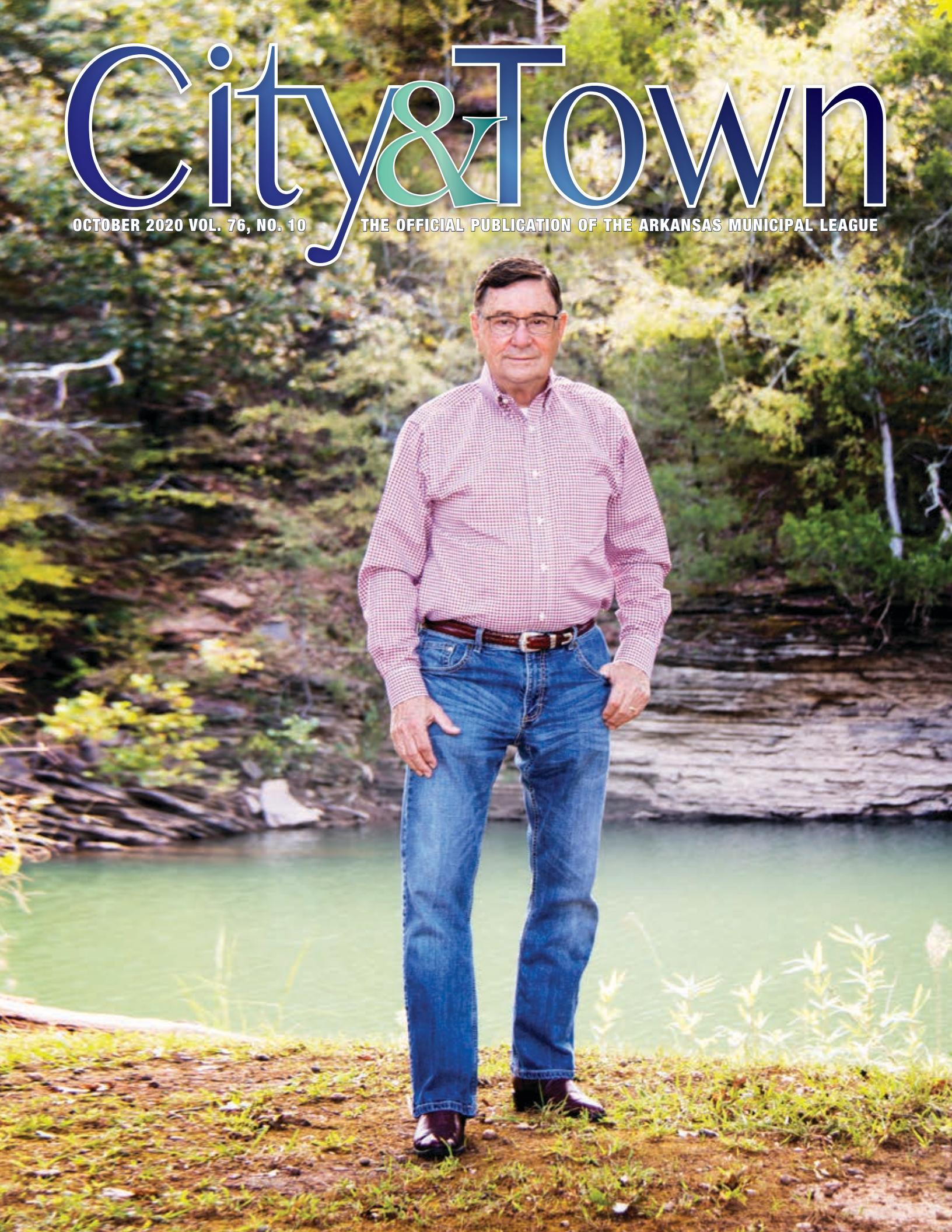


City & Town

OCTOBER 2020 VOL. 76, NO. 10

THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE





CUSTOM SOLUTIONS. PROVEN STABILITY.

This has been a season of challenge and change. Our team is here to help communities move forward with new projects, refinancings, debt restructurings and more. If you need financial solutions – for roads, parks, pools or other improvements – contact Crews today.

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Cover photo by Andrew Morgan.



ON THE COVER—New League president, Mulberry Mayor Gary Baxter, stands by the lovely Mulberry River at Bluff Hole Park. As the city’s website says, “The bluffs themselves are in Franklin County, but the water is in Crawford County.” Read about the mayor, his city and his leadership plans for the League inside beginning on page 12. Also check out coverage of the League’s annual planning meeting, the executive director’s 2021 budget information for cities and towns, a report on what deficiencies in our transportation infrastructure cost taxpayers, how Jonesboro is honoring retiring Mayor Harold Perrin and much more.—atm

Features

12 New League president touts public service and his city’s potential

Mulberry Mayor and 2020-2021 League President Gary Baxter has a passion for public service and for his city, which is poised for growth and features more amenities than many cities twice its size.

16 League preps for year at annual business meeting

The League’s executive committee and the leadership of each of the benefit programs met virtually September 17-18 for the annual business meeting, where they reviewed the previous year’s activities and prepared for the next.

20 Executive director releases budget information

The League’s executive director has released the annual budget information letter, which details the service charges, optional program rates and turnback estimates for the coming year to help cities and towns budget appropriately.

26 Guest commentary: White leaders must leave comfort zones

Facilitating the necessary and challenging discussions surrounding systemic racism and inequality will require white leaders to get out of their comfort zones and examine both themselves and society.

30 Jonesboro names park for Perrin

The Jonesboro City Council in August voted unanimously to name the city’s Miracle League Park in honor of retiring Mayor Harold Perrin, whose passion for the project helped make the park a reality.

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October greetings to my fellow municipal officials, October is the month we focus on budget planning for the next year. In Mulberry the mayor's office prepares and then presents next year's budget to the city council at the regular council meeting in November. The council reviews the budget, has the opportunity to make changes and then votes for approval at the regular council meeting in December. The budget is then ready for activation on January 1.

As you prepare your budget, evaluate your city or town's participation in the Arkansas Municipal League's benefit programs. If you are not taking full advantage of all of these great benefit programs, you are "short-changing" your city or town. Consider each program for the real benefit it provides.

Let's talk about health care for your employees. The League's Municipal Health Benefit Program provides medical, dental and vision benefits to employees and municipal officials. In Mulberry, the city funds the premium costs for our full-time employees and their families. Your city or town may fund the premium cost for the employee only and then require your employees to cover the premium cost—or a portion of the premium cost—for their spouse or family. We have found that the health care benefit is a real positive motivation tool to retain excellent employees. While another employer may offer a higher wage, many individuals consider high-quality health care benefits to be of greater importance to the overall well-being of their families. Taking good care of your employees by providing health care for their families is a real plus and worth every penny. For complete information about the Municipal Health Benefit Program, go to www.arml.org and click on MHBP, or call 501-978-6137. Compare it to your current plans and you will discover your League has an excellent health benefit program for your city or town.

Our annual planning meeting was held virtually last month, and we heard reports from committees, presentations of audits, policy updates, received the executive director's report and addressed other League business. You can be confident your League is managed and directed by highly dedicated professionals. Thank you to all of our League officers, executive committee members, past presidents, advisory council members and board trustees for your willingness to serve in your League's leadership positions. Read through the names of those who are serving this year in this issue of *City & Town*.

As November 3 quickly approaches, I want to remind you about the importance of Issue 1. I know that I am "preaching to the choir," but good streets, roads, highways and bridges are a must for community and economic development. Vote For Roads—Vote For Issue 1.

May God bless you and bless you indeed,



Gary Baxter
Mayor, Mulberry
President, Arkansas Municipal League



ARKANSAS MUNICIPAL LEAGUE OFFICERS

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Mark R. Hayes Executive Director

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

From the Desk of the Executive Director



Election Day: Exercise Your Right to Vote

I've voted in every election I can recall.¹ I may have missed a special election here and there, but I don't remember any. On the other hand, I know some very responsible adults well into their 20s, 30s and 40s who have never voted or haven't voted in recent years. I don't understand that. What I mean is, I understand they aren't voting, I just don't get the reasons they cite. Here are a few things I've heard in recent years and my thoughts regarding those or similar comments:

- "I'm too busy with work." "I'm too busy raising kids." "My life is too busy and too chaotic." Well...that's bunk. Elections are the most important way to ensure your values and viewpoints are known to those that make or enforce laws and policies. One of my best friends routinely says: "If you don't vote, you have no right to complain." He's a pretty blunt guy.
- "I don't know anything about politics." Now, this is where my patience gets a little thin. There's a very simple way to get educated. It's called reading. Listening and watching are also available. Here's what I mean. Read a daily newspaper. Watch a daily TV newscast. Listen to a daily radio news broadcast. Democracy works best when electors are well educated about the issues and those running for office. Learning is a lifelong thing. Here's the best part about learning: It causes the desire to learn more. Feel free to quote me on that.
- "I don't want to get COVID-19." Legit worry for sure. Not a legit reason for not voting. Go to the polls early when there are virtually no other people around. If that's too risky for you, mail in your vote.² Now, good readers, please do not send me screaming emails about mail-in voting. Regardless of the national debate, Arkansas has a very secure voting system and there is little to no chance of voter fraud regardless of the method you choose to cast your ballot.
- "My vote doesn't count." This is another one that gets me a little perturbed. Your vote surely doesn't count if you don't cast it. That's a fact. The best way to have your vote count, in addition to actually voting, is to engage in discussions with your friends and family about the issues and people on the ballot. We all know that some of those discussions may get heated. So, vow to yourself that you'll take the high road in those discussions, you'll listen to the other person and you'll give actual thought to what's being said.
- "I don't trust politicians." Run. For. Office. I'm not kidding. Local government leaders are smart, honest and hard working. Run for office. Or, if you're not inclined to do so yourself, find another good candidate. Change is made through new ideas and people willing to listen, educate themselves and implement change. Feel free to quote me on that, too. You're welcome.

As you can see, I really don't see a good reason not to vote. Frankly, the more of us who do so the better our country is. What do you mean by that, Mark?! Here's what I mean. When we all vote, we send a clear-cut message to our public leaders what our expectations of them are. The process is designed to get that majority opinion out there. Wait a minute, Mark! Wait just a darn minute! What about that Electoral College thing?! Now there's a good question. Before I give you my two cents worth let me take a minute to brag on our Founding Fathers and their crafting of the U.S. Constitution. Specifically, the First Amendment. It reads:

*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."*³

While the "right" to vote isn't mentioned in the First Amendment, the concepts of free speech, freedom of the press, peaceful assembly and petitioning the government are all critical to the act of casting a ballot. When you really

¹ I was born on April 3, 1960, and turned 18 in the spring of 1978. Incidentally, I graduated from Jonesboro High School in May of that year. The class of '78, we are great! I digress. I believe the first time I voted was the fall of 1978. President Clinton ran for governor that year and won. He wasn't the president then, but I guess you figured that out. For those of you that love history and politics, take a look at this: www.sos.arkansas.gov/uploads/elections/1978%20Election%20Results.pdf. The entire 1978 election is found in that document. You'll see names like Purtle, Pryor, Thornton, Clark and Alexander. Talk about a walk down memory lane.

² Mother Hayes has her ballot carefully laid out on the tray of her walker. She'll mail it in soon, but only after careful study of each item!

³ www.law.cornell.edu/constitution/first_amendment

dissect the words of the First Amendment it becomes very clear, VERY, that the process of campaigning and the act of voting could not occur without the proclamations found therein.

You likely have read, heard or both that voting is a privilege. It certainly is, but is it a fundamental right? After all, it's mentioned five times in the Constitution.⁴ The reality, however, is that the courts generally treat it as a privilege and many Americans and Arkansans reference it in the same manner.⁵ My take is a little like the privilege to drive once a driver's license is obtained. After all, at 13 you can't legally drive and at 15 you can't legally vote. Moreover, should one get too many tickets a driver's license can be suspended or revoked. Pardon the bad pun, but in the world of voting, becoming a felon puts the same screeching brakes on the "right-to-vote vehicle" to a halt.

Now that we have that out of the way, let's look at the Electoral College. Right after I typed that sentence, I heard the collective groan of you wonderful readers. Sorry, I'm in too deep to stop. There are a multitude of websites that provide solid, easy to understand explanations.⁶ Here's the Mark Hayes version:

- Most elections are by majority vote. The president and vice president of the United States are not elected in that manner. Rather, the Electoral College makes the final decision.⁷
- The Electoral College is made of citizens in every state and the District of Columbia.
- There is a total of 538 electoral votes. A winner must have 270 or more. Each state's electoral votes are determined by the number of the state's congressional delegation. Each state has two senators plus the designated number of representatives.⁸ Thus, Arkansas has a total of six electoral votes.
- Generally, political parties in each state create lists of potential electors and those folks pledge to support that party's candidate.
- The winner of the popular vote in a state receives the entire Electoral College votes assigned to that state. Maine and Nebraska are a bit different, but let's not go there.

Why have the Electoral College? First, it's in the Constitution so we must do it. The real reasons, however, boil down to two relatively simple concepts: fairness and compromise. Much like having two senators in each state the Electoral College provides a balance of power. Think of it this way: In California there are 55 electoral votes and in Wyoming, three. While that's a large divide it's not nearly as wide as a pure popular vote would be. Additionally, at the time the Electoral College was being considered there were two schools of thought. Simply put, some wanted a popular vote but most of the founders were concerned that a popular vote might not be an educated vote. To put it more bluntly, the majority of the founders were afraid of a full-blown democracy.⁹ Thus, our "republic" was born.

Now, to come full circle I want to encourage all of you to vote. I want to encourage all of you to identify five people who do not regularly vote and convince them now is the time to get into the game. Regardless of political affiliation, this may be the most important election we'll see in our lifetime. Issue 1 alone is monumental for the transportation needs of this state and each county, city and town in Arkansas. That is reason alone to get to the polls and cast a ballot. After all, poor highways, roads and streets will bring economic ruin.

Of course, there's so much more. We have local elections, statewide elections and a highly charged presidential election. Regardless of your political leanings, I believe every Arkansan can agree to this: We are stronger and better when we all vote. It's our chance to let the world know where we stand on candidates and issues. When only a few cast ballots the real will of the people is not seen. Please vote. Please find five people who don't or haven't voted in a while and encourage them and challenge them to make a difference.

Until next month, peace.



Mark R. Hayes
Executive Director
Arkansas Municipal League

⁴ First in the Fourteenth Amendment and again in the Fifteenth. There are three other appearances noting the "right" to vote as stated in the Fifteenth Amendment. www.theatlantic.com/national/archive/2013/08/what-does-the-constitution-actually-say-about-voting-rights/278782

⁵ www.debate.org/opinions/is-voting-a-privilege-rather-than-a-right?ysort=1&nsort=5, www.fairvote.org/voting-a-right-a-privilege-or-a-responsibility and www.usa.gov/voting-laws.

⁶ Here's a couple: www.archives.gov/electoral-college/about and votesmart.org/education/electoral-college#.X3YcBmhKg3s.

⁷ See the Twelfth Amendment to the United States Constitution.

⁸ Washington, D.C., has three electoral votes per the Twenty-Third Amendment to the Constitution.

⁹ www.factcheck.org/2008/02/the-reason-for-the-electoral-college/

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Quality Early Childhood Education Means **A BRIGHTER FUTURE FOR ALL**

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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Time to levy property taxes

City and town councils may levy general property taxes of up to five mills on the dollar (Ark. Const. art. 12 § 4; A.C.A. §§ 26-25-102 and 103). In order to implement this millage, the governing body of the city or town must certify the rate of taxation levied to the county clerk. (A.C.A. § 26-73-202). This must be done prior to the time fixed by law for the Quorum Court to levy county taxes. *Id.* Arkansas Code section 14-14-904(b) establishes the November or December meeting of the Quorum Court as the time to levy those taxes.

Accordingly, municipal officials should check with the Quorum Court to determine whether its levying meeting will be in November or December. It is important also to bear in mind that the city council must levy and certify its taxes annually, as failure to levy by the required date will result in a millage of zero for the following year (See Ark. Ops. Atty. Gen. No. 91-044 and 85-5).

The bottom line: If your city or town wishes to collect property taxes for the following year, make sure that council approval and certification to the county clerk occur prior to the meeting of the Quorum Court at which county taxes are levied. 🏛️

Meeting Calendar

November 18-20, 2020, National League of Cities Virtual City Summit.

January 13-15, 2021, Arkansas Municipal League Winter Conference.

Obituaries

ALBERT DALE ENGLISH, 80, who served on the Searcy City Council for 33 years, from 1987 until his passing, died September 7. He also served for 20 years with the Searcy Fire Department, retiring as captain.



Summaries of Attorney General Opinions

Recent opinions that affect municipal government in Arkansas

From the Office of Attorney General Leslie Rutledge

Municipal electric utility not required to purchase unannexed customers

Opinion: 2020-031

Requestor: Robin Lundstrom, state representative

When an electrical public utility has provided service to a customer outside of its assigned service area and within the service area of a municipal electric utility, is the municipality required to follow the purchase procedure of Ark. Code Ann. 14-207-103 if the local electrical public utility customer subsequently requests to have their service transferred to the municipal electric utility? Q2) Moreover, is Ark. Code Ann. 14-207-103 applicable in and to the situation occurring between Siloam Springs and Carroll Electric where Siloam Springs is not annexing or otherwise acquiring any part of an electric public utility's assigned service area? **RESPONSE:** Given the context and background you have provided for these questions, I gather that you are asking about a situation in which the municipal electric utility is not annexing any of the electric public utility's assigned service area, but the electric public utility is providing service to customers who are located within the municipality's own currently-assigned service area. With this understanding, the answer to both of your questions is "no."

County election commissioners not required to establish polling sites in incorporated towns

Opinion: 2019-076

Jack Ladyman, state representative

Q1) Is a county board of election commissioners required to establish a polling location within the jurisdiction of an incorporated town? Q2) Is a county board of election commissioners required to establish a polling location within the jurisdiction of a city of the second class? Q3) Is a county board of election commissioners required to establish a polling location based on a specific population or geographic boundary within the county? **RESPONSE:** Q1) No, there is no statutory requirement that a county board of election commissioners (CBEC) establish a polling site within an incorporated town. Q2) A CBEC might be required to establish polling sites within a city of the second class. The question turns on how the city elects its council members and whether the CBEC has established a vote center in the county. Q3) Yes, there are some population and geographic requirements relating to the establishment of polling sites within a county. These requirements are discussed in the opinion.

City may renew or extend existing contract without soliciting bids

Opinion: 2020-026

Requestor: Larry Teague, state senator

Because Ark. Code Ann. 14-58-104(b) allows not only for the extension of an existing contract, but also for the "renewal" of an existing contract without soliciting bids, may the city renew the existing contract without soliciting bids, even though the existing contract does not expressly provide for another extension? Q2) Under Ark. Code Ann. 14-58-104(b), pursuant to the contract provision that allows the parties to modify or amend the contract may the city modify or amend the contract to extend the term of the existing contract without soliciting bids? **RESPONSE:** Q1) Yes. Section 14-58-104 plainly authorizes a city to renew or extend an existing contract without soliciting bids. There is no indication in the statute that this authority depends upon the terms of the contract. Q2) A response to this question appears unnecessary in light of my response to Q1), other than to note that this office ordinarily does not opine on the terms of particular contracts.

County's authority over townships subject of pending litigation

Opinion: 2020-07

Requestor: Blake Johnson, state senator

Does a county judge have authority to abolish all existing townships in a county and create new townships with new boundaries? If so, please explain under what authority, Ark. Code Ann. 14-14-401, or otherwise? Q2) If a county judge does have authority to create new townships, how does this affect constables who are holding office? Q3) Is Arkansas Code Annotated 14-14-401 constitutionally valid? **RESPONSE:** I must respectfully decline to issue an opinion on your questions because of pending litigation. The body of law you have asked about is currently the subject of litigation on appeal to the Arkansas Supreme Court in a case styled *Clowers v. Edwards, et al.*, Docket No. CV-19-965. My office adheres to the longstanding policy of the Attorney General's office, as a member of the executive branch, to decline to issue opinions on matters that are pending before the courts for resolution. The answers to these questions must be provided in the judicial forum.

To read full Attorney General opinions online, go to www.arkansasag.gov/arkansas-lawyer/opinions-department/opinions-search.

League president strives for top-tier public service

By Andrew Morgan, League staff

As he takes the reins as the Arkansas Municipal League's 2020-2021 president, Mulberry Mayor Gary Baxter has already had a busy year as first vice president, working closely with the League on disseminating information about the coronavirus, and traveling to North Little Rock in August to help present the 86th Annual Virtual Convention and again in September to lead the annual business meeting.



Mulberry Mayor Gary Baxter, the League's 2020-2021 president, sits for an interview with League communications coordinator and videographer Ben Cline.

Baxter grew up in Crawford County and graduated high school in Van Buren. Shortly after graduation he married his high school sweetheart, Kay. They have two children and seven grandchildren.

After spending two years studying at Arkansas Polytechnic in Russellville—now Arkansas Tech University—Baxter enlisted in the Air Force. It was the beginning of a more than 27-year career that took him and his family across the United States and the world. He finished his career closer to home, serving as commander of the Air Force ROTC and professor

of aerospace studies at the University of Arkansas in Fayetteville. He retired in 1993.

From there, Baxter, who is also an ordained minister, went into the church business working as an executive pastor, responsible for finances and administration for several large churches in Arkansas, Louisiana and Oklahoma. He retired a second time and in 2008 moved back to Crawford County, this time to Mulberry, to help take care of Kay's elderly parents and ended up building a home on the family property. It was their 43rd address, he says.

It wasn't long before friends began suggesting he run for mayor, and the idea appealed to him. He spoke with the mayor at that time, Betty Feller, who said she was not running again and would support him if he entered the race. He entered, won and took office in January 2011.

After serving the country in the military and in churches, taking on the leadership role in Mulberry was a natural progression of his public service, Baxter says. "I like the words 'public servant'. I feel like a lot of times, throughout our country, we've forgotten what a public servant really is. It's a servant to the people. My number one job is the security and protection of the citizens of Mulberry." That should be government's top priority, he says. Whether it's building and maintaining a great water/wastewater system, providing public safety and fire protection or making sure all the potholes get filled, it all adds up to providing the public with security and protection, Baxter says.

It's also his administration's goal to treat every person with dignity, he says. "People like that, because every person is of value. We don't determine who we're going to look out for and who we're not going to look out for. We look out for every person." It doesn't matter where they live, what they drive or what their circumstances are, he says. "Every person is treated the same, and we like that and our citizens like that."

Baxter's primary goal as president is to encourage cities and towns to take advantage of the educational opportunities the League provides and to participate in the five major benefit programs. "I want people to know that the Arkansas Municipal League is the premier league in the country. We have so much to offer, and that's why I want to really push these five major benefit programs."

Participation in the Municipal Legal Defense Program and the Municipal Workers' Compensation



Mulberry may not have many dining establishments, but the classic Dairy Dip is a popular burgers-n-fries destination for locals and has served governors and other visiting dignitaries as well.

Program is high, but Baxter aims to push for more members to join the other three—the Municipal Health Benefit Program, Municipal Property Program and Municipal Vehicle Program. Over the course of the next year, he'd like to travel to cities and towns to meet with their leadership and tout the programs. They've been a great benefit in Mulberry, he said, and he believes they can be especially helpful for the state's smaller cities and towns. "I don't want any city to miss that opportunity."

For example, as members of the MHBP, Mulberry pays 100 percent of the premiums for the employees and their families. "We take care of it all, because we believe in taking care of people." For a small city that can't afford to pay the highest salaries around, making that kind of commitment has also proven a great way to hire and retain great employees who might be tempted to go work somewhere else for more money. That benefit has proven to be a great draw, and if you can keep good people on staff, it helps the city progress, he says.

From the MLDP helping the city through several lawsuits, to the MPP assisting the city after lighting struck the water treatment plant, every program has benefitted them, Baxter says. "Every one of the programs has helped the city of Mulberry tremendously, and I want to help the other cities and towns."

Mulberry has thus far fared well in the time of COVID, and the public has been largely cooperative with efforts to wear masks and social distance, Baxter says. The pandemic has slowed down a few projects, but not by much. Retail is slim in the city, but sales tax has remained fairly steady through the crisis. The ability for the city to collect tax on internet sales—thanks to a 2018 U.S. Supreme Court decision—has helped tremendously,

the mayor says, as shoppers order goods online for reasons of both convenience and safety.

Mulberry may not be a shopping destination, but the city of 1,655 residents has more amenities than most small cities and offers a great quality of life, the mayor says. He counts six parks and recreation areas. "That's a lot of parks for a small community like Mulberry." They include the city park with modern playground equipment, fishing and camping at Vine Prairie Park on the Arkansas River, Kirksey Park and the Mulberry Fairgrounds, and fishing at the TJ House Reservoir, which is also the source of the city's water. Mulberry also has access at Bluff Hole Park to the Mulberry River, one of the state's great kayaking destinations. "Mulberry has a lot to offer in its seven square miles," Baxter says.

The excellent school system is another point of pride in Mulberry, Baxter says. "We are the smallest school district in the county, but our students have the highest per capita scholarships in the county." The high school in September dedicated a new state-of-the-art performance center that will benefit both the students and the entire community.

Mulberry has good broadband capability, though it is spotty in the surrounding area, he says. Having it available has been especially important during the pandemic. Students who live in the county and have less access to the internet have been able to come and connect at the library. The library has also recently added a new children's wing to better serve the city and region's young people.

The city has expanded its own meeting space as well. With the help of the local bank, Mulberry was able to acquire two adjacent buildings that had been a church



Bluff Hole Park provides access to the Mulberry River, a popular destination for kayakers, swimmers and other outdoor enthusiasts.

and a funeral home before that. The former sanctuary is now the meeting space for both the city council and the district court. The council held its first meeting in the new building in March of this year, just as new social distancing plans were being implemented, and the larger space has allowed the council to safely meet. The second building is the city's new food pantry, founded by a local citizen in cooperation with the city.

For businesses, Mulberry is poised for growth, Baxter says. It's also got a diverse business base. You'll find manufacturing, trucking and logistics, hay farms and row crops, all within the city limits. It can make zoning a bit tricky, he says. "You cannot make an ordinance that is the same for everybody. You have to use some common sense. If a rancher out here sees a coyote chasing one of his calves, he should be able to shoot it



The school system is a point of pride in Mulberry, and the high school recently celebrated the opening of a new performance center.



In March the city council held its first meeting in its new meeting space. The former church is also the new home of the district court, and an adjacent building houses a new food pantry.

and kill it right there and not be afraid of violating some ordinance that says you can't fire a weapon within the city limits."

It's one of few cities of its size with an industrial park. The park has recently expanded its acreage, and they're in talks with Union Pacific about extending a spur from the nearby rail line into the park. Major anchors at the park include Airgas, Seal-Tite, Mulberry Industrial Powder Coating, and American Vegetable Soybean and Edamame, the only edamame processing plant in the U.S., making Mulberry the "Edamame Capital."

Historically, Mulberry was a hub for travelers and business, and it has true potential to be an important crossroads again, Baxter believes. "Location, location, location. That is so vitally important." Mulberry has two exits on I-40, which connects the east and west coasts. Just to the west of the city is I-49, which when complete will connect Canada to Mexico. The city has access to the Arkansas River on its southern side and Class 1



Mulberry's industrial park—a rarity for a city of its size—is home to several industries, and with plenty of space, proximity to the interstate and railroad, and access to water, it is poised to grow.

railroad access. "We're in a great location for future warehousing and distribution."

Even in the midst of an ongoing pandemic, Mulberry and its citizens remain positive about the future despite the challenges, Baxter says. "We may not be able to grow as quickly as we'd like to right now because of the pandemic, but I think the future is very, very bright." 🍷



Members of the executive committee join the annual planning meeting remotely as League staff and 2020-2021 President Gary Baxter lead the proceedings from the assembly hall at League HQ.

Virtual annual business meeting solidifies League's plans for upcoming year

By Andrew Morgan, League staff

The executive committee of the Arkansas Municipal League, along with the leadership of each of the League's benefit programs, gathered via online meeting app September 17-18 to review the past year's activities and finances and prep for the next during the annual business meeting. Traditionally the meeting is hosted by the new League president, who this year is Mulberry Mayor Gary Baxter. But much like the 86th Annual Virtual Convention in August, the League opted to hold the meeting virtually to mitigate risk during the ongoing COVID-19 pandemic.

Baxter made the trip from Mulberry to North Little Rock to conduct the meeting from the assembly hall at League headquarters. To begin the meeting, he asked each member of the executive committee to share something positive about the League and its service to the cities and towns of our state. He started things off, sharing how helpful the League and the Municipal Property Program was when lightning struck his city's water treatment plant. "The insurance was covered, and even months and months later, the Municipal League helped us with our property insurance and covered things as things were discovered down the road," Baxter said.



Baxter



League General Counsel John Wilkerson reviews the legislative priorities in preparation for next year's general session.

“That’s a real positive thing about the property insurance that the Municipal League has.” Moving around the virtual table, other committee members shared their experiences and praised the League’s educational opportunities, legal assistance, legislative advocacy, professionalism and passion for Arkansas’ cities and towns.

At last year’s planning meeting in Jonesboro, League Executive Director Mark Hayes proclaimed the organization to be on a “proactive streak,” which included expanding member training opportunities, strengthening programs and adding key personnel to help expand the League’s outreach. That preparation last year has helped us deal with 2020’s challenges, Hayes said, but we have also had to closely examine the League’s operations and adjust accordingly to deal with the pandemic while also continuing to serve the members. Many of the staff work from home, and for those whose presence at the office is required, hours and shifts have been adjusted to increase safety and social distancing, he said. “All told it’s been a really good working experience. We’ve had a few hiccups here and there. We’ve had to buy some equipment and a few other things. But by and large it has been a highly successful and relatively seamless transition into this environment.”

He predicted that we’d continue in this manner until a vaccine is approved and widely accessible, which will certainly mean keeping this up through the end of this year and possibly longer, he said.

As we head into a legislative year, it’s time to refocus our efforts to protect local control and ramp up the League’s Be Local Be Heard initiative, Hayes told the committee. The League launched the initiative with a bang at winter conference back in February. With everything we’ve been through since then, “it seems like ancient history,” he said. “So we’ve got to dust that back off and get it cranked up again, because the legislative

session is literally right around the corner.” He encouraged everyone to take advantage of the materials on the microsite, www.belocalbeheard.com, and to discuss the League’s legislative priorities with the legislators in your districts and with citizens.

The same goes for promoting the passage of Issue 1 on November’s ballot, Hayes said, which will make permanent an existing statewide half-cent sales tax for streets, highways, roads and bridges before it sunsets in 2023. “Without that half cent, none of you will be able to do even close to what you’re doing right now for street work.”



League Director of Finance Cindy Frizzell reports on the League’s finances.

League member service charges hold steady

The executive committee voted to leave the current service charge formula unchanged for the League's 498 member cities and towns, with a base charge of \$40 plus \$0.35 per capita. Members receive a \$0.07 per capita credit for participation in each of the League's five major optional programs.

The League's optional programs remain strong and each has received a clean audit. With the exception of the Municipal Property Program, the fees and bylaws for the League's major benefit programs will remain largely unchanged for the coming year. The board of trustees for the Municipal Property Program approved a 20-percent rate increase. It is the unfortunate result of a nationwide increase in rates and an increase in the cost of reinsurance, Hayes said. The 20-percent increase is still below what it would be for the program to break even. That would take about a 50-percent increase, he said, but "obviously that would be unfair to you." Recent increases in flooding across Arkansas and the country has been a factor in driving up these costs. Hayes encouraged cities and towns to look into the National Flood Insurance Program, particularly those in a flood zone. Joining the program could take some pressure off the Municipal Property Program when future flood events occur, Hayes said.

For detailed information on the League service charge, fees associated with the League's optional programs, turnback estimates and the latest APERS multiplier, please refer to the Executive Director's Budget Memo in this issue on page 20.

Hayes wrapped up the executive director's report with a list of projects both underway and on the horizon that he believes will help the League grow, remain financially stable and carry out its mission, including long-term building/campus maintenance, continuing to expand the League's educational opportunities through the voluntary certification program, improving the working relationships with our state and federal legislators, and bolstering the financial footing of the League's optional programs and making necessary technological upgrades.


League Deputy Director Whitnee Bullerwell reported on the 86th Annual Virtual Convention, which was held August 19-21. She thanked the League's leadership and staff who, once it became clear we wouldn't be able to hold an in-person convention, were able to quickly pivot and make sure the transition to an online event was as seamless as possible. "We attacked it from every corner, and what you saw was a lot of blood,



Deputy Director Whitnee Bullerwell reports on the successful 86th Annual Virtual Convention.

sweat and tears," Bullerwell said. She also thanked the membership for being resilient and flexible, resulting in strong participation (at 771 delegates, the fourth highest in the last decade). The feedback the League received after the convention was positive overall, which she said was a testament to both the staff's hard work and our members' dedication to their cities and towns as well as to the League.

In other business, the executive committee passed a policy that discourages those League employees who regularly work closely with legislators at the state and federal levels from making campaign contributions to particular candidates. Requests for such contributions from certain staff members has increased in recent years, Hayes said, and as a nonpartisan organization that works with legislators and agencies at all levels of government, regardless of political party affiliation, it's best that we "not pick a horse" in races. It does not mean that League employees are prohibited from contributing to candidates or issues they are passionate about, as that would likely violate their First Amendment rights, he said, but the policy gives employees who may be pressured to contribute an out. It is similar to the policy held by the Association of Arkansas Counties, he said.

As a final order of business, the executive committee reviewed and approved the future meetings calendar. The 2021 Winter Conference, which will be a virtual event, will be held January 13-15, 2021. The League's 87th Annual Convention will be held June 16-18, 2021. It remains to be seen whether it will again be virtual or return to an in-person event. To access the full calendar, please visit the League's website, www.arml.org. 

MEET YOUR 2020-2021 LEAGUE VICE PRESIDENTS



First Vice President
Mayor Tim McKinney, Berryville

McKinney has previously served the League as District 3 vice president in 1996-1997; on the Cities of the First Class Advisory Council from 1992-1995, 1999-2001 and 2012-2013; and on the Executive Committee from 1995-1996, 1997-1999, 2001-2009 and 2015-2020.



District 1 Vice President
Mayor Jonas Anderson, Cave City

Anderson has previously served the League on the Executive Committee from 2018-2020.



District 2 Vice President
Council Member Beverly Williams, Sherwood

Williams has previously served the League on the Cities of the First Class Advisory Council from 2015-2020.



District 3 Vice President
Mayor Kevin Johnston, Gentry

Johnston has previously served the League on the Cities of the First Class Advisory Council from 2015-2020 and the Executive Committee from 2018-2019.



District 4 Vice President
Mayor Shirley Washington, Pine Bluff

Washington has previously served the League on the Municipal League Workers' Compensation Board of Trustees from 2018-2020.

Municipal Notes

From the ARKANSAS MUNICIPAL LEAGUE

2nd & Willow • P.O. Box 38 • North Little Rock, AR 72115 • (501) 374-3484

September 30, 2020

**TO: OFFICERS, EXECUTIVE COMMITTEE, ADVISORY COUNCILS,
MAYORS, CITY ADMINISTRATORS, CITY MANAGERS, CITY CLERKS, RECORDERS,
TREASURERS AND FINANCE DIRECTORS**

FROM: MARK R. HAYES, EXECUTIVE DIRECTOR 

SUBJECT: 2021 BUDGET INFORMATION

The new League governing bodies, which were elected at the Convention or appointed by Mayor Gary Baxter, met virtually. Several items considered will affect your budget preparations for 2021.

League Service Charge. The Executive Committee retained the current service charge formula. The base charge is \$40 plus 35¢ per capita with 7¢ per capita credits, determined on October 1st, for participation in each of the following programs:

- Municipal Legal Defense Program
- Municipal Health Benefit Program
- Municipal League Workers' Compensation Program
- Municipal Vehicle Program
- Municipal Property Program

Also continued by the Executive Committee was inclusion of membership in the National League of Cities for all our members.

Municipal Legal Defense Program. The Board of Trustees for the Municipal Legal Defense Program retained the current service charge formula for 2021. The 2021 charges range from \$1.25 to \$7.00 per capita depending upon your municipality's loss experience. The optional drug and alcohol testing program for non-Commercial Drivers License (CDL) employees will continue to be available and can be implemented by increasing your MLDP charge by 20¢ per capita. This program is underutilized and can save your city or town money and liability.

Municipal Health Benefit Program. The Board of Trustees made some minor changes which will be effective January 1st. The 2021 Bylaws will be accessible online at www.arml.org/mhbp. If you are not currently participating in the MHBP and would like to receive a proposal for comparative purposes, please advise.

Municipal League Workers' Compensation Program. The Board of Trustees adopted the 2020 Arkansas Workers' Compensation Commission rates for use in 2021 with the application of state

mandated experience modifications (NCCI). They approved a 2% front-end discount for participating members with a loss ratio of 100% or less for the last five years. They also approved a 1% discount for reporting estimated payroll timely.

Municipal Vehicle Program. The Board of Trustees for the Municipal Vehicle Program did not make any changes to the Program Bylaws and retained the current rates for 2021. The Bylaws and Program Summary are accessible online at www.arml.org/mvp.

Municipal Property Program. The Board of Trustees for the Municipal Property Program did not make any changes to the Program Bylaws. The Board did approve a 20% increase in rates effective 12-1-20 due to increased renewal costs from our outside reinsurance carrier. The optional deductible buy-downs for entities in Class 1 and Class 2 remain unchanged. The flood deductibles are \$500,000 for ALL flood zones effective 12-1-20. We are encouraging our MPP members to consider the National Flood Insurance Program (NFIP) to cover this deductible. NFIP can provide flood coverage up to \$500,000 with multiple deductible options. MPP would cover losses over \$500,000. The Bylaws and MPP Program Summary are accessible online at www.arml.org/mpp.

Turnback Estimates. Estimates for general turnback are as follows. The street turnback estimate includes proceeds from the highway ½ cent sales tax¹ and the wholesale fuel tax.

		<u>2020</u>		<u>2021</u>
Street Turnback	-	\$65.50 per capita		\$68.50 per capita
General Turnback	-	<u>\$15.50</u> per capita		<u>\$15.50</u> ² per capita
Total Turnback	-	\$81.00 per capita		\$84.00 per capita

APERS. For those municipalities participating in the Arkansas Public Employees Retirement System (APERS), the employer contribution will remain at 15.32% for 2021 and the employee rate will stay at 5%.

We hope this information will be of assistance to you as you prepare your 2021 budgets.

¹ Please recall this ½ cent sales tax is finite and will no longer be collected as of June 1, 2023. A replacement ½ cent (Issue 1) will be on the general election ballot in November 2020.

Without the passage of the new ½ cent your street funding will dramatically plummet.

² On March 23, 2020 the Governor cut the state budget by 5.32% due to the pandemic resulting in only 85% of municipal aid placed in Category A for July 2020-June 2021. General revenues have exceeded the forecast for the last four months, so cities and towns should receive 100% of their general turnback barring any unforeseen circumstances. Distributions have been 85% below normal but larger distributions are expected around April, May and June 2021.

GREAT CITIES MAKE A GREAT STATE

Municipal Vehicle Program Summary 2020-2021

Program Coverages, Limits & Deductibles

Automobile Liability – In State	\$25,000 \$50,000 \$25,000	Bodily Injury Per Person Bodily Injury Per Accident Property Damage Per Accident (Immunity is used as defense for over limit claims/damages)
Automobile Liability – Out of State	Honor That State’s Limits	Immunity is used as defense for over limit claims/damages
Watercraft Liability	None	Program only covers comprehensive (Part II) up to reported value and boats only under 30 Ft.
Mobile Equipment	Included	Must be listed on schedule
Auto Physical Damage	Included	Actual Cash Value up to the reported value
Deductible	\$1,000.00	Each occurrence with deductible only applied to Part II claims. Zero deductible on Part I Liability Claims

Initial Class 1 Rate Calculations

Part I – Municipal Member	Passenger Car/Truck	\$100.00
	Large Equipment	\$100.00
	Ambulance	\$200.00
	Buses/Vans over 15 passengers	\$800.00
	Trailers/Mobile Equipment	(No Liability Required)
Part I – Limited Service Member	Passenger Car/Truck	\$200.00
	Large Equipment	\$200.00
	Ambulance	\$200.00
	Buses/Vans over 15 passengers	\$800.00
	Trailers/Mobile Equipment	(No Liability Required)
Part II – Municipal Member	All units	.0055 multiplied by Declared Value
Part II – Limited Service Member	All units	.011 multiplied by Declared Value

***Full Coverage is calculated by adding the Part I and Part II totals**

***Rates are subject to increase at renewal based on loss ratios**

www.arml.org/mvp

Additional flood insurance coverage for MPP members

We are encouraging our members to seek additional coverage for flood through the National Flood Insurance Program (NFIP) offered through FEMA. Commercial/municipal property can be insured up to \$500,000 and deductibles can range between \$1,200 and \$50,000, depending on NFIP’s parameters for that property.

To learn more about these options, we encourage you to visit the Municipal Property Program page on our website at www.arml.org/mpp and review the League’s reinsurance policy with Alliant, specifically the section addressing flood coverage.

From there you may submit an application for coverage. Plan ahead as there is typically a 30-day waiting period for an NFIP policy to go into effect, unless the coverage is mandated it is purchased as required by a federally backed lender or is related to a community flood map change.

To determine whether a specific property is in a flood zone, please visit <https://msc.fema.gov/portal/home>. 

Municipal Property Program Rates

Effective 12/1/20

A rate increase has been approved, and an optional buy-down on deductibles is available for Class 101 and Class 102.

Rate Increases & Deductibles

ISO Rating of 1-3 = Class 101 = .0019 (\$10,000 Deductible)

ISO Rating of 4-6 = Class 102 = .0023 (\$7,500 Deductible)

ISO Rating of 7-9 = Class 103 = .0027 (\$5,000 Deductible)

ISO Rating of 10 = Class 104 (and LSM Members) = .0030 (\$5,000 Deductible)

Rate is determined by the member's ISO Rating

ISO Ratings of 1-3 = Class 1

ISO Ratings of 4-6 = Class 2

ISO Ratings of 7-9 = Class 3

ISO Rating of 10 = Class 4

- Class 101 and 102 members have an option of buying down to a \$5,000 deductible. Class 101 rate would increase .0002 and Class 102 would be .00015.
- Current (two year) and Cumulative Loss Ratios over 300% and Cumulative loss to the pool over \$600,000 will be assessed a surcharge of .0004.

www.arml.org/mpp



Please contact John Wells, general manager of the Municipal Vehicle and Property Programs, at 501-978-6123, if you have any questions regarding the Municipal Property Program rates or the Municipal Vehicle Program rates.

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Jeffrey H. Thomas, Managing Director

Arkansas motorists lose \$3.2 billion per year driving on roadways that are rough, congested and lack some desirable safety features

According to a new report released by TRIP, a Washington, DC-based national transportation research nonprofit, streets, roads and bridges that are deteriorated, congested or lack some desirable safety features cost Arkansas motorists a total of \$3.2 billion annually—as much as \$1,822 per driver in some urban areas—due to higher vehicle operating costs, traffic crashes and congestion-related delays. Increased investment in transportation improvements at the local, state and federal levels could relieve traffic congestion, improve street, road, bridge and transit conditions, boost safety, and support long-term economic growth in Arkansas.

The report, *Arkansas Transportation by the Numbers: Meeting the State's Needs for Safe, Smooth and Efficient Mobility*, found that throughout Arkansas, more than half of major locally and state-maintained streets and roads are in poor or mediocre condition, 5 percent of locally and state-maintained bridges (20 feet or more in length) are rated poor/structurally deficient, and 2,551 people lost their lives on the state's roads from 2014 to 2018. Arkansas' major urban streets and roads are becoming increasingly congested, causing significant delays and choking commuting and commerce. The TRIP report includes regional pavement and bridge conditions, congestion data, highway safety data and cost breakdowns for the Fayetteville-Springdale-Rogers, Fort Smith, Hot Springs, Jonesboro, Little Rock-North Little Rock-Conway, Pine Bluff and West Memphis urban areas and statewide.

“The findings of the TRIP report reaffirm the fact that the economic growth of our region and the quality of life of our residents is directly linked to the condition, safety and efficiency of our transportation system,” said Joe Quinn, executive director of the Arkansas Good Roads Foundation. “Adequate investment in improving our roads and bridges puts Arkansans to work today and creates a lasting asset for future generations.”

Driving on deficient Arkansas streets, roads and bridges costs motorists a total of \$3.2 billion per year in the form of extra vehicle operating costs as a result of

driving on roadways in need of repair, lost time and fuel due to congestion-related delays, and the costs of traffic crashes in which roadway features likely were a contributing factor. A breakdown of the costs per motorist in the state's largest urban areas, along with a statewide total, is below.

The TRIP report finds that 26 percent of major locally and state-maintained streets and roads in Arkansas are in poor condition and another 26 percent are in mediocre condition, costing the state's motorists an additional \$1.6 billion each year in extra vehicle operating costs, including accelerated vehicle depreciation, additional repair costs, and increased fuel consumption and tire wear.

Traffic congestion in Arkansas is worsening, causing up to 48 annual hours of delay for some motorists and costing drivers as much as \$711 annually in lost time and wasted fuel. Statewide, drivers lose \$780 million annually as a result of lost time and wasted fuel due to traffic congestion.

Traffic crashes in Arkansas claimed the lives of 2,551 people between 2014 and 2018. Arkansas' overall traffic fatality rate of 1.41 fatalities per 100 million vehicle miles of travel in 2018 is the 12th highest in the nation and significantly higher than the national average of 1.13. Statewide, the financial impact of traffic crashes in which the lack of adequate roadway safety features were likely a contributing factor was \$780 million.

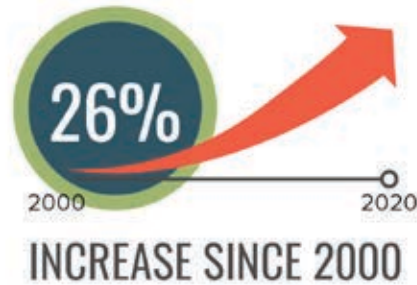
Five percent of Arkansas' bridges are rated poor/structurally deficient, with significant deterioration to the bridge deck, supports or other major components. Forty-four percent of the state's bridges are rated in fair condition and the remaining 51 percent are in good condition.

The efficiency and condition of Arkansas' transportation system, particularly its highways, is critical to the health of the state's economy. Annually, \$226 billion in goods are shipped to and from Arkansas, relying heavily on the state's network of streets, roads and bridges. Increasingly, companies are looking at the quality of a region's transportation system when deciding where to

ARKANSAS



IN 2018, ARKANSAS' TRANSPORTATION SYSTEM CARRIED **36.7 BILLION** ANNUAL VEHICLE MILES OF TRAVEL



WWW.TRIPNET.ORG



relocate or expand. Regions with congested or poorly maintained roadways may see businesses relocate to areas with a smoother, more efficient and more modern transportation system. The design, construction and maintenance of transportation infrastructure in Arkansas supports approximately 35,000 full-time jobs across all sectors of the state economy. Approximately 594,000 full-time jobs in Arkansas in key industries like tourism, retail sales, agriculture and manufacturing are dependent on the quality, safety and reliability of the state's transportation infrastructure network.

"These conditions are only going to get worse, increasing the additional costs to motorists, if greater investment is not made available at the federal, state and local levels of government," said Dave Kearby,

TRIP's executive director. "Without adequate funding, Arkansas' transportation system will become increasingly deteriorated and congested, hampering economic growth, safety and quality of life."

Sources of information for this report include the Federal Highway Administration, the American Association of State Highway and Transportation Officials, the Bureau of Transportation Statistics, the U.S. Census Bureau, the Texas Transportation Institute, the American Road & Transportation Builders Association, and the National Highway Traffic Safety Administration. To download the full report, visit tinyurl.com/TripnetAR. 🗑️

As white leaders, we must get out of our comfort zones

By Gretchen Hall

As a white leader, sometimes it's uncomfortable for me to facilitate the challenging discussions around systemic racism and inequality. The fear of saying the wrong thing, or mishandling your organization's response to protests happening in your city and across the country, may cause hesitation. However, not only must we have those conversations, we must follow them with action.

While grappling with the devastation COVID-19 has had on my organization, the tourism industry and the entire world, the past few months have weighed even heavier on my heart due to the civil unrest in our country. Watching the news unfold surrounding the murder of George Floyd and thinking about the countless others who have been victims of racial violence and social injustice has been heartbreaking.

Honestly, I have been struggling to figure out how I can become more engaged in solutions. I created a statement to our employees, we created a public statement from the organization, utilized our social media platforms to engage in #BlackOutTuesday and celebrate Juneteenth, and I even shared an extensive list of anti-racism resources for many of my white friends. But even then, I knew these efforts were not enough.

In a recent conversation, a Black friend and colleague said his white friends could not remain silent if true progress was going to be realized. "They must engage in uncomfortable conversations." Then he asked a simple question: "Do any of my white friends want to trade places with me?" I was certainly uncomfortable, and if I'm being honest, my answer to his question was no. I felt real guilt about that answer.

Then I reflected on his initial comment. That one, I could tackle. It reminded me of a quote from Roy T. Bennett: "Great things don't come from comfort zones." So here it goes. This is my story, out of my comfort zone, open and honest about my white privilege and finding ways to engage in broader solutions. I have always been one that seeks action, not just words, so I have created some real measurable initiatives that I plan to implement in my organization, and no doubt there will be more to come.

I write this as a white woman, raised by a white family, in a predominantly conservative, white

community in the South. Racism was never a stranger to me; I saw it even from members of my own family.

But I thank God for sports and travel, for both things have exposed me to different races, sexual orientations and cultures. Those experiences, with the support of some in my family, also introduced me to two young female Black athletes many years ago, and over time allowed me to become a surrogate mother. Right out of college I began coaching summer basketball for 12-year-old girls. Over time, my relationship with one of the girls began to grow into a mentorship off the court as well. As her needs grew, I was willing to invest more for her, and before long she was introducing me as "mom." Many years later, one of her college teammates found herself with no place to go and no roof over her head. Daughter #1 turned to me for help. Without hesitation our family grew. These girls have been the greatest blessing in my life. They are as much my family as anyone has ever been, and I can't imagine life without them.

My niece and nephew have never known life without them. They've grown up referring to my girls as their "big sisters," unaware or at least unbothered by the unique nature of our family. Their relationship is proof that racism and hatred are learned traits and a reminder that the work of helping others to unlearn them is arduous but necessary.

I continue to assess my personal experiences and abilities in my professional leadership role to determine how I can use those in meaningful ways. Over the years I've heard the adage: If you're not part of the solution, you're part of the problem. Maybe I've been contributing in small ways to the solution, but I want to do more. I have two amazing Black daughters, and at times I really worry about their safety and, now, the safety of their spouses. I love them with all my heart, but a mother's love can't hide them from the danger of being Black.

I have shed many tears watching the news recently and reading countless stories of police brutality and blatant racist acts against people of color. I cry even harder as I ask myself, have my actions ever been viewed as racist? Have I ever acted consciously or unconsciously in a manner that diminished someone different from me? My tears turn to rage as I hear news stories and watch some in leadership roles continue to make light

of the situation or simply choose to pretend there is no societal problem at all.

I can't remember a period in my lifetime when so much of the world was demanding change and so many are actually listening. Those of us in positions of leadership cannot remain silent. I've had time to listen and think about my own organization and am committed to advancing these dialogues and driving solutions. I will start with the following initiatives and continue to seek additional ideas to promote inclusion and diversity across our organization and industry:

- Conduct mandatory unconscious bias training for all employees.
- Distribute an equity, diversity and inclusion staff survey to better understand our employees' thoughts and feelings related to these topics and identify areas of needed improvement.
- Expand our recruitment practices.
- Create a workforce development plan to expose more minority communities to the career possibilities and leadership roles within our industry.
- Promote the importance of voting to all staff and provide additional paid time off on primary and general election days to allow individuals enough time to exercise this right.

- Increase our marketing assets and direct messaging efforts to minority travelers.
- Expand our work with national minority travel groups and meeting professionals on convention marketing efforts.

This in no way will be my exhaustive list, but it is a start. I want to remind my white colleagues both that we are lucky for not being the victim of racism ourselves and that we cannot expect our Black contemporaries to do all the work of making systemic change. I challenge these same colleagues, especially those in leadership roles, to get outside of your comfort zone and find ways to make a positive difference. By working together toward inclusion and diversity within our workplaces, we will create meaningful social change on a multitude of levels.



Gretchen Hall is president and CEO of the Little Rock Convention & Visitors Bureau. Email her at ghall@littlerock.com.



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WHAT CITIES AND TOWNS SHOULD KNOW DURING THE COVID-19 PANDEMIC

Primary resources for COVID-19 updates and information

Although Governor Asa Hutchinson recently pared back his daily COVID-19 press briefings to a weekly update each Tuesday, both his website and social media channels continue to provide daily COVID-19 statistics for the state. At ar.gov/covid, press releases are posted with current COVID-19 information, as well as the governor’s remarks on each day’s case report. The governor’s weekly update can also be livestreamed from the page.

At healthy.arkansas.gov, you’ll find comprehensive information regarding the daily total number of confirmed and probable cases, as well as the previous day’s numbers for comparison. Statistics provided for confirmed and probable cases of COVID-19 include the total number of cases, active cases, recoveries and deaths, both confirmed and probable. The daily update graphic also includes hospital data, as well as which counties have the highest confirmed cases each day. A complete list of county data is also available on the site.

The ADH site also includes an interactive dashboard that allows users to take a deeper dive into COVID-19 data, including testing statistics, demographics, health metrics, and case information for the United States and around the world. Additionally, all of the latest directives, information on testing sites in Arkansas, and a vast collection of resources from both the ADH and the Centers for Disease Control and Prevention are available on the site.

The League continues to host weekly COVID-19 member calls, workshops and training related to the CARES Act (see page 40) as well as the ongoing “What Cities and Towns Should Know During the COVID-19 Pandemic” broadcast with Executive Director Mark Hayes and Dr. Joe Thompson, president and CEO of the Arkansas Center for Health Improvement (ACHI). The League is grateful for our partnership with ACHI, which provides a wealth of comprehensive COVID-19 information at achi.net, including local data at the community, school district and zip code levels. 🏠



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League implements COVID-19 screening tool to further protect employees' health

The Arkansas Municipal League has implemented a free, online screening tool that helps address a number of COVID-19 challenges in relation to protecting the health of its employees while aiding in the identification of symptoms. The screening tool will also be made available to League member cities and towns.

Created by 909 Healthcare, in collaboration with George Mason University, CoV19™ is an evidence-based screening tool that provides early and accurate evaluation of an individual's likelihood of contracting active COVID-19 and differentiates between flu and flu-like illnesses for both symptomatic and asymptomatic individuals. It has a predictive accuracy rate of 79 percent.

Simple, quick and easy to use, CoV19™ addresses a variety of COVID-19 diagnostic challenges, such as accurately identifying the virus based on common symptoms, the inadequate availability of testing, and the reality that asymptomatic individuals are difficult to identify.

"We were looking for a way to ensure that our employees were protected from COVID-19. We were doing everything we could—taking temperatures and requiring employees to answer a series of four simple questions regarding exposure upon entry, requiring masks be worn in common areas, and providing hand sanitizer and other hygienic items," said League HR Director Tracey Cline-Pew. "We have been using CoV19™ since the first of August have found it to be one of our best defenses against the spread of COVID-19 in the workplace."

To learn more about CoV19™, visit 909healthcare.com. The League will provide more information to membership about setting up your own free CoV19™ tool, or you may contact Cline-Pew for assistance. 🏠

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Jonesboro Mayor Harold Perrin (center), city staff, young ballplayers and their families celebrate the grand opening of Miracle League Park in 2015.

Jonesboro names Miracle League Park in Perrin's honor

By Andrew Morgan, League staff

The Jonesboro City Council surprised Mayor Harold Perrin during their August 4 meeting. Before adjourning, the council entered a “walk-on” piece of business that wasn’t on the agenda.

It was a resolution, sponsored by all 12 members of the council, to name the city’s Miracle League Park in honor of Perrin, who is retiring at the end of this year after 12 years as mayor. He previously served 15 years on the city council. Perrin is also the immediate past president of the Arkansas Municipal League.

The resolution passed unanimously. It states, in part: “Whereas, Harold Perrin was instrumental in the development of Miracle League Park, the nation’s largest rubberized entertainment park for children with disabilities with 28 handicapped-accessible pieces of playground equipment and a field capable of being used

for baseball, soccer, basketball, flag football and other sports for children with disabilities.”

The council’s motion caught Perrin off guard, and he was extremely moved by the tribute, he said. “Nothing reveals the heart of a community more than the way it cares for its children, especially those with special needs. I was both surprised and humbled when the city council announced this to me.”

Perrin emphasized that the park is the result of a massive, community-wide effort.

“I want to stress that it wasn’t just me who made our Miracle League possible,” he said. “It was Sharron Turman, who is retired from our parks and rec department, and the countless individuals in our city who volunteered time, money and labor to make this a beautiful park.”

Turman first learned about Miracle League parks (www.miracleleague.com) when researching grants in 2004. When she went to work for the city in 2011, she brought the idea to the mayor, and Perrin immediately went to work securing the initial funding, working with former parks director Wixson Huffstetler on fundraising events, and building public-private partnerships to make it happen.

The Miracle League at Jonesboro officially opened in October 2015. The \$3.1 million park, at 25,800 square feet, is the biggest of its kind in the United States.

“That park wouldn’t have happened without Mayor Perrin,” said current parks director Danny Kapales. “As soon as Turman brought the idea to the mayor, he was on it, he was ready to make it happen. If it hadn’t been for those two, Jonesboro would not have a Miracle League.” Like many group activities in the time of COVID, things at the park have necessarily slowed down this year, he said. The play equipment is open, but the league itself has opted to not hold its regular season of ballgames in order to protect the players and their families. “The children and young adults that participate in the league are unfortunately high risk, and we decided the best thing to do was wait until we get to a better spot with this virus.”

The city has worked to keep the players’ spirits up during this downtime, Kapales said. One of the parks department employees donned a Homer suit—the official mascot of the Miracle League—and hopped in the back of a Jeep to visit the homes of the players and their families. “We wanted to let them know that, hey, we care about you. We know you’re there and we’ll get you back out here as soon as possible.”

Jonesboro is northeast Arkansas’ hub for education, medicine and business, and its parks and other amenities like the Miracle League serve not just local residents but the entire region. State Rep. Jack Ladyman, who serves District 59, which includes parts of Craighead County and Jonesboro, was an early supporter of the park. He and the other three representatives who serve the county worked together to secure some state



Perrin and Miracle League mascot Homer in June of this year.

general-improvement funds for the park as well. “It was a really good project, and Harold really went to bat for that,” Ladyman said. “Both Sharron and Harold worked really hard on that.”

For Ladyman, whose son, Heath, has cerebral palsy, seeing the park become a reality was both a community victory and a personal one. Its location adjacent to the human development center is also very convenient for the residents and their families, who can easily access the park, play, enjoy picnics and spend the whole day together, he said.

“Another thing is, it’s not just for mentally and physically challenged people,” Ladyman said. “All kids love to go out there and play. We take our son Heath out there with our grandsons, and they love to go out there because they like that equipment they’ve got.” It allows children and families of all abilities to enjoy playing together, he said. 🏠

Little Rock aims to increase broadband equity, provide access for students

By Tyler Hale

Little Rock city officials are aiming to increase broadband access for citizens, especially students as they resume school during the COVID-19 pandemic.

Mayor Frank Scott Jr. noted that broadband access is a major issue in Little Rock, particularly for low-income individuals and families. “Despite the availability of broadband service across almost all of the city, there is ongoing income-based digital inequity in Little Rock,” he said. “The digital divide is not just a rural issue in our state. It is also an urban issue, one that has been magnified during the coronavirus pandemic. Through partnerships with both LRSD and PCSDD, we have created a short-term response to get students connected at home.”

For Little Rock Chief Education Officer Jay Barth, broadband is a necessity for modern life that impacts individuals’ ability to function in society. To have a level playing field for Little Rock citizens, he argued that broadband equity is necessary. “We know that to be a vibrant 21st century citizen, it is important to have equity in the area of digital life,” he said.

When tackling the issue of broadband equity, Barth said the city set three core principles. These principles include equity in connectivity, equity in appropriate devices and equity in digital literacy. “Those three key principles of digital equity are really what have driven our work over the last number of months getting ready to announce what we’re doing today,” he said.

Little Rock is addressing the issue of connectivity by increasing the amount of hot spots available to students during the pandemic. The city has purchased 1,000 hot spots for the city’s two school districts: the Little Rock School District (LRSD) and the Pulaski County Special School District (PCSDD). These 1,000 hot spots are in addition to hot spots that the Department of Education has purchased for school districts around the state. In July 2020, state officials announced that they were spending \$10 million to purchase Wi-Fi access points and data plans for school districts throughout Arkansas.

According to Barth, most of the city’s hot spots will be going to LRSD with some also going to PCSDD. He said he is confident that “pretty much any student in



the Little Rock School District who needs a hot spot is going to have one.” The city will reportedly be applying to be reimbursed for the hot spots through CARES Act funding. The districts will shoulder the ongoing costs of the data plans.

“We know that the best place for students to be able to do their homework is in their homes. That’s the best place for them to have safe, comfortable learning environments,” Barth said. “We know that a number of students in both districts are, of course, learning from home now, and so they need high-quality internet. We also know that we have to prepare for contingencies. So, the schools may have to close for some period of time and everyone in that school may need to go home for a little while, so we want to be fully prepared.”

The Central Arkansas Library System (CALs) is also partnering with the city to increase broadband access by piloting a hot spot check out program at its branches.

City-owned community centers will be transformed into virtual learning centers to allow students to use broadband to learn in a safe environment if schools must close for a period. Barth said that five community centers are expected to be used. However, the city is continuing to look at city-owned facilities to allow more broadband access. Officials are focusing on outdoor locations to allow increased social distancing.

Increasing broadband education is also a key component of the digital equity initiative. Winrock International’s Arkansas Regional Innovation Hub is providing virtual classes to parents, focusing on computer usage and software for parents. “Access means having the right tools and knowing how to use them,” Executive Director Chris Jones said.

Little Rock’s broadband efforts will help students succeed in the coming school year, but the city had much work to do to bridge the digital divide for its citizens, Barth said. “We’ve got a lot more work to do for the long haul in terms of digital equity for the community.”

This article appeared originally in the September 3 issue of Arkansas Money & Politics (armoneyandpolitics.com) and is reprinted with permission.

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Pragmatism defined Ruth Bader Ginsburg's approach to local government issues

By Lisa Soronen

History will remember U.S. Supreme Court Justice Ruth Bader Ginsburg as a glass-ceiling smasher, a feminist, a liberal, a dissenter and an icon. State and local governments will also remember something subtler about her that was more visible in the court's lower profile cases, and that was her pragmatism.

Perhaps the most important case for state and local governments where Ginsburg demonstrated this quality is *South Dakota v. Wayfair*. She was the sole liberal justice to vote to get rid of the court's holding from the 1960s that businesses must have a physical presence in a state to be required to collect sales tax. State and local governments have collected billions of dollars in additional tax revenue since this 2018 decision.

Many issues of importance to state and local governments litigated in the Supreme Court aren't decided on ideological grounds. In these cases, state and local governments hope to appeal to the practical sensibilities of the justices. They often found a listening ear in Ginsburg.

In the last term Ginsburg repeatedly demonstrated her pragmatism, particularly as it related to the interests of state and local governments. *Reed v. Town of Gilbert* (2015), holding that strict—usually fatal—scrutiny applies to content-based restrictions on speech, has probably been the worst case for local governments decided in the last decade. *Reed* has resulted in numerous laws and ordinances being struck down. Ginsburg joined Justice Elena Kagan's concurring opinion, which criticized the majority opinion in *Reed* for the practical problems it would cause local governments.

In *Barr v. American Association of Political Consultants* (2020), the Supreme Court got its first chance to apply *Reed* in another case. The State and Local Legal Center (SLLC) filed an amicus brief asking the Supreme Court to "narrow" *Reed*. While a majority of court voted to keep *Reed* the law of the land, Justice Brett Kavanaugh—fairly—accused Justice Stephen Breyer, in an opinion Ginsburg joined, of trying to overrule *Reed* in his dissenting opinion.

Nationwide injunctions have been of importance to local governments, particularly in the last few years. In *Little Sisters of the Poor v. Pennsylvania* (2020), the SLLC filed an amicus brief solely defending the use

of nationwide injunctions. Because the court upheld the regulations at issue in the case (meaning the lower court shouldn't have issued any injunction), the court had no reason to discuss the merits of nationwide injunctions. Nevertheless, Ginsburg, in her dissenting opinion, defended the district court's decision to issue a nationwide injunction.

An easy way of assessing a justice's commitment to pragmatism is to look at how often they cite to amicus briefs—which are intended to explain the practical implications of a case—in their opinions. No justice currently on the court was as likely to cite to an SLLC amicus brief as Ginsburg.

For example, in *Gobeille v. Liberty Mutual Insurance Company* (2016), the Supreme Court held that the federal Employee Retirement Income Security Act preempts state laws that require health insurers to report particular data to the state. Ginsburg cited three times in her dissenting opinion to the SLLC's brief, which in her words informed the court of states' "urgent need for information yielded by their health care data-collection laws."

Pragmatism isn't a quality that makes people famous. But Ginsburg didn't seek fame. Even her critics are likely to admit that if she sought anything it was fairness for everyone. Part of being fair is being practical. Also, being practical keeps a person honest and humble—two other qualities Ginsburg exemplified, neither of which made her famous, but both of which made her great.



Justice Ruth Bader Ginsburg

PHOTO COURTESY SUPREME COURT OF THE UNITED STATES



Lisa Soronen is the executive director of the State and Local Legal Center, which files Supreme Court amicus briefs on behalf of the Big Seven national organizations, including the National League of Cities, representing state and local governments. Contact Lisa at lsoronen@sso.org or 202-434-4845.

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Meet Mark Potter, graphic/layout designer for the Arkansas Municipal League

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



Mark Potter: I help produce this magazine, *City & Town*, plus various other publications, an annual calendar, PowerPoint presentations and other design work, and I help maintain our website. The communications team and I are responsible for convention and conference materials. I also help with photography and do any Photoshop work that is needed.

How long have you been working at the League? I've been at the League for just over 10 years. When I was younger, I was a chef at the Capital Hotel. I moved onto photography when a friend offered me a job in his chain of camera stores. I was Governor Huckabee's photographer for a while. When I realized that film was going away, I taught myself Photoshop and desktop publishing and became a graphic artist. I was working for an AOL Time Warner-owned company and was caught in a massive lay-off. The IT tech from that job had been called in to fix the League's only Mac computer, and he told me about an opening. I was very lucky. The first *City & Town* I put together was the October 2010 issue about Mena rebuilding from a F-3 tornado.

How has the League changed since you started? The League has been thoroughly modernized in these 10 years. Each League president brings with them ideas and improvements that are working in their community. Whether it's utilizing social media, youth outreach or public-private partnerships, it boils down to a better connection with the public.

What is the biggest lesson you've learned working for the cities and towns of Arkansas? That if your municipal leadership is doing it right, you might not notice. To make everything run smoothly, protecting the people and giving them the services they need is a tall order.

What advice would you have for someone just getting into public service? Take advantage of the League's training. I know it is harder with the pandemic, but the League's leadership has made implementing new ways to provide information a top priority.

Where did you grow up? I grew up in west Little Rock but have spent my adult life in North Little Rock. The biggest changes I have seen are the near deaths of the two downtown areas in the '80s and '90s and their recent rebirths. It is really quite something.

What is your favorite spot in your hometown? Before COVID-19, my favorite hometown spot was the movable Saturday lunch with my four longtime friends. My favorite spot in Arkansas is the saddle of my motorcycle under a canopy of autumn leaves.

What is your favorite part about working for the League and the cities and towns of Arkansas? The Japanese have a work principle of continuous improvement, and I have found great satisfaction in my work with that philosophy. In Communications, we try to make each publication a little better with each update, and to find new and better ways to get members the information they need. In my small way, if I can help make our members' jobs easier, I am making Arkansas a better place. 🍷

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Meet Heather McVay, city clerk for the city of El Dorado

City & Town: Why did you choose your profession? Did it choose you?

Heather McVay: Originally it chose me, but I am proud to say that I continue to choose it. The previous city clerk resigned, and the mayor encouraged me to apply for the position. The city council appointed me to serve out the remainder of the previous clerk's term. I absolutely loved the position and chose to run for it in the next election. I am now in my second elected term.



What's your favorite aspect of your job? What's the biggest challenge? My favorite part of my job is, without a doubt, the people. I have worked alongside some wonderful elected officials and city employees over the years. I have met so many kind citizens and volunteers who all work diligently to make El Dorado a great place to live. And I could never do this job without the support of the ACCRTA, IIMC and AML. The biggest challenge is having a hard time saying no and feeling like there are never enough hours in the day.

What's your favorite spot in El Dorado? My favorite spots have to be our beautiful, scenic walking trails around the South Arkansas Arboretum and the Lion's Club Municipal Golf Course.

In what season does El Dorado shine the most? I would have to say winter. El Dorado is covered in Christmas lights and there is everything from horse-drawn carriages and train rides to *The Nutcracker*. It is also the "giving season," and I have never been a part of a community that is more giving than El Dorado. The hearts of El Dorado residents truly shine around the holidays.

What was your favorite subject in school? It was a tie. I equally liked drama/theater and literature. I will always be a thespian at heart, and I continue to be a total bookworm.

What's the biggest lesson you've learned by working for a city government? To be patient and honest. There are policies and procedures in every aspect of city government. Sometimes things may not happen as fast as we want, but in order for us to take care of our city and citizens in an effective and responsible manner we have to follow those rules. Also, honesty is *always* the best policy. Sometimes people are tempted to tell others what they want to hear, but we need to always tell the truth, even when it may not be a popular answer.

What are three "can't miss" things that someone can do if they visit El Dorado? It is so hard to narrow it down to three! Our award-winning downtown that includes fantastic shops and restaurants, the Murphy Arts & Entertainment District, the two-acre Playscape and farmers' market. Concerts by our South Arkansas Symphony Orchestra, the oldest and largest standing orchestra in the state, led by the amazing Kermit Polling. And our festivals! Everything from MusicFest and the El Dorado Film Festival to the Southern Food & Wine Festival, Mayhaw Festival and the SouthArk Outdoor Expo. It's always SHOWTIME in El Dorado! 🎪

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America has a long history of its employees working from home.

Stay at home and prosper? Home occupations revisited

By Jim von Tungeln

It is no secret that people have been staying at home in droves. Dealing with the pandemic requires it. The next question is: How many will remain there after exile from the workplace ends? If the answer is a lot, how will it affect urban planning and zoning?

It will doubtless mean that cities and towns will change the manner in which they have traditionally viewed home occupations. The traditional concept was: “They are fine as long as nobody knows they are there.” A look at history will help explain how that came to be. A look at the present might suggest how it may change in the future.

Home occupations within the purview of zoning have existed since the legitimization of zoning in America. A 1953 paper from the Planning Advisory Service of the American Society of Planning Officials (ASPO) affirms this view. The report is available at www.planning.org/pas/reports/report54.htm. It begins with a mention of the 1926 U.S. Supreme Court ruling in *Village of Euclid v. Ambler Realty Co.* (272 U. S. 365, 47 S.Ct. 114) that established zoning as a legitimate municipal exercise.

The zoning practice that emerged featured strict separation of land uses such as residential and businesses (that is, businesses that were the primary use of a parcel). If a business agreed with the new zoning map, no problem. Those that didn’t agree enjoyed the designation of legitimate nonconforming uses, commonly referred to as being “grandfathered.” The general concept regarding nonconforming uses was that they would eventually disappear.

But what about other nonconforming uses that were incidental or accessory to the residential use? Home occupations, such as the teaching of music, deserved different treatment. The ASPO report observed: “The device of the customary home occupation recognized custom. Specifically, it recognized particular customs prevailing in certain districts. It recognized that certain occupations—with the acceptance of the community and in accordance with unwritten law—had been found in incidental association with the use of the house as a dwelling.”

In establishing the groundwork for the modern approach to home occupations, the report further observed: “With the home occupation, the chief problem

has been to maintain the integrity of the residential district and at the same time to allow and regulate in equitable fashion the customarily accepted non-residential types of activity. For this reason it has been generally agreed that an enterprise must satisfy certain criteria in order to qualify as a permitted home occupation: it must be customary; it must be incidental to the principal use of the premises as a residence; and it must not be a business.”

Perhaps that is the challenge facing our cities and towns today. What constitutes a business? Sometimes, that distinction is apparent. A retail sales operation with goods displayed in the living room window would qualify without question.

Sometimes the distinction is not so clear. What about a seamstress who does a brisk business and generates noticeable traffic flow during hours of operation?

Sometimes the home occupation evolves. Old-timers remember the legendary, perhaps mythical case of the widow who wanted to supplement her Social Security by baking pies for local restaurants. Within a few years, to her neighbors’ horror, she had her front yard paved and occupied for much of the day by two “bob trucks,” their sides festooned with the name of her little enterprise.

Cities and towns have dealt with home occupations in various ways, mostly allowing them as long as their existence goes unnoticed. Though varying greatly in scope and detail, some regulations for home occupations were common. These included required residency of the owner, no retail sales, no employees, maximum square footage allocated and provisions for parking.

Then, in 2000, Charles Wunder, AICP, wrote an updated Planning Advisory Service Report for the American Planning Association (APA) that treated in great detail some modern issues regarding the concept of home occupations. It is entitled “Regulating Home-Based Businesses in the Twenty-First Century: PAS Report 499” and can be accessed by members at the APA website. Space limitations prohibit an analysis of the report, but, interestingly, it begins with the proposition that modern home occupation regulations might have, back in the day, prohibited the first office of legendary American architect Frank Lloyd Wright.

Moving to the present, Stanford economist Nicholas Bloom, Ph.D., in an interview stated that, during the COVID-19 crisis, “We see an incredible 42 percent of the U.S. labor force now working from home full time. About another 33 percent are not working—a testament to the savage impact of the lockdown recession. And the remaining 26 percent—mostly essential service workers—are working on their business premises. So, by sheer numbers, the U.S. is a working-from-home economy. Almost twice as many employees are working from home as at work.”

Prior to the current pandemic, estimates of the percentage of Americans working from home averaged

three to five percent. Bloom estimates that, after the end of the pandemic, that figure will be closer to 20 percent.

Predictions get fuzzier the farther they extend from the present, but trends could have a major impact on urban planning. For example, the trend of central city growth may wither. Suburbs may flourish with new growth from those who had rather work there than in a downtown high-rise. Economic inequality may widen as home occupations tend to favor the more educated and technically proficient. The need for broadband capability may challenge highway construction for public dollars.

While suburbs may benefit from the increase of those working at home, there may be a countervailing force generated from the fact that new subdivisions have private restrictions that may be more restrictive than zoning laws. Older neighborhoods may, in fact, benefit from current trends.

One message becomes clear from the current literature on home occupations. Each city must frame its response based on its individual situation. Any regulatory change should be enforceable and understandable. While some ideas may sound appealing, such as the advocacy of accessory commercial units, the dreaded “law of unintended consequences” looms over untested ideas like an avenging demon.

Also demanding attention in addressing home occupations is the oft-mentioned “whyness principle.” The first test of any zoning regulation must be that it addresses the health, safety, welfare and morals of the community. Traffic, parking, noise, noxious fumes and signage are valid impacts to evaluate when considering home occupation regulations. Neither personal preferences nor prejudices share that validity.

It is also important to remember that some home occupations will be successful and will expand. Sometimes owners resist moving a successful business to a location that is more appropriate for expansion than their home. Meanwhile, parking demand and traffic flow grow as well. Then the neighbors will notice. The need for surveillance, inspection and enforcement will grow with the proliferation in home occupations.

In closing, if elected officials don’t have enough problems, here is one that may involve a retiree on a fixed income who just wants to augment their Social Security check by baking pies for resale, or an enthusiast who wants to make a little “home brew” for personal use. What could possibly go wrong?



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.

Coronavirus Aid Relief and Economic Security Act: coming to a city/town near you

By John L. Wilkerson, League staff

Since the first confirmed case of COVID-19 in Arkansas on March 11, 2020, your city or town has had to deal with circumstances unlike anything it has ever seen before. Whether it has been an outbreak of COVID-19 in your community or changes to the way your city or town conducts day-to-day operations, one thing is for certain. The cities and towns of Arkansas are resilient. You are resilient, and we at the Arkansas Municipal League could not be prouder to serve you.

Throughout the course of the pandemic, you have heard us discuss the \$150 million of the CARES Act funds the League and the Association of Arkansas Counties were able to get set aside for cities, towns and counties. We are ecstatic to announce the funds are no longer set aside, but are now available to the cities, towns and counties of Arkansas.

On September 18, the Arkansas Legislative Council approved a \$150 million appropriation of the CARES Act funds for cities, towns and counties. This is \$75 million specifically dedicated to cities and towns and \$75 million dedicated to counties. The cities' and towns' share of the \$75 million has been divided on a per capita basis among all cities and towns. However, you will not be receiving a blank check for your city's or town's individual allotment. This is a reimbursement-based program, meaning funds your city or town has used to combat the COVID-19 pandemic may be reimbursed through the CARES Act funds.

Over the past couple of weeks, the League has conducted online trainings on everything there is to know about the CARES Act funds and how your city or town can best utilize the funds available. In addition to the

League's training, on September 30, CTEH (the vendor facilitating the reimbursement process for cities, towns and counties) presented a comprehensive overview of the City, Town, County (CTC) Applicant Portal. The CTC Applicant Portal is the portal you will be using to upload your expenditures and request reimbursement and can be accessed at www.arctcportal.com.

The mayor or clerk of your city should have received an email by now regarding your city or town's login credentials to access the portal. If your city or town has not received their login credentials or if you are not comfortable using the portal, then please contact the CTC Applicant Portal Call Center at 1-800-268-7907 or at arcrfsupport@cteh.com. The call center is open 7 a.m. to 5 p.m., Monday-Friday

While we do send out all these training videos on the listserv, we understand emails get lost and forgotten. So, we have posted all the training videos, along with the corresponding PowerPoint slides, on our website at www.arml.org/grants. All you must do is click on the link to the video you want to watch and type in the password located directly under the link.

If you have any questions pertaining to the CARES Act funds, please contact Caran Curry at ccurry@arml.org, Blake Gary at bgary@arml.org, or John Wilkerson at jwilkerson@arml.org, or call 501-374-3484.



John L. Wilkerson is general counsel for the Arkansas Municipal League. Contact John at 501-374-3484, ext. 128, or email jwilkerson@arml.org.



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PHOTOS COURTESY CITY OF MOUNTAIN HOME

A new craft brewery, the city's first, is slated to open in 2021 in Mountain Home's second-oldest building. It will be part of the city's new entertainment district, which has already helped revitalize the historic downtown.

The District: How Mountain Home is leveraging a new law to revitalize their downtown

By Dylan Edgell

In 2019, Mountain Home Mayor Hillrey Adams attended an Arkansas Municipal League meeting where Executive Director Mark Hayes spoke about potential laws coming through the Arkansas Legislature. One bill in particular caught his attention. It would allow cities and towns in Arkansas to establish entertainment districts in a designated area of their city.

Adams saw the potential of an ordinance like this to serve as a catalyst for revitalization efforts in downtown Mountain Home. Following the meeting, Adams and his team researched entertainment districts, drafted an ordinance and presented it to the Mountain Home City Council. "We wanted to be the first in the state to have an entertainment district," Adams said.

On July 24, 2019, the Mountain Home entertainment district, dubbed The District, became the first of its kind in Arkansas. The District is open between 4:30 p.m. and

midnight daily, allowing patrons to leave a restaurant or bar with a single, commercially branded paper or plastic cup of beer, wine or a mixed drink to be consumed within the district's boundaries. Since establishing The District, there has been a steady increase in business, activity and community engagement in downtown Mountain Home.

The downtown area is beginning to look more inviting with hanging flowerpots paid for by the city, banners created by a local leadership group and murals popping up all over Mountain Home. In recent months, there have been multiple real estate transactions involving buildings in downtown Mountain Home with talks of new restaurants and shops coming into the area. There are even "wine walks" that invite patrons to drink a glass of wine and enjoy the downtown area and public art with their family and friends.

There has also been an increase in cultural events in Mountain Home. Hickory Park is right outside of The District and has been revitalized to host concerts and community events. Earlier this year, Farmers and Merchants Bank donated \$75,000 to install a permanent stage for concerts in the park that has been utilized all summer in the Baxter Summer Concert Series. During the concert series, the tennis court in Hickory Park transforms into a food truck park and beer garden featuring local restaurants and breweries. COVID-19 has unfortunately disrupted some of the community events that were set to take place this fall, but others, like the concert series, will continue with social distancing and mask requirements.

According to Angela Broome, executive vice president of the Mountain Home Chamber of Commerce, The District has been a revitalizing force in downtown. Visitors are looking for things to do at night after enjoying fishing, hunting and golfing in and around Mountain Home, and The District and summer concert series have been a way for residents and visitors to spend more time and money in downtown Mountain Home, she said. “I have only seen positive changes with The District. We are seeing many improvements downtown, noticing more socialization and an increase in patronage.”

Mayor Adams shared a few key takeaways for cities looking to establish an entertainment district:

Set your intention

Mountain Home had a clear purpose for establishing their entertainment district, which was to focus on downtown revitalization and increase tourism at restaurants and shops in the area. If your city is considering

an entertainment district, make sure that your community has an agreed upon intention and a plan for establishing the district that works for your community’s specific needs.

Involve the downtown community

Establishing an entertainment district may feel like a big change for your downtown community. In Mountain Home, leaders established an entertainment district oversight committee that included downtown business leaders and residents to establish rules, regulations and procedures for citizens and businesses to follow during entertainment district hours. Involving the downtown community will create buy-in from local businesses and provides a formal body to review potential events in the area.

As a final piece of advice, Adams said, “Come visit Mountain Home. It’s going to look a lot different since the last time you’ve been here.”

If establishing an entertainment district is right for the needs and interests of your city or town, it can be a catalyst for activity, engagement and business in your downtown area. Mountain Home is leading the way on entertainment districts in Arkansas and their downtown community is starting to thrive because of it. Learn more about Mountain Home and The District by visiting cityofmountainhome.com.



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



Adjacent to the downtown entertainment district, the new stage at Hickory Park will host a summer concert series and other events.

Men can develop breast cancer, too

By Daniela Ochoa, M.D.

It may come as a surprise to some, but men are not immune from developing breast cancer. Because the disease is second only to lung cancer in causing cancer deaths among women in Arkansas, people may think it affects only women. But it can be just as deadly to any individual man.

So as we turn our attention to breast cancer awareness in October, it's worth taking a moment to look at why men are not immune, the warning signs and the courses of treatment available.

Not just in women

Men of any age can develop breast cancer, but it is more common in men between 60 and 70 years old. Men usually make up only about one percent of breast cancer cases, meaning that while the American Cancer Society predicts around 2,500 women in Arkansas will be diagnosed in 2020, only about 25 men will be.

Men can develop most types of breast cancer because male breasts still contain the ducts where cancer cells can form and spread.

Unfortunately, the rarity of breast cancer in men often means men aren't aware of their risks or might ignore early warning signs. Some men may not want to acknowledge their illness and choose to do nothing. Please do not let embarrassment be a barrier for discussing with your doctor any symptoms you may notice.

What to look for

Men should be aware of the risk factors and warning signs indicating possible breast cancer. They are advised to know their family medical history of breast cancer. If breast cancer is common in your family, all family members will be at greater risk of developing it.

Exposure to radiation and certain chemicals can also increase men's risk of breast cancer, as can smoking and other tobacco products. Diseases that increase estrogen, like cirrhosis of the liver, also increase the risk for breast cancer in men.

With this in mind, these signs could indicate breast cancer:

- A lump or thickness near the breast or underarm area;
- A change in size or shape of the breast;
- A dimple or puckering of the skin;
- A nipple turned inward;
- Fluid leaking from the nipple, especially blood; or
- Scaly, red or swollen skin on the nipple or dimples that look like the skin of an orange on the breast.

Contact a doctor if these warning signs appear.

Getting treatment

Breast cancer treatment is not different for men and women, and various options will be explored depending on the type of cancer and extent of disease. To determine those factors, your health care provider will perform a variety of tests, which might include a physical exam and some kind of imaging like a mammogram (which is just an x-ray of the breast), ultrasound or MRI. There may also be blood tests and a biopsy, which is a tissue sample for evaluation by a pathologist. These will help doctors determine the details of the cancer to formulate a treatment plan.

Treatment will be designed to stop progression of the cancer. Surgery is intended to remove cancer cells. Chemotherapy and targeted therapy are both terms that refer to treating the cancer with medications. Hormone therapy uses hormones for the same purpose. Radiation therapy is meant to kill residual cancer cells inside the body.

The good news is that survival rates for breast cancer are usually very good, meaning in a large majority of cases the treatments work and the patient can recover and lead a healthy life.

Like many cancers, early detection and treatment increase the odds of a positive outcome with breast cancer. It can happen to anyone, so if there's reason for concern, don't hesitate to seek help.



Daniela Ochoa, M.D., is a breast oncology surgeon at the Winthrop P. Rockefeller Cancer Institute and an associate professor in the College of Medicine, both at the University of Arkansas for Medical Sciences

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Fright night: How to have a safe and spooky Halloween

By Allen Green, League staff

Kids love the magic of Halloween: trick-or-treating, classroom parties and trips to the neighborhood haunted house. But for parents, there is often a fine line between Halloween fun and safety concerns. Traditionally, these concerns involve road and pedestrian safety, tainted candy, and slips, trips and falls. In 2020, these issues will be compounded by COVID-19. In many cases, celebrating Halloween outside the home might not even be an option. If you are planning to venture out with the little ones this year, read on for tips to keep them safe.

Traffic

Thousands of pedestrians (over 7,000 in 2017) die each year in traffic and “non-traffic” related incidents. “Non-traffic” includes incidents occurring on driveways, in parking lots or on private property. Research from the National Safety Council reveals that almost 18 percent of these deaths occur at road crossings or intersections.

Lack of visibility because of low lighting at night also plays a factor in these deaths. Here’s a scary statistic: Children are more than twice as likely to be hit by a car and killed on Halloween than on any other day of the year.

- Use crosswalks or corners to cross busy streets.
- Use sidewalks and stay out of the street.

Safety tips for motorists

The National Safety Council offers these additional safety tips for parents and anyone who plans to be driving during trick-or-treat hours:

- Watch out for children walking on roadways, medians and curbs.
- Enter and exit driveways and alleys carefully.
- At twilight and later in the evening, watch out for children in dark clothing.
- Discourage young, new or inexperienced drivers from driving on Halloween night.

Be safe, be seen: Costume safety

To help ensure both adults and children have a safe Halloween, check out these safety tips from the American Academy of Pediatrics:

- All costumes, wigs and accessories should be fire-resistant or flame-retardant.
- Be sure the costume does not cause a tripping hazard. Trim it if necessary.
- Avoid masks that obstruct your vision. Wearing non-toxic makeup is a safer alternative!
- When buying Halloween makeup, make sure it is hypoallergenic and non-toxic. Test it in a small area first to be sure there is no allergic reaction.
- Be sure to remove makeup before children go to bed to prevent possible skin and eye irritation.
- If children will be out after dark, fasten reflective tape to their costumes and bags, and give them a flashlight or glow sticks.

When they’re on the prowl

- A responsible adult should always accompany young children on the neighborhood rounds.
- If your older children are going without parents, remember safety in numbers—don’t let them go alone. Plan and review a route acceptable to you.
- Agree on a specific time that children should return home.
- Teach your children never to enter a stranger’s home or car.
- Instruct children to travel only in familiar, well-lit areas and stick with their friends.
- Tell your children not to eat any treats until they return home and you can inspect them in better light.
- Children and adults alike are reminded to put the cell phones down, keep heads up and walk, don’t run, across the street.

Have fun and stay safe this Halloween!



Allen Green is the League’s loss control liaison. Contact Allen at 501-374-3484, ext. 122, or email him at agreen@arml.org.

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PHOTOS BY KRISTA QUINN

At the University of Central Arkansas in Conway, large mulch beds eliminate the problem of thinning turfgrass under the trees.

Trees and turf: A difficult relationship

By Krista Quinn

A common problem in many landscapes is the competition between trees and turfgrass for light, nutrients and water. What may begin as a lush lawn with small trees slowly becomes a thin, weedy lawn shaded by large trees over time. In some extreme cases, the shade from trees can be so dense that the entire lawn dies and only a bare, muddy lot is left. However, trees and turfgrass are not entirely incompatible. It is possible to have large, healthy shade trees and grass in the same area with some planning and proper landscape maintenance.

Landscape planning

Competition between trees and turfgrass can be minimized with proper landscape planning. Light is often the most limiting factor affecting turfgrass. Most grasses need at least four to six hours of direct sun to thrive. Placing trees so their canopies will not grow together over time will allow more light to reach the lawn from all sides. Since shading can be a problem for turfgrass on the north and east sides of buildings even

without tree cover, it may be best to avoid planting trees in those areas if a lawn is desired there.

It is also possible to create separate tree and lawn zones to minimize competition between the plants and make landscape maintenance easier. Tree zones are large mulched areas where trees and other shade-tolerant shrubs and flowers are planted. These areas can be natural in appearance or more formal.

Proper plant selection can also help trees and turf to get along. Some trees have naturally thin canopies that allow filtered sunlight through. Honey locusts, Kentucky coffee trees, bald cypress and even pine trees usually let enough light reach the ground to support some turfgrass. Additionally, some types of turfgrass are more tolerant of shading than others. Bermuda grass is the least tolerant of shading, but centipede and zoysia can handle a little shade. St. Augustine can truly thrive in shade but generally only grows well in the southern half of Arkansas. Tall fescue is the best choice for shady areas in northern Arkansas. However, when seeding a fescue lawn, be careful to select a turf-type fescue blend and not one used for forage.

Landscape maintenance

Proper landscape maintenance can also reduce competition between trees and turf. Perhaps the easiest and most effective way to do this is by creating large mulched beds around trees. Mulched beds are attractive and promote the health of trees while eliminating the problem of thinning turfgrass under the trees. To be most effective these mulched areas should include the entire area under the tree canopy. The mulch should only be 2 to 4 inches deep and should never touch the trunks of the trees. A rock border or other edging material can be used where the mulch meets the turf, but it is not essential.

As trees mature, it is also possible to remove some of the lower branches to allow more light to filter through the canopies. It is not a good idea to remove too many lower branches, though, as this can weaken trees and make them top heavy. A good practice is to divide the height of the tree into thirds, keeping the branches on the upper two thirds and removing the branches on the lower third of the tree.

Some lawncare activities can also help keep turfgrass healthy and happy under trees. Since turfgrass does not grow as vigorously under trees as it does in full sun, the amount of fertilizer used on shaded lawns should be reduced to avoid overfertilization that can lead to disease problems. Allowing turf to grow to the top of its recommended mowing height under trees will also result in increased rooting depth and improve the health of the lawn.

During the fall months, it is important to remove or mulch fallen leaves before they form a mat that smothers the lawn. Leaf removal or mulching will usually need to be done several times during the fall rather than waiting to do it all at the end of the season. Mulching leaves by mowing over them can be beneficial for the lawn since decomposing leaf litter returns valuable nutrients back to the soil and helps retain soil moisture during the growing season.

What not to do

Unfortunately, people often inadvertently harm their trees when trying to manage tree-turf conflicts. It is very common for people to try to cover tree roots that grow at the soil surface. However, adding soil over the top of tree roots can be harmful since tree roots need air to survive. Laying grass sod over the top of tree roots can also damage trees, as can tilling the soil under trees to prepare for seeding or sodding. Similarly, creating raised flower beds around tree trunks will often kill trees if soil is placed over the top of the tree roots or mounded against the trunk.



A tree zone is a large mulched area where trees and other shade-tolerant shrubs and flowers are planted separately from lawn areas to reduce competition between the trees and turf.

It is extremely important to be careful when using herbicides around trees since many common lawn herbicides are toxic to trees. It is also a good idea to use trunk guards around young trees to protect them from mower and string trimmer damage. Finally, topping trees is never advised since it creates weak trees with dangerous branching patterns. Any tree service that recommends this practice should be avoided.

The dream of having large, healthy shade trees in a grassy lawn is not impossible, and having both trees and turfgrass in landscapes is desirable. Almost all plants help clean our air and water, prevent erosion and cool the air. Trees also provide valuable shade, which conserves energy in buildings and makes outdoor activities more enjoyable. Likewise, turfgrass is an attractive groundcover that creates pleasant areas for walking, playing and entertaining. With proper planning and landscape maintenance, trees and turf can thrive together.



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 klquinn@uaex.edu.



IMAGES COURTESY MCCLELLAND CONSULTING ENGINEERS

This is an example of the software being used to design a transportation project.

3-D modeling tools help design our cities and towns

by Stephen Morrow

What is the best way to convey project design intent to stakeholders? Two-dimensional designs put on paper used to be the most efficient way, but these types of designs are slowly going away. Like with every other aspect of our daily lives, technology has changed the way we do business and convey ideas to other people.

Computer Aided Design (CAD) programs have developed 3-D modeling programs that produce lifelike quality renderings that are capable of quickly conveying the engineer's design intent to the client. Here at McClelland Consulting Engineers (MCE), we are transitioning to 3-D modeling capability. The use of several 3-D modeling programs—like Autodesk Civil 3-D, Aviplan and Infracore—is advancing our ability to convey the design intent with greater understanding to the client.

Autodesk Civil 3-D is an AutoCAD program and is the main program used for production of engineering plans. It allows the designer to develop 3-D models for all civil engineering disciplines, then converts those



This is an example of the software being used to design a park.

models into 2-D drawings for plan production. These plans are then used by contractors to construct the project. With the advancement of computing power and speed, this program can now be interconnected with other 3-D programs to decrease design and production time.

One of these 3-D programs that is used is Aviplan, which was created specifically to help designers with the complexities of airport design. The program uses AutoCAD as a base program and builds upon that to



This sample from MCE's Texarkana Regional Airport Terminal project demonstrates what can be done with the software for aviation design projects.

create 3-D modeling of airports. It has an extensive library of 3-D aircraft and airport equipment that is used to create and model all aspects of airport design. At MCE, we have used this program to design airport taxiways, aprons and hangar placement. The 3-D program also allows us to model aspects of commercial airport design such as jet bridge placement (passenger boarding bridge) and aircraft warning areas, which would have taken quite some time to design prior to using this software. Using the program, we can quickly develop a 3-D model of existing or proposed airfield developments and verify that all FAA design requirements have been or will be met. If there are conflicts, the program can then be used to easily develop alternatives that will meet the FAA requirements. This allows us to quickly meet client requests with information that is easily understood.

Infracore is another program that allows a designer to quickly create 3-D models of the proposed project, and it uses that model to create photorealistic renderings and videos so that the client can see the design intent. This program incorporates information from multiple sources and combines them into one geographically located 3-D model. These newly created models can be used for long-term planning, allowing the clients to see potential conflicts or different options well ahead of construction. This program easily uses data from other programs to create these models. To convey the design intent, the designer can take snapshots or video of the project area and can rotate or change the camera position so that a different perspective of the project area is displayed. These images can also be exported into Photoshop or other similar programs for



Conceptual renderings of existing parks in the city of Little Rock parks and recreation system.

further editing or production. Due to this ability, the production and design time for this is greatly reduced.

A big advantage of these programs is the development and the interchangeability of data among all of them. A project can be initially designed in Infracore and then imported into Civil 3-D without losing any of the information. The ease of information transfer has greatly reduced the time required to design these projects and has greatly increased the quality of the end product.



Stephen Morrow is a draftsman in MCE's Aviation Department in our Little Rock office. Contact Stephen by phone at 501-371-0272 or email him at smorrow@mce.us.com.

HHS publishes notice of proposed rulemaking on hair testing

On September 10 the U.S. Department of Health and Human Services (HHS) published a Notice of Proposed Rulemaking in the Federal Register entitled Mandatory Guidelines for Federal Workplace Drug Testing Programs at Vol. 85, No. 176. This proposed rulemaking would permit hair testing for federal program testing after a final rule is published.

Please note that this process is in the preliminary stages. The proposed rulemaking does not relate directly to Department of Transportation testing at this time, because adding hair to the DOT-permitted specimen list requires a separate rulemaking initiative. Also note that it will take some time for this rulemaking to go through a public comment period and become finalized. When and if the rule is finalized, whether revised or as published today, the DOT would need to do its own separate rulemaking for hair to be permitted for DOT agency testing (FAA, FTA, FRA, FMCSA, PHMSA and Coast Guard).

Local impact

Municipalities with transportation employees who fall under federally mandated testing guidelines could certainly be impacted if the proposed rule is finalized. Under the Omnibus Transportation Employee Testing Act of 1991, the DOT is required to follow the guidelines of HHS for drug testing. If HHS changes their rules to allow hair testing, DOT would follow with their own regulatory changes. Two years ago, HHS did the same thing regarding oral fluid testing, and now DOT is drafting their regulations to allow its use for transportation employees.

Hair testing is not a new technology, as it has been used in the drug and alcohol testing industry for more than 20 years. Its primary use and attraction is for pre-employment and random testing due to its length of detection times that range from 60 to 90 days of detection for head hair, and up to 120 days of detection in body hair.

Below is the executive summary of the rulemaking proposed by HHS.

Executive summary

This notice of proposed Mandatory Guidelines for Federal Workplace Drug Testing Programs using Hair (HMG) will allow federal executive branch agencies to collect and test a hair specimen as part of their drug testing programs with the limitation that hair specimens

be used for pre-employment (i.e., for applicants applying for federal testing designated positions) and random testing. A federal agency choosing to test hair specimens must authorize collection and testing of at least one other specimen type (e.g., urine or oral fluid) that is authorized under the Mandatory Guidelines for Federal Workplace Drug Testing Programs, and provide procedures whereby the alternate specimen is used in the event that a donor is unable to provide a sufficient amount of hair for faith-based or medical reasons, or due to an insufficient amount or length of hair. The proposed HMGs require collection of an alternate authorized drug testing specimen in addition to the hair specimen, either simultaneously (at the same collection event) or when directed by the medical review officer (MRO) after review and verification of laboratory-reported results for the hair specimen. This alternate specimen would be tested and reported in place of a donor's positive hair specimen only in certain circumstances, as described below.

These proposed HMGs establish standards and technical requirements for hair collection and collection materials, initial hair drug test analytes and methods, confirmatory hair drug test analytes and methods, processes for review by an MRO, standards for certification of laboratories engaged in hair drug testing for federal agencies' drug-free workplace programs, and requirements for federal agency actions that are covered by these guidelines. The HMGs provide flexibility for federal agency workplace drug testing programs to address testing needs by allowing hair as an alternative specimen type. The Department of Health and Human Services, pursuant to the Department's authority under Section 503 of Public Law 100-71, 5 U.S.C. Section 7301, and Executive Order No. 12564, establishes the scientific and technical guidelines for federal workplace drug testing programs and establishes standards for certification of laboratories engaged in drug testing for federal agencies.

For more information on how this can impact your organization in the coming months, email info@xpertdiagnostics.com or call 866-309-5618.



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

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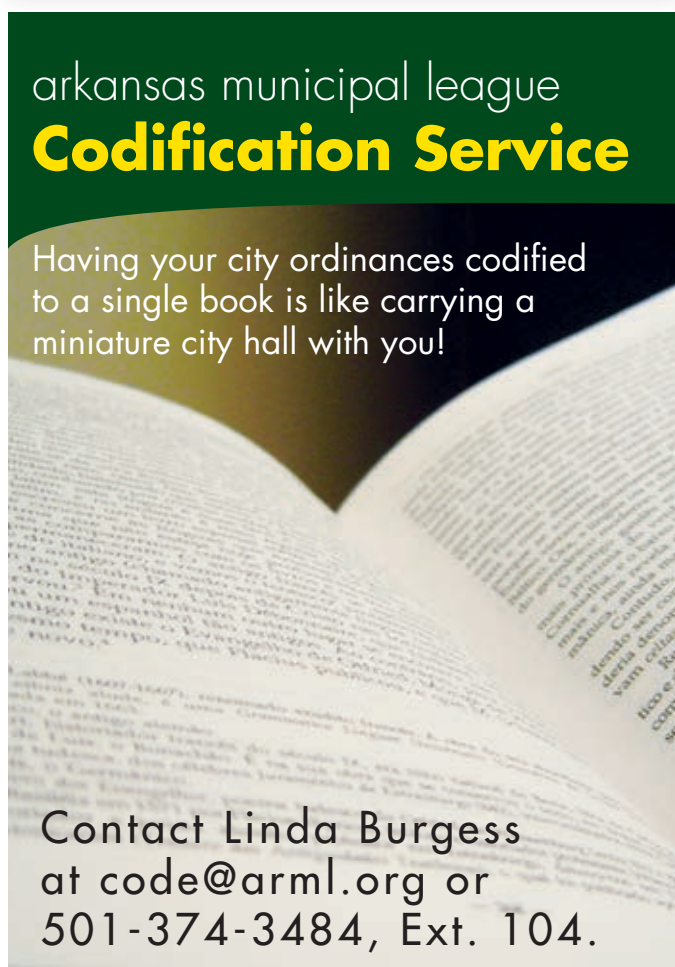
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 Date: **10/01/2020**

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2019/2020 State Turnback Funds

Actual Totals Per Capita						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	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	\$6.088	\$0.338	\$0.064	\$1.085	\$0.924
May	\$5.811	\$5.943	\$0.227	\$0.034	\$1.086	\$0.924
June	\$6.017	\$5.605	\$0.209	\$0.030	\$1.088	\$0.924
July	\$5.801	\$6.094	\$0.182	\$0.022	\$2.959	\$2.795
August	\$5.990	\$6.478	\$0.114		\$0.924	\$1.542
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	\$49.095	\$2.261	\$0.452	\$15.810	\$11.430

Actual Totals Per Month						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	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	\$11,509,342.85	\$638,095.99	\$120,647.65	\$2,051,915.02	\$1,747,446.98
May	\$10,985,547.22	\$11,233,895.61	\$428,651.27	\$63,817.15	\$2,052,767.40	\$1,747,094.76
June	\$11,374,227.00	\$10,595,347.60	\$395,730.25	\$57,224.47	\$2,056,915.45	\$1,747,446.98
July	\$10,966,523.76	\$11,520,392.64	\$343,609.83	\$41,735.92	** \$5,592,768.93	*** \$5,284,317.00
August	\$11,322,293.50	\$12,263,537.56	\$214,617.36		\$1,746,588.81	\$2,919,346.12
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	\$92,825,312.06	\$4,274,163.21	\$853,996.62	\$29,886,259.90	\$21,611,068.63

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

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

*** Includes \$3,513,475.64 supplemental for July 2020

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	\$58,720,966	\$53,915,385	\$50,676,002	\$45,679,915	\$109,396,969	\$99,595,300	\$173,069	\$239,875
May	\$61,816,632	\$61,136,496	\$54,700,218	\$51,962,167	\$116,516,851	\$113,098,664	\$37,445	\$233,250
June	\$66,569,122	\$63,455,242	\$58,404,198	\$53,477,656	\$124,973,319	\$116,932,898	\$27,240	\$199,380
July	\$69,810,263	\$62,196,778	\$61,352,447	\$52,242,794	\$131,162,711	\$114,439,573	\$22,963	\$239,855
August	\$69,731,104	\$63,103,397	\$62,286,322	\$53,989,906	\$132,017,426	\$117,093,303	\$14,982	\$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	\$520,490,278	\$737,249,904	\$452,582,353	\$631,273,834	\$973,072,631	\$1,368,523,738	\$705,519	\$2,631,590
Averages	\$65,061,285	\$61,437,492	\$56,572,794	\$52,606,153	\$121,634,079	\$114,043,645	\$88,190	\$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.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER—The city of Berryville is accepting applications for the position of building inspector/code enforcement officer. Job duties include building inspection services and enforcement of various city codes, including ticket writing for violations. Well qualified applicants should possess excellent communication and organizational skills. Previous experience and/or an accredited college degree in a related field are preferred. Technological skills also preferred. Benefits include vacation, sick leave, 10 paid holidays per year, retirement program, paid employee health insurance (including dental, vision, prescription drugs and life). Applications and job descriptions may be received at the Berryville City Hall located at 305 E Madison Avenue, or by contacting Mayor Tim McKinney at 870-423-4414 or via email al_mayortim@berryvill.com. A resume must accompany the application. Applicants may submit their information to the mayor's office via email at mayortim@berryvill.com or by mail at City of Berryville, P.O. Box 227, Berryville, AR 72616.

FIRE CHIEF—The city of Johnson is accepting applications for the position of fire chief. This management position requires a dedicated, self-motivated person with strong personnel management skills and experience. The ideal candidate must be able to identify and develop unique solutions to address problems as they arise, perform administrative duties and work in the field. Qualifications required for the position can be found at the link below. Extensive background check, credit check and drug screening required before hire. Starting salary range is \$58,000 to \$62,000 commensurate with experience and a complete benefits package of paid retirement, paid health insurance, paid holidays, vacation and sick leave. Applications and job description may be obtained at Johnson City Hall, 2904 Main Drive, from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m. Monday through Friday, or online at cityofjohnson.com/fire-department. Please attach a resume or CV to your application when submitting. The city of Johnson is an EOE and a drug-free workplace.

FIRE MARSHALL—The city of Monticello is accepting applications for the position of full-time fire marshal classified within the Monticello Fire Department. The objective of the fire marshal is to direct the operations of building inspections for all residential and commercial construction, enforce adherence to ADEQ storm water requirements, complete commercial and residential plan reviews, and direct enforcement of city codes. Individual will be expected to be available during regular business hours, 8 a.m. to 5 p.m., Monday through Friday, and will be expected to be available for other needs that the fire chief deems necessary. Essential duties and responsibilities: complete commercial and residential plan reviews; knowledge of city codes and directing enforcement procedures; interpret and communicate building, electrical, plumbing, HVAC, and structural codes; train other employees in code enforcement and building inspections; public speaking as requested; direct ADEQ storm water enforcement procedures/flood plain management and city compliance; all other duties as required or assigned. Education and experience: Qualifications include five years of related experience and/or training or equivalent combination of education and experience, and prefer at least four years of managerial experience. Must be licensed/certified with the following credentials: Arkansas Plumbing Inspectors License, Arkansas Mechanical Inspectors License, Arkansas Electrical Inspectors License, Erosion Prevention and Sediment Control Certification, Flood Plain Management Certification, FF1 and FF2 certifications, Inspection 1 certification. Must be familiar with International Fire Code and International Building Code. Resumes may be sent to Patty Burchett, HR Director, City of Monticello, P.O. Box 505, Monticello, AR 71655; or faxed to 870-367-4405. Full benefit package included and salary DOE. For more information, please call 870-367-4400, ext. 2. Position is open until filled.

HUMAN RESOURCES DIRECTOR—The city of Benton is accepting applications for the position of human resources director. Job duties include directing and monitoring benefit packages such as compensation and health insurance; ensuring compliance with federal, state and local legislation pertaining to personnel and payroll matters; managing recruiting programs; working closely with department heads to coordinate new hire orientation and training; overseeing payroll functions; and ensuring completion of all mandated reporting, such as 941, 945, federal and state W-2 media reporting. Qualified applicants should possess strong problem solving and communication skills, as well as excellent teambuilding and leadership skills. Bachelor's degree in human resources, business administration or related field is required. Ten-plus years in progressively responsible leadership roles and previous public administration experience preferred. Applicant must also have knowledge of operational characteristics, services and activities of municipal administration and organization, knowledge of principles and practices of municipal budget preparation and knowledge of federal, state, and local laws, ordinances, statutes

and regulations. Benefits include vacation, sick leave, retirement program and paid employee health insurance. Applications and a complete job description may be found at www.bentonar.org or by contacting Mayor Tom Farmer at 501-315-6008 or via email to mayorfarmer@bentonar.org. A resume must accompany the application. Applications will be accepted until November 2 or until a qualified candidate is selected.

PLANNER I—The city of Jonesboro seeks applicants for the position of planner I. This entry level position is responsible for helping assist, regulate, and approve planning and development activities for the city. This position will assist the director of planning in the development and review process; reviews rezoning requests, prepares reports and makes recommendations; proposes and revises ordinances, policies and regulations related to planning; and performs various other duties. Minimum qualifications and skills: broad knowledge of such fields as accounting, marketing, business administration, finance, etc.; equivalent to a four-year college degree, plus two years related experience and/or training, or equivalent combination of education and experience; valid driver's license. American Institute of Certified Planners certification required (or attainable within two years). A successful background check. Minimum salary: Pay Grade 109—Minimum \$29,852 (\$14.35 per hour). 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. EOE.

PUBLIC WORKS LABORERS—The city of Monticello is currently taking applications for full-time public works laborers. Applicants must possess the ability to work independently, be trainable, have good listening skills, knowledge of public works and have a minimum of a high school diploma. Must be able to pass a pre-employment background check, motor vehicle check and drug screen. Applicants should have an interest in obtaining either water and/or wastewater licensing to the level that is required for the city. Some job responsibilities include assisting daily with the upkeep of all city streets including asphalt repair, replacement and repair of all culverts, assist with water leak repairs, maintenance of sewer ponds, tree limb removal, general maintenance of city grounds and buildings, lawn care around wells, sewer ponds and City of Monticello Lake and communicating with the public works superintendent and assistant public works superintendent on daily issues that may arise. On-the-job training will be provided. Hours may vary depending on daily assigned tasks. Salary DOE. Full benefits package included for full-time employees. To apply please contact Patty Burchett at 870-367-4400 for an application. You will need to provide either an email or a fax number to receive an application at this time due to CoVid-19 guidelines.

PUBLIC WORKS OPERATOR—The city of Monticello is currently taking applications for a full-time public works operator. Applicant must possess an Arkansas CDL, at least two years of verifiable experience of operating heavy equipment, general knowledge of public works and have a minimum of a high school diploma. Must be 18 years of age and be able to pass a pre-employment background check, motor vehicle check and drug screen. Applicant should have an interest in obtaining either water and/or wastewater licensing to the level that is required for the city. Some job responsibilities include assisting daily with the upkeep of all city streets including asphalt repair, replacement and repair of all culverts, assist with water leak repairs, maintenance of sewer ponds, tree limb removal, general maintenance of city grounds and buildings, lawn care around wells, sewer ponds and City of Monticello Lake, operation of heavy equipment as needed, assist with driving the solid waste disposal trucks as needed and communicating with the public works superintendent and assistant public works superintendent on daily issues that may arise. On-the-job training will be provided. Hours may vary depending on daily assigned tasks. Salary DOE. Full benefits package included. To apply please contact Patty Burchett at 870-367-4400 for an application. You will need to provide either an email or a fax number to receive an application at this time due to CoVid-19 guidelines.

WATER PLANT OPERATOR—Forrest City is seeking licensed personnel for one position: water plant operator. Forrest City Water Utility requires: T-3 and D-2 license. Applicants who possess both will be considered if willing to advance their licensure. Salary commensurate with licensing and experience. A competitive benefit package includes vacation, sick leave, holidays, insurance and retirement. Email resumes to WH Calvin Murdock at cmurdock@cityofforrestcityar.com, Tiffany Cunningham at tcunningham@forrestcitywater.com or call 870-633-2921. Applications will be accepted until position is filled.

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