media Feb. 13 if Siloam Springs makes the top 5, then you can head to the *Small Business Revolution* Facebook page to vote: [www.facebook.com/smallbizrev](http://www.facebook.com/smallbizrev). 🍷



# Supreme Court to decide billion dollar sales tax case

By Lisa Soronen

**I**n November 2017 a Government Accountability Office report estimated that states and local governments could “gain from about \$8 billion to about \$13 billion in 2017 if states were given authority to require sales tax collection from all remote sellers.”

In January 2018 the U.S. Supreme Court agreed to decide *South Dakota v. Wayfair*. In this case South Dakota is asking the Supreme Court to rule that states and local governments may require retailers with no in-state physical presence to collect sales tax.

This case is huge news for states and local governments. This article describes how we got here and why it is likely South Dakota will win.

In 1967 in *National Bellas Hess v. Department of Revenue of Illinois*, the Supreme Court held that per its Commerce Clause jurisprudence, states and local governments cannot require businesses to collect sales tax unless the business has a physical presence in the state.

Twenty-five years later in *Quill v. North Dakota* (1992), the Supreme Court reaffirmed the physical presence requirement but admitted that “contemporary Commerce Clause jurisprudence might not dictate the same result” as the Court had reached in *Bellas Hess*. Customers buying from remote sellers still owe sales tax but they rarely pay it when the remote seller does not collect it. Congress has the authority to overrule *Bellas Hess* and *Quill* but has thus far not done so.

To improve sales tax collection, in 2010 Colorado began requiring remote sellers to inform Colorado purchasers annually of their purchases and send the same information to the Colorado Department of Revenue.

The Direct Marketing Association sued Colorado in federal court claiming that the notice and reporting requirements were unconstitutional under *Quill*. The issue the Supreme Court decided in *Direct Marketing Association v. Brohl* (2014) was whether the Tax Injunction Act barred a federal court from deciding this case. The Supreme Court held it did not.

The State and Local Legal Center (SLLC) filed an amicus brief in *Direct Marketing Association v. Brohl* describing the devastating economic impact of *Quill* on states and local governments. Justice Kennedy wrote a concurring opinion stating that the “legal system should find an appropriate case for this Court to reexamine *Quill*.” Justice Kennedy criticized *Quill* for many of the same reasons the SLLC stated in its amicus brief. Specifically, Internet sales have risen astronomically since 1992 and state and local governments have been unable to collect most taxes due on sales from out-of-state vendors.

Following the Kennedy opinion a number of state legislatures passed laws requiring remote vendors to collect sales tax in clear violation of *Quill*. South Dakota’s law was the first ready for Supreme Court review.

In September 2017 South Dakota’s highest state court ruled that the South Dakota law is unconstitutional because it clearly violates *Quill* and it is up to the U.S. Supreme Court to overrule *Quill*. In October 2017 South Dakota filed a certiorari petition asking the Supreme Court to hear its case and overrule *Quill*. The SLLC filed an amicus brief supporting South Dakota’s petition. The Supreme Court ultimately agreed to decide the case.



It seems likely the Supreme Court will rule in favor of South Dakota and overturn *Quill* for a number of reasons. It is unlikely the Supreme Court accepted this case to congratulate the South Dakota Supreme Court on correctly ruling that South Dakota's law is unconstitutional. Said another way, if the Supreme Court wanted to leave the *Quill* rule in place it probably would have simply refused to hear *South Dakota v. Wayfair*.

It is easy to count at least three votes in favor of South Dakota in this case. First, Justice Kennedy, of course. Second, Justice Thomas. While he voted against *North Dakota in Quill* he has since entirely rejected the concept of the dormant Commerce Clause, on which the *Quill* decisions rests. Third, Justice Gorsuch. The Tenth Circuit ultimately decided *Direct Marketing Association v. Brohl* ruling that Colorado's notice and reporting law didn't violate *Quill*. Then-judge Gorsuch wrote a concurring opinion strongly implying that given the opportunity the Supreme Court should overrule *Quill*.

That said, the Supreme Court, and the Roberts Court in particular, is generally reticent about overturning

precedent. The *Quill* decision illustrates as much. The Supreme Court looks at five factors in determining whether to overrule a case. One factor is whether a rule has proven "unworkable" and/or "outdated . . . after being 'tested by experience.'" This factor weighs strongly in favor of overturning *Quill*. As Justice Kennedy pointed out in *Direct Marketing Association v. Brohl*: "When the Court decided *Quill*, mail order sales in the United States totaled \$180 billion. But in 1992, the Internet was in its infancy. By 2008, e-commerce sales alone totaled \$3.16 trillion per year in the United States."

The Court will hear this case this term, meaning it will issue an opinion by the end of June 2018.



Lisa Soronen is Executive Director of the State & Local Legal Center, [www.statelocal.org](http://www.statelocal.org).

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# This-and-that material for a this-and-that month

By Jim von Tungeln

Visiting with elected officials from our state offers one the chance to see what sort of questions they have about issues that are confronting their cities. Sometimes, these are unique to a specific city. Sometimes they aren't. Let's look at a few picked up at the League's Winter Conference last month.

We will take annexation first since there is a time factor involved. To have the population from an annexation included in the 2020 Census, results of successful annexations must be reported and documented prior to the time that actual counting begins. The state's Geographic Information Office reports that information must be submitted by the end of this year. Any city contemplating an annexation that would add population should be well on its way with plans by the time this column appears.

Specific questions regarding annexation involved new legislation. Representatives of some cities weren't aware of a statute requiring reporting on scheduled municipal services as set forth in the following from the "Election Method" section of annexation statutes. This statute states the following:

*A.C.A. § 14-40-2201. Annexation and provision of scheduled services.  
(a)(1) Beginning March 1, 2014, and each successive year thereafter, the mayor or city manager of a city or incorporated town shall file annually with the city clerk or recorder, town recorder, and county clerk a written notice describing any annexation elections that have become final in the previous eight years.*

This deserves attention because failure to provide scheduled services can result in detachment by the affected property owners. This "failure to provide" can also prohibit the city from engaging in future annexation elections.

This and other detailed information on annexations, including sample forms and ordinances, appear in the Municipal League publication *Municipal Annexation, Incorporation and Other Boundary Changes*, available online or in print.

At the annexation workshop during the League's Winter Conference, there occurred a long discussion on the provision of services as promised in an annexation

by election. One point made was for cities to be particularly careful in defining the word "service." It may be relatively simple to define what constitutes fire and police protection, or garbage pickup. It may be more problematic to define exactly what is meant by "utility service." This is particularly important in light of the law's reporting requirements.

As we all know, cities don't "provide" water or sewer service as much as they "allow" property owners to access existing systems when capacity permits. Those systems are mainly built by developers. There are occasions when a city will use grant funds or municipal resources to extend service to an area. If this is to be part of an annexation election, it warrants particular care and legal advice.

At the annexation workshop, there also followed a lengthy discussion of the effect of annexation on municipal fire protection. If annexed areas contain no water systems, or rural water systems, this could result in the need to assess the impact on the city's fire rating. This is a concept that is changing in modern times and too complicated to cover herein. What is important is that the fire department and other departments remain an active participant in planning for city growth.

On another topic, a mayor asked about angled parking in the downtown area. This has long been a favorite method of storing cars when streets were wide enough to allow it and traffic was slow enough to enable it. It allows more cars to park in a given area and is easier to maneuver into than parallel parking.

Then along came "mega-SUVs" and elongated pickup trucks. They can block vision for a driver backing into a busy street. Exiting angled parking, particularly at 90-degrees, can be dangerous. Converting to parallel parking will offer safety and is preferred by state officials when the street is a highway. Since the number of parking spaces is reduced, sometimes by nearly half, elected officials can expect resistance from affected merchants.

It is best that municipal leaders seek the help of traffic professionals in resolving this issue. They can analyze the facts, compare the benefits to safety as compared to a loss in parking space, and present a factual basis for making a rational decision.

Some cities have used an exercise labeled "tactical urbanism" to test the possible impacts of a traffic or parking change. It involves a group conducting a small trial of the proposed change, say on a weekend, to



PHOTO BY JIM VON TUNGELN



This Little Rock “tiny house” meets the city’s building code.

determine, visually, what impacts could be expected. A more detailed discussion of reimagining a portion of a city appeared in the August 2016 version of this column.

There are still questions about “tiny houses.” The first thing to remember is that often what are called “tiny houses” are falsely labeled. They are simply substandard housing units proposed by unscrupulous landowners seeking to profit from the current publicity surrounding actual tiny houses. The objects of their efforts include storage buildings on concrete blocks, recreational vehicles used for permanent housing, and derelict buildings moved in from off-site. Municipalities are wise to allow none of these as permanent dwelling units.

How do we prevent them? Remember that, for all intents and purposes, there are only two codes that, if met, would allow the occupation of a structure as a permanent dwelling in a city. The first category involves structures, including multi-family as well as single-family, constructed and inspected under the building code section of the Arkansas State Fire Code. If your city has adopted a stricter code, then yours may prevail, but check first.

The second category involves structures built under the Manufactured Home Code administered by the U.S. Department of Housing and Urban Development (HUD). The city may have zoning codes that affect the district(s) in which these homes are allowed. There is a state statute dealing with such zoning restrictions. Seek legal advice on matters involving this zoning issue. At any rate, manufactured home construction codes lie within HUD’s control.

But, as far as housing units in a city, that’s it. Either a home meets one of these codes, or it should not be used as a permanent dwelling unit in your city. The question of allowing recreational vehicles in a city is the subject for another day.

There are those who question if an age limit can be placed on “used” manufactured homes proposed for location in a city. In the end, this would be a legal matter involving attorneys and the courts. Most professional planners recommend a different approach. That is to develop inspection standards that must be met before a manufactured home unit, or other structures, can be moved onto a permanent location in the city.

It is true that HUD preempts cities from substituting local codes for its building code. That agency does not, as far as we know, preempt a city from inspecting a unit for compliance with decent, safe, and sanitary conditions as long as the HUD building code is not used as a basis for denial. Seek legal advice in this matter.

Those are some miscellaneous items that plague local officials these days. Please be aware that the League staff is ready and willing to answer your particular questions.



*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).*



# Volunteer Communities of the Year honored at Winter Conference

Each year the Arkansas Department of Human Services Office of Communications and Community Engagement honors 12 communities for their volunteer efforts throughout the year. The winning Volunteer Communities of the Year for 2017 are Benton, Bentonville, Clarkridge, Clarksville, Everton, Fort Smith, Greenbrier, Jonesboro, Marianna, Mountain Home, Siloam Springs, and Van Buren. DHS presented the awards at a Jan. 11 luncheon during the League’s 2018 Winter Conference in Fort Smith, with Attorney General Leslie Rutledge, Governor’s Advisory Commission on National Service and Volunteerism member Clayton Sorrells, and DHS Communications and Community Engagement Director Amy Webb presenting the awards.



**Benton**  
In 2017 9,699 Benton volunteers contributed a total of 294,615 hours of volunteer service.



**Clarkridge**  
Residents of the Clarkridge community contributed 26,600 hours with a total of 360 volunteers.



**Bentonville**  
Bentonville reported 400,601 hours of service by 23,522 volunteers for the year.



**Clarksville**  
In Clarksville 3,734 volunteers contributed 330,493 hours of service.



### **Everton**

In Everton (not pictured), a town of just 133, 20 volunteers contributed 150 hours of service.



### **Mountain Home**

In Mountain Home (not pictured) 8,955 volunteers donated 335,725 hours of service.



### **Fort Smith**

In Fort Smith 28,586 volunteers donated 628,371 hours of service.



### **Marianna**

Marianna reported 32,564 hours of volunteer service by 710 residents.



### **Greenbrier**

In 2017 3,822 volunteers in Greenbrier contributed 110,921 hours of service.



### **Siloam Springs**

Last year in Siloam Springs, 8,115 volunteers donated 117,808 hours of their time.



### **Jonesboro**

In Jonesboro 9,000 volunteers contributed 550,000 hours last year.

### **Van Buren**

In 2017 13,269 volunteers contributed 328,025 hours of service in Van Buren.



# Annual Statements

## Form A

City or Town of \_\_\_\_\_  
 (Cities of the first class, second class, and incorporated towns)  
 Financial Statement January 1, 2017—Dec. 31, 2017

### GENERAL FUND

Balance January 1, 2017	\$ _____
Cash Receipts	
State Revenues	\$ _____
Property Taxes	\$ _____
Sales Taxes	\$ _____
Fines, Forfeitures, and Costs	\$ _____
Franchise Fees	\$ _____
Transfers In	\$ _____
Other	\$ _____
Total Receipts	\$ _____
Total General Fund Available	\$ _____
Expenditures	
*Administrative Department:	
Personal Services	\$ _____
Supplies	\$ _____
Other services and charges	\$ _____
Capital Outlay	\$ _____
Debt Service	\$ _____
Transfers Out	\$ _____
Total Expenditures	\$ _____
Balance General Fund Dec. 31, 2017	\$ _____

### STREET FUND

Balance January 1, 2017	\$ _____
Cash Receipts	
State Revenues	\$ _____
Property Taxes	\$ _____
Sales Taxes	\$ _____
Franchise Fees	\$ _____
Transfers In	\$ _____
Other	\$ _____
Total Street Receipts	\$ _____
Total Street Fund Available	\$ _____
Expenditures	
Personal Services	\$ _____
Supplies	\$ _____
Other services and charges	\$ _____
Capital Outlay	\$ _____
Debt service	\$ _____
Transfers out	\$ _____
Total Expenditures	\$ _____
Balance Street Fund Dec. 31, 2017	\$ _____

The classification of expenditures shall be by department, i.e., administrative, police department, fire department, parks department, etc.

### INDEBTEDNESS

Type of Debt	Amount	Date Last Payment Due
Property Tax Bonds	\$ _____	_____
Short term financing obligations	\$ _____	
Sales & Use Tax Bonds	\$ _____	
Revenue Bonds	\$ _____	
Lease Purchase Agreements	\$ _____	
		Date Free of Debt
<b>Total</b>	\$ _____	_____

All financial records for the City of \_\_\_\_\_ are public records and are open for public inspection during regular business hours of \_\_\_\_ A.M. to \_\_\_\_ P.M., Monday through Friday, at City Hall in \_\_\_\_\_, Arkansas.

If the record is in active use or in storage and, therefore, not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three (3) days at which time the record will be available for inspection and copying.

The suggested **FORM A** is for use by cities of the first class, second class, and incorporated towns to comply with 14-59-116.



# Municipalities must publish annual financial statement


The time is rapidly arriving for the annual reporting of each city and town's financial statement. Refer to the *Handbook for Arkansas Municipal Officials*, 2017-18 ed., section 14-59-116 and section 14-237-113. Although these statements were required semiannually in the past, Acts 620 § 11 and 621 § 10 of 2011 amended the law to provide for annual publication instead.

Ark. Code Ann. § 14-59-116 now provides that the governing body of each municipality shall publish annually in a newspaper published in the municipality a FINANCIAL STATEMENT OF THE MUNICIPALITY by April 1 covering the previous calendar year (January through the end of December).

The financial statements should include the receipts and expenditures for the year. In addition, they should contain "a statement of the indebtedness and financial condition of the municipality."

Section 14-237-113 provides similar publication requirements for the operating authority of the WATER and SEWER DEPARTMENTS. Water and sewer departments administered by one or two commissions must comply with the law. If the water and sewer departments are administered by the city council, then it is the responsibility of the city council to comply with the statute.

What if no newspaper is published in the city or town? In that case, the statements may be posted in two public places in the municipality. Note that this is a change from the previous law, which only allowed incorporated towns to post and required that the postings appear in five public places.

Suggested Forms A and B appear on these facing pages. For additional information, call the League at (501) 374-3484. You can buy a copy of the *Handbook for Arkansas Municipal Officials* at [www.arml.org/store](http://www.arml.org/store). 

The suggested **FORM B** is for use by Water and Sewer Departments to comply with 14-237-113.

<b>Form B</b>		
City or Town of _____		
Financial Statement January 1, 2017—Dec. 31, 2017		
<b>WATER AND SEWER DEPARTMENTS</b>		
Balance January 1, 2017	\$ _____	
<b>Cash Receipts</b>		
Water Payments	\$ _____	
Sewer Payments	\$ _____	
Sanitation Funds	\$ _____	
Other	\$ _____	
Total Receipts	\$ _____	
Total Funds Available	\$ _____	
<b>Expenditures</b>		
Personal Services	\$ _____	
Supplies	\$ _____	
Other services and charges	\$ _____	
Capital Outlay	\$ _____	
Debt Service	\$ _____	
Transfers Out	\$ _____	
Total Expenditures	\$ _____	
Balance Water and Sewer Fund Dec. 31, 2017	\$ _____	
<b>INDEBTEDNESS</b>		
<b>Type of Debt</b>	<b>Amount</b>	<b>Date Last Payment Due</b>
Short term financing obligations	\$ _____	_____
Water Revenue Bonds	\$ _____	_____
Sewer Revenue Bonds	\$ _____	_____
		Date Free of Debt
		_____
<b>Total</b>	\$ _____	
All financial records of the Water and Sewer Department of (City or Town) of _____ are public records and are open for public inspection during regular business hours of ____ A.M. to ____ P.M., Monday through Friday, at the Water Department in _____, Arkansas.		
If the record is in active use or in storage and, therefore, not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three (3) days at which time the record will be available for inspection and copying.		

# IMPORTANT REMINDER: Highway Revenues and Severance Turnback Reporting Due

**A**ct 166 of the 2016 Fiscal Session of the Arkansas Legislature requires municipalities receiving \$2 million or more in total highway revenues and highway severance turnback to submit reporting for 2016 projects to the Bureau of Legislative Research. The reporting deadline is March 15, 2018.

You can access Act 166 and the required reporting document online at:  
[www.arkleg.state.ar.us/assembly/2015/2016F/Acts/Act166.pdf](http://www.arkleg.state.ar.us/assembly/2015/2016F/Acts/Act166.pdf)

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK REPORTING.

Each calendar year each county and municipality receiving total highway revenues and highway severance turnback per A.C.A § 27-70-207 and A.C.A § 26-58-124 of \$2,000,000 or more shall report to the House Public Transportation Committee and the Senate Transportation, Technology and Legislative Affairs Committee indicating how highway revenues and highway severance turnback funds were utilized. The report shall include a general ledger accounting of the city or county street/road fund. The county report shall be made utilizing the County Financial Management System of tracking county revenues and expenditures. The report shall also include the percentage of the street/road fund that is comprised of state funds. Further, the report shall include details of each contracted project including type and description of project and total amount of money spent on the project. The report shall be submitted annually no later than March 15 for the previous year's projects. The provisions of this section shall be in effect only from July 1, 2016, through June 30, 2017.

Finally, you have been requested, to the extent possible, to identify the type of projects using the following categories below:

- Bicycle Paths
- Bridges
- Drainage Maintenance
- Highways
- Hot Mix, Asphalt, Gravel, Concrete, Paint, Steel
- Intelligent Transportation Systems
- Intermodal Facilities
- Other Surface/Water Transportation
- Parking Facilities
- Pedestrian Ways
- Port Authorities
- Public Transit Systems
- Railroads
- Roads/Streets
- Safety Improvements
- Sidewalks
- Lighting/Right of Way Maintenance
- Toll Facilities
- Traffic Management Systems
- Traffic Signal Systems
- Trails
- Traveler Information Systems
- Tunnels
- Waterways
- Other

The report shall be submitted annually no later than March 15 for the previous year's projects. Please ensure this message is forwarded to the appropriate personnel. Direct all questions regarding this reporting requirement to:

**Estella Smith, Administrator**  
**Committee Staff Services**  
**Bureau of Legislative Research**  
**One Capitol Mall, 5th Floor**  
**Little Rock, AR 72201**  
**(501) 537-9192 or [smithe@blr.arkansas.gov](mailto:smithe@blr.arkansas.gov)**



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## MEETING CALENDAR

**March 11-14**

**National League of Cities  
Congressional City Conference**

Washington, DC

**June 13-15, 2018**

**Arkansas Municipal League's  
84th Convention**

Statehouse Convention Center  
Little Rock, AR

**November 7-10, 2018**

**National League of Cities  
City Summit**

Los Angeles, CA

# Four things women should know about cardiovascular disease

By Jean C. McSweeney, Ph.D., R.N.

**E**very 80 seconds, a woman dies from cardiovascular disease. In the United States and Arkansas, cardiovascular disease, also known as heart disease, is the No. 1 cause of death for men and women.

While heart disease is broadly recognized as the No. 1 reason for death among men, studies have shown mortality rates among men due to heart disease have fallen over the previous five years.

The same cannot be said for women.

A common line of thinking is that breast cancer is the No. 1 cause of death among women when in fact heart disease kills more women in the U.S. each year than most forms of cancer combined, including breast and lung cancer.

Mortality rates among women in some age groups are continuing to rise. This makes it more important than ever to educate more women about the risk factors, conditions, and symptoms of heart disease and steps they can take to avoid it.

So, how can we, as women, do our part to better understand and avoid this disease? Here are a few tips:

## 1. Know what heart disease means

What does heart disease mean? It encompasses several conditions, including coronary artery disease (which affects blood flow to the heart), heart attack, heart failure, and atrial fibrillation (irregular heartbeat).

## 2. Know the risk factors

Women share the same risk factors as men, but studies show these factors have a greater impact on women developing heart disease than men.

Risk factors and conditions include high blood pressure, high cholesterol, diabetes, unhealthy diets, physical inactivity, obesity, and tobacco use. It's important to identify which ones affect you and make lifestyle changes to avoid or control them.

Health issues like uncontrolled diabetes or blood pressure, or habits like smoking can increase your chances of having a heart attack or another form of heart disease.

If you're younger, don't fall into the invincibility trap. Risk factors and associated conditions are showing up more frequently in teens and adults in their 20s. It's never too early to make a change to improve your health.

## 3. Know the symptoms

When it comes to heart attacks, women can experience different symptoms than men.

Research I led at UAMS in the early 2000s found that women report experiencing discomfort in their arms, back, neck, jaw, and stomach, as well as shortness of breath during their heart attacks. Women have also experienced breaking into a cold sweat, nausea, and lightheadedness. Many women who are having a heart attack have attributed symptoms to a cold or the flu and never describe sensations as pain.

Women should not stay home waiting for pain to appear before seeking medical attention, especially if they have risk factors and experience the most common symptoms. It's vital to recognize these symptoms and seek medical attention.

## 4. Know how to fight it by getting active

If you do have high blood pressure, high cholesterol, diabetes, or another risk factor associated with heart disease, getting in better physical shape could help you better regulate your other health conditions besides decreasing your risk factors for developing heart disease.

Find ways to incorporate physical activity into your daily routine. Maybe that's walking your dog or gardening. You could start a walking group at work during lunchtime or join a gym.

How many times do you circle the parking lot at the grocery store looking for the closest available spot? Why not instead of looking for the closest spot, park in the farthest area from the building and use that as an excuse to exercise.

February is American Heart Month. Use these next few weeks and months to change your life for the better, forever.

If we're going to improve outcomes and health for all women, we're going to have to work together. We all have a part to play. It can start with you!



*Jean C. McSweeney, Ph.D., R.N., is Professor, Associate Dean for Research, College of Nursing, University of Arkansas for Medical Sciences.*





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# Let's teach our children to become leaders

By Dennis C. Miller

**Y**ou don't have to try very hard these days to worry about the need for leadership. Just turn on the news. There seems to be no end to the political upheaval, violent extremism, threats of nuclear proliferation, dangerous environmental disasters, corporate misbehavior, and poverty around the world.

As for me, I watch my two-year-old grandson playing while trying not to obsess about it.

Where are our leaders?

An objective definition of leadership is "the art of motivating a group of people to act towards achieving a common goal." Viewed through that lens, perhaps the problem isn't so much a lack of leaders, but that we're seeing charismatic individuals leading us in directions that have terrible implications for humanity. In other words, we're letting some bad apples get the better of the apple cart.

When most of us think of great leaders, who comes to mind? Abraham Lincoln? Martin Luther King, Jr.? Maybe Mahatma Gandhi, Nelson Mandela, or Jane Addams?

The historical figures we cherish as great leaders were not perfect people. They didn't possess superhuman talents, and they didn't know everything. But each of them was so sure of something that it propelled them forward against many odds and at great personal risk.

Each was willing to put themselves on the line for what they believed would benefit humanity.

It would be a mistake to think that being a great leader requires headline-grabbing actions. Consider Dorothy Vaughn, NASA's first black supervisor and a leader in the (then) new field of computer programming. It took more than 50 years for her story to come to light in the movie *Hidden Figures*. She and her colleagues were not perfect, and they didn't know everything. They worked hard to develop their unique talents and believed in the country's nascent space program so passionately that they pushed against significant social and legal barriers to participate.

In fact, most "great leaders" probably didn't think of themselves as such. They were more concerned with the change they wanted to see, and the change they wanted to be.

So how can we cultivate a new generation of leaders to match the achievements of those from the past? Whether you are thinking of your role as a parent, mentor, teacher, supervisor, or CEO, my advice is the same: Be the leader you want those around you to become.

*This article appeared originally in Leadership magazine and is reprinted with the permission of the author. Dennis C. Miller is a speaker, author, leadership coach, and CEO at [www.dennismiller.com](http://www.dennismiller.com).*



# AEDI offers assistance on Act 685 projects

**A**ct 685 of 2017—the Local Job Creation, Job Expansion, and Economic Development Act approved by Arkansas voters—authorizes municipalities to appropriate money for certain economic development projects. The Arkansas Economic Development Institute (AEDI), based out of the University of Arkansas-Little Rock, can assist cities with this process by providing the economic impact and cost-benefit analysis required by the new law.



## Authorization for obtaining and appropriating money for economic development

A municipality or county may obtain or appropriate money for:

- Corporations
- Associations
- Institutions
- Individuals
- Political subdivision of the state
- Federal government.

The monies may be used to further the public purpose of economic development by:

- Financing economic development projects, or
- Providing economic development services.

## Requirements for authorization

For an economic development project exceeding \$100,000 the governing body shall review and approve an economic impact and cost-benefit analysis of the project before entering into a contract.

Economic impact and cost-benefit analysis means: An economic analysis created with an economic modeling software program or industry-recognized software program that measures the anticipated local or regional economic benefits of an economic development project against the costs of the incentive proposal of the economic development project.

The economic analysis would be prepared by either an:

- Arkansas-based four-year institution of higher education with an active economic research or analysis department; or
- A regionally or nationally recognized independent economic forecasting firm.

## AEDI can help

AEDI provides research and strategies to state, community, and industry leaders to promote economic growth and enhance the quality of life in Arkansas. The AEDI research unit has many years of experience with economic cost-benefit studies and economic and fiscal impact studies in a multitude of areas. AEDI has worked with city and county governments on community development efforts over a variety of areas, including strategic planning, needs assessments, and fiscal impact studies of various tax proposals.

## Contact the Arkansas Economic Development Institute

**Jim Youngquist, Executive Director**

[jyoungquist@ualr.edu](mailto:jyoungquist@ualr.edu)

(501) 569-8519

**Dr. Gregory Hamilton**

[glhamilton@ualr.edu](mailto:glhamilton@ualr.edu)

(501) 569-8571

**Dr. Michael Pakko**

[mrpakko@ualr.edu](mailto:mrpakko@ualr.edu)

(501) 569-8541

**Dr. Carlos G. Silva**

[cgsilva@ualr.edu](mailto:cgsilva@ualr.edu)

(501) 907-5874

# NEWSLETTER

FEBRUARY 2018

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

## DOT Drug Testing: Part 40—Employee Notice

This is a Notice that the U.S. Department of Transportation (DOT) drug testing program requires testing for four semi-synthetic opioids (i.e., hydrocodone, oxycodone, hydromorphone, oxymorphone). The change became effective Jan. 1, 2018.

### What does this mean for the employees?

Beginning Jan. 1, 2018, in addition to the existing DOT drug testing panel (that includes marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates) you will also be tested for four semi-synthetic opioids (i.e., hydrocodone, oxycodone, hydromorphone, oxymorphone). Some common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

If you test positive for any of the semi-synthetic opioid drugs, then as with any other drug test result that is confirmed by the laboratory, the Medical Review Officer (MRO) will conduct an interview with you to determine if there is a legitimate medical explanation for the result. If you have a valid prescription, you should provide it to the MRO, who will determine if the prescription is valid. If a legitimate medical explanation is established, the MRO will report the result to your employer as a 'negative.' If not, the MRO will report the result to your employer as 'positive.'

As it has been the requirement in the past, when your employer receives a 'positive' drug test result, your employer is to immediately remove you from performing safety-sensitive functions and provide you with a list of qualified Substance Abuse Professionals (SAP) available in your area. In order to return to performing safety-sensitive functions for any DOT-regulated employer, you must complete the return-to-duty process that will include an evaluation by a SAP, who will require education

and/or treatment. The SAP will determine if you successfully completed the prescribed education and/or treatment. Before an employer could return you to safety-sensitive work, the employer must get a negative result on a directly observed return-to-duty drug test. After you return to safety-sensitive work, you must be subject to directly observed follow-up testing for 12-60 months depending on the SAP's recommendations.

### Do I need to tell anyone about my prescribed medications?

Your employer may have a policy that requires you to report your prescribed medications to them. So check with your employer. If your job function has DOT-regulated medical standards (truck/bus driver, airline pilot, mariner), the DOT agency regulation may require you to report your prescribed medications to those who approved your medical qualifications.

### What should I tell my prescribing physician?

If you are taking any prescription medications, consider this to be a reminder to have a conversation with your prescribing physician to discuss your safety-sensitive work. Be proactive in ensuring that your prescribing physician knows what type of transportation-related safety-sensitive work you currently perform. For example, don't just provide a job title but describe your exact job function(s) or ask your employer for a detailed description of your job function that you can give to your prescribing physician. This is important information for your prescribing physician to consider when deciding whether and what medication to prescribe for you. It is important for you to know whether your medications could impact your ability to safely perform your transportation-related work.



## Will the MRO report my prescribed medication use/medical information to a third party?

Historically, the DOT's regulation required the MRO to report your medication use/medical information to a third party (e.g. your employer, health care provider responsible for your medical qualifications, etc.), if the MRO determines in his/her reasonable medical judgment that you may be medically unqualified according to DOT Agency regulations, or if your continued performance is likely to pose a significant safety risk. The MRO may report this information even if the MRO verifies your drug test result as 'negative.'

As of Jan. 1, 2018, prior to the MRO reporting your information to a third party you will have up to five days to have your prescribing physician contact the MRO. You are responsible for facilitating the contact between the MRO and your prescribing physician. Your prescribing physician should be willing to state to the MRO that you can safely perform your safety-sensitive functions while taking the medication(s), or consider changing your medication to one that does not make you medically unqualified or does not pose a significant safety risk.

**NOTE:** This document informally summarizes some of the effects of recent changes to the Procedures for Transportation Workplace Drug and Alcohol Testing Programs that are important for transportation employees, but it should not be relied upon to determine legal compliance with those procedures.

**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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# ACCRTA scholarships available

The executive board of the Arkansas City Clerks, Recorders and Treasurers Association (ACCRTA) awards scholarships for tuition to attend the Municipal Clerks' Training Institute, the Academy for Advanced Education and the International Institute of Municipal Clerks' annual conference, all of which will enable Arkansas clerks to further educational training.

A scholarship honoring the memory of Bill S. Bonner will be awarded to a first-year attendee in the certification program at the Municipal Clerks' Institute in September 2018. This scholarship covers the registration fee.

Additional scholarships include: four local \$400 scholarships to attend the Municipal Clerks' Institute, Sept. 16-20, 2018, in Fayetteville; one \$400 scholarship for the Academy for Advanced Education,

Sept. 17-18, 2018, in Fayetteville; and one \$400 scholarship to attend the International Institute of Municipal Clerks (IIMC) annual conference, May 19-23, 2018, in Norfolk, VA.

These scholarships are in addition to the 11 regional scholarships awarded by the IIMC.

Completed scholarship application should be returned to the ACCRTA Scholarship Committee chair:

**Mitri Greenhill**  
**City Clerk**  
**304 S. Maple**  
**Stuttgart, AR 72160**

Direct questions to [clerk1@cebridge.net](mailto:clerk1@cebridge.net) or (870) 673-3535.

## 2018 APPLICATION FOR SCHOLARSHIP ASSISTANCE

I, \_\_\_\_\_ am a member of the Arkansas City Clerks, Recorders and Treasurers Association and the International Institute of Municipal Clerks, and do hereby apply for assistance from ACCRTA. (Applicant must be a City Clerk, Deputy City Clerk, Recorder, Treasurer or related title at the time of application.)

Name \_\_\_\_\_ Title \_\_\_\_\_

Street Address or P.O. Box \_\_\_\_\_

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

Telephone \_\_\_\_\_ Date assumed present position \_\_\_\_\_

Other related experience: Title \_\_\_\_\_ Municipality \_\_\_\_\_ Years \_\_\_\_\_

Education: H.S. \_\_\_\_\_ Graduate College (years) \_\_\_\_\_ Degree \_\_\_\_\_

Check one: This application is for a \_\_\_ First \_\_\_ Second \_\_\_ Third year Institute

What are the approximate costs of the institute you plan to attend? \_\_\_\_\_

Travel/Transportation \_\_\_\_\_ Registration Fee/Tuition \_\_\_\_\_

Lodging and Meal \_\_\_\_\_ Total Amount \_\_\_\_\_

How much does your municipality budget your department yearly for education? \_\_\_\_\_

What is your reason(s) for applying for this scholarship \_\_\_\_\_

I understand that if a scholarship is awarded to me, it must be used between Jan. 1, 2018, and Dec. 31, 2018, and that I must attend all sessions.

I do hereby attest that the information submitted with this application is true and correct to my best knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### CHECK THE SCHOLARSHIP FOR WHICH YOU ARE APPLYING:

	Municipal Clerks' Institute, Fayetteville	September 16-20, 2018	<b>Deadline: May 25, 2018</b>
	Academy for Advanced Education, Fayetteville	September 17-18, 2018	<b>Deadline: May 25, 2018</b>
	IIMC Conference, Norfolk, VA	May 19-23, 2018	<b>Deadline: April 19, 2018</b>

**Disclaimer:** ACCRTA will not be responsible for applications that do not reach the chairman by the deadline. Please feel free to call after a few days to be sure your application was received.



# ACCRTA seeks nominations for Clerk of the Year

The Municipal Clerk of the Year Award recognizes a member of the Arkansas City Clerks, Records, Treasurers Association (ACCRTA) who has made significant contributions to the objectives of the municipal clerks profession and to the improvement of municipal government in Arkansas and the clerks own community.

Qualities are length of service, good relationship with other clerks, interest in education, attendance at national and regional conferences, community volunteer, advancing and supporting the municipal clerks association.

Any municipal official or ACCRTA member may nominate a candidate for Municipal Clerk of the Year for 2018. The finalist will be honored at the 84th Annual Arkansas Municipal League Convention, June 13-15, 2018 in Little Rock.

**The deadline for nominations is April 13, 2018.**

## Requirements for nominees:

- Has been an active ACCRTA member for at least five years
- Holds a city clerk/recorder/treasurer or deputy position
- Is a Certified Municipal Clerk or Certified Arkansas Municipal Clerk
- Provides service to other municipal clerks in the state as the opportunity exists
- Exhibits leadership

## Complete the nomination information below and send to:

Sonya Eveld, ACCRTA Vice President  
P.O. Box 253  
Ozark, AR 72949  
(479) 667-2238  
ozark.city.clerk@cityofozarkar.com

## Municipal Clerk of the Year 2018 Please Submit the Following Information

NOMINEE'S FULL NAME AND TITLE \_\_\_\_\_  
ADDRESS, CITY, ZIP \_\_\_\_\_  
BUSINESS PHONE \_\_\_\_\_

NAME OF THE CITY THE MUNICIPAL CLERK REPRESENTS \_\_\_\_\_

YEARS SERVED AS CLERK, RECORDER, TREASURER OR DEPUTY CLERK AND YEAR APPOINTED OR ELECTED \_\_\_\_\_

ARKANSAS CITY CLERKS, RECORDERS, TREASURERS ASSOCIATION (ACCRTA) MEMBER YEARS SERVED AND DATE OF MEMBERSHIP \_\_\_\_\_

ACCRTA OFFICES HELD \_\_\_\_\_

ACCRTA MEETINGS ATTENDED \_\_\_\_\_

ACCRTA, IIMC, OR ARKANSAS MUNICIPAL LEAGUE COMMITTEE SERVICE, COMMITTEES SERVED ON AND NUMBER OF YEARS SERVED \_\_\_\_\_

INTERNATIONAL INSTITUTE MUNICIPAL CLERK (IIMC) PARTICIPATION AT ANNUAL AND REGIONAL MEETINGS \_\_\_\_\_

IIMC WORKSHOPS (DISTRICT MEETINGS) ATTENDED \_\_\_\_\_

MUNICIPAL CLERKS INSTITUTE ATTENDANCE (NUMBER OF YEARS AND CLASSES ATTENDED) \_\_\_\_\_

CERTIFICATION RECEIVED:

IIMC CERTIFIED MUNICIPAL CLERK,  IIMC MASTER MUNICIPAL CLERK OR  CERTIFIED ARKANSAS MUNICIPAL CLERK

DATE OF CERTIFICATION \_\_\_\_\_

ARKANSAS MUNICIPAL LEAGUE CONFERENCES ATTENDED \_\_\_\_\_

EDUCATION PROGRAM PARTICIPATION (INSTRUCTOR, PANEL MEMBER, MODERATOR) \_\_\_\_\_

COMMUNITY INVOLVEMENT \_\_\_\_\_

LEADERSHIP ACTIVITIES \_\_\_\_\_

OTHER ACTIVITIES \_\_\_\_\_

NAME OF INDIVIDUAL SUBMITTING NOMINATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

NOMINATOR: PLEASE BRIEFLY SUMMARIZE THE REASONS WHY YOU BELIEVE YOUR NOMINEE SHOULD BE SELECTED AS THE 2018 MUNICIPAL CLERK OF THE YEAR. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



CLE participants utilized the League's assembly room for January's class.

## ACAA holds winter CLE at League

City attorneys from across the state attended continuing legal education (CLE) held Jan. 26 at League headquarters. The CLE offered six hours of continuing education including one hour of ethics. Attendance was strong, with 55 attorneys participating. The Arkansas City Attorney's Association (ACAA) sponsored the session.

The agenda contained information on the opioid class action litigation, how cities should organize at the start of each year, medical marijuana, the public pension crisis, and panhandling. Regarding opioids, discussion centered on arriving at best practices for cities and towns

to calculate the actual costs associated with combating the epidemic.

"The CLE from the winter meeting of the City Attorney's Association was very relevant to the issues we are seeing across Arkansas right now," said ACAA President and Jonesboro City Attorney Carol Duncan. "You know when you leave a meeting with a list of things to review and address with your local municipality that it was a good meeting. I always appreciate not only the speakers, but the perspectives from other attorneys across the state on the issues effecting my city." 🏛️



From left, Mark Hayes, general counsel, and Lanny Richmond, code and opinions attorney for the League, discuss ways to organize cities at the start of the new year.



From left, F. Jerome Tapley of the Cory Watson Law Firm and Sean Rommel of the Wyly-Rommel Law Firm discuss the specifics of the opioid class action litigation and what it means to the cities and towns of Arkansas.



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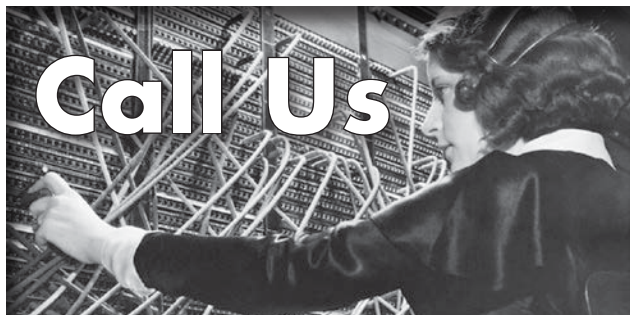
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# Summaries of Attorney General Opinions

Recent opinions that affect municipal government in Arkansas

From the Office of Attorney General Leslie Rutledge

## Penalties exist for FOIA violations

Opinion: 2017-108

Requestor: Ron McNair, State Representative

What are the potential penalties and/or sanctions for a city, town, or municipality that provides misinformation and/or fails to timely respond to a request under the Arkansas Freedom of Information Act (FOIA)?

Q2) What are the criminal penalties or sanctions, if any, relating to violations of this Act, as amended?

**RESPONSE:** Because each question asks about potential consequences of violating the FOIA, I will address them together. The FOIA itself provides two different types of remedies for violation of its requirements. See Ark. Code Ann. § 25-19-104 and 25-19-107. And certain other judicial remedies are potentially available. The question of whether a violation occurred in any given instance will be intensely factual. I therefore cannot specifically opine as to the consequences of a hypothetical city providing “misinformation” or failing to timely respond to a FOIA request.

## Executive session not permissible for audit committee

Opinion: 2017-118

Requestor: Justin Boyd, State Representative

Under current Arkansas law, is it permissible for an audit committee of a city, town, or municipality to hold an executive session or meeting that is closed to the general public due to privacy or sensitivity concerns lest any public release of said information could severely or harmfully affect the underlying review/investigation?

**RESPONSE:** I take it from your question that this “audit committee” is composed of members of a city’s governing body. In this light, the answer to your question is “no,” in my opinion. It is not permissible for an audit committee so comprised to hold an executive session (that is, a meeting that is closed to the public) because of generalized privacy or sensitivity concerns. The Freedom of Information Act (FOIA) provides limited grounds for holding an executive session, and privacy or sensitivity concerns are not among those grounds.

## State law governs number of housing commissioners

Opinion: 2017-130

Requestor: Greg Leding, State Representative

Is the Fayetteville Housing Authority authorized to increase their Board of Commissioners from the current five-member board to up to nine commissioners? **RESPONSE:** In my opinion, the number of commissioners must remain at five.

Arkansas statute specifies that there be “five (5) persons as commissioners” on a housing-authority board. Ark. Code Ann. § 14-169-208(a)(2)(A). And housing authorities are created under the general laws of the state, which control in the event of any conflicting ordinances or bylaws. See Ark. Const. art. 12, sec. 4. Therefore, I do not believe the number of commissioners can be increased by local legislation from the City of Fayetteville, or through the bylaws of the Fayetteville Housing Authority itself.

*To read full Attorney General opinions online, go to [www.arkansasag.gov/arkansas-lawyer/opinions-department/opinions-search](http://www.arkansasag.gov/arkansas-lawyer/opinions-department/opinions-search).*



# Grant provides new bike racks around Jonesboro

New bicycle racks have been installed around City of Jonesboro buildings and parks, thanks to an \$11,000 grant received last year, the city has announced. The grant, received through the University of Arkansas Cooperative Exchange Services and the U.S. Department of Health and Human Services Center for Disease Control and Prevention, provides funding to cities for projects promoting healthy living.

The green, concreted racks will provide safe and easy locations for riders to park their bikes while visiting city-owned parks and facilities.

“It’s no secret that Jonesboro is a biking community, and we want to do all we can to make our public spaces amenable to cyclists,” Mayor Harold Perrin said. “Bike racks are a no-brainer, and once our trail project comes to fruition, I believe Jonesboro will become a tremendous cycling community.”

## Parks and Recreation

Director Wixson Huffstetler said racks are in every city park, at the Municipal Building at 300 South Church St., and the University of Arkansas Extension office on Washington Avenue.

“We’re glad we have this grant and that we are continuing to move in the right direction to make Jonesboro a more bicycle-friendly city,” Huffstetler said. 🏛️

The city installed bike racks at every park, at the Municipal Building downtown, and at the University of Arkansas Extension office.



Workers install one of Jonesboro’s new bike racks, made possible through a grant program promoting healthy living.



## **NOTICE:** Workers’ Comp payroll reports due

It is mandatory that members of the Municipal League Workers’ Compensation Trust submit their 2017 actual payroll to MLWCT by March 15, 2018. As a member of MLWCT, non-compliant members (cities) will be assessed a 25 percent penalty based on premium.

For more information, contact Glenda Robinson at (501) 374-3484 ext. 243, [grobinson@arml.org](mailto:grobinson@arml.org); or Barbara DePriest at (501) 374-3484 ext. 108, [bdepriest@arml.org](mailto:bdepriest@arml.org). 🏛️


# Bentonville honors outstanding citizens

**B**entonville Mayor Bob McCaslin has announced the 2017 fourth-quarter winners of the Mayor's Outstanding Citizen Award. They are: Emily Adams, Shane Newell, and the United Way of Northwest Arkansas Gift in Kind Warehouse volunteers.

Adams, who is a senior at Bentonville High School, has been an active community service-minded volunteer, working at Havenwood, a transitional facility for single parents, and serving food at Second Street Pantry and Miracle. She also took initiative to organize a group of friends who assembled over 70 homeless care kits.

Newell volunteers as a mentor with the Bentonville Public Schools "lunch buddy" mentoring program. He currently works with three students at three different schools, checking in with them and encouraging them. He even helped one of the students learn to ride a bike. Newell has also donated more than \$30,000 to the school system through his business.

The United Way of Northwest Arkansas Gift in Kind Warehouse connects donated products to local nonprofits, churches, and food banks. The organization and its 20-plus volunteers spend over 300 hours a week to provide much-needed items such as paper goods, personal care products, diapers, cleaning supplies, housewares, and much more.

The Outstanding Citizen Award program was initiated in 2011 to recognize exceptional volunteer contributions of Bentonville residents. There are three award categories: adult, youth, and community group. First quarter 2018 nominations will be accepted through March 30. To obtain a nomination form and additional information, please visit the city's website at [www.bentonvillear.com](http://www.bentonvillear.com). 



Emily Adams, center, with her parents at left and Mayor Bob McCaslin at right, is the youth recipient of the fourth-quarter 2017 Mayor's Outstanding Citizen Award.



Shane Newell, left, with Mayor McCaslin and Marisa Snow, who nominated him, is the recipient of the Mayor's Outstanding Citizen Award in the adult category for his student mentoring efforts.



McCaslin, right, presents volunteers with the United Way of Northwest Arkansas Gift in Kind Warehouse with the Mayor's Outstanding Citizen Award in the group category.



# Two retire in Gassville



**T**wo longtime Gassville public safety employees retired at the end of 2017, the city reports. Fire Chief Bill Johnson, at left, has served as a firefighter for 30 years, 10 as chief. Police Capt. J.D. Tyler, right, has served Gassville for the last 18 years of his 41-year career in law enforcement. 🏛️


# Longtime El Dorado mayor's executive secretary retires



**C**arolyn Waller retired at the end of 2017 after a 50-year career at El Dorado's city hall. She served six of the city's mayors—a couple of them more than once—in her career, which began when in 1968 she took a position in the public works department. She later moved into the role of mayor's administrative assistant and spent the next three-plus decades in that position. 🏛️

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# Hot Springs and Hanamaki celebrate their silver anniversary

By Sherman Banks



In the photo at left, Hot Springs Mayor Pat McCabe, seated at left, and Hot Springs National Park Sister City Foundation President Carla Mouton, seated at right, video chat via Skype with Hanamaki, Japan, Mayor Toichi Ueda, left, and International Exchange Association President Fumiaki Sasaki.

Hot Springs is a shining example of what President Eisenhower meant when he established Sister Cities International over 60 years ago: “Citizen Diplomacy through one individual, one community at a time.” The city is celebrating 25 years as the sister city of Hanamaki, Japan.

On January 15, 1993, Hot Springs and Hanamaki brought their two communities and cultures together. On January 15 of this year, the two cities marked their silver anniversary.

“Sister cities is an opportunity to break down barriers for our residents, especially for our children so that when they grow up they are not intimidated to go to the other side of the state, the other side of the country, or the other side of the world,” said Sister City Program Director Mary Zunick.

Hot Springs began its yearlong celebration with an open house at the Sister City office on Monday, January 15. There they exhibited the writings of Kenji Miyazawa (1896-1933), a poet and author of children’s literature from Hanamaki. The members of the Hot Springs National Park Sister City Foundation Board of Directors sponsored Miyazawa’s exhibit. Also on display was the artwork of the renowned visual Japanese artist Kunio Izuka from Hanamaki.

During this year’s 25th anniversary celebration the following activities are planned:

- A student exchange between the Arkansas School for Mathematics, Sciences, and the Arts and students in Hanamaki.

- Participation in the Arts & The Park festival, April 28-May 6, and partnering with the local organization Emergent Arts ([www.emergentarts.org](http://www.emergentarts.org)).
- A delegation of Hot Springs citizens and business leaders will travel to Hanamaki in September.
- In October a Japanese delegation will travel to Hot Springs from Hanamaki.

Like Hot Springs, Hanamaki has bathhouses that feature thermal waters from nearby hot springs. The cities are also similar geographically. Hanamaki is surrounded by rolling hills and a low mountain range. Since 1993 many friendships have been formed, a greater understanding of the two cultures has been experienced, and a mutual respect has grown out of the steady cultural, educational, and artistic exchanges between the two cities.

Gov. Asa Hutchinson in 2017 wrote a letter to the Foreign Ministry of Japan recommending that Mary Zunick be named an honorary consul. The Ministry approved the request and Zunick received a five-year appointment.

To learn more about how municipal leaders can enhance cultural, educational, economic, and tourism development through Sister Cities one individual, one community at a time, please contact me.



For more information contact Sherman Banks at (501) 786-2639; email [sbanks@aristotle.net](mailto:sbanks@aristotle.net); or write to P.O. Box 165920, Little Rock, AR 72216.





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# Court in session in Bella Vista

By Cassi Lapp

On January 4, 2018, the City of Bella Vista held court. Those with misdemeanor offenses, traffic offenses, and city code violations came to have their cases heard by Judge Ray Bunch. This is not out of the ordinary for most cities. But for Bella Vista, which has been a city for only a decade, it was a monumental first.

Act 723 of 2017 authorized the creation of the Bella Vista Department of the Benton County District Court system. Since the city's 2007 incorporation, Bella Vista had contracted with the City of Bentonville for these services, which cost the city both money and manpower. On any given court day, a dozen or more officers were summoned to appear. That put a strain on the department, Police Chief James Graves said. The Bella Vista Police Department consists of just 23 uniformed officers. Some days, only one or two officers would be available to protect the city of nearly 30,000 residents, he said. The out-of-town court was also inconvenient for Bella Vista residents, who had to travel to Bentonville to settle fines.

With Act 723 in place, city officials were given the go-ahead to find space for, equip, and staff a court in Bella Vista. The new law allows the current judge to conduct hearings in Bella Vista and permits court records to be housed in the city. A court clerk is also permitted under the law. The city secured a location for the court in June, and began construction to update the former real estate office into a courtroom, complete with necessary security measures.

The court officially opened in November 2017, and anyone receiving a citation on or after that day would



Legislation passed in 2017 established the new district court in Bella Vista, a first for the city.

pay their fine or have their case heard in Bella Vista. The new court will also be the meeting place for the city council.

Providing justice is a vital part of operating a local government, said Jason Kelley, Bella Vista staff attorney. "Many cities less than one-tenth the size of Bella Vista had a court in their town," Kelley said. "Bella Vista needed one too. In 2010, Bella Vista was ranked 17th in size in the state between Russellville and West Memphis. When you start looking at the stats, it's hard for me to believe we have been able to 'make do' for as long as we had. I think it's probably a good statement about our low crime rate and safety."

The first court day went off like a well-oiled machine, with only some minor tweaks needed for a too-sensitive metal detector and courtroom microphones. Parking was plentiful, everyone had a seat, and the clerk and judge made it look as if they had been doing this together for years.

The change will allow for streamlined ticket payments through the Bella Vista Police Department, and will give greater convenience to citizens and law enforcement in terms of court access, Kelley said. The city also expects long-term savings from the operation of the city's own court, versus continuing the cost-sharing agreement with Bentonville, he said.



The new courtroom doubles as the meeting space for the city council.

*Cassi Lapp is Communications Manager, City of Bella Vista.*



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## Cities urged to revise value-based manufactured home ordinances

Several Arkansas cities have ordinances governing mobile homes, manufactured homes, and/or trailer homes. This issue has been the subject of recent litigation and has appeared in the media.

The ordinance provision at issue is a provision requiring that such a home be of a certain monetary value, i.e., no such home can be placed in the city unless it is worth X dollars.

The League recommends amending any such ordinance and removing that provision and, until amended, that any such provision not be enforced.

Instead, we refer cities to the Arkansas laws regarding mobile homes and manufactured homes (Ark. Code Ann. § 14-54-1601 et seq. including section 14-54-1604). Note that a city cannot enact an ordinance that conflicts with state law. Second, we recommend that a city use its powers under (among other laws) Ark. Code Ann. § 14-54-103(1) (cities of the second class) or Ark. Code Ann. §§ 14-54-104 & 105 (cities of the first class) to protect the residents of the city from any danger or public safety concern posed by any activity on a person's property. 🏠

# Simple steps to get you started

By Chad Gallagher

In 1998, while running for mayor of De Queen, I quickly began to realize that my plans and vision for our city, paired with our most pressing needs, far outpaced the city's budget and financial capabilities. I began to think about ways that we could make a real dent in the projects we needed to tackle. I studied the municipal budget to see where we could adjust spending and sought ways we might increase revenues without raising taxes or fees. Through this process, I became persuaded that we had to pursue grant funding to help us achieve more.

I attended my first Arkansas Municipal League meeting in the summer of that year as a candidate. Helena Mayor Joanne Smith was the League president at the time and she talked about grants. She talked about hunting down grants like they were rogue terrorists! She was bold and determined in her pursuit, honest about her initial learning curve, and inspiring. More importantly, her results were impressive. I knew immediately I had found a role model regarding grants.

I later asked Mayor Smith if she'd sit down with me in hopes I could extract more information from her regarding grant writing. This meeting led to countless hours of research and efforts to learn and become proficient in understanding grants and how they work and in learning to write successful grant applications.

I won that mayoral race, and over the next four years De Queen secured about \$10 million in grants. For a city with a population under 10,000 people, this was a huge help in making our own tax dollars go further to achieve our goals.

Maybe you're in the same boat I was in. Are you interested in successfully procuring grant dollars for your city but aren't sure where to start? Are you willing to write grants but feel like you don't know how? Don't worry; you aren't alone. Everyone who is successful with grants today was once in your shoes.

To get started, here are a few things you can do.

1. Meet with someone who understands grants and has had some success in grant writing in a town of similar size to yours. What we can learn from one another is key in successful community development. Through the League, you have access to help from me and from Kevin Smith with the Arkansas Grant Book.
2. Make it known in your community that you want to start applying for grants. See if there is someone willing to help. Experience in technical writing and budget preparation can both come in handy. Sometimes a real expert is out there just under our nose.
3. Read some successful grant applications. We can help you secure these or you can ask for them from the funding government agency. It's amazing what you can learn by reading a grant's guidelines and then reading a successfully funded application.
4. Make a list of your city's needs and overall vision. Whether you do this through a formal needs assessment (which we recommend) or you simply write out a list, the process itself is helpful. This list allows you to direct your searches and think toward funding opportunities that are well suited for your needs.
5. Build community support for your efforts. Talk about the needs identified and the importance of pursuing grant funding. Building community support for your efforts is very helpful when done in advance.
6. Identify one grant to start with and reach out to that funding agency well in advance. Explain to the agency that you've never applied, plan to, and need all the help you can get. Most of the time, you will find them both accommodating and eager to help.
7. Attend a League grant-writing workshop.

Certainly, there is a lot more to grant writing, but these are tangible steps you can take to get started. Grant funds can be a great help to our cities and towns, and for every grant program in existence, someone somewhere is getting those funds. As the old saying goes, "The journey of a thousand miles begins with one step." Take your first step today.



*Chad Gallagher is principal of Legacy Consulting and a former mayor of De Queen. Contact him at (501) 246-8842 or email [chad.gallagher@legacymail.org](mailto:chad.gallagher@legacymail.org).*



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# El Dorado a jewel in south Arkansas

By Rodney McCain

Founded in 1843, the City of El Dorado began as a small agricultural community. It remained so until 1921 when Dr. Samuel Busey discovered pools of oil just beneath the landscape's surface. By 1925 there were more than 50 oil contracting companies and more than 30,000 people based in the booming oil town. Over the course of the following four decades, oil remained the bedrock of the city's economy, and despite some decline in the industry in more recent years, oil, chemical, and timber interests have continued to have a powerful role in the local economy.

As well as having grown into a city with more self-generated wealth than other cities of comparable size, El Dorado has developed a reputation as a magnet for history, arts, and entertainment. Notable attractions include the Newton House Museum, Barton Library, and South Arkansas Arts Center.

In 2013, the 1920s-era Rialto Theatre on East Cedar Street was selected for revitalization, along with several stagnant blocks of the city's historic downtown. El Dorado Festivals & Events, Inc., a 501(c)3 non-profit organization, was founded under the direction of its president, Austin Barrow. With Barrow spearheading the



El Dorado's Murphy Arts District is giving new life to the historic downtown.

newly formed organization, the structure of what is now known as the Murphy Arts District, or MAD, was also established. The district is named after one of the city's leading employers, the Murphy Oil Company.

By early 2015 plans were drawn up, meetings were held, and permits were sought from both state and local representatives for the creation of an award-winning 250-seat restaurant; a live indoor music venue with a capacity of 2,000; an outdoor amphitheater with a stage and seating area for 7,500; a local farmer's market venue; and an outdoor, two-acre children's playscape. Further plans were rendered for the extensive renovation and refurbishment of the old Rialto Theatre building (an 850-seat, historic theatre originally built in 1929), and the creation of a two-story, 8,000-square-foot art gallery earmarked as Phase II.

As if that wasn't enough, several of these proposals were to be housed within the shells of existing historic buildings, thereby preserving and giving new life to these landmarks. The restaurant and indoor music venue, located on East Locust Street, were designed to fit into the old El Dorado Glass & Mirror Company building and Griffin Building, respectively, with the future art gallery project planned for the old McWilliams Hardware Company building on the corner of East Locust and South Washington Avenue. The plan co-locates facilities and the four performance venues in a



The outdoor venue has a capacity of 7,500 and is just off the downtown square.





Part of the rejuvenation plan involves repurposing existing historic structures. The former Griffin Auto Building, which is listed on the National Register of Historic Places, is now a venue and features a commercial kitchen for special events.

dense cluster in order to maintain the historic connection from Jefferson Street to Locust Street, and to exploit synergies between venues and other entertainment uses.

The southernmost portion of the project consists of two distinct existing historic buildings that will be renovated, site improvements made, new support structures for festivals added, and the development of Heritage Park, a one-block green space converted from an existing asphalt parking lot.

Work commenced on Phase I, under the direction of Nabholz Construction, with the site provisionally being split along East Locust Street, development on the south side of the street identified as Phase I, and the remaining work on the north side (including the Rialto Theatre renovations) falling into Phase II.

By the time the new children's playscape, restaurant, bar, music venue and, most importantly, the outdoor amphitheater and stage were ready to be unveiled to an expectant public in September 2017, visitors from far beyond southern Arkansas had learned of the project, giving El Dorado Festivals & Events the opportunity to secure household star names such as country music's Brad Paisley, legendary Texan rockers ZZ Top, and soul legend Smokey Robinson to play on opening night.

The opening of its new entertainment district, makes El Dorado now home to some of the most consistently top-rated entertainers in the south. A plethora of established and up-and-coming musical acts are including the city on their tour schedules, as well as theatrical and stage productions hosted at the Griffin Music Hall. The music hall, formerly the Griffin Auto Building, is listed on the National Register of Historic Places. The former filling station is now enclosed by a glass curtain wall and has been converted into a restaurant dining area with a stage for performances. The former showroom is now a

commercial kitchen and VIP area for events. The former warehouse area has been converted into an 1,800-seat music venue. With the addition of the renovation of the Rialto Theatre still to come, it is fair to say that Barrow and his team deserve all the recognition and accolades they have received for their vision, drive, and commitment to putting El Dorado on the map as a major entertainment hot spot.

Creating a vibrant and lively community where people want to live, play, and spend their time can be an incredibly challenging task. A great city must serve the community as a worthwhile resource, one in which people of all ages and socioeconomic backgrounds can frequent and enjoy. As design professionals, it gives us a great feeling of satisfaction to assist cities in achieving the successful conversion of dead spaces into places that can help make a downtown come alive once more. El Dorado's example is a lead worth following.



*Rodney McCain is a project designer in MCE's Little Rock office. Contact Rodney by phone at (501) 371-0272, or email him at [rmccain@mce.us.com](mailto:rmccain@mce.us.com).*



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## Designing the future, today.

As design professionals, it gives us great satisfaction to assist cities in achieving the successful conversion of deserted spaces into places that can help make a city come alive again.





The City of Conway has planted a variety of street trees, including lacebark elm and Chinese pistache, which are sized appropriately and suited to the existing site conditions.

PHOTOS BY ALISON LITCHY.

## Selecting the right tree for the right place

By Krista Quinn

**T**rees grow abundantly in many parts of Arkansas, so it can be easy to take the presence of trees for granted. However, several relatively recent tree pest problems in the state, including the Emerald Ash Borer and Crepe Myrtle Bark Scale, are leading many cities to consider replacing or diversifying their tree plantings. Winter is a great time to start planning for spring tree planting projects. A little planning on the front end can greatly increase the likelihood of trees surviving and providing the desired landscaping benefit. Tree plantings are most successful when careful consideration is given to choosing the right tree for each location.

### Planting objectives

When considering which trees to plant, one of the first questions to ask is “Why do we want trees here?” When planting a tree in a park, one of the main goals is usually to provide shade, so selecting a tree species with a wide, thick canopy is probably best. However, when planting trees along streets in an urban area, the goal is more likely to beautify the area while improving air quality and providing habitat for birds.

Street trees generally need to be smaller since there is likely less space for growth. Many cities like to choose street trees with colorful flowers, fall color, or interesting bark. Some trees recommended for street plantings include Chinese pistache, lacebark elm, red maple, ginkgo, and fruitless or columnar sweetgum.

### Site conditions

It is also important to evaluate the site where trees are to be planted. Soil conditions, the amount of available sunlight, the existence of nearby structures, walkways or streets, and the location of utilities are all important considerations when selecting trees for planting.

One of the most common causes of tree death in Arkansas is poorly drained soils. Sometimes a site will appear dry in the summer but have several inches of standing water in other seasons. Having some knowledge of the annual site conditions can be beneficial. However, a simple percolation test can also give some indication of soil drainage. To perform a percolation test, dig a one-foot-deep hole near the planting site and fill it with water. If the water drains more slowly than one inch per hour, then the site has poor drainage. It is





Trees with very narrow canopies, such as these columnar sweetgums, can be useful for planting near structures and roads.

sometimes possible to improve soil drainage with the addition of swales, piping, or raised beds, but it is often less expensive to simply choose plants that can tolerate poorly drained soils. Good tree choices for wet areas include bald cypress, sycamore, river birch, and sweetbay magnolia.

**Tree size and spacing**

Perhaps the most important considerations when selecting trees are size requirements or limitations. Many urban sites require narrow tree canopies that will not interfere with buildings. When planting under power lines, it is best to choose trees with a mature height less than 15 feet. There are many great small tree species to choose from in these situations. Ultimately, cities will be most satisfied with their trees if they select trees that are sized appropriately for the site. Pruning trees to keep them out of power lines or away from buildings is costly and often results in weak and unattractive trees.

**Planting diversity**

Finally, planting a variety of tree species can prevent widespread losses of trees due to a pest outbreak. Most pests will affect a single species or group of trees. If cities make sure to plant a variety of trees, they will hopefully never have an instance where all of the trees are harmed at the same time. Plant diversity is also beneficial for

wildlife. Of course, planting too many different types of trees can look haphazard in some situations and be difficult to manage. A good rule of thumb is to aim for no more than 10 percent of the total tree population to be a single species. Instead of lining every street downtown with crepe myrtles, communities can plant one block with crepe myrtles, the next block with Chinese pistache, and the next with red maples. This would also provide more visual interest throughout the year since the different tree types have decorative features at different times of year.

Planting trees that are well suited for a site will reduce the need for tree maintenance and improve tree survival and health. Local nurseries can recommend trees for specific needs and The University of Arkansas Cooperative Extension Service also has several useful publications on the topic. If you have further questions about tree selection or other urban forestry issues, contact Krista Quinn at [Krista.Quinn@arkansas.gov](mailto:Krista.Quinn@arkansas.gov) or Alison Litchy at [Alison.Litchy@arkansas.gov](mailto:Alison.Litchy@arkansas.gov).



*Krista Quinn is the Urban Forestry Partnership Coordinator with the Arkansas Forestry Commission. Contact Krista at (479) 228-7929 or [Krista.Quinn@arkansas.gov](mailto:Krista.Quinn@arkansas.gov).*



The 2017 class of the Conway Area Leadership Institute participate in a retreat in Mountain View.

## Training helps groom future community leaders

By Corey Parks

Every city and town has a core group of leaders who are involved in all aspects of the community. They answer the call to serve when their communities need them most. Their service may include building consensus among citizens for proposed initiatives, making financial contributions to projects, sitting on boards and commissions, or running for political office. Without these key leaders, cities would not be what they are today. But eventually, someone must replace these influencers. Is your city prepared for a transition in leadership?

Maintaining a community's leadership capacity is critical to the economic development strategy because stable leadership enables cities to develop and implement strategic plans, recruit quality talent, and attract families and employers to the area. It also encourages collaboration among community stakeholders who make public policy and regulation decisions.

Today's influencers have a responsibility to ensure the next generation of leadership is prepared to step up when necessary. This preparation requires leaders to actively seek ways to groom their successors as they reduce their involvement. While development can sometimes happen organically, communities across the state are utilizing leadership development programs to ensure they are cultivating the next generation of leaders.

Greater Little Rock Leadership and Leadership Fayetteville allow those two cities to cultivate their leaders of tomorrow. In Conway, the Conway Area Leadership Institute, formerly known as the Faulkner County Leadership Institute, develops emerging leaders. Batesville and Morrilton are benefitting from Leadership Batesville and Leadership Conway County, respectively. These are a few examples of local programs, but this list is not exhaustive. There are also statewide and regional leadership development opportunities available.



# MHBF Health Tips



## Telemedicine: MHBF's newest benefit

Statewide programs include the University of Arkansas Cooperative Extension Service's LeadAR and the Arkansas State Chamber of Commerce's Leadership Arkansas. The Delta Regional Authority's Delta Leadership Institute is a regional program Arkansans in the DRA region can attend. Leadership programs are not a new concept, but they are increasingly important as community leaders transition into less involved roles or retire.

Each program's curriculum will vary, but they all share the same objective: to establish a pipeline for the next generation of leaders. Participants have the opportunity to explore their community and develop their skills through sessions on leadership, education, workforce development, economic development, infrastructure, agriculture, arts and culture, history, natural resources, tourism, local and state government, quality of life, healthcare, military, and public safety. These sessions prepare participants to be well-rounded board members, commissioners, elected officials, and other community leaders or volunteers. Through the collaborative efforts of these new and current leaders, cities can advance their economic development agenda more seamlessly.

In closing, I'll pose the question from the opening paragraph again: Is your community prepared for a transition in leadership? If not, I encourage you to begin having conversations with the leaders of your community to determine the topics with which rising leaders should be familiar. This dialogue will reduce the learning curve, increase continuity among stakeholders, and better prepare everyone for changes in leadership.



*Corey Parks is the Director of Economic Development at the Conway Area Chamber of Commerce. Contact Corey by phone at (479) 769-5138 or email [corey@conwayarkansas.org](mailto:corey@conwayarkansas.org).*

**A**rkansas recently became the last state in the nation to allow telemedicine consultations, and for Municipal Health Benefit Fund members it is the newest benefit to be added to the plan for a low \$20 co-payment.

Have you ever called your primary care physician and been told that they did not have an open appointment until the following week? Or have you ever been on vacation out-of-state and gotten a sinus infection or stomach bug? Telemedicine is a solution whose time has come for these reasons and many more. MHBF and eDocAmerica are working together to offer this benefit to its covered members.

In Arkansas, it is currently law that the first consultation with a licensed telemedicine physician must be a live video consultation. To meet this requirement, the patient must log into the eDocAmerica telemedicine portal where the video consultation will take place. This portal can be accessed via computer or smart phone. After the initial video consultation, future telemedicine consultations can be accessed by phone, with or without video.

Here are the steps to use the new MHBF telemedicine benefit:

- Call 1-877-308-3362 to schedule a call or video consultation;
- A Care Coordinator will gather your information, collect your \$20 co-pay, and get your consultation scheduled;
- If the physician writes a prescription, it will be called into your pharmacy of choice.

Telemedicine consultations are for common ailments like colds, allergies, pink eye, UTIs, sinus infections, headaches, and sore throats. This benefit should not be used in the event of a medical emergency. Telemedicine physicians will not treat severe or chronic conditions, nor is telemedicine designed to take the place of your primary care physician. Telemedicine physicians will not prescribe opioid pain relievers.

If you have questions regarding telemedicine or other benefits, please contact Municipal Health Benefit Fund at (501) 978-6137. 🏠

# 2018 State Turnback Funds

Actual Totals Per Capita						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2017	2018	2017	2018	2017	2018
January	\$5.3276	\$5.3807	\$0.3041	\$0.2314	\$2.1473	\$2.1460
February	\$5.5378		\$0.1894		\$1.0884	
March	\$4.7222		\$0.3450		\$1.0886	
April	\$5.3517		\$0.3611		\$1.0886	
May	\$5.4824		\$0.2602		\$1.0864	
June	\$5.5686		\$0.1858		\$1.0881	
July	\$5.5610		\$0.2628		\$2.9480	
August	\$5.5557		\$0.2711		\$0.9499	
September	\$5.4801		\$0.2230		\$1.0881	
October	\$5.5047		\$0.2508		\$1.0888	
November	\$5.1475		\$0.2377		\$1.0875	
December	\$5.1764		\$0.1561		\$1.0882	
<b>Total Year</b>	<b>\$64.4157</b>	<b>\$5.3807</b>	<b>\$3.0472</b>	<b>\$0.2314</b>	<b>\$15.8379</b>	<b>\$2.1460</b>

Actual Totals Per Month						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2017	2018	2017	2018	2017	2018
January	\$10,065,525.00	\$10,171,403.10	\$574,575.98	\$437,461.72	*\$4,056,819.92	*\$4,056,771.18
February	\$10,462,690.50		\$357,751.63		\$2,056,417.62	
March	\$8,921,686.11		\$651,783.55		\$2,056,718.50	
April	\$10,110,987.00		\$682,243.26		\$2,056,718.50	
May	\$10,363,642.30		\$491,893.79		\$2,053,761.87	
June	\$10,526,632.40		\$351,199.83		2,056,937.75	
July	\$10,512,280.90		\$496,864.92		** \$5,572,710.46	
August	\$10,502,217.40		\$512,555.17		\$1,795,649.71	
September	\$10,359,333.50		\$421,562.72		\$2,056,885.50	
October	\$10,405,765.80		\$474,027.01		\$2,058,156.39	
November	\$9,730,523.28		\$449,423.80		\$2,055,750.30	
December	\$9,785,275.08		\$295,172.64		\$2,056,989.97	
<b>Total Year</b>	<b>\$121,746,559.27</b>	<b>\$10,171,403.10</b>	<b>\$5,759,054.30</b>	<b>\$437,461.72</b>	<b>29,933,516.49</b>	<b>4,056,771.18</b>

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

\*\* Includes \$3,515,747.46 supplemental for July 2017



# Local Option Sales and Use Tax in Arkansas



KEY: Counties not collecting sales tax

Source: Rachel Garrett, Office of State Treasurer

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

Sales and Use Tax Year-to-Date 2018 with 2017 Comparison (shaded gray)								
Month	Municipal Tax		County Tax		Total Tax		Interest	
January	\$59,272,899	\$51,749,675	\$50,925,990	\$46,139,133	\$110,198,889	\$97,888,807	\$68,417	\$15,903
February		\$51,749,675		\$52,583,090		\$104,332,765		\$17,386
March		\$51,749,675		\$42,723,485		\$94,473,160		\$18,863
April		\$51,749,675		\$44,591,728		\$96,341,403		\$15,747
May		\$51,749,675		\$48,861,910		\$100,611,585		\$17,059
June		\$51,749,675		\$45,261,893		\$97,011,568		\$17,534
July		\$51,749,675		\$49,248,601		\$100,998,276		\$18,995
August		\$51,749,675		\$49,357,901		\$101,107,576		\$15,982
September		\$51,749,675		\$48,991,616		\$100,741,291		\$45,866
October		\$51,749,675		\$49,299,660		\$101,049,335		\$79,279
November		\$51,749,675		\$49,290,527		\$101,040,201		\$78,491
December		\$51,749,675		\$48,086,258		\$99,835,933		\$72,999
<b>Total</b>	<b>\$59,272,899</b>	<b>\$51,749,675</b>	<b>\$50,925,990</b>	<b>\$574,435,802</b>	<b>\$110,198,889</b>	<b>\$1,195,431,899</b>	<b>\$68,417</b>	<b>\$414,105</b>
Averages	\$59,272,899	\$51,749,675	\$50,925,990	\$47,869,650	\$110,198,889	\$99,619,325	\$68,417	\$34,509







# 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.

**CITY TREASURER**—The City of Mountain Home is accepting applications for the position of a City Council appointed City Treasurer. Living in the City of Mountain Home is a statutory requirement for the position. Position is responsible for financial planning, procurement and investment of City funds, receipting, disbursement, banking, protection and custody of funds, securities and financial instruments. Position analyzes financial records to forecast future financial position and budget requirements and prepares financial reports. Position is responsible for compliance with federal and state regulations and requires thorough knowledge of accounting principles, City, State and Federal regulations, policies and procedures. Position requires thorough knowledge of payroll tax regulations and all phases related to producing payroll. Preferred degree in accounting with a minimum of three years of experience in accounting or seven years of paid full-time employment as a bookkeeper or any combination of training and experience that provides the required knowledge, skills and abilities. Job description and applications may be picked up at City Hall, 720 South Hickory St., between the hours of 8 a.m. and 4:30 p.m. Open until filled by the City Council. EOE.

**DISTRIBUTION & COLLECTION MAINTENANCE SUPERINTENDENT**—Forrest City Water Utility seeks a Distribution and Collection Maintenance Superintendent with Class III License. To apply contact Forrest City Water Utility, (870) 633-2921.

**POLICE OFFICERS**—Harrison is accepting applications for 2 Police Officers. Salary: \$31,900. Must be a U.S. citizen; be at least 21 years of age or older; possess a valid Arkansas DL; have no felony record/arrests; be able to pass a background investigation, a psychological examination and a physical examination, as well as a polygraph examination; ability to work rotational shifts; must be fingerprinted; and must purchase uniforms and equipment. Contact Leta Price at 116 S. Spring for an application, or call 870-741-5463.

**PUBLIC INFORMATION OFFICER**—The City of Republic, Mo., seeks a Public Information Officer who will coordinate and manage the City's public information including marketing efforts, dissemination of information to the public and media concerning City events and issues, and the implementation of strategic communication campaigns and programs. Education and Experience: Bachelor's degree from an accredited college or university in journalism, communications or related field. Must have at least two years of related and responsible work experience. Responsible, related experience may be substituted for the education requirement. Municipal experience is preferred, but not required. Must possess a valid Missouri DL. Pay Range: Grade 7, \$43,534.40–\$57,824.00. Applicant must successfully complete background investigation and pre-employment substance abuse testing and may be subject to random substance abuse testing. Application and complete job description available at [www.republicmo.com](http://www.republicmo.com). Application must be completed and submitted online or to City Hall, 213 N. Main, Republic, MO 65738. Open until filled.

**PUBLIC SAFETY COMMUNICATIONS SPECIALIST**—The City of Siloam Springs Police Department is accepting applications for the position of a full-time Public Safety Communications Specialist. This will include operating emergency police, fire, EMS, and the 911 communication equipment, receive emergency and non-emergency phone calls and dispatching personnel and equipment. The successful candidate will operate telephone console to receive income calls for assistance, question caller to determine nature of problem, transmit orders and receive messages for fire, state and local agencies, wrecker services, utility workers and others. Maintains constant knowledge of emergencies. Knowledge of modern office practices and procedures as well as office equipment, radios,

computer and Internet applications is required, 12 hour shifts. Must be able to pass a background check. Salary range: \$29,400 - \$44,100. The City requires a completed application be submitted for all positions. Applications are available at City Hall, 400 North Broadway, Siloam Springs, AR; or can be accessed on our website: [www.siloamsprings.com](http://www.siloamsprings.com). For further information, please call (479) 524-5136 or email [humanresources@siloamsprings.com](mailto:humanresources@siloamsprings.com). Open until filled. EOE.

**PURCHASING MANAGER**—The City of Bentonville has an immediate opening for a Purchasing Manager. Hiring salary range is \$52,208 - \$70,481 DOE. Job duties include providing exemplary customer service for city departments and vendors, acting as liaison between the departments and vendors, and ensuring the procurement process is carried out in accordance with the applicable city and state laws/policies, and federal rules and regulations. Purchasing Manager will also be responsible for promoting free, open competition and equal opportunity for all vendors who seek to conduct business with the city. The ideal candidate would have experience with various procurement software and be willing/able to lead the Purchasing office through software upgrade implementation and process evaluation during the next 3 years. Additional duties include reviewing requisitions for conformance to Purchasing Policy, preparing/issuing purchase orders/amendments as necessary, conferring with vendors to obtain product/service information such as price, availability, and delivery schedule, determining method of procurement such as direct purchase or formal bid based on state law or city policy. Also prepares bid documents and sends to responsible vendors, prepares public notification advertisement and maintains bid files according to state law or project requirements. Once bids are received, compares prices, specifications, and delivery dates and recommends contract awards to bidders. Recommends for approval and arranges for disposal of surplus items, maintains vehicle files and prepares all correspondence to secure titles and registration on all vehicles acquired, maintains current insurance policy information and handles insurance claims on all vehicles, buildings, equipment, etc., Demonstrated experience with contract review, contract oversight and project oversight preferred, and coordinates services for building maintenance or repairs for City Hall. Certified Professional Public Buyer (CPPB) or Certified Public Purchasing Officer (CPPO) or Certified Purchasing Manager (CPM) preferred. At minimum, the candidate should have a desire to obtain a certificate mentioned above and have a timeline/plan in place to obtain the certificate. Associate's degree in business or a related field from two-year college or university and 5 years related experience and/or training; or equivalent combination of education and experience. A full job description is available upon request. Interested applicants should submit city application and/or resume to Jake Harper, Assistant Finance Director ([jharper@bentonvillear.com](mailto:jharper@bentonvillear.com)) or fax at (479) 271-5913.

**WATER OPERATOR**—Forrest City Water Utility seeks a Water Operator with Class IV License. To apply contact Forrest City Water Utility, (870) 633-2921.

**WATER TREATMENT DISTRIBUTION SUPERINTENDENT**—Forrest City Water Utility seeks a Water Treatment Distribution Superintendent with Class IV License. To apply contact Forrest City Water Utility, (870) 633-2921.





# NOTICE:

## Annexation Reports Due March 1

### **Arkansas Code Ann. sections 14-40-2201 and 14-40-2202 provide:**

(a)(1) Beginning March 1, 2014, and each successive year thereafter, the mayor or city manager of a city or incorporated town shall file annually with the city clerk or recorder, town recorder, and county clerk a written notice describing any annexation elections that have become final in the previous eight (8) years.

(2) The written notice shall include:

(A) The schedule of services to be provided to the inhabitants of the annexed portion of the city; and

(B) A statement as to whether the scheduled services have been provided to the inhabitants of the annexed portions of the city.

(b) If the scheduled services have not been provided to the new inhabitants within three (3) years after the date the annexation becomes final, the written notice reporting the status of the extension of scheduled services shall include a statement of the rights of inhabitants to seek detachment.

(c) A city or incorporated town shall not proceed with annexation elections if there are pending scheduled services that have not been provided in three (3) years as prescribed by law.

### **Ark. Code Ann. § 14-40-2202. Inhabitants of annexed area**

(a) In all annexations under § 14-40-303 and in accordance with § 14-40-606, after the territory declared annexed is considered part of a city or incorporated town, the inhabitants residing in the annexed portion shall:

(1) Have all the rights and privileges of the inhabitants of the annexing city or incorporated town; and

(2) (A) Be extended the scheduled services within three (3) years after the date the annexation becomes final.

(B) The mayor of the municipality shall file a report with the city clerk or recorder, town recorder, and county clerk of the extension of scheduled services.

(b) If the scheduled services have not been extended to the area and property boundaries of the new inhabitants within three (3) years after the date annexation becomes final, the written notice reporting the status of the extension of scheduled services shall:

(1) Include a written plan for completing the extension of services and estimated date of completion; and

(2) Include a statement of the rights of inhabitants to seek detachment.

(c) A city or incorporated town shall not proceed with any additional annexation elections if there are pending scheduled services that have not been extended as required under this subchapter.


To obtain a sample Notice Describing Annexation Elections, and Schedules of Services access the "Legal FAQs" page of [www.arml.org/mldp](http://www.arml.org/mldp). 

## Certain municipal officials in first class cities may opt out of APERS

The Arkansas Public Employees Retirement System (APERS) provides cities with the opportunity to cover its employees and officials (Ark. Code Ann. § 24-4-303). The law states generally that the mayor and clerk "shall become participating employees upon taking office." On the other hand, the statute permits mayors and clerks of first class cities to opt out of APERS in order to participate in the local retirement plans provided for in Ark. Code Ann. §§ 24-12-121 and 24-12-123.

In order to make this election, the mayor or clerk must provide written notice to APERS within 90 calendar days of the date the official assumed office. Once made, this choice is irrevocable. Any employer contributions previously made on behalf of an official who elects not to participate will be refunded to the city and the official will forfeit service credit in the system.

Newly elected city attorneys or city treasurers in cities of the first class who are otherwise covered by a local pension fund may also take advantage of these provisions.

To contact APERS, call (501) 682-7800 or visit [www.apers.org](http://www.apers.org). 

## Fayetteville adopts Arkansas's first Energy Action Plan

The Fayetteville City Council on Jan. 2 adopted an Energy Action Plan, the city has announced. The Energy Action Plan (EAP) provides a framework for the city's efforts to be a resource- and energy-efficient community. The plan, which addresses local effects of climate change, energy efficiency efforts, and clean energy production, is the first of its kind to be adopted in Arkansas. Fayetteville is the 54th city in the United States to adopt a goal of 100 percent community-wide clean energy.

"Fayetteville has shown leadership in climate change adaptation and mitigation in a variety of ways," said Mayor Lionel Jordan. "We purchased 100 shares of solar energy panels from Ozarks Electric Cooperative, installed electric vehicle charging stations, signed onto national commitments for clean energy and emissions reduction, continued promoting energy efficiency programs for homes and businesses, and much more. The Energy Action Plan is another bold step in our efforts to reduce greenhouse gas emissions and improve the quality of life for all Fayetteville citizens, present, and future."

City staff, University of Arkansas staff, community leaders, expert stakeholders, utility company representatives, and city administration worked collaboratively to develop the plan. The EAP includes goals, strategies, and action items to improve Fayetteville's economic, environmental, and social stability. Long-term goals of the plan include encouraging resilient local businesses, improving public health, promoting a culture of innovation, and leaving a legacy of stewardship for future Fayetteville residents.

The plan's goals are a 40 percent reduction in greenhouse gas emissions by the year 2030 and an 80 percent reduction by 2050, from a baseline year of 2010. These goals are consistent with the We Are Still In pledge signed by Mayor Jordan in June 2017, which commits to reducing the emissions in Fayetteville in line with the Paris Climate Agreement targets. Cities, states, businesses, investors, and universities across the United States have adopted the pledge. The EAP also sets clean energy commitments for the city that align with Mayor Jordan's pledge to the Sierra Club's Ready for 100% Clean Energy Campaign for Cities.


To read the Energy Action Plan or learn more about Fayetteville's climate and energy initiatives, visit [www.fayetteville-ar.gov/3246/Energy-Action-Plan](http://www.fayetteville-ar.gov/3246/Energy-Action-Plan)

## NWA cities and Little Rock get top marks in children's physical activity

Fayetteville/Springdale/Rogers ranked No. 1 and Little Rock ranked 4th among mid-size U.S. cities (cities with kid populations from 50,000-100,000) for kids physical activity, and Fort Smith is a leading small city in the country (cities with kid populations from 25,000-50,000) in minutes of movement for kids according to the Kids Movement Index released in November 2017 by GoNoodle.

GoNoodle promotes children's physical activity and supports the nation's teachers through online resources.

Arkansas overall ranked as the number three state, according to GoNoodle's index. As part of its investments to make children and communities healthier tomorrow, Arkansas Children's Hospital supports GoNoodle's physical activity breaks statewide to ensure that daily opportunities for activity are available to every elementary school classroom in the state.

The Kids Movement Index ranks top U.S. cities and states where elementary school-age children engaged in the most physical activity during the 2016-2017 school year through GoNoodle. The goal of the Kids Movement Index is to inspire communities, schools, and teachers to champion more daily physical activity opportunities for today's youth. The Kids Movement Index includes rankings of all 50 states and the top 10 metropolitan areas in three size categories (large, medium, and small markets). Learn more at [www.gonoodle.com](http://www.gonoodle.com). 

## Obituaries

**ELLIOTT "BILL" ORMAN ARNOLD**, 78, a De Valls Bluff council member, died Dec. 28, 2017.

**DEBRA GRIGGS**, 61, a Bassett council member, died Feb. 4.

**ALAN RUSSELL "PODUNK" HARRIS**, 91, mayor of Casa since 1955, died Jan. 5.

**JERRY HENSON**, 60, a Bryant council member, died Feb. 6.

**LOYD DENTON "DENT" NICHOLS**, 75, a Western Grove council member, died Dec. 26, 2017.

**ERIC STOVER**, 64, a Norfolk council member and member of the Norfolk Volunteer Fire Department board of directors, died Oct. 4, 2017.



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