

City & Town

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THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



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ON THE COVER—The National League of Cities held its annual Congressional City Conference in Washington, D.C., during the second week of March, mere days before such events would begin to be discouraged, delayed or outright cancelled across this nation and the globe as the COVID-19 pandemic rapidly spread. The League has been working hard during this difficult and unpredictable time to keep our membership up to date on the latest information, and in this issue we present beginning on page 11 a section dedicated to the crisis that includes legal guidance, public health and safety recommendations, and guidance for municipal employers. Read also in this issue highlights from the NLC conference, an overview of the changes to the State Aid Street Program for 2020, and registration information for the League’s 86th Convention, which, due to this public health crisis, will be held Aug. 19-21 rather than in June. Stay safe and stay healthy. We’re in this together.—atm

Features

11 What Cities & Towns Should Know During the COVID-19 Pandemic

A special section filled with COVID-19 resources for cities and towns

12 Legal FAQs for cities and towns

The League’s legal team offers guidance on frequently asked questions about law enforcement’s role during the crisis, keeping public meetings public, closing public facilities and human resources policies.

16 Employer response from a workers’ compensation perspective

Exposure to the coronavirus does not count as a compensable workers’ compensation injury, the Municipal League Workers’ Compensation Program manager explains.

17 MHBP expands COVID-19 coverage

The League’s Municipal Health Benefit Program is expanding access for members to certain benefits as we work together to limit the spread of COVID-19 in our state.

18 NLC takes message to nation’s capital

Strong local-federal partnerships are the key to moving this country forward on public health and safety strategies, fixing our nation’s failing infrastructure, addressing the housing and homelessness crisis and strengthening the economy to benefit all Americans, the National League of Cities believes, and city leaders from across the United States gathered March 8-11 in Washington, D.C., to discuss these and other vital issues at the 55th annual Congressional City Conference.

24 State Aid Street Program updates criteria for 2020

Increased funds available for overlays and new special funding options for disaster recovery are among the updates for 2020 to the application process for the hugely successful and award-winning State Aid Street Program.

City & Town Contents

Arkansas Municipal League Officers.....	5
Community Development.....	36
COVID-19 Resources	11
Engineering.....	42
From the Desk of the Executive Director..	6
Municipal Mart	54
Municipal Notes	10
Obituaries.....	10
Planning to Succeed.....	34
President’s Letter.....	4
Sales Tax Map.....	51
Sales Tax Receipts	52
Turnback Estimates.....	50
Urban Forestry.....	40
XPert Diagnostics	44
Your Health	38

Dear friends and fellow public servants,

I thought a couple of weeks ago that this letter would be an address regarding the COVID-19 outbreak in Arkansas. That was before Jonesboro was struck by EF3 tornado that ravaged a five-mile path through our beloved city.

So my message now is one of miracles.

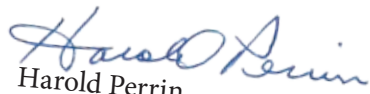
I believe in miracles, having always been a man of faith. But what I witnessed in the days following the March 28 storm that ripped through Jonesboro has truly inspired me to believe we can get through most anything, including coronavirus.

Initially, when we learned there were no serious injuries, much less fatalities, I was incredibly relieved. I said a prayer of thanks amid the rubble. And we still have rubble. We have lost our beautiful mall and our airport, and many businesses are entirely destroyed. We gave thanks and counted our blessings that, due to coronavirus-related closures, the mall and restaurants were relatively empty compared to a normal Saturday. But when I learned that more than 250 homes had been totaled, I chalked it up to a miracle. My brain cannot hold the devastation I have witnessed with the idea that no one was seriously injured. It makes no sense.

What also touches my heart is the community spirit that has come to our rescue, both from within our city limits and from other communities across Arkansas. We had first responder vehicles from many cities and counties lined up within a couple hours. A fleet of emergency vehicles was scouring our city looking to help anyone who needed assistance. Cities around the state have reached out with offers of kindness and assistance. Some have even set up donation accounts in their own hometowns, all in a statement of love for Jonesboro.

I don't have the words to express the appreciation, the kinship and love we in Jonesboro have been blessed with during this time. Yes, it has been hard and continues to be. But I also know this: We are not a weak people. We are a resilient, tough bunch of Arkansans who buckle our chin straps and get to work when the work gets hard. Many challenges lie ahead. A lot of uncertainty awaits us. Some would be afraid. But they didn't see the response we saw after this tornado. You love us and we love you. We will get through this together.

Sincerely,



Harold Perrin
Mayor, Jonesboro
President, Arkansas Municipal League



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From the Desk of the Executive Director

COVID-19: Health, commerce and local government at a crossroads



We are teleworking, social distancing, washing our hands (for 20 seconds!), staying away from crowds and staying home. Yet with all of these efforts, the COVID-19 virus is spreading across our state like an unrelenting thunderstorm pelting damaging hail, blowing vicious wind and debris. Equally devastating is the F3 tornado that pelted hail and blew vicious wind and debris through my hometown, Jonesboro. None of us will forget 2020. It is a terrible monster, this COVID-19, this coronavirus, this disabler, this killer. As if COVID-19 is not heavy enough, Jonesboro must now rebuild much of its housing stock and retail outlets while also trying to avoid the virus. This all sounds so overwhelming and so very dire. Yet here we are, working and doing the best we can for ourselves, our families and our state. How do we start to make some sense of our lives during this epic chaos? Where do we begin?

We must follow our leaders of course. Governor Hutchinson has been amazing in this crisis. We must listen to him, and his team,¹ and we must follow their sage advice. We must listen to the nation's doctor, Dr. Fauci, and his team. We must listen to our personal doctors. However, there is something stronger at our disposal. In the long run it can and will defeat this enemy. Who or what is this savior? It is simple really. It's us. All of us.² Even those irresponsible enough to play on a beach with thousands of others over Spring Break must join, albeit from six feet away. Those who are healing must join. Those who have lost loved ones must too be vigilant and join. All of us, but no one more so than local government officials and employees.

The front lines of defense to the virus and response to Mother Nature's disasters are cities and towns. Once again, municipalities are called upon to guide us through this jungle of germs and a devastated Jonesboro. Once again city and town employees will burn the midnight oil to do as much as possible to make our world safe and secure. Municipal officials are at the proverbial tip of the spear in both of these battles. Think about that. Our state is fighting an all-out war against COVID-19 and dealing with the ravaged aftermath left by Mother Nature. Could there really be anything more diverse than that? Given that most of this publication's readership are city officials, I do not need to remind anyone of that which you are already familiar.

Although, as I ponder it,³ maybe I do. Perhaps you are so very focused on the tasks at hand that you have forgotten that cities and towns are the first cog in a very complex machine—a machine that ensures citizens are healthy and secure. Let us start with the most visible, our emergency services: police, fire and EMS. Talk about front lines! They are the initial face the public sees when a 911 call is made or a natural disaster occurs. Many more city services come into play. How about solid waste pick-up, water and wastewater? What sort of stench would there be without the proper disposal of garbage and debris? I'm not a doctor or scientist, but I am confident that rotting trash gathering curbside would not be helpful to

¹ Three cheers for our state team of leaders and experts. I'm sure I'm leaving somebody out, but how about those daily briefings from: Arkansas Secretary of Health Dr. Nate Smith, Arkansas Surgeon General Dr. Greg Bledsoe, A.J. Gary, director of Arkansas Department of Emergency Management, and so many others.

² Keyword: ALL. As in ALL of us. Everyone. Everybody. All.

³ The League's staff (best in the business, by the way) will tell you that I routinely say, "let me ponder that" or "let me chew on it." I'm sure it's annoying as they are always so eager to help the membership. My pondering and chewing may periodically seem to be a hurdle, but I always have a good reason for doing so. A good night's sleep often offers clarity that may not have been present in the heat of the daily grind. Mother Hayes taught me that. Actually, Father Hayes did too, now that I ponder it a bit. Not a priest, my dad! And did you see what I did there?!

our COVID-19 eradication efforts. Imagine there being no or little running water during the virus crisis or aftermath of the Jonesboro tornado. Thus, no surgical scrubbing, no hospital room cleaning, no indoor plumbing.

Municipalities are striving with every fiber of their being to keep services running and to ensure they are top notch. Mayors, managers, administrators, board members, council members, department heads and municipal workers continue to toil, even in these dire circumstances. Local government is showing up every day, whether observed or not. If municipalities were not showing up, there would be a clamor and cry the likes of which we have never experienced. Why? Because like a certain watch, cities and towns take a licking and keep on ticking. Anything less is inconceivable.

To help our brave, hardworking municipal officials and employees, the League has produced a COVID-19 page on its website.⁴ The page is found here: www.arml.org/resources/covid-19 or on the homepage of the League's website, www.arml.org. You will find guidance on multiple topics including but not limited to:

- Law enforcement's role related to the governor's orders and proclamations.
- Federal legislation related to COVID-19.
- Public meetings held in compliance with social distancing (virtual meetings and the like).
- Public building closures or screenings.
- Telework guidelines.
- Governor Hutchinson's statements, orders and proclamations.
- Arkansas Department of Health's COVID-19 work, research and suggested protocols.

The page has so much information that staff is combining documents and updating them almost daily. Much of the aforementioned guidance and information has also been included in this magazine. The "COVID-19 Resources" section begins on "COVID-19 Resources" on page 11. The League's social media platforms are regularly producing virtual, real-time updates on the state's fight against the virus and the League's effort to support and lead in those efforts. I have written this column from my home office. The League, like you, is requiring most employees to telework and the few who aren't are being given specialized schedules to meet the needs of their families. While inconvenient, it is nothing like the folks in Jonesboro without a roof, or the fright known only to those who have become infected with this horrid virus. The League will do everything in its ability to help you and your city or town overcome, persevere and succeed in this awful time. You have the best League staff in the country doing its best for the membership. More importantly you have each other, acting as the point of the spear. As you always do, you make Arkansas great. Stay healthy and wash your hands.

Until next month, Peace.



Mark R. Hayes
Executive Director
Arkansas Municipal League

⁴ Time for me to brag about the staff once more: *Every* single staffer has risen to the challenge of teleworking, screenings, social distancing and so on. They've worked many extra hours to ensure that services like claims paying and lawyering continue uninterrupted. The communications team has gathered thousands of pieces of information and, like a complicated jigsaw puzzle, they've turned that information into a beautiful and easy-to-follow site.

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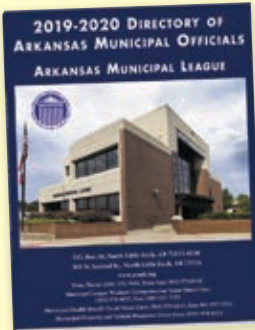
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The 2019-2020 Directory of Arkansas Municipal Officials



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- Day of city council meetings
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Children are born learning. Their early years determine a child's path to future learning and success in life. Working parents depend on child care providers to be their partners in giving their children a good start in life. Business depends on those same parents to keep the economy thriving. Our future is in child care.



Carlo wants to be a structural engineer. He learned about distance and spatial relationships in child care playing with blocks.

Alexa wants to be a biologist. She fell in love with nature growing plants from seeds in child care.



Anna wants to write a book that will inspire other children to love reading. She learned the power of words from a child care teacher.



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IIMC celebrates Municipal Clerks Week

The International Institute of Municipal Clerks (IIMC), a professional, nonprofit association that promotes continuing education and certification of municipal clerks for the betterment of the clerk's profession and the municipalities they serve, has designated May 3 through May 9 as the 51st Annual Professional Municipal Clerks Week. Your municipal clerk and deputy clerk work hard every single day with the public and the legislative government body. What better time than now for you to thank them by honoring the professionalism and devotion they apply to their work and the constituents of your municipality? Whether you are a mayor, city manager, city administrator, council member or the human resource manager, it is important for you to recognize your municipal clerk and deputy clerk during Municipal Clerks Week.

One of local government's oldest positions is the municipal clerk. Their duties have expanded over the years and, today, modern technology assists them with their increasing responsibilities. To stay abreast of new computer applications, records management and other relevant information, many municipal and deputy clerks return to the classroom to increase their knowledge of these issues, learn new material and sharpen old skills.

Springdale receives \$1.5 million EDA public works grant

The Economic Development Administration (EDA) has awarded a \$1.5 million public works grant to the city of Springdale to improve roadway infrastructure and facilitate new business. The EDA announced the grant on March 5. The grant will be matched with \$1 million in local funds and is expected to create or retain 125 jobs and generate \$14.6 million in private investment.

"EDA is pleased to support Springdale's strategy to enhance the roads and create access to a major state thoroughfare," said U.S. Assistant Secretary of Commerce for Economic Development Dr. John Fleming. "In addition, this project will make it possible for a food processing equipment manufacturer to construct a plant on a nearby site and bring much-needed jobs to the region."

The project will connect Kendrick Avenue and Highway 265 to create a streamlined transportation corridor that will attract new businesses and jobs to the area.

"Investment in infrastructure is vital to allow for continued growth and development in northwest Arkansas, which is why I'm pleased the Trump Administration awarded this grant," said Senator John Boozman. "Improving the function and accessibility of this roadway will help increase economic opportunities that will further support jobs and better meet commercial needs in the region."

"Arkansas' economy depends on safe, reliable infrastructure to move products to market," said Senator Tom Cotton. "Updating the roadway infrastructure in Springdale will help sustain long-term economic growth in the region."

The project was made possible by the regional planning efforts led by the Northwest Arkansas Planning and Development District.

2019 Act 833 Deadline for Arkansas Fire Departments

The 2019 Act 833 application period will open Jan. 1, 2020, and will close June 30, 2020.

Act 833 of 1992, "Funding for Fire Departments," is administered by the Arkansas Fire Protection Services Board and requires all Arkansas fire departments to become certified in order to be eligible for funding. Certification requirements include possession of a NFPA 1901-compliant fire suppression apparatus, a minimum of six active members with 16 hours of certified training and personal protective equipment for all active members.

New for 2019—Online application at the Arkansas Fire Portal arfire.arkansas.gov. To request log-in credentials contact your county LEMC/Fire Coordinator or State Fire Coordinator Louis Eckelhoff at 501-683-6781 or email louis.eckelhoff@adem.arkansas.gov. 🏠

Obituaries

B.G. HENDRIX, 97, who spent 34 years as a state representative from Fort Smith and served as speaker of the house during the 77th General Assembly in 1989-1990, died March 21.

MARY RUTH MORGAN, 91, who was treasurer of North Little Rock for 40 years and secretary of the city's senior citizens commission for 14 years, died March 23.

WHAT CITIES AND TOWNS SHOULD KNOW DURING THE

COVID-19

PANDEMIC

By Mel Jones, League staff

So much has changed since we began working on this issue. For one, a special section of COVID-19 resources was not on the editorial calendar. But, as the pandemic grew and eventually made its way to Arkansas, everything changed—not just for us, but for everyone.

No matter what the topic, it is always the League's goal to provide you—our members—with the most up-to-date information. And that goal has never been more laser-focused as it is in this moment: We've put the full force of the League behind the creation of not just the guidance and information on the following pages, but on the new COVID-19 Resources page on our website (arml.org/resources/covid-19).

As Mark mentioned in his letter on page 7, you can find guidance on a number of topics, from law enforcement's role in relation to the governor's executive orders and proclamations, guidance on federal legislation related to COVID-19, information on public meetings and the closure of public facilities, the Arkansas Department of Health's guidelines and resources, and all of the governor's statements, orders and proclamations. You'll also find templates to help in communicating information to your citizens.

The site is updated multiple times a day as we learn new information that will benefit municipal officials and employees, as well as their citizens. As information is added, members are also receiving updates via the AML Listserv. And our social media feeds—@ARMuniLeague at Facebook, Twitter and Instagram—are also dedicated to getting this information out to an even wider audience.

Like many of you, the League has made many hard decisions over the past several weeks. Originally slated for June, the 86th Convention has been postponed until Aug. 19-21. Registration remains open and rooms are already selling out. Additionally, the League is placing the Voluntary Certification Program for Municipal Officials and Municipal Personnel on a temporary hold through the end of 2020. Both of these decisions, while not made lightly, allow our members to continue to focus on the pandemic response in their cities and towns.

As of today—or as we call it, “press time”—most of the League is teleworking. The entire April issue of *City & Town* was produced remotely from our various home offices. Our legal team continues to analyze each new executive order and directive in order to offer the best possible guidance to our members, and the senior executive team continues to lead Team AML as we navigate this new world we find ourselves in. And, of course, if it weren't for our IT team, working from home offices, couches and patios (weather permitting), wouldn't be possible.

So no matter where we are, we remain fully committed to supporting our amazing members. We know you are on the front lines of this pandemic—every hour of every day—and we applaud you for your outstanding efforts. We are committed to supporting all of you as we are in this together.

COVID-19 legal FAQs for cities & towns

As the COVID-19 crisis continues to evolve, so too do questions about how municipalities enforce orders from the governor, address the closure of public buildings and facilities, and continue to conduct business while protecting their citizens and their employees. Following is guidance from the Arkansas Municipal League’s legal department regarding some of the most frequent inquiries.

GUIDANCE FOR LAW ENFORCEMENT

Q: What power does law enforcement have to enforce the governor’s Executive Order to limit restaurants to delivery and takeout only; the closure of gyms and indoor entertainment venues, barbers, body art establishments, body art schools, cosmetology establishments, massage therapy clinics/spas and medical spas; and the 10-person rule?

Arkansas law gives power to the governor, via the Arkansas Department of Health (ADH), “to take such action as the public safety of the citizens demands to prevent the spread of the epidemic or contagious disease.” *Ark. Code Ann. § 20-7-110*. On March 19, 2020, the ADH issued the following rule: “due to the close contact that occurs between customers and staff at a bar, club or retail food establishment, dine-in opportunities are closed until further notice but are allowed to remain open for carryout, drive thru and delivery.” In addition, “gyms (including fitness centers/clubs, fitness classes, and group fitness studios) and indoor entertainment venues, such as bowling alleys, trampoline parks and indoor amusement centers, are closed to nonessential functions until further notice.”

Similarly, on March 25, a directive was issued closing barbers, body art establishments, body art schools, cosmetology establishments, massage therapy clinics/spas and medical spas, as “there are no reasonable assurances of recommended social distancing and safety.” The directive was made in an attempt to reduce introduction of the virus into new communities and to slow the spread of infection in communities already affected by the virus. This directive and mandate is subject to change as the COVID-19 pandemic progresses.

The Secretary of Health, pursuant to his authority, has also issued a directive restricting gatherings of 10 or more people to limit the spread of COVID-19.

On March 26, through Executive Order 20-10 and in conjunction with the directive of the Secretary of Health,

Governor Hutchinson ordered the following, effective as of 12:01 a.m. on March 27, 2020, until further notice:

- (1.) All public and private gatherings of any number of people occurring outside a single household or living unit are subject to the following directives and exceptions:
 - a. Due to the high risk of community spread of COVID-19, gatherings of more than 10 people in any confined indoor or outdoor space are prohibited until further notice. Gatherings subject to this directive include, without limitation, community, civic, public, leisure, commercial or sporting events, concerts, conferences, conventions, fundraisers, parades, fairs and festivals.
 - b. This directive does not apply to gatherings of 10 or more people in unenclosed, outdoor spaces such as parks, trails, athletic fields and courts, parking lots, golf courses and driving ranges where social distancing of at least 6 feet can be easily achieved.
 - c. This directive does not apply to businesses, manufacturers, construction companies, places of worship, the Arkansas General Assembly, municipal or county governing bodies, or the judiciary; however, these entities are advised to limit person-to-person contact and maintain appropriate social distancing of at least 6 feet to prevent the spread of this virus.
 - d. The Secretary of Health reserves the right to exercise his authority to prevent the spread of disease in this State if, in his judgment, any of the excluded entities are operating in a manner that is a risk to public health.

Q: Many cities have now asked what authority law enforcement has to enforce these rules. In other words, can a law enforcement officer charge a person with a crime for violating a directive issued by the ADH?

We believe the answer is “yes,” based on Ark. Code Ann. § 20-7-101, which concerns violations of ADH rules. That law states:

- (i) Every firm, person or corporation violating any of the provisions of this act or any of the orders or rules made and promulgated

in pursuance hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both.

Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

As with any crime, we believe law enforcement has the authority to make a physical arrest for this misdemeanor. However, in these particular instances we believe that the first option should be to educate individuals of the rules and encourage them to move on. And because of the need to limit social interaction to only what is necessary, we advise law enforcement to issue a citation rather than make an arrest. Furthermore, we would encourage law enforcement to gather information concerning those violating these rules and share that information with the ADH.

Q: What's the definition of a retail food establishment?

As defined by ADH rule 1-201.(B), a "retail food establishment" means an operation that:

- a. Stores, prepares, packages, serves, vends or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location: catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; institution; or food bank; and
- b. Relinquishes possession of food to a consumer directly or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

GUIDANCE ON PUBLIC MEETINGS

First, we recommend you look out for the health and safety of your citizens and public officials by considering the postponement of all public meetings until threat levels have been reduced. Of course, we realize that there is no end in sight to this pandemic. And, if your city or town needs to have a public meeting, we recommend having only a limited agenda that includes only the items that need immediate consideration.

As for citizen participation at the meeting, it must be noted that the FOIA laws are still in place and have not been relaxed during this pandemic. Thus, if you must have a meeting, the public must be allowed to participate. When holding such a meeting, we would

advise providing notice to citizens that the health and safety of your community, and especially those most at risk in your community, is of primary importance. With that notice provided, we encourage cities to explore ways to allow for public participation while also minimizing the health risks during this pandemic. For instance, a city could limit seating during public meetings to ensure social distancing as suggested by the CDC. Or, if your city does not already post its meetings online, a city may consider having the council meeting streamed on Facebook Live so that the city can encourage citizens to keep up with their city government while in the safety of their own residence.

Q: Can council members attend meetings, and vote, virtually? In other words, can council members participate in the meeting by phone or some other electronic means?

Arkansas Attorney General Leslie Rutledge has indicated the most likely answer is "yes." However, "virtual" participation must ensure the public's ability to participate in the meeting is maintained. While the law is not crystal clear, we look to guidance from the Attorney General, who cites to a well-respected book on the FOIA.

According to the AG, for "virtual" participation by council members to not violate the FOIA, "there must also be some means of safeguarding the public's right to hear or monitor the telephone conversation or the electronic discussion, e.g., by use of speaker phones or by logging on to the computer network. *See generally J. Watkins, The Arkansas Freedom of Information Act*, p. 281 (3rd ed. 1998)." *Ark. Op. Att'y Gen. No. 2000-096* (Mar. 20, 2000); *see also Ark. Op. Att'y Gen. No. 2008-055* (May 7, 2008). In other words, if there is nothing in place to ensure the public can hear the "virtual" council member and nothing to ensure the "virtual" council member can hear the public, the meeting will likely violate the FOIA.

Q: Can a city council meeting be conducted with the public participating "virtually"? Or, in other words, can a council meeting be conducted with the public participating by telephone, video or Facebook Live?

The answer to this question is also not crystal clear; however, we believe the same logic from the AG opinion mentioned above applies to this question, as well. So, while the answer is likely "yes," public participation must still be maintained.

Professors Watkins and Peltz, in their most recent version of their FOIA book, state that it is permissible to hold a meeting in which "members of the public can 'attend' by participating in the video conference or

logging on to the network and monitoring the electronic discussion.” J. Watkins and R. Peltz, *The Arkansas Freedom of Information Act*, p. 306 (Fifth Edition 2009). *The Arkansas Supreme Court in Rehab Hospital Services Corporation v. Delta Hills Health Systems Agency, Inc.*, 285 Ark. 397, 687 S.W.2d 840 (1985) has approved the use of a telephone meeting with “telephones available to the public and press...” With that said, neither the FOIA book nor the Arkansas Supreme Court have addressed whether public participation via telephone, or other virtual means, would apply to a city council meeting.

However, considering these difficult times, we believe that as long as the proper safeguards are in place to ensure all members of the public could hear the council and that the council could hear the public, the meeting would not violate the FOIA. Please note, it is likely not enough to merely make the meeting available on the internet for the public to watch. There could be a location open to the public to listen to the council and a system allowing the public to speak to the council. This, or any number of other solutions ensuring public participation, would help ensure the meeting would not violate the FOIA. Of course, we understand technical capabilities are limited for many cities and towns.

GUIDANCE ON THE CLOSURE OF PUBLIC FACILITIES

Q: In light of the COVID-19 pandemic, the question of whether to close public facilities (i.e., city hall, community centers, parks, playgrounds) to the public to prevent further spread of this disease has been asked. This leads to a second question, how would such a closure work?

As with many decisions cities and towns face every day, the authority to decide what city facilities stay open during a time of crisis is a matter of local control. Either the mayor, as chief executive officer of the city, or the city council, as the governing body, have the authority to decide that city facilities should close to protect the health, safety and welfare of the public.

Of course, in light of the need for social distancing, a city council meeting to declare this would be risky. Thus, we advise the safest course of action is for the mayor to issue an order closing city facilities. This could be part of or in addition to any declaration of emergency the mayor has made or will make. We would also advise that when making the declaration the mayor explain the reasons for the closure, i.e., “In order to protect the public from further spread of COVID-19 and to assist with the governor’s directives to limit social distancing, the city will be closing the following city facilities to the public . . .”

To be as effective as possible, we encourage your city to provide as much notice as possible to the public, i.e., place notices at the city facilities, notify residents via any and all city social media platforms and website, and local news outlets.

If there are ways for the public to safely conduct business, make payments, submit applications and submit comments to the various offices and city officials of your city, clearly direct the public to those avenues.

SUMMARY OF FAMILIES FIRST CORONAVIRUS RESPONSE ACT¹ (“FFCRA”) HR 6201

Emergency Sick Leave

- Cities or towns with more than one (1) employee must provide full-time employees 80 hours of paid sick leave if the employee cannot work (or telework) because of any of the following qualifying reasons:
 - (1.) the employee is subject to a federal or state COVID-19 quarantine or isolation order;
 - (2.) the employee has been advised by a health care provider to self-quarantine due to COVID 19 concerns;
 - (3.) the employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
 - (4.) the employee is caring for an individual described in (i) or (ii) above;
 - (5.) the employee is caring for a son or daughter whose school or place of care is closed, or the childcare provider of the son or daughter is unavailable, due to COVID-19 precautions, or;
 - (6.) the employee is experiencing substantially similar conditions specified by the Secretary of Health.

**Part-time employees are entitled to paid sick leave, too. However, the leave time is not 80 hours, instead leave time for part-time employees is equal to the number of hours that such employee works, on average, over a two-week period.*
- Cities have the option to exclude health care providers and emergency responders from coverage.
- This sick leave is available for immediate use regardless of the employee’s tenure at the city or town.
- Paid sick time will not carry over from year to year.
- Employees taking leave to care for themselves (*see qualifying reasons (1), (2) and (3) above*) must be paid their regular rate of pay. However, sick leave

¹ For the full text of the Act see (<https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201enr.pdf>).

pay for qualifying reasons (1), (2), and (3) is capped at \$511 per day and \$5,110 in the total.

- Employees taking time off to care for family members (*see qualifying reasons (4), (5), and (6) above*) must be paid at two-thirds of their regular rate of pay. Sick leave pay for employees under qualifying reasons (4), (5), & (6) is \$200 per day and \$2,000 in the total.
- Employees are entitled to use this emergency sick leave *before* using any paid leave the employee has accrued through an existing city leave program. In other words, a city cannot require an employee to use any other available paid leave before using the sick time.
- Cities are prohibited from:
 - (1) requiring employees to find replacements to cover their hours during time off, or;
 - (2) discharging or discriminating against employees for requesting paid sick leave or filing a complaint against the employer related to such.
- Cities must post a notice containing information regarding the emergency sick leave provisions; the Labor Department will create a model notice no later than seven days after the Act is enacted.
- The Department of Labor is authorized to issue regulations to (1) exclude certain health care providers and emergency responders from paid leave benefits; (2) exempt small businesses with fewer than 50 employees from the paid leave requirements “when the imposition of such requirements would jeopardize the viability of the business as a going concern” (we are unsure whether any Department of Labor regulation allowing an exemption for “small businesses” will apply to cities or towns); and (3) ensure consistency between the emergency sick leave provisions and emergency family leave provisions described below. We will stay up to date on any DOL regulations and update as necessary.

Emergency Family Leave

Cities and towns must provide up to 12 weeks of FMLA leave for employees who:

- (1) have been on the job for at least 30 days, and
- (2) are unable to work (or telework) because
 - a. they need to care for a minor son or daughter because the son’s or daughter’s school or place of care has been closed, or
 - b. if the child care provider of that son or daughter is unavailable due to a COVID-19 emergency.

- The rate of pay for this Emergency Family Leave shall not be less than two-thirds of the employee’s regular rate of pay. The paid leave is capped at \$200 per day and \$10,000 total.
- For the first 10 days of time taken, the employer is not required to pay Emergency Family Leave; however, *see above Emergency Sick Leave requirements*.
- An employee can opt to use accrued paid leave, instead of this Emergency Family Leave.
- The employee on this Emergency Family Leave must be restored to his or her prior position at the end of the leave; however, this requirement does not apply to cities with fewer than 25 employees if the position held by the employee on leave no longer exists due to economic conditions or other changes in the employer’s operating conditions caused by the COVID-19 pandemic, and the employer makes reasonable efforts to restore the employee to an equivalent position.
- The Department of Labor is authorized to issue regulations to (1) exclude certain health care providers and emergency responders from paid leave benefits, and (2) exempt small businesses with fewer than 50 employees from the paid leave requirements “when the imposition of such requirements would jeopardize the viability of the business as a going concern” (we are unsure whether any Department of Labor regulation allowing an exemption for “small businesses” will apply to cities or towns). We will stay up to date on any DOL regulations and update as necessary.

Tax Credits

Currently there are no tax credits available for government employers who pay leave under either the Emergency Sick Leave or Emergency Family Leave requirements.

Please contact the AML Legal Department at 501-978-6136 with any questions about these or other COVID-19 inquiries.

Workers' comp guidance during COVID-19 crisis

In light of the recent health crisis involving COVID-19, the Municipal League Workers' Compensation Program (MLWCP) has received multiple questions concerning the compensability of claims of *exposure* or *potential exposure* to COVID-19. After reviewing Arkansas' workers' compensation laws, discussions with multiple attorneys and seeking guidance from other states, we have determined that a claim for *exposure* or *potential exposure* to COVID-19 is not a compensable workers' compensation injury. The basis for this decision is described herein.

Arkansas workers' compensation law determines what qualifies as an "occupational disease" and thus what is compensable. The relevant law is set out below:

A.C.A. § 11-9-601

(e)(1)(A) "Occupational disease", as used in this chapter, unless the context otherwise requires, means any disease that results in disability or death and arises out of and in the course of the occupation or employment of the employee or naturally follows or unavoidably results from an injury as that term is defined in this chapter.

(B) However, a causal connection between the occupation or employment and the occupational disease must be established by a preponderance of the evidence.

(2) No compensation shall be payable for any contagious or infectious disease unless contracted in the course of employment in or immediate connection with a hospital or sanitorium in which persons suffering from that disease are cared for or treated.

(3) No compensation shall be payable for any ordinary disease of life to which the general public is exposed.

The three underlined phrases are the primary legal reasons that *exposure* or *potential exposure* claims are not compensable. First, mere *exposure* does not necessarily "result in disability or death." See section (e)(1)(A). Without an actual diagnosis of COVID-19 there can be no "Occupational Disease" and thus no claim.

Second, to have a compensable injury, a connection between the employee's job duties and the injury must be established. Mere *exposure* to someone who may or may not have COVID-19 does not satisfy this causation requirement. See section (e)(2).

Third, finally, and perhaps most importantly, as established in section (3) of the recited law above, "an ordinary disease of life to which the general public is exposed" is not compensable. As evidenced by the extent of the outbreak, COVID-19 is an "ordinary disease of life to which the general public is exposed." Thus, claims for *exposure* to COVID-19 are not compensable under the law.

We are mindful of the risks first responders are taking daily during this crisis. With that in mind, we encourage cities to review the Arkansas Department of Health rule related to *exposure* to a communicable disease:

Any emergency response employee who fears that he or she has been exposed to a communicable disease may notify the Department. Upon notification, the Department shall determine if the exposure requires additional investigation. In the event that it is determined that the exposure is one which should not create the risk of transmission of a communicable disease, the emergency response employee shall be so notified. If requested, he or she will be instructed as to additional steps that may be taken to confirm that no exposure to actual disease has occurred. If the Department determines that the exposure was one that could have caused the transmission of a communicable disease, the Department shall immediately contact the treating physician to determine if the patient was infected with a communicable disease. If it is determined that the individual was infected with a communicable disease, the emergency response employee shall be contacted immediately by the Department and counseled concerning the recommended course of action.

Even though the MLWCP has determined that claims for *exposure* or *potential exposure* to COVID-19 are not compensable, make sure to allow employees to continue to file their workers' compensation claims if they wish to do so. While this may seem contradictory, by filing a claim the employee will preserve their rights under Arkansas law.

For questions, contact Katy Busby, MLWCP Manager, at 501-978-6133 or via email at kbusby@arml.org.

Municipal Health Benefit Program COVID-19 expanded coverage

Considering the recent coronavirus outbreak, Municipal Health Benefit Program (MHBP) will offer expanded coverage for COVID-19 as described below. MHBP is committed to serving the community and its membership during this time of need by providing easier access to necessary medical care.

1. MHBP will cover medically necessary diagnostic tests that are consistent with the Centers for Disease Control's and the Centers for Medicare and Medicaid Services' guidance related to COVID-19 at no cost share to the member, and where it is not covered as part of the public health service response.
2. MHBP will allow members to refill their maintenance medications early to ensure an uninterrupted supply of medication during the COVID-19 threat.
3. MHBP has expanded its telemedicine benefit in accordance with recent changes to the regulatory landscape in Arkansas. Prior to the recent outbreak, MHBP offered a telemedicine benefit through eDoc America, which in compliance with previous Arkansas law, required patients to first be seen by a provider, either in person or via videoconference, in order to establish a relationship for future telephonic visits.

However, on March 20, 2020, Governor Hutchinson suspended several regulatory hurdles that had otherwise limited remote patient access to health providers. Now, a doctor, any doctor, may establish a relationship telephonically, minimizing the number of people in waiting rooms and decreasing the risk of the spread of contagious diseases.

What this means for MHBP members is this—you are now be able to consult with doctors, counselors and other providers over the telephone in the place of an office visit. This allows our sick and infirm members to communicate with a doctor without first having to go into an office, thereby exposing other patients and health care workers to possible infection.

Keep in mind that eDoc America is provided at no charge to our MHBP members. If you see another provider via telemedicine, that claim will be paid according to your benefit (most likely only a copay attributed to the office visit).

MHBP will continue to monitor the situation and take any additional steps necessary to support the needs of the communities that we serve.

What To Do If You Are Sick With COVID-19

If you or one of your employees are concerned that you or someone you know may have contracted coronavirus, the CDC and the Arkansas Department of Health encourage you to:

- Stay home except to get medical care
- Separate yourself from other people and animals in your home
- **Call ahead before visiting your provider, local emergency room or urgent care**

eDoc America offers free online and telephone access to medical professionals who can assist with COVID-19 screenings. Visit eDocAmerica.com or email info@eDocAmerica.com to get started.

UAMS also offers free online COVID-19 screenings. Visit uamshealth.com/healthnow/ to answer a series of questions about your age, symptoms, overall health and travel, or call 1-800-632-4502 to speak to someone directly.

The Arkansas Department of Health is available to answer any questions about possible COVID-19 exposure by calling its triage hotline at 1-800-803-7847, and is otherwise a great resource for coronavirus information, which can be found at www.healthy.arkansas.gov.

We encourage our groups to emphasize staying home when sick, respiratory etiquette and hand hygiene by all employees; to perform routine environmental cleaning; and to advise employees before traveling to take certain steps.



Local-federal partnership essential, NLC tells D.C.

By Andrew Morgan, League staff

The National League of Cities (NLC) hosted the 55th annual Congressional City Conference March 8-11 in Washington, D.C., where nearly 2,000 mayors, council members, and other city and town leaders from across the United States gathered to hear from top administration officials and members of Congress, and to discuss issues vital to local government, such as infrastructure, preemption, the 2020 census and economic development. The conference also provided local officials the opportunity to set meetings with their congressional delegates, with the final Wednesday of the event designated as Capitol Hill Advocacy Day.

The current global health crisis cast a cloud over the event, and it's safe to say that if we had been a week or two further along in confronting the pandemic, the conference likely would have been cancelled. As news emerged of the spread of the novel coronavirus COVID-19 in the United States, the NLC took precautions to try to ensure a safe meeting environment, including dubbing it a "handshake-free" event, distributing hand sanitizer, and encouraging extra handwashing and as much social distancing as possible under the circumstances. Reports of the growing threat continued to roll in throughout the meeting. On the final Wednesday of

the conference, we learned that the first case back home in Arkansas had been confirmed.

To provide updates and guidance on the spread of COVID-19, the NLC invited Dr. Oscar Alleyne, a leading epidemiologist who is senior advisor for public health programs at the National Association of County and City Health Officials, and Dr. Mitch Wolfe, chief medical officer at the Centers for Disease Control, to address general sessions during the conference. The goal is to "move from containment to community mitigation," Alleyne said. That remains the key to slowing the spread of the disease, he said. "Now, if you're able to provide interventions and strategies, you're able to suppress it



Epidemiologist Dr. Oscar Alleyne, left, and West Hollywood Mayor Pro Tempore Lindsey Horvath.

and hopefully result in it not really having as large of an impact as we anticipate.”

A video of Alleyne’s presentation is available at videopress.com/v/uTiLEysO.

The CDC’s Dr. Wolfe provided an overview of how the virus is spread and the recommendations on how to minimize its person-to-person spread, including social distancing, regularly washing your hands with soap and water for 20 seconds or more, using alcohol-based hand sanitizer when soap and water is not immediately available, avoiding touching your face, and covering your cough or sneeze with a tissue and then throwing the tissue away. “It’s very simple, but it’s not that easy to do on a consistent, regular basis,” Wolfe said. There is as yet no anti-viral treatment for COVID-19, but promising studies are underway, he said. “Treatment is mainly supportive care—relieving your systems and then managing complications in the hospital.”

He encouraged city leaders to visit cdc.gov/COVID19 for the most up-to-date response and prevention information. The NLC has also made available Wolfe’s presentation materials at nlc.org.

NLC President Joe Buscaino, president pro tempore of Los Angeles, welcomed local leaders to the conference and called for city officials to make their voices heard and their needs known to the candidates during this crucial election year. “Colleagues, it’s been a whirlwind,” he said. “But if there’s one thing that it’s solidified for me, it’s this: that cities, towns and villages get things done because action overrides partisanship.”

Buscaino’s call to action during his term as NLC president is to “lead with urgency,” with a focus on several key issues, including homelessness and housing insecurity, workforce development, and strengthening the local-federal partnership. That partnership is the reason city and town leaders have gathered in D.C., he said. “We are the ones on the ground. We are the local leaders who know best the pulse of our communities and what’s happening on the ground every single day. We must ensure that Washington hears us. And then, we need to make sure that they act.”

With so many challenges before us, there’s never been a more important time to come together to advocate for our needs, said NLC First Vice President and



Dr. Mitch Wolfe, CDC



NLC President Joe Buscaino

Lexington, South Carolina, council member Kathy Maness. “We must call on Congress, our federal leaders and each other to take action. If you want to push beyond the partisan gridlock and short-term fixes, we must be intentional about the policies that we create, the instruments and investments that we make and the future that we want to create for our cities, towns and villages. More than 200 million people live in our communities, and what’s good for our cities, towns and villages is good for the whole country.”

Residents across the nation have already begun to receive their 2020 census forms by mail, and supporting cities in this process is a top priority for the NLC, said Executive Director Clarence Anthony. Every other priority—homelessness and affordable housing, infrastructure investment, supporting our workforce, and coordinated responses to public health crises like COVID-19—will be connected to the census count in our communities, he said. “Our effectiveness in responding to and partnering on these issues hinges on our ability to know our citizens, to know our community. And the best way to do this is through an accurate census, accurate numbers, accurate data about who lives in our community. That’s why we must ensure a full and accurate count on the census in 2020.”

In addition to determining our political boundaries and representation, the count will determine how \$1.5 trillion of federal funds are allocated to the state and local level. The census also determines how much is spent in our communities on programs important to local governments, like community development block grants, low-income housing assistance, SNAP and other food-insecurity assistance, and loans for rural hospitals. For this reason, it’s essential that we reach those hard-to-count populations in our cities and towns, Anthony said. “The fact is we know that parts of our communities have been undercounted for decades and decades. Children under five, racial and ethnic minorities, immigrants, residents experiencing homelessness, and single-parent households have all been undercounted historically.”

Local officials play a key role in making sure these populations get counted this year, he said, and the NLC has resources to assist in their efforts at nlc.org. “NLC is here to support your efforts to make the census an



NLC First Vice President
Kathy Maness



NLC Executive Director
Clarence Anthony

accessible, welcoming and safe exercise that will help ensure critical federal funding and congressional representation for every city, town and village in America.”

The NLC welcomed two speakers of the House of Representatives to the stage during the conference, current Speaker Nancy Pelosi and former Speaker Paul Ryan, who shared their perspectives on a number of issues. Speaker Pelosi said cities know better than anyone that the state of our infrastructure is a crisis, citing the D+ rating the American Society of Civil Engineers has given our nationwide system. Congress is working on solutions, and hopefully they will be bipartisan, she said. “It always has been. We hope they will be.”

The House is working on an infrastructure framework, Pelosi said, that includes \$760 billion in investment over five years on bridges, roads, schools, broadband internet and more key areas. Much of our nation’s water treatment facilities are woefully insufficient, and that affects our ability to respond to the current coronavirus crisis, she said. “Some of our water supply springs from facilities that are 100 years old made of brick and wood and just completely substandard for meeting our needs.



Speaker of the House Nancy Pelosi

And in some communities the water is not good, so when you say to people, ‘wash your hands for 20 seconds with soap and water,’ some of them just don’t have water that is clean and healthy to wash their hands, much less to drink.”

Pelosi said the House’s infrastructure plan creates good-paying jobs, strengthens “buy-American” protections, gives local governments greater control over project funding, and addresses the climate crisis. “This is such an important issue,” she said. “It’s about public health, it’s about the economy, it’s about national security and it’s about our responsibility to future generations.”

City officials across the country are leading on all of these issues, she said, and she encouraged them to continue to share their needs and their ideas with their congressional leaders. “You’re doing your part, we should do ours,” Pelosi said.

Paul Ryan retired as speaker of the House at the beginning of 2019 after two decades in Congress and now heads The American Idea Foundation, a nonprofit that aims to promote “evidence-based” reforms on issues like economic development and infrastructure.

In conversation with NLC Executive Director Clarence Anthony, he gave his take on these challenges and potential solutions. For getting capital into economically hard-hit areas, the Opportunity Zones created as part of the 2017 tax law have great promise, he said. It is important, however, that investments in these zones don’t operate merely as tax shelters or as a way to gentrify and push poor people out, he added, saying that is something his foundation is working on. “This is a tool for revitalization, so what my foundation works on is to make sure that the Opportunity Funds that are being erected out there understand the mission of Opportunity Zones,” Ryan said. “The reason people like me put this in the law in the first place was, let’s get all this private capital that’s out there and put it into, draw it into the poorest communities in the country and use it to revitalize those areas.”

Real estate investment is just the first part of the overall strategy, he said. To make it work, investors must partner with local, on-the-ground nonprofits and poverty-fighting groups to create jobs in the zones, Ryan said. “We knew real estate would be the first wave of investment, but we want it to go to retail and light manufacturing, other employment-density type industry to come into these areas.

On the subject of raising revenue for revitalizing the nation’s infrastructure, doing so via new taxes is probably a no-go, Ryan said. Even if a higher gas tax was passed somehow, “it still wouldn’t get us there,” he added. He suggested looking to VMT (vehicle miles traveled) and other innovative, data-driven approaches. “I was actually pushing this four years ago,” he said. “It wasn’t ready for prime time.” He cited a pilot program in the state of Oregon that is showing promising results.



Former Speaker of the House Paul Ryan, left, and Clarence Anthony.

Workshops get into the details of preemption, workforce investment



Preemption is on the rise across the country, says Kim Haddow, third from left, during a workshop on the subject.

In Arkansas, the Arkansas Municipal League has launched the “Be Local. Be Heard.” initiative, which aims to raise awareness of the importance of protecting local leaders’ ability to make decisions at the local level. Maintaining local control for cities across the country is a priority for the NLC as well, and the conference workshop “Practical Tools for Fighting Preemption” focused on this vital issue.

Preemption is on the uptick across the nation, said Kim Haddow, director of the Local Solutions Support Center. “We’re seeing it on a much broader range of issues, and we’re seeing it across a much broader range of states.” Some of that is driven by state lawmakers with the ideology that the state, not local governments, should have overriding policymaking and regulatory control, and part of it is driven by industry lobbyists. Some preemption by state governments also has an element of racism, Haddow said. “We see it very much in the old confederacy, where there is an increased use of preemption in places like Birmingham, where there was an immediate preemption of a minimum wage that was passed by a majority-black city, and the preemption by the 80-percent-plus majority-white legislature.”

There is also an overlap of state minimum-wage preemptions and confederate monument preemption, with eight states, all southern, preempting local efforts on both. “There is a message there,” she said.

Communications, particularly areas like small cell and broadband internet expansion, is another area that is a big local control issue across the country, and Chattanooga, Tennessee, has been working on those challenges, said Mayor Andy Berke, who before holding that office was a state legislator. Between upheaval at the federal level and the grip special interests have at the state level, it makes things very difficult for local governments, he said. “They have a lot of sway, and it’s easier for them to go to the state legislature and capture there than to go to every city and figure something out.”

Chattanooga has been a leader in expanding high-speed fiber internet. Unfortunately that now makes them a target for preemption, with the industry lobbying to put its 5G towers on their existing infrastructure, Berke said. “The FCC is heavily lobbied by Verizon and all these other entities. When they get an FCC commissioner who’s more friendly to their interests, all of a sudden we see rules that come down on us. In Chattanooga, it’s a great place for this to happen because those cell towers that are delivering 5G have to be attached to something. What are they going to be attached to? They’re going to be attached to our fiber.”

Another issue with the new 5G technology is that it has several limitations, he said, including not penetrating buildings very well, and it doesn’t travel very far. “So they have to put more of these little towers everywhere in order to get the kind of penetration that they want,” Berke said. “And where are they going to put them? They’re going to put them in our right of ways. They’re going to put them in the places that we’ve spent decades if not centuries trying to get to where they are today.” Local officials must speak up, he said, because there are ways to do this while protecting local interests.

Lisa Soronen, executive director of the State and Local Legal Center, follows cases appearing before the U.S. Supreme Court and lower courts that affect local government, and she headed a workshop providing an overview of these issues. Several cases going through the lower courts right now will affect local governments directly, she said. These cases cover police use of force, ticketing and criminalizing homelessness, public officials’ use of social media and the First Amendment, and unconstitutional fines and fees for those too poor to pay.



State and Local Legal Center Executive Director Lisa Soronen

When the Supreme Court convenes this June, several issues before it will touch local governments as well, whether directly or indirectly, she said, and they’ll be taking on some “hot-button issues,” including abortion rights, the fate of DACA recipients, guns, sexual orientation and gender, and the president’s tax returns. These big issues could motivate unmotivated voters and affect election outcomes, thereby affecting municipalities downstream, Soronen said.

In the workshop “Investment in a Skilled Workforce: WIOA Reauthorization,” Fayetteville Mayor Lioneld Jordan participated in the panel discussion and offered his perspective. Federal investment in the future of work through the Workforce Innovation and Opportunity

Act or any other program must recognize that the traditional path from high school to traditional four-year secondary education is not a good fit for everyone, nor should it be, he said. Growing up in a poor household and building his career through an apprenticeship program has given him firsthand experience, Jordan said. “That is my background. That is my roots. I understand the struggles that working class people have.”



Fayetteville Mayor Lioneld Jordan

Fayetteville passed a \$226 million bond program last year, \$1.5 million of which is designated for workforce training. Unemployment numbers don’t tell the whole story, Jordan said. “When I look at my city, I look at a 2.6-percent unemployment rate yet my poverty rate is between 18 and 20 percent. Now there’s something wrong with that picture. That means people are working, some of them working two and three jobs. And we can do better than that. We can help people better than that.”

Along with getting workforce training and earning a living wage, people need a decent home, Jordan said. He agrees that we need more affordable housing, he said, but it still goes back to the need for a higher living wage. “Let’s first pay people a decent living wage. Instead of reducing housing to meet low wages, let’s raise the wages where they can buy a good house.”

“We’re on a journey right now, and I’m going to address the poverty level,” Jordan said. “And I think we don’t only need to address it in my city, we need to address it as a nation. It is time. The time has passed. And I see folks out there that understand that. They get it. They see people struggle. People in this country shouldn’t struggle. People in this country should have the best of the best. And we’re gonna get started on it. I don’t know where it’s all gonna go, but it’s gonna be done through development of talent, retention of talent and the attraction of talent, and the housing to go with it.”



Members of Arkansas’ delegation at the Capitol Visitors Center.

Delegate, meet delegate

On Capitol Hill Advocacy Day, Wednesday, March 11, the final day of the Congressional City Conference, the members of Arkansas’ city and town delegation met with members of the state’s congressional delegation and members of their staffs for a luncheon at the Capitol Visitors Center. Typically at this annual meet-up, our congressional leaders swing by and spend just a few brief minutes at the podium speaking about one or two key issues. For this year’s meeting, things were kept more casual. City leaders enjoyed the opportunity to chat more freely with the members of Congress. The congressional delegates appeared to appreciate the more relaxed nature of the meeting as well, and, over sandwiches and chips, they discussed a range of issues important to their state’s hometown leaders, like local water and wastewater infrastructure needs and, of course, updates on the coordinated response to the coronavirus pandemic. 🏛️



Rep. Rick Crawford



Sen. John Boozman



Rep. Steve Womack, center.



Sen. Tom Cotton, center.

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2020 Overview of the State Aid Street Program

By Steve Napper, attorney for the State Aid Street Committee

As we enter the eighth year of the State Aid Street Program, the League wants to provide an update and clarify the current rules that have been adopted by the State Aid Street Committee (the “Committee”).

On February 12, 2020, the Committee approved 75 projects for overlays or design. Since the program’s inception in 2013, 671 projects have been approved. Of this number 198 are second-time projects. The dollar amount of approved State Aid Street funds for projects now totals \$157,984,145. Once the 2020 projects are complete the total mileage of State Aid Street projects will exceed 1,000 miles—more than four times the length of the state of Arkansas!


Concerning the rules, effective January of 2020 the Committee increased the maximum amount of State Aid funds available for overlays from \$250,000 to \$300,000. Design projects remain at a maximum of \$400,000. It is not recommended to pursue a design project unless there are special circumstances such as upgrading a failing bridge (federal funds may also be available) or other special needs. The majority of the time, an overlay project is the way to go with 100-percent funding for all municipalities fewer than 25,000 in population and a 10-percent match required for those cities over 25,000 in population.

The Committee also adopted a new rule that would allow a municipality to apply for special funding (even if the municipality has just received a project) if a disaster wipes out an important street or other important infrastructure. Approval of such a project requires a two-thirds vote of the Committee.



How can municipalities maximize their opportunities for projects going forward?

A municipality may apply for a new project one year after an award of funding. This means those municipalities that were awarded funding of their projects in 2020 may apply again in 2021 even if the project is not completed or bid in 2020. The one-year rule applies to the date of funding and not the bid or completion date of the project.

Finally, you may not be aware that in 2015 the State Aid Street Program was the winner of the America’s Transportation Award for Quality of Life/Community Development. There is nothing like this program in any other state and it is our hope that it truly does increase the pride, quality of life and community development for the citizens of your municipality and that it will do so for many years to come. Comprehensive information concerning the program and the projects can be found on the program’s website at www.citystreet.arkansas.gov, or you can email me at Steve.Napper@hmflaw.net or League Operations and Programs Officer Sheila Boyd at sboyd@arml.org. 



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86th Annual Convention

Marriott Hotel / Statehouse Convention Center, August 19-21, 2020

REGISTRATION

Registration and payment must be received in League office by Friday, August 3, 2020, to qualify for pre-registration rates.

Pre-registration for municipal officials	\$150
Registration fee after August 3, 2020 , and on-site registration for municipal officials	\$175
Pre-registration for guests	\$75
Registration fee after August 3, 2020 , and on-site registration for guests	\$100
Other registrants	\$200

- Registration will be processed **ONLY** with accompanying payment in full.
- Make checks payable to the Arkansas Municipal League.
- Registration includes meals, activities and a copy of **2019-2020 Handbook for Arkansas Municipal Officials**.
- No daily registration is available.
- Registration must come through the League office. No telephone registrations will be accepted.
- **No refunds after August 3, 2020.**
- Cancellation letters must be postmarked by **August 3, 2020**.
- **Marriott guests:** In order to avoid a cancellation penalty of one night's room and tax, reservations must be cancelled at least seven (7) days prior to arrival.

HOTEL RESERVATION

Hotel Room Rates

Marriott Hotel (headquarters hotel)		
Single/Double	\$144	Check-in 3 p.m.
SOLD OUT		
Capital Hotel		
Single/Double	\$195	Check-in 3 p.m.
Doubletree Hotel		
Single/Double	\$146	Check-in 3 p.m.
Wyndham Hotel		
Single/Double	\$114	Check-in 3 p.m.

- Cut-off date for hotel reservations is **August 3, 2020**.
- Rooms in Central Arkansas are subject to a 13.5 or 15 percent tax.
- Rooms will be held until 6 p.m. and then released unless guaranteed by credit card.
- Contact the hotel directly to make changes or cancellations in hotel accommodations.
- Hotel confirmation number will come directly from the hotel.
- Please check on cancellation policy for your hotel.

Two ways to register

1 Register online at www.arml.org and pay by credit card.

OR

2

Complete the steps and **mail with payment** to:
 ARKANSAS MUNICIPAL LEAGUE
 Attn: 86th Annual Convention
 P.O. Box 38
 North Little Rock, AR 72115-0038

Step 1: Delegate Information

Name: _____

Title: _____ City of: _____

Attendee only email (required): _____ CC Email: _____

Address: _____ City: _____

State: _____ Zip: _____ Phone Number: _____

Non-city official guests will attend: Yes No

Name: _____ Name: _____

Step 2: Payment Information

• WHAT IS YOUR TOTAL?

<input type="checkbox"/> Pre-registration for Delegate \$150	<input type="checkbox"/> Pre-registration for Guest \$75	<input type="checkbox"/> Other Registrants \$200	Pre-registration Total \$ _____
<input type="checkbox"/> Regular Registration for Delegate \$175	<input type="checkbox"/> Regular Registration for Guest \$100	<input type="checkbox"/> Other Registrants \$200	Reg. Registration Total \$ _____

• How are you paying?

Check

Mail payment and form to:
 Arkansas Municipal League
 86th Annual Convention
 P.O. Box 38
 North Little Rock, AR 72115

Credit Card Complete information below and send to address above.

Credit Card: Visa MasterCard Discover

Card Number: _____ Exp. Date: __ __ /20__ __

Card Holder Name (as it appears on card): _____

Billing Address (as it appears on statement): _____

City: _____ State: __ Zip: _____ Telephone: _____

Email Address **(required for credit card payment)** _____

Step 3: Hotel Reservations

To obtain hotel reservations, registered delegates must directly contact participating hotels listed below. Please mention that you are with the Arkansas Municipal League to get the negotiated hotel rate.

Marriott Hotel **SOLD OUT** Reservations 877-759-6290

Capital Hotel Reservations 877-637-0037 or 501-374-7474

Doubletree Hotel ... Reservations 800-222-8733 or 501-372-4371

Wyndham Hotel Reservations 866-657-4458 or 501-371-9000

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- Vegan



86th Annual Convention

Marriott Hotel/Statehouse Convention Center, August 19-21, 2020

MONTHS

04

DAYS

07

HOURS

00

Countdown to Convention.

August 19-21 in Little Rock, AR.
See next page for more information.

Register online at www.arml.org.

Contact Whitnee Bullerwell
at 501-978-6105.

Cost for 10' x 10' exhibit space is \$600.
Cost for large equipment space is \$1,200.

TENTATIVE PROGRAM IN BRIEF

WEDNESDAY AUGUST 19

1:00 p.m.-7:00 p.m.
1:30 p.m.-2:30 p.m.
3:00 p.m.-5:30 p.m.
5:30 p.m.
7:00 p.m.

Registration and Exhibit Hall Open
Clerks Meeting
Training Sessions
Resolutions Committee Meeting
Opening Night Banquet

THURSDAY AUGUST 20

7:00 a.m.-8:45 a.m.
7:00 a.m.-4:00 p.m.
7:30 a.m.-4:30 p.m.
9:00 a.m.-12:00 p.m.
12:00 p.m.-1:30 p.m.
1:30 p.m.-5:30 p.m.
5:30 p.m.-9:00 p.m.

Host City Breakfast
Registration Open
Exhibits Open
General Sessions
Luncheon
Concurrent Workshops
Dinner on Your Own

FRIDAY AUGUST 21

7:00 a.m.-8:45 a.m.
7:00 a.m.-Noon
9:00 a.m.-10:00 a.m.
10:15 a.m.-11:45 a.m.
Noon -1:30 p.m.

Breakfast
Registration Open
Annual Business Meetings
General Sessions
Awards and New Officers' Luncheon

RESOLUTIONS

Suggested resolutions for consideration at the 86th Annual Convention should be mailed to:

86th Convention Resolutions
Arkansas Municipal League
P.O. Box 38
North Little Rock, AR 72115-0038

The deadline for resolution submission is Friday, July 17.

Resolutions may be drafted by an official of any member city or town and can relate to any matter of municipal concern. See your **2019-2020 Policies and Goals** for resolutions adopted at the 85th Convention.

WANTED: Elected city officials with 25 years of service

Were you elected and began serving your city or town in 1995? The League would like to know.

The League will give special recognition to **elected city and town officials** who are in their 25th year of municipal service at the 86th League Convention, August 19-21, in Little Rock.

Names must be submitted to the League by July 17.

Call Whitnee Bullerwell at 501-978-6105; Sheila Boyd, 501-537-3785; or write to P.O. Box 38, North Little Rock, AR 72115-0038.

NOTICE TO EXHIBITORS

At the 86th Convention, a special Exhibit Hall is available for businesses, companies and manufacturers to display their products and services that are available to Arkansas municipalities.

To guarantee your firm's exhibit area, contact the League immediately to reserve space for your display. Your name will be added to the list of exhibitors, and we will reserve a space for your exhibit when you arrive.

The cost this year is \$600 for a regular exhibit space or \$1,200 for a large equipment space. We cannot guarantee space for companies that do not register before August 3.

Call Whitnee Bullerwell at 501-978-6105, or write to Arkansas Municipal League, P.O. Box 38, North Little Rock, AR 72115-0038.

If you need assistance with environmental compliance issues, give us a call!

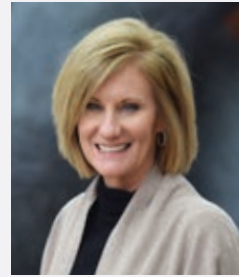


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Meet Cindy Frizzell, director of finance for the Arkansas Municipal League

City & Town: What are your duties and responsibilities at the League?



Cindy Frizzell: I have oversight over everything finance for the League! Our staff prepares the financial reporting for all League entities, coordinates audits, manages cash flows for day-to-day operations, oversees League and program investment portfolios, calculates annual dues, billing and program rating formulas, and oversees the IT department's budget. It's a lot to do, but my staff makes my job easy.

How long have you been working at the Municipal League? This November it will be nine years. I came from the private sector and started at the League as the controller. In 2015 I was named the finance director. I had great mentors in Joyce Standley and Paul Young, who taught me the history of the League and our mission of service.


How has the League changed since you've started? What has stayed the same? The League programs have grown and changed to meet our membership's needs. The League's mission to serve Arkansas' cities and towns 24/7 has never changed, and neither has the "personal mission" of the League staff to love each other and love our members. We want to make our communities better, and we consider it a privilege to work for our city officials.

What is the biggest lesson you've learned working for the cities and towns of Arkansas? Coming from the private sector, I had never experienced teamwork like I have at the League. Pulling together with a mission of public service can make a difference in society and the daily lives of citizens.

What advice would you have for someone just getting into public service? Listen and be willing to change. It is not important who is right or wrong, just work together and be flexible for the good of the people.

Where did you grow up? How has it changed? I grew up in England, Arkansas, a rural farming community. The people and their love of their community have not changed, but because it's so close to Little Rock, some businesses have closed as people started driving into Little Rock for their consumables. I still go back to my "old hometown" hair salon! I love small communities and I love my hometown.

What is your favorite spot in your hometown? I can't just pick one. I love my hometown church. It is made up of so many people who helped shape me into who I am today. I also love my family farm. The smell of the dirt in the spring and the harvest in the fall just can't be beat!

What is your favorite part about working for the League and the cities and towns of Arkansas? I love a challenge, and every day brings another challenge. I want to make a difference to the people I work with, the people that I work for and, most importantly, the cities and towns of Arkansas. 

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Meet Reddie Ray, Jacksonville council member

City&Town: What are your duties and responsibilities for the city of Jacksonville?

Reddie Ray: To legislate. Rules and regulations, laws, etc. Committee assignments.

Why did you choose public service? Did it choose you?

I like to work and help with people. I like to help solve people's problems, especially those who are less fortunate than me. I like to give a helping hand.

What's your favorite aspect of your position? What's the biggest challenge? The biggest challenge is to think and plan for the city's future and for its residents in the city of Jacksonville.

What's your favorite spot in Jacksonville?

Why? The community center, because I get to exercise. I really like the swimming pool. There are multiple things you can do at the community center and I love them all. I like to see people enjoying themselves at the center.

You've been involved in city government a long time. Why do people think you do a good job? People think I do my job well because I've been here for 30 years and caring for the people in Jacksonville from all walks of life in our city.

In what season does Jacksonville shine the most? Why? Springtime. Spring and summer, actually, because of athletics and festivals. Special events are also present at this time.

What was your favorite subject in school? My favorite subject was geometry.

What's the biggest lesson you've learned working for a city government? Love and kindness and the pursuit of happiness.

What advice do you have for someone who would like to follow your footsteps into this position? Be able to understand people. Have mercy for people. Hear people and pay attention to people. Listen to their problems.

What are some "can't miss" things that someone can do if they visit Jacksonville? The recreation center, City Hall, Main Street and The Little Rock Air Force Base. 🏛️



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The high cost of law enforcement-related lawsuits

The Arkansas Law Enforcement Accreditation Program, which focuses on agency best practices and developing core standards, can help mitigate the impact of costly litigation

By Gary Sipes

When it comes to insuring a city, risk pools are aware of the disproportionately high losses associated with law enforcement operations. It is becoming more common for insurance companies to withdraw coverage in the case of law enforcement misconduct lawsuits. If a small municipality lacks insurance, even a single claim against a police department can lead to major problems. According to a June 2018 article in *Governing* magazine, “Cities in California, Illinois, Louisiana, Ohio, Pennsylvania and Tennessee have in recent years opted to disband their police departments after losing coverage.”¹ In other scenarios, insurers have forced agencies to enact major reforms to ensure continued coverage.²

Additionally, police misconduct lawsuits are becoming more publicized. In New York, there is now an online database tracking these lawsuits (www.capstat.nyc/about/what). This searchable database allows citizens to see lawsuits against New York officers and the settlement amounts.

The good news: Cities and law enforcement agencies can take proactive steps to reduce liability and improve outcomes in the event of a law enforcement related lawsuit. We cannot stop lawsuits from happening, but we can be better prepared against them. There are several factors that improve a law enforcement agency’s defense in the courtroom and help reduce losses. These include:

- High-quality policies,
- Documentation officers received and acknowledged the policies,
- Documentation officers were tested on and competent in the policies, and
- Achieving law enforcement accreditation.

As the program manager for the Arkansas Law Enforcement Accreditation Program (ALEAP), I’d like to focus on the benefits of law enforcement accreditation and dispel some of the common myths associated with the process.

Overview of accreditation

Law enforcement accreditation is a voluntary process where police agencies prove their compliance with industry best practices. Accreditation programs like ALEAP develop state-specific best practices called “standards.” Standards address all the critical areas of an agency’s operations including policy management, officer training, evidence management and more.

Due to the comprehensive nature of the accreditation standards, law enforcement agencies are indirectly addressing the factors that will improve their defense in the event of a lawsuit. Policy development, tracking officer acknowledgment of policies and testing/training officers on critical policies are all part of the accreditation process.

What accreditation is not

Accreditation is not meant to be simple

If accreditation was easy, then every agency would have achieved it already. While the process may be challenging, it is not impossible or beyond even the smallest agency’s reach. In today’s environment, lawsuits are no longer just a “big agency” problem. We can no longer run the risk of thinking small departments are immune from large payouts.

Accreditation is not a list of do’s and don’ts

The beauty of accreditation standards is they help guide what an agency should be doing, not *how* they should be doing something. Accreditation provides a framework for operations but doesn’t squash the uniqueness or creativity of your department.

Accreditation is not a magic bullet

What accreditation *can* do is help your agency operate more professionally and be better prepared in the event of a lawsuit. The first thing a plaintiff’s attorney will ask for is the documentation of the alleged incident, the policy in place, and proof the officer signed and was trained on the policy.

Accreditation forces your agency to implement systems and processes that ensure all of the items

¹ See www.governing.com/topics/finance/gov-police-misconduct-growing-financial-issue.html.

² See www.washingtonpost.com/news/the-watch/wp/2016/03/01/how-the-insurance-industry-could-reform-american-policing.

requested by a plaintiff's attorney are in place. While this won't stop the lawsuits from happening in the first place, it will make your agency much easier to defend.

Accreditation is not free

Yes, there are costs to achieving accreditation, but they pale in comparison to the million-dollar payouts that are becoming more and more frequent. Agencies often think they must have a full-time accreditation manager, but that isn't always the case. Consider leveraging volunteers or student interns to assist with the administrative aspects of the self-assessment process.

You can also utilize technology to make the accreditation process much easier and faster. ALEAP partners with PowerDMS, a policy, training and accreditation management software to provide an electronic platform to manage the process. With an electronic platform like PowerDMS, many accreditation tasks can be automated and the proofs of compliance are simply reports generated by the software itself. This can greatly reduce the administrative resources needed in managing policies and compiling proofs of compliance.

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If your agency is interested in learning more about ALEAP accreditation contact me at 501-372-4600. Or reach out to one of the 14 other agencies—Hot Springs, Russellville, Trumann, Siloam Springs, Fayetteville, University of Arkansas, University of Central Arkansas, Texarkana, Vilonia, Conway, Little Rock, North Little Rock, Hope and Van Buren—that have achieved ALEAP accreditation to hear their experience of the process.



Gary Sipes, a former North Little Rock police officer who also served as chief of police in Benton and Jacksonville before his retirement, is executive director of the Arkansas Association of Chiefs of Police. Contact Gary at 501-372-4600 or email gary.sipes@arkchiefs.org.

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Our planning commission: What it must, should and shouldn't do

By Jim von Tungeln

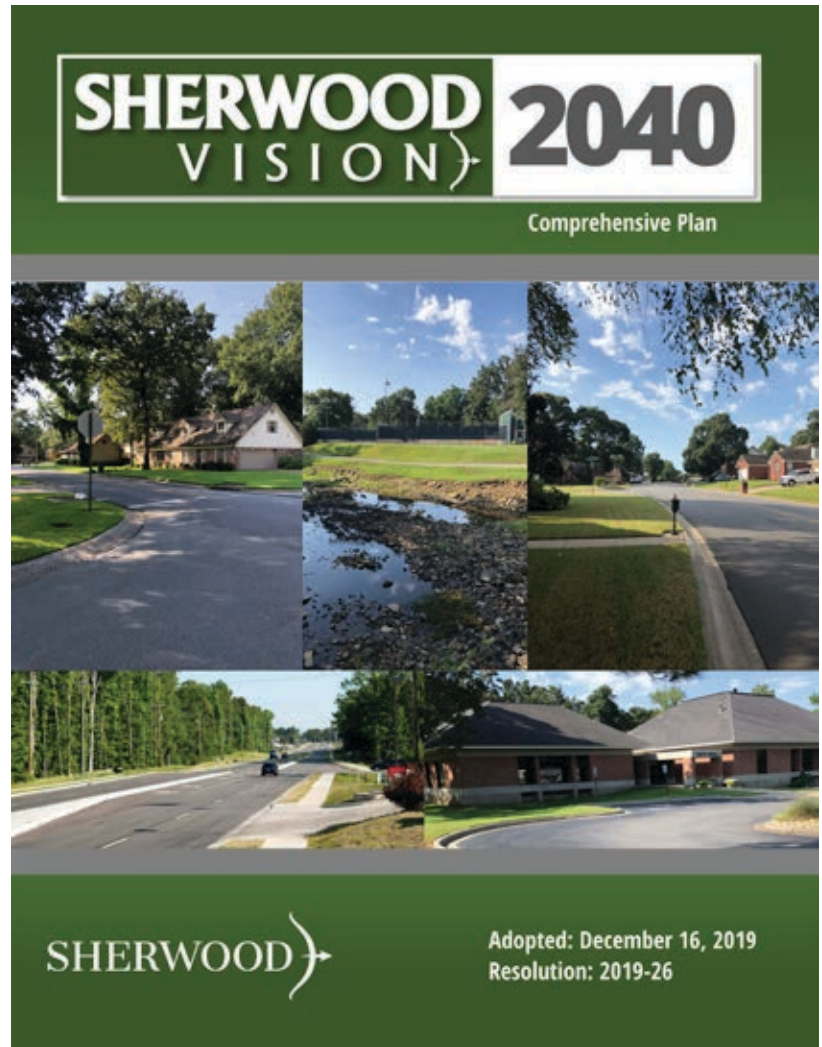
Visit 20 different cities in our state and ask random citizens to describe the planning commission. The answers will vary. The most common will be: “The what?” The second most common will be: “Oh, you mean the bunch you have to go see to get your property rezoned?”

Other common responses are, herein, unprintable. Even elected officials don't always censor statements on their commission in a complimentary manner. It would be a surprise to see the local planning commission honored at a banquet. Media accounts tend to focus on the argumentative nature of meetings. Contention demands attention.

In summary, the planning commission is a much-beleaguered body. This suggests another review of the planning commission and its function in municipal government in Arkansas. Most of what follows quotes or summarizes the most current state statutes in the *Handbook For Arkansas Municipal Officials* beginning with Section § 14-56-401. Although they have enjoyed revisions over the years, the statutes originated from the Standard State Zoning Enabling Act (SZEA) drafted by a committee of the U.S. Department of Commerce and first issued in 1922. It provided model legislation for states to enable zoning regulations. Arkansas' statutes date from Act 186 of 1957.

First, your city is allowed to “adopt and enforce plans for the coordinated, adjusted, and harmonious development of the municipality and its environs.” On that comforting note, your city may then create a planning commission of not less than five members, of whom at least two-thirds shall not hold any other municipal office or appointment except membership in the board of adjustment or a joint planning agency.

A city of the second class or an incorporated town may elect, by ordinance, to allow the city or town council to serve as the planning commission and board of adjustment. This reflects the difficulty of finding volunteers in smaller communities. The commission thus formed should meet as a separate body and follow the same statutes as that in a larger city.



Planning commissions plan first. Then they regulate. Congratulations to the Sherwood commission for its new plan.

State law does not mandate planning. It does mandate consistency in the planning process.

What, then, must the planning commission do? First, it must elect officers. Next, it must establish meeting dates providing for at least one regular meeting in each quarter of the calendar year. Then it must keep a public record of all business, resolutions, transactions, findings and determinations. A law emerging from the most recent meeting of the Arkansas General Assembly requires recording of all meetings and retention of the recordings for one year from the time of the meeting. Finally, the planning commission must adopt rules

and regulations for the discharge of its duties and the transaction of business.

If your planning commission is not doing any of the above, it is time to consult with the city attorney.

What's next on the agenda for the planning commission? Oddly enough, it involves planning. The planning commission shall have the duty and function of promoting public interest in, and understanding of, the long-term coordination of municipal planning. This involves the preparation of plans.

First, though, the planning commission must prepare a work program and make comprehensive studies of the city and its surrounding territory. Then it must create a planning area map. And as its name suggests, the planning commission may prepare plans for all or any portion of the planning area.

Finally, the commission, having prepared a plan or plans, must address their implementation. After adoption of the plan(s), the planning commission may prepare and transmit to the legislative body such ordinances and regulations as are deemed necessary to carry out the intent of the plans, or parts thereof. In other words, plan first, adopt second and regulate last. This, as attorneys are apt to say, is a process "observed more in the breach than in the observance."

The planning commission should engage a broad segment of input and support in the preparation of its plans. This includes staff, special interests, potential investors, local experts and the public at large. The commission should seek lateral discussion from municipal departments as well as elected officials. This includes, as a moral imperative, legal input. It is always best if a planning commission solves legal problems by avoiding them. Complex issues warrant outside expertise. In planning, the more input the better.

Broad consensus can't please everyone or every interest. It can avoid surprises, the kind that can doom a commission's best intentions.

A planning commission must establish a bond of trust with the elected body. Failure to do so will produce several results, none good. When trust is lacking, elected bodies tend to "take over" the planning process. Though members lack the time or experience to substitute their thinking for that of their commission, they may do so. One doesn't have to look far in our state to find developers who don't even present their best case to the planning commission. Instead, they save it for the legislative body where they know it will be heard afresh, or, in legal jargon, *de novo*.

Does this mean that elected bodies should simply rubber-stamp all items coming from the planning commission? Certainly not. Trust works in both directions. An experienced planning commission knows that a viewpoint may change depending upon where one sits. If the governing body disagrees with its planning commission rarely and on complex cases, it may simply mean that its members are paying attention.

Planning commissioners should desire and expect training and education. These are available from both the Arkansas Municipal League and the state chapter of the American Planning Association. Understanding the legal issues in planning is especially important. An old magazine ad once observed, "If a police officer should understand the U.S. Constitution, so should a planner."

Finally, the planning commission should never allow itself to exist by any name other than "The Planning Commission." It is not a zoning commission. It is not a planning and zoning commission. It is not the P and Z committee. It is not simply a recommending body. It is the city's planning commission, and as such, it should plan, adopt plans and recommend laws to implement those plans to the extent that such laws are necessary. Existing by any other name constitutes, in the opinion of some, an insult to the hard work, dedication to public service, and ability to endure abuse that their brothers and sisters of past generations have exhibited.

It is not without justification that some experts regard planning commissioners as the *crème de la crème* of municipal volunteers.

As mentioned earlier, much of the foregoing consists of quotes or paraphrasing from Arkansas municipal planning statutes. The statutes contain much more detail and should guide elected bodies and planning commissions in the exercising of their duties. Other portions of the above consists of the author's opinions based on a planner's education and experience. None of it represents legal advice. Legal interpretations require advice from attorneys, not planners.



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. Persons having comments or questions may reach him at 501-944-3649. His email is uplan@swbell.net.



PHOTO BY AARON BREWER

Run this town: Maximizing the community impact of a running event

By Dylan Edgell

Special events can be a powerful tool to build community while attracting outsiders to experience what you have to offer. From 5Ks to marathons, running events have been growing in popularity, and runners are willing to spend serious money to participate in a race that they see value in. The 2018 annual report from RunSignUp, a popular resource for race directors, showed a 23.1-percent increase in the number of registrations from 2017 to 2018. According to Arkansas Runner, there were 97 races registered in Arkansas in 2019.

Chances are there is a running event in your community, and a few key strategies can maximize its impact. I recently ran the Summit 2 Summit half-marathon in Hot Springs, part of the city's annual Spa Running Festival. I wanted to learn more about how it has impacted Hot Springs and how communities might replicate their success.

The Spa Running Festival has been active for 38 years and was originally started by a group of business leaders looking to address the issue of low tourism in the fall by organizing a health fest and 10K race. The event has since evolved to include a 5K, expanded into

downtown and recently added the Summit 2 Summit half-marathon.

In the most recent Spa Running Festival, every race sold out including the 5K, 10K and half-marathon. This event attracted over 2,000 participants from 26 states (and one person from France) to spend a weekend experiencing Hot Springs. Many runners reported that they spent a few days in the area staying at a hotel, dining at local restaurants and shopping at local businesses.

"The Spa City Running Festival, in many ways, highlights what makes Hot Springs such a special place to visit," said Hot Springs Mayor Pat McCabe. "Hot Springs is the most popular tourist location in the state and is well known nationally and beyond because it, too, has offerings for all ages and interests."

Running events don't have to be large to have a positive community impact. Hot Springs' success can be replicated on a smaller scale, said Spa Running Festival Race Director Cindy Baswell.

"A 5K can be just as successful if you promote it properly." She offered some tips to ensure that the next running event in your community has an impact far beyond race day:

Build community support

To ensure that an event is successful and sustainable, races need the support of the entire community. This includes support from local government to close down busy intersections for race day, the support of local businesses to sponsor the race and to have activities for the runners after they finish, and the support of the broader community to find volunteers to help promote and work the event. Sponsorships are particularly important for the long-term sustainability of the event.

Show off your community

Lean into the unique aspects of your community and show off your community assets. This is an opportunity to give a captive audience a tour of your town, and it is important to make the most of it by highlighting the best parts of your community. Additionally, RaceSignUp recommends creating a distinctive brand for your race to communicate to runners that your community is unique and worth returning to. The Spa Running Festival was able to draw on the unique history of Hot Springs' bathhouses, the beauty of Hot Springs National Park and the downtown area to create a memorable experience that was unique to Hot Springs.

Keep the runner in mind

The most important piece of advice is to keep the runner in mind. According to Baswell, "It's all about the bling." Runners love the swag that comes with registration at many races, like unique shirts and signature race medals. RunSignUp also recommends broadening your base of potential participants by offering multiple race distances at different price points so that individuals can find a race that is right for them.

Running events are a unique opportunity for a community to show off their town in a healthy and positive way. These events have the potential to create a positive culture of health and well-being in your community, bring in new visitors and have an impact that lives beyond race day. Keeping these strategies in mind will help ensure that the next race in your community is more than just a good workout.

To learn more about upcoming running events in Arkansas or to promote your local event, go to arkansasrunner.com.



Dylan Edgell is the assistant director for the University of Central Arkansas Center for Community and Economic Development (CCED) and an avid runner. Learn more about CCED at www.uca.edu/cced.

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How we deal with the new coronavirus

By Joseph H. Bates, M.D., M.S.

As I write this, COVID-19, the disease caused by the coronavirus outbreak that began late last year in China, has 853 confirmed cases in Arkansas. But there most certainly will be more, Arkansas Department of Health officials say. At press time there were more than 1.17 million cases worldwide with 64,000 deaths. In the United States, more than 307,000 people were sick and at least 8,358 had died. State health departments and the Centers for Disease Control and Prevention (CDC) are working together to keep track of outbreaks like the one we're dealing with.

What are we dealing with?

There are many kinds of coronavirus, and you've very likely fought one off before. It's the same virus family that's behind the common cold. But the 2019 virus, which appears to have jumped into humans from bats, is much more dangerous than the common cold. COVID-19 has been estimated to have a fatality rate of as much as 3.4 percent, but many experts believe it to be much lower. To put that in perspective, the fatality rate of the flu is usually around 0.1 percent, and we have seen 86 deaths from it this year in Arkansas already.

This disease appears to be much more dangerous and highly infectious. If a sick person infects two or more people, it spreads faster than people recover. And the virus is believed to spread when an infected person is not showing symptoms.

That's how this disease became an epidemic in China and, eventually, in South Korea, Iran, Italy and Spain. An epidemic is when a disease spreads rapidly to many people. A pandemic is when the disease has spread globally, and the CDC on March 11 declared it to have reached pandemic status.

Response from health care

Health care workers across Arkansas have been trained in caring for patients with COVID-19. Additionally, some hospitals have special quarantine units (many built for the Ebola outbreak back in 2015) in which to house patients who need the most care.

Drive-through testing sites are being set up to allow for testing those with symptoms. Meanwhile, the state health department sends doctors and public health officials daily updates on testing.

What you can do

Keep doing things like washing your hands frequently, and avoid touching your face, shaking hands with others and attending large gatherings of people. Limit your exposure to public spaces. If you must go out for groceries or other necessities, buy enough to last for a couple weeks to avoid repeat trips.

Also, if you end up coming in contact with someone who is thought to have the virus, you will be asked to self-quarantine by staying home for two weeks and separating yourself from other people and animals in your home.

The goal is to slow down the spread so that health care facilities are not overwhelmed and will have equipment and personnel to treat those who need hospitalization. And actually, most people who get the virus will recover on their own at home.

UAMS has set up a coronavirus hotline for people who have questions or feel they may have symptoms. The number is 1-800-632-4502.

UAMS HealthNow is also available for free COVID-19 screenings. To access UAMS HealthNow, go to UAMSHealth.com/healthnow and click on "Begin Screening." This service is available 24 hours a day, seven days a week to patients of all ages across the state of Arkansas and is accessible from a smart phone, tablet, laptop or computer with video capabilities.

All this may sound scary, and that's understandable. But that does not mean we should panic. It's important to focus on the simple, rational steps that can help keep you and your loved ones safe in this troubling time.



Joseph H. Bates, M.D., M.S., is the associate dean for public health practice and a professor in the Fay W. Boozman College of Public Health at the University of Arkansas for Medical Sciences.

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PHOTOS BY KRISTA QUINN

This American sycamore tree in downtown Bentonville makes a great shade tree and grows well in wet or dry soil.

From wet to wonderful: Growing trees on wet sites

By Krista Quinn

Many parts of Arkansas have soggy clay soils where it is difficult to grow anything. Poorly drained soil is one of the most common causes of tree death. Plant roots require air in order to function properly, and soil that is saturated by water has no room for air. For this reason, many trees grow poorly or die on wet sites. However, there are ways to turn problematic wet areas into beautiful spaces where trees will thrive with proper planning.

Poorly drained areas can occur naturally due to high clay content in the soil, a high water table or poor natural drainage systems. Poor soil drainage can also be the result of soil compaction caused by construction or other activities. The addition of soil amendments such as compost, well-drained topsoil or organic materials such as ground bark or leaf mold can be helpful in

these situations. Adding sand to clay soil, however, is not recommended since a very large amount of sand would be needed to improve the soil, and the addition of smaller amounts of sand often results in a concrete-like mixture.

Soil amendments are most effective if the entire root zone of the mature planting is changed. Therefore, adding soil amendments to tree planting holes is not recommended and may do more harm than good. When the soil in a tree planting hole is improved, tree roots often stay in the planting hole and are not encouraged to grow into the unamended soil. In these cases, trees may never fully mature and are often poorly anchored and subject to blowing over in storms.

A better solution for improving wet soils is to incorporate soil amendments uniformly throughout

the projected root zone by creating raised berms, planters or large landscape beds. The “scoop and dump” method is an effective way to improve drainage and soil texture in a large area. For this method, 6 to 8 inches of compost is spread over the area and a backhoe is used to dig down 18 inches. The backhoe bucket is lifted 3 feet into the air and the soil is dumped into the same hole from which it was dug. This is repeated over the entire area to mix the compost into the existing soil.

If there are existing trees on a site, amending the whole root zone is not advisable since the existing tree roots would be impacted. Radial trenching can improve the growth of existing trees on wet sites or in compacted soil. This method involves digging narrow trenches in a spoke pattern around trees and then backfilling the trenches with topsoil or compost. Root growth in the trenches will exceed root growth in the surrounding soil, and the roots will be encouraged to grow out from the trunks of the trees. Radial trenching is often done with a special tool called an air spade, which uses a high-powered stream of air to remove soil without damaging roots. It is best to hire a professional arborist to perform this task.

Some trees are tolerant of wet soils and can be planted in areas where it is not feasible to raise the soil level or add large amounts of soil amendments. Many trees that grow naturally in bottomlands or along streams are well-adapted to wet soil. Good options for wet sites include river birch, red maple, native persimmon, blackgum, hackberry, sugarberry, sweet bay magnolia, sycamore, bald cypress, weeping willow, sweetgum, American hornbeam, willow oak, water oak, overcup oak, swamp white oak and bur oak. While all of these trees can handle wet soil, they are not all adapted to living in areas where there is frequent standing water. The trees most tolerant of flooding include river birch, bald cypress, weeping willow and overcup oak.



Adding soil amendments to create raised berms, like these at an office complex near the Arkansas River in Little Rock, is one way to transform problematic wet areas into beautiful spaces where trees will thrive.

Trees may also be planted with as much as one-third of the root ball above the existing soil line in an attempt to establish trees on wet sites. If planted this way, a light layer (2-4 inches) of mulch should be spread over the root ball. Since bark mulch is prone to floating and washing away, shredded cedar or cypress mulch is often a better choice in wet areas since it stays in place. Installing French drains is another option to move water away from areas where trees will be planted.

Planting trees can actually improve drainage on a wet site since trees use a lot of water and tree roots enhance water movement into the soil. Unfortunately, spring is not the best time to plant trees in Arkansas since trees planted now would not have enough time to become well established before the heat of summer sets in. However, this is a great time to start planning and preparing areas for fall and winter tree-planting projects. Trees can be one of the easiest and least expensive ways to transform a wet and unusable area into a beautiful, functional space.



Krista Quinn is a county extension agent in Faulkner County with the University of Arkansas Division of Agriculture Cooperative Extension Service. Contact Krista at 501-329-8344 or email klquinn@uaex.edu.



PHOTO COURTESY McCLELLAND CONSULTING ENGINEERS

Cities must take into account the environmental impacts of any development project to ensure we protect our state's water sources and animal species. Pictured: clean discharge from Lincoln's wastewater treatment plant in Washington County.

Environmental compliance requires multi-layered approach

By Zane Lewis, PE, LEED® Accredited Professional BD+C

When I am looking at an infrastructure or development project, I like to know what I am getting into. When we look at the larger planning level of municipal needs and private development, things may seem simple. We see the surface costs and minor hurdles. However, what is often determined to be the first and easiest idea for a project location or route can be found later in the design process to be very complicated, more restrictive or more expensive. I also like to think about how all the environmental requirements that projects have to deal with fit together.

One of the things that I think about is the Arkansas Division of Environmental Quality (ADEQ) stormwater management plan. If a project will disturb less than five acres, this process does not require submission to ADEQ for review and approval, saving the time to submit and wait for comments. If the project will disturb less than

one acre, there is no permit required. But even without coverage there is a need for best management practices on every project to protect our streams and waterways. This permit is designed to keep our flowing waters free from sediment and pollutants carried by sediment.

One interesting detail of the coverage under the ADEQ ARR150000 Permit for stormwater discharges from construction is in Part 1, Section B.3 Responsibilities of the Operator: "Permittees with operational control are responsible for compliance with all applicable terms ... including protection of endangered species." What does that mean? Technically, it's nothing new because the Endangered Species Act of 1973 is federal law. We are required to comply with this law, but the requirement to comply being included in a state-issued permit brings additional oversight and obligation with which the team must comply.

To understand what potential impacts a project may have on endangered species, I use the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation web mapping tool, found here: ecos.fws.gov/ipac. This tool allows the user to define a project planning area and receive immediate feedback on potential endangered species in that area. This may be all that is needed. If the project proceeds and requires comment from USFWS, the web portal can also be a starting point for that process. In northwest Arkansas we often find that project areas may contain roosting trees for endangered bats. For many projects in northwest Arkansas there are restrictions on the removal of larger trees during summer bat-roosting months. In other areas of Arkansas this may apply to endangered birds, aquatic life or eagles (see the Bald and Golden Eagle Protection Act of 1940).

Sometimes property near streams or rivers is attractive as a potential project location due to the relative availability of land and lower land prices. But this could be cancelled out by the increased restrictions on land use in these areas. For a quick check on available flood data I use FEMA's National Flood Hazard Layer online viewer at hazards-fema.maps. This portal allows for quick viewing of existing flood data, with aerial image background and the ability to download the data in Geographic Information Systems (GIS) format.

For work within the One Percent Annual Change Flood Hazard area (also known as 100-year floodplain), a Floodplain Development Permit is required. The local authority—city or county—will provide the permit application, and the local floodplain administrator will review and provide comments. For development in the floodplain there may be additional requirements for floodproofing.

For work proposed within the Regulatory Floodway (inner main flow channel) that changes the existing ground surface grading, a No Rise Certification will likely be required. To manage ongoing flood insurance costs, a Letter of Map Revision may also be recommended or required. Depending on the proposed project schedule, these are items that take time (field surveys, engineering design and regulatory agency approval) and may require that projects raise finished floor elevation or roadway grades or construct floodproofing to gain approval and be safe for occupancy. There are engineering solutions to all of these details.

Temporary work within a waterway must be evaluated for impacts to “Waters of the U.S.,” a term that is back in the spotlight as the federal government considers the term's definition and limits. Previously the term was applied very broadly and required seasonal ditches and drainage ways to be included. It appears some of

that will be reduced, but specific areas like previously identified upland wetlands (those not directly connected to major streams or rivers) may still be reviewed on a case-by-case basis.

For input on potential wetland areas, I like to check the USFWS online National Wetlands Inventory Wetlands Mapper at fws.gov. This site includes previously identified wetland and other water-body data that can be viewed with aerial images or downloaded in GIS format. Unfortunately, the data from this map does not allow for federal approval and requires field survey of actual wetland extents for final approval of projects with federal funding.

Generally, however, a project that will interact with a river or stream should require review of the criteria for U.S. Army Corps of Engineers Nationwide Permits. Visit usace.org for a summary of Nationwide Permits and their uses. Nationwide Permit 12—Utility Line Activities, is one I am familiar with, and it has specific criteria for when a project must report to the Corps of Engineers, when a project can use the Nationwide Permit, and when the project must submit for a project-specific determination and permit.

Even when a project qualifies for a Nationwide Permit, the state of Arkansas requires a Short-Term Activity Authorization Permit to track temporary impacts to state waters. This permit allows for specific prior approval to exceed discharge limits at the work site for short durations. A part of the review for this permit is a check to see if a Corps of Engineers permit is also required.

While this list is not complete and only touches the surface of what a larger complex project would need to consider, it illustrates that there are multiple agencies in charge of multiple different aspects of how development and land alteration impacts the environment. By using some of the tools presented here, project leaders and planners can incorporate these project limitations and permit needs into project planning and keep projects on schedule.



Zane Lewis is a project engineer in the water/wastewater department at MCE's Fayetteville office. Contact Zane by phone at 479-443-2377 or email him at zlewis@mce.us.com.

Recreational marijuana vying for spot on ballot

There are currently four ballot initiatives being circulated throughout Arkansas concerning the legalization of marijuana for recreational use. There are several key differences among the proposals. Here is an overview of each initiative if they get approved to appear on the general election ballot in November.

The Arkansas Adult Use Cannabis Amendment

This amendment would allow for existing licensed legal medical marijuana dispensaries to also sell recreational marijuana to adults 21 and older, and this would begin on Dec. 4, 2020. New dispensaries and cultivation facilities would be licensed by the Arkansas Beverage Control Division of the Arkansas Department of Finance and Administration by lottery, which is different from the approval process by the Medical Marijuana Commission.

The legal possession amount allowed for recreational use would be higher than the 2.5 ounces per 14 days allowed for medical marijuana card holders. Without putting a limit on purchases within a date range, this initiative would allow for possession of 4 ounces of cannabis flower and possession of up to 2 ounces of cannabis concentrate. You would be able to grow your own marijuana, and possess up to six cannabis seedlings and six flowering cannabis plants. A dispensary would be authorized to cultivate in quantities set by Alcohol Beverage Control, and it shall be no less than 200 mature cannabis plants and 200 cannabis seedlings at any one time. All commercial establishments licensed to cultivate, process or sell cannabis to adults for personal use must be located at least 1,000 feet from a pre-existing school or church (with the exception of postsecondary institutions of higher education, community colleges or residents of students being home schooled).

Taxes generated would go toward administration of the program with the remainder split 60/40 between public pre-K and the University of Arkansas for Medical

Sciences. The initiative allows for local municipalities and counties to prohibit commercial cannabis retail sales within the jurisdiction by majority vote.

The Arkansas Recreational Marijuana Amendment

This ballot initiative defines recreational marijuana as any part of the cannabis plant that is cultivated and produced to be used as an intoxicant for adults aged 21 and older. Under this amendment, the Arkansas Department of Agriculture and the Alcohol Beverage Control Division shall regulate the cultivation and production of recreational marijuana that is sold in

the state. There would be two types of licenses issued: Class A and Class B. The Class A license would permit the possession, cultivation, transport and sale of marijuana plants and seeds. The Class B license would expand on Class A by allowing the production and sale of products produced by the plant.

The consumer would be able to purchase up to 4 ounces of smokable or vaporizable recreational marijuana per day. Consumers could grow up to 12 plants and possess an unlimited quantity of seeds and products produced from the plant. Nonresident adults would be able to possess and purchase up to 1 ounce of smokable or vaporizable recreational marijuana per day and up to 72 ounces of recreational marijuana in the form of food and drink per day.

Any person serving incarceration, probation or parole for violation of the Arkansas Uniformed Controlled Substances Act as it pertains to marijuana, and whose current and only conviction is for a marijuana-related

offense, would be released and all criminal records would be expunged if the conviction occurred prior to Nov. 4, 2020.

Marijuana would be subject to existing sales taxes plus an additional 8-percent recreational marijuana excise tax and a local sales tax of 5 percent. Marijuana sales locations must be at least 1,500 feet from an existing public or private school, church or daycare.

For More Information

Would you like to learn more about these and the other local and statewide initiatives that could appear on the ballot this November? The U of A Division of Agriculture Cooperative Extension Service is a great resource for voters. Here's what you will find in their detailed voter guides:

- How the proposal will appear on the ballot,
- Answers to basic questions about each initiative, and
- Reasons why people may support or oppose each proposal.

To access the Cooperative Extension Service's voter guides, go to uaex.edu, choose Business & Communities from the drop-down menu, and click on Voter Education.

The Arkansas Marijuana Expungement Amendment

This amendment, if passed, would become effective Dec. 1, 2020. It would allow someone with a conviction to petition for relief from cannabis criminal convictions. These convictions include felonies and misdemeanors for possession, cultivation, manufacturing and distribution of less than 16 ounces of cannabis, six plants or fewer, or paraphernalia intended to use marijuana. It would call for the creation of the Cannabis Conviction Relief Court by the chief justice of the Arkansas Supreme Court, who would appoint a retired circuit or chancery court judge to preside over the court to be funded by cannabis sales tax revenue. The Arkansas General Assembly would not have the ability to modify this amendment if passed.

The Arkansas Cannabis Industry Amendment

The amendment would make the cannabis industry legal under Arkansas state law and establish a system to legalize, control, license, regulate and tax marijuana. Taxation would occur for cultivation, acquisition, personal use, commercial use and distribution through licensed businesses and dispensaries. The amendment would not allow the Arkansas General Assembly to modify or tweak it. If passed, it would decriminalize marijuana at the state and local level and would create a new state agency called the Bureau of Cannabis Control to regulate the industry. The first \$30 million of tax revenue raised annually would be added to the public school capital construction assistance general revenue fund. All marijuana convictions would be expunged and those currently incarcerated because of a marijuana conviction would be released.



Xpert Diagnostics (formerly aTEST 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 2020. This scholarship covers the registration fee.

Additional scholarships include: four local \$400 scholarships to attend the Municipal Clerks' Institute, Sept. 13-17, 2020, in Fayetteville; one \$400 scholarship for the Academy for Advanced Education, Sept. 13-15,

2020, in Fayetteville; and one \$400 scholarship to attend the International Institute of Municipal Clerks (IIMC) annual conference, May 17-20, 2020, in St. Louis, MO.

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:

Andrea Williams, CMC, CAMC

City Clerk, City of Paragould

301 West Court Street

P.O. Box 1175

Paragould, AR 72450

Questions: **Andrea.Williams@Paragouldcity.org**
or **(870)239-7500**.

2020 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, 2020, and Dec. 31, 2020, 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 13-17, 2020	Deadline: May 31, 2020
	Academy for Advanced Education, Fayetteville	September 13-15, 2020	Deadline: May 31, 2020
	IIMC Conference, St. Louis, MO.	May 17-20, 2020	Deadline: April 17, 2020

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, Recorders, 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 2020. The finalist will be honored at the 86th Annual Arkansas Municipal League Convention, August 19-21, 2020, in Little Rock.

The deadline for nominations is April 17, 2020.

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:

Andrea Williams, CMC, CAMC
City Clerk, City of Paragould
301 West Court Street
P.O. Box 1175
Paragould, AR 72450
Andrea.Williams@Paragouldcity.org

Municipal Clerk of the Year 2020 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 2020 MUNICIPAL CLERK OF THE YEAR. _____

IMPORTANT REMINDER: Highway Revenues and Severance Turnback Reporting Due

Act 747 of the 2019 Regular Session of the Arkansas Legislature requires municipalities receiving \$2 million or more in total highway revenues and highway severance turnback to submit reporting for 2019 projects to the House Committee on Public Transportation and the Senate Committee on Public Transportation, Technology, and Legislative Affairs. The reporting deadline is March 15, 2020. You can access Act 747 and the required reporting document online at: www.arkleg.state.ar.us/assembly/2019/2019R/Acts/Act747.pdf.

SECTION 13. Arkansas Code § 27-70-207, concerning distribution of highway revenues to cities and counties, is amended to add an additional subsection to read as follows:

(f) A county or municipality that receives a distribution under this section or under § 26-58-124 of two million dollars (\$2,000,000) or more shall report annually by March 15 to the House Committee on Public Transportation and the Senate Committee on Public Transportation, Technology, and Legislative Affairs the following information regarding the use of the funds in the previous year:

(1) The use of the funds;

(2)(A) A general ledger accounting of the city street or road fund or the county street or road fund.

(B) The county street or road fund general ledger accounting shall be made using the County Financial Management System of tracking county revenues and expenditures;

(3) The percentage of the city street or road fund or county street or road fund that is comprised of state funds; and

(4) The details of each contracted project, including without limitation the type and description of the contracted project and the total amount expended on the contracted project.

Finally, you have been requested, to the extent possible, to identify the type of projects using the following categories below and the percentage comprised of state funds:

- 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, Assistant Director
Research Services Division
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201
501-537-9192 or smithe@blr.arkansas.gov

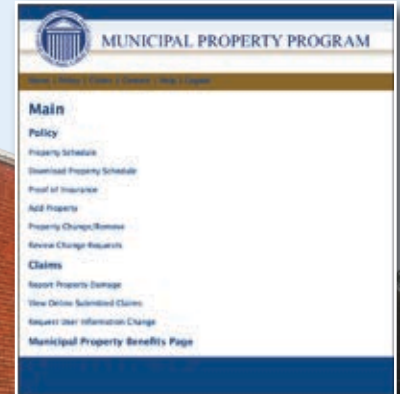


Visit the Municipal Property Program's New Interactive Full Service Web Portal: www.arml.org/mpp

Manage your municipal property coverage needs online at www.arml.org/mpp. Members can make changes to their municipal policy, add/delete properties, and file and view claims.

Create an MPP interactive account by emailing mpp@arml.org your:

- City Name and/or Account Number
- First and Last Name
- Phone Number



For more information including a free quote on either of these programs, call 501-978-6123.



Visit the Municipal Vehicle Program's New Interactive Full Service Web Portal:

www.arml.org/mvp



Manage your municipal fleet's coverage needs online at www.arml.org/mvp. Members can make changes to their municipal policies, add/delete vehicles, and file and view claims. Create an MVP interactive account by emailing mvp@arml.org your:

- City Name and/or Account Number
- First and Last Name
- Phone Number

2019/2020 State Turnback Funds

Actual Totals Per Capita						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2019	2020	2019	2020	2019	2020
January	\$5.662	\$6.789	\$0.246	\$0.083	\$2.145	\$2.145
February	\$5.675	\$6.340	\$0.096	\$0.118	\$1.087	\$1.087
March	\$5.085	\$5.758	\$0.438	\$0.101	\$1.087	\$1.087
April	\$5.401		\$0.338		\$1.085	
May	\$5.811		\$0.227		\$1.086	
June	\$6.017		\$0.209		\$1.088	
July	\$5.801		\$0.182		\$2.959	
August	\$5.990		\$0.114		\$0.924	
September	\$5.899		\$0.155		\$1.087	
October	\$5.654		\$0.124		\$1.087	
November	\$5.652		\$0.064		\$1.087	
December	\$5.775		\$0.069		\$1.087	
Total Year	\$68.422	\$18.887	\$2.261	\$0.302	\$15.810	\$4.320

Actual Totals Per Month						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2019	2020	2019	2020	2019	2020
January	\$10,702,464.91	\$12,833,880.33	\$464,101.95	\$156,199.64	*\$4,054,867.57	* \$4,054,970.57
February	\$10,728,532.32	\$11,984,924.80	\$181,468.75	\$223,221.26	\$2,055,501.82	\$2,055,049.55
March	\$9,611,591.51	\$10,883,990.67	\$828,851.20	\$191,150.53	\$2,055,055.19	\$2,055,396.67
April	\$10,209,400.74		\$638,095.99		\$2,051,915.02	
May	\$10,985,547.22		\$428,651.27		\$2,052,767.40	
June	\$11,374,227.00		\$395,730.25		\$2,056,915.45	
July	\$10,966,523.76		\$343,609.83		** \$5,592,768.93	
August	\$11,322,293.50		\$214,617.36		\$1,746,588.81	
September	\$11,150,912.22		\$292,391.02		\$2,055,099.92	
October	\$10,687,834.00		\$235,240.93		\$2,055,035.24	
November	\$10,684,885.09		\$121,344.58		\$2,055,035.24	
December	\$10,916,904.58		\$130,060.08		\$2,054,709.31	
Total Year	\$129,341,116.85	\$35,702,795.80	\$4,274,163.21	\$570,571.43	\$29,886,259.90	\$8,165,416.79

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

**Includes \$3,513,475.89 supplemental for July 2019

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

Sales and Use Tax Year-to-Date 2020 with 2019 Comparison (shaded gray)								
Month	Municipal Tax		County Tax		Total Tax		Interest	
January	\$62,951,910	\$59,187,540	\$54,023,046	\$49,660,885	\$116,974,957	\$108,848,426	\$137,620	\$188,294
February	\$73,128,305	\$66,363,635	\$61,276,755	\$55,082,773	\$134,405,060	\$121,446,409	\$151,340	\$265,350
March	\$57,761,974	\$55,016,953	\$49,863,364	\$49,926,480	\$107,625,338	\$104,943,433	\$140,860	\$241,046
April		\$53,915,385		\$45,679,915		\$99,595,300		\$239,875
May		\$61,136,496		\$51,962,167		\$113,098,664		\$233,250
June		\$63,455,242		\$53,477,656		\$116,932,898		\$199,380
July		\$62,196,778		\$52,242,794		\$114,439,573		\$239,855
August		\$63,103,397		\$53,989,906		\$117,093,303		\$229,107
September		\$63,071,625		\$54,693,037		\$117,764,662		\$213,728
October		\$64,934,499		\$55,729,333		\$120,663,833		\$214,922
November		\$62,765,968		\$54,501,529		\$117,267,498		\$182,403
December		\$62,102,384		\$54,327,357		\$116,429,741		\$184,380
Total	\$193,842,190	\$737,249,904	\$165,163,165	\$631,273,834	\$359,005,354	\$1,368,523,738	\$429,820	\$2,631,590
Averages	\$64,614,063	\$61,437,492	\$55,054,388	\$52,606,153	\$119,668,451	\$114,043,645	\$143,273	\$219,299

MUNICIPAL MART

To place a classified ad in City & Town, please email the League at citytown@arml.org or call 501-374-3484. Classified ads are FREE to League members and will run for two consecutive months from the date of receipt unless otherwise notified. FOR NON-MEMBERS, classifieds are available for the rate of \$0.70 per word and will run for one month unless otherwise notified. Once we receive the ad, we will send an invoice. The ad will run once payment is received.

FIRE CHIEF—The city of Farmington is accepting applications for the position of fire chief. The fire chief is an exempt, administrative position that performs command and administrative functions. General areas of responsibility include the oversight and support of preparedness, supervision of a blended department of full-time and volunteer firefighters, scheduling, departmental short- and long-term planning, budget development and operation, statistical tracking and reporting, and other duties as assigned. Minimum qualifications include: graduation from high school or equivalent, bachelor's degree in fire technology, fire engineering, public administration, management, business administration or a related field preferred. Ten years of suppression and fire prevention experience including 5 years at a significant and increasingly responsible administrative level. Salary will be commensurate with experience and qualifications. A complete job description and application may be found at www.cityoffarmingtonar.com. Applications will be accepted until the position is filled. Send a completed application and resume to: Mayor Ernie Penn, P.O. Box 150, Farmington, AR 72730; or email erniepenn@cityoffarmington-ar.gov.

TRAFFIC OPERATIONS ENGINEER—For the city of Jonesboro. This position is responsible for developing, implementing and maintaining the city's traffic programs and reports directly to the director of engineering. The person will supervise the work of three traffic signal technicians; prepare traffic signal timing and coordination plans; develop and maintain an inventory of city traffic control equipment, signal timings, traffic counts, traffic flow patterns and other information pertinent to traffic operations; manage design and construction contracts for roadway

and intersection improvements; and review private development plans for compliance with the city traffic impact and access management requirements. Minimum qualifications and Skills: BS degree in civil or electrical engineering plus five years related experience and two years of related management experience. Registered Professional Engineer in the state of Arkansas required. Institute of Transportation Engineer's Professional Traffic Operations Engineer (PTOE) certification preferred. Ability to effectively present information to top management, city council, public groups and news media. Basic knowledge of Microsoft Office products, such as Word, Excel and PowerPoint software. Basic knowledge of AutoCAD Civil 3D and ESRI ArcGIS. Proficiency in HCM/HCS, Synchro and TRU-TRAFFIC software is preferred. A valid driver's license and a successful background check. Grade/minimum salary: Pay grade 124. (Min. \$66,248 to \$72,873 annually. Any additional pay will need council approval.) Applications will be accepted at the Human Resources Department, 300 S Church St., Jonesboro, Arkansas, or on our website www.jonesboro.org (870-933-4640). Position will remain open until filled. The city of Jonesboro is an Equal Opportunity Employer (EOE).

WATER TREATMENT OPERATOR—The city of Danville is accepting applications for a water treatment operator. Applicants must have a minimum of a Class T3 license. Salary depends on experience and qualifications. Benefits include paid health insurance, paid vacation, sick leave and retirement. For more information contact Danville City Hall at 479-495-2013, email resume to danville@arkwest.com, or mail to Danville City Hall, P.O. Box 69, Danville, AR 72833. 🏠



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The People Get To Decide

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FOR MORE INFORMATION ABOUT WHAT WOULD HAPPEN IF "ISSUE ONE" PASSES OR FAILS,

VISIT WWW.ARDOT.GOV/RENEW

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Our team has a long history of serving the Arkansas public sector we can trace back to 1931, when T.J. Raney & Sons opened its doors. A history that continued when we became Morgan Keegan and then joined forces with Raymond James. And through all that time, our commitment to our clients and to the communities across our state has only grown, helping us become one of the top 10 underwriters in the country – and the only top 10 national firm in Arkansas.

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