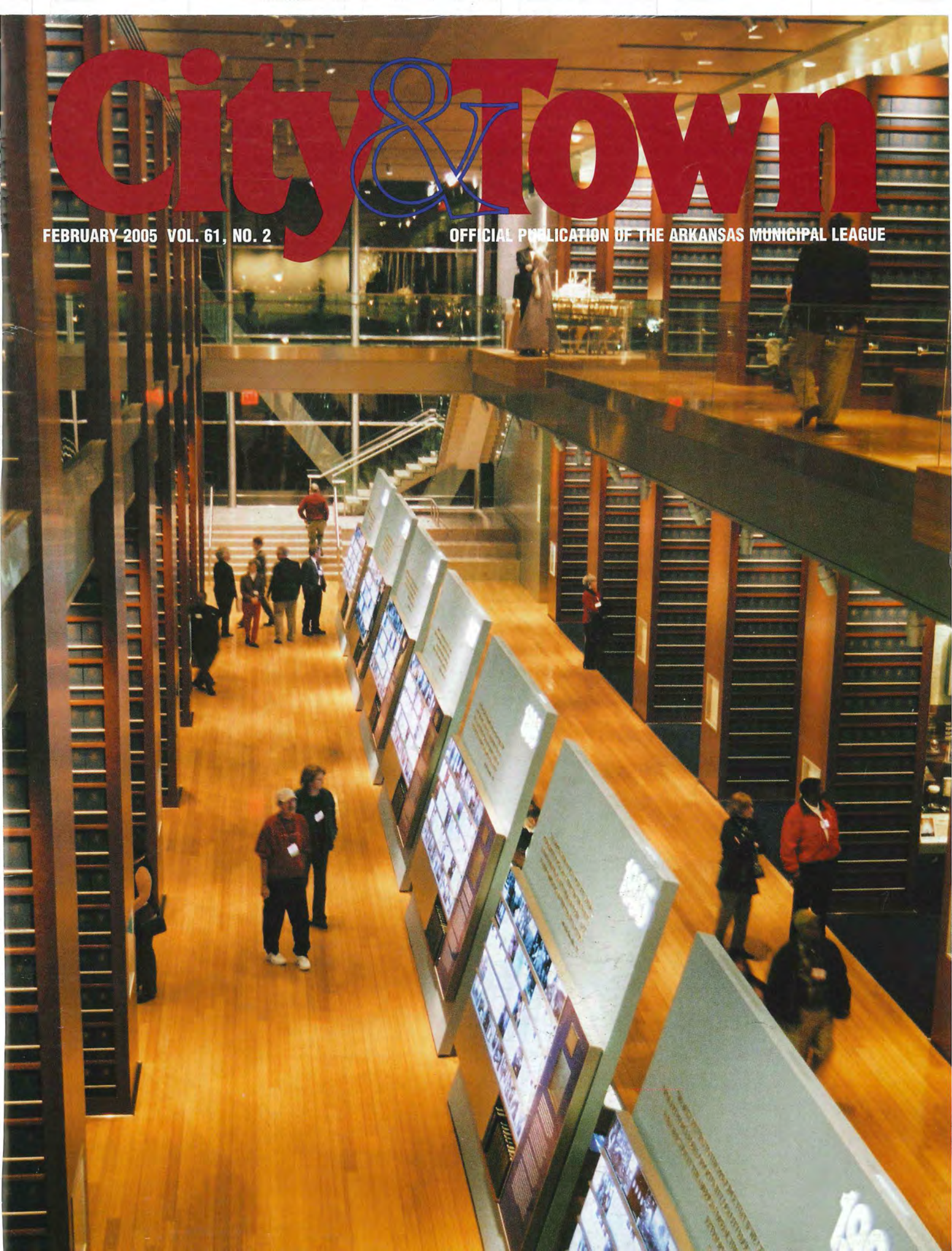


City & Town

FEBRUARY 2005 VOL. 61, NO. 2

OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE





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FEATURES

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The agenda carried hot topics such as modifying the Freedom of Information Act and 2005 legislative issues, but leisurely strolls through the Clinton Presidential Center, mingling with legislators and words of wisdom for the newly elected added a variety of activities to the program.
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Time, rerouting of highways and the rails, changing economies and other circumstances have left some centennial cities by the way side; others have adjusted and are lining up celebrations of their rich heritages.
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Here is a brief review of the largest brownfield cleanup in the state, the Arkansas Department of Economic Development seeks comments for community development block grants and other federal programs and a glance at the Federal Home Loan Bank of Dallas.



Earle's railroading past and present is reflected in this downtown mural. Trains now speed on by without stopping but make their presence known as they typically rattle the dishes and walls of nearby houses and stores of this 100-year-old municipality.

City&Town

John K. Woodruff, Editor

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ON THE COVER:

Arkansas Municipal League Winter Conference participants had the Clinton Presidential Library to themselves as they strolled at their leisure through the fascinating facility. It was one of the highlights, along with a reception at the Library, of the Conference. In the center of that main first floor exhibit area, Van Buren Mayor John Riggs and wife Gaye Riggs check out the yearly category displays of the Clinton Administration. The Winter Conference coverage begins on page 6.—jkw

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Cover Photo by John K. Woodruff, League Staff

City&Town (ISSN 0193-8371 and Publication No. 013-620) is published monthly for \$15 per year (\$1.50 per single copy) by the Arkansas Municipal League, 2nd & Willow, North Little Rock, AR 72114. Periodicals postage paid at North Little Rock, Ark. POSTMASTER: Send address changes to City&Town, P.O. Box 38, North Little Rock, AR 72115.

Hello Friends:

The month of January has come to a close and it has been a very busy month with the League's Winter Conference, which was held in Little Rock. It was a very successful meeting and your attendance was greatly appreciated.



With the beginning of the 109th Congress and many new faces within the Administration, the National League of Cities is sharpening the legislative message and concentrating on strategic advocacy techniques to maximize the impact.

I would like to remind all of you of the 2005 Congressional City Conference in Washington, D.C., March 11-15. This will provide NLC members an opportunity to advocate before Congress with conference presentations and City Lobby Day on March 15.

One of the NLC's greatest strengths is our ability to explain to Congress and the Administration how federal programs and legislation affect communities across the country. Localizing and personalizing the issues and programs provides a human connection for your Congressional office.

I need to remind you of the Arkansas Municipal League's Web page which may be found at www.arml.org. This is the site for a variety of information about the League and its many programs and services the League offers. In order to assist you in following legislative issues of municipal interest, we will post Daily Bills of Interest, Bills of Appropriations and an online version of the *Legislative Bulletin*.

The state of Arkansas's Web page for legislative matters is www.arkleg.state.ar.us. At this site, you have the ability to follow legislation from the first introduction of a bill in committee to its passage into laws.

Remember all of our troops that are serving across the world to allow us the freedom that we enjoy each day. God bless and have a wonderful month.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gene Yarbrough". The signature is stylized with a large, sweeping initial "G".

Gene Yarbrough, Mayor, City of Star City
President, Arkansas Municipal League

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More than 900 participants attend first Winter Conference

City officials and legislators mingled, the Clinton Presidential Center received Conference guests and the newly elected heard "Words of Wisdom."



PHOTOS BY JOHN K. WOODRUFF, LEAGUE STAFF

The outside of the Clinton Library presents a striking view at night to passers-by, but, as here, the inside offers a sweeping panorama of the city skyline.

By John K. Woodruff, League staff

LITTLE ROCK—Newly elected and experienced city officials and state legislators mingled and discussed mutual concerns at the Arkansas Municipal League's first Winter Conference, timed Jan. 12-14 to coincide with the same week as the opening of the 85th General Assembly.

Special sessions assisted the new officials who had just been sworn into office with the new year and were fresh out of the November general elections.

Sessions, too, were held to tap the knowledge and presence of the legislators, who convened Jan. 10. The opening night reception and banquet provided opportunities for city officials to discuss the municipalities' legislative agenda with their legislators.

The items that caught most of the media attention were improvements that cities said are needed in the state Freedom of Information Act (FOIA). Reporters and cameras covered the opening general sessions Jan. 13 and Fort Smith City Director and Vice Mayor Gary Campbell's prospective FOIA modifications.

None of the changes are firm as discussions continue among municipal and

county officials, legislators and media representatives.

Campbell expressed the hope that cities and the media could agree on changes to take to the legislature. The 1967 FOIA has been amended 22 times. "None significantly weakened the act," Campbell said. Suggested changes would:



Star City Mayor Gene Yarbrough, League president, presided.

1) Temporarily protect information provided to a city by companies that are considering moving to the city;

2) Keep private documents that normally are private as part of an attorney-client privilege, but under the FOIA can be made public, causing a chilling effect on government deliberations;

3) Allow executive sessions to discuss litigation and the purchase, sale or lease of property;

4) Allow keeping private documents that disclose the price that the municipality seeks when it sells or buys property;

5) Define how many members of a governmental entity, as a city council or quorum court, it takes to constitute a public meeting.

Campbell became the point person on the FOIA changes after the city of Fort Smith was found by a state Supreme Court order Nov. 4, 2004, that the city had violated the FOIA when the city administrator polled city directors by telephone on a price that the city would bid



League Executive Director Don Zimmerman cautioned city officials about talking city business to another city official outside a public meeting until the FOIA is clarified.

at public auction for property for a truck route right of way. Campbell said by keeping the city's agreed on price bid secret before the bidding, the city saved its taxpayers \$700,000 in the purchase.

The city did not publicly disclose the bid that it would offer prior to the auction, preventing other bidders from being apprised of the city's bid.

While Campbell went over the potential changes, he added, "I caution you: Do not discuss this with your elected colleagues unless you are in a public meeting." Until the legislature or other rule-making body clarifies what constitutes a public meeting, the League is cautioning city officials to refrain from discussing what may be voted on at a council meeting unless the officials are in a public meeting.

Some sentiment was addressed to the changes later during a question and answer session. Sen. Dave Bisbee said the FOIA does need amending when the public interest is not served. Bisbee cited that when a lawsuit is filed against a municipality, the opposing side can use the FOIA to obtain otherwise private working papers of a city's lawyers. Language needs to be couched to protect the public's interest and ensure that all final decisions are made in public, he said.

Cities can promote health and fitness

Gov. Mike Huckabee, speaking at the Jan. 13 luncheon, promoted his three "H's" for legislative changes: health, highways and higher education. Continued Medicaid cost increases is "unsustainable," he said. Huckabee said



Gov. Huckabee promoted his "three H's."

his own work promoting fitness, as his own, was "the most rewarding experience I've ever had." He has lost over 100 pounds. He called for municipalities to build more walking trails, becoming "health friendly," to encourage personal activity, and he commended Little Rock and North Little Rock Mayors Jim Dailey and Pat Hays for their leadership in building the river trail along both sides of the Arkansas River where he sees walkers and runners regularly exercising. Parks and recreation grants can be a "partner" in building the walking trails, he said.

On highways, Huckabee said, "we are not touching that turnback formula"—in reference to the 70-15-15 split of turnback with 70 percent going to the state, 15 percent for municipalities and 15 percent to counties. As for higher education, Huckabee said high school diplomas are no longer adequate for today's workforce. He said if the state would increase its college graduates by 50 percent, within a decade that could bring in an additional \$340 million a year to the state. And the route

to accomplish this is through the convenience of community colleges—"a God-send for access," he said.

Departments' merger draws concerns

On other legislative issues, Health Department Director Fay Boozman said the department will seek an increase in the water testing fees, which the League opposes. He said water testing fees need raising because inflation and personnel costs have increased significantly since the last increase in 1993. The state-imposed fee is placed on city and town water bills, also a mechanism that the League opposes.

Residents of the state "are getting more and more unhealthy," and the department is making "a concerted effort to try to change that," Boozman said, but did not go into specifics. Of a proposal to merge the Health Department and the Department of Human Services (DHS) is to "streamline" processes, he said.

State Sen. Dave Bisbee of Rogers and Rep. Will Bond of Jacksonville expressed concerns. Bond said the agencies were already too big and Bisbee noted, "Improving your water supply doesn't seem to be a function of the Department of Human Services." He said he was a building contractor and was "not interested" in going to DHS for a septic tank permit.

Bonds said needed for highway work

Dan Flowers, director of the Arkansas Highway and Transportation Department, echoing Governor Mike Huckabee, called for the sale of highway bonds to expand the traffic capacity of state highways linking large cities lacking four-lane access to interstate highways.

The state has \$16 billion in needs but only \$4 billion in expected revenues, creating a \$12 billion shortfall, Flowers said. He stressed that he "always" supported the current highways revenues split of 70-15-15.

City officials fear state could tap city revenues for courts

Keith Caviness, staff attorney for the administrative office of the courts, said a draft legislative bill would merge all Arkansas limited



Assistant League Director Ken Wasson responds to an inquiry as Star City Mayor Gene Yarbrough, League president, background left, and League General Counsel Mark Hayes, Assistant League Director Don Myers and Jeannette Denham, a league attorney, await their turns in answering questions.

jurisdiction courts, including city courts, under one court system, but attempts to “preserve the current revenue stream.” Caviness said other legislation would seek to ensure a uniform salary structure throughout the district court system. City officials later were concerned about a provision that court revenue deficiencies could be paid from a municipality’s general fund.

Broaden sales tax base, Woolridge suggests

State Sen. Tim Woolridge of Paragould, chair of the Revenue and Tax Committee, had good words for city officials, who reacted with applause when he said, “I don’t see a need for increases in the sales tax, but maybe broadening the base.”

Cities oppose raising the sales tax, fearing, among other concerns, that raises will impact even more municipalities’ ability to increase local sales taxes to meet local needs. Broadening the base, instead, would generate more revenue for the state and cities without increasing the tax rate.

Sen. Dave Bisbee echoed Woolridge’s sentiment over being opposed to raising sales taxes again as was done at the special legislative session last year. When the state raises the state sales tax, “your ability to raise the

[local] sales tax is tremendously diminished,” Bisbee said.

Sen. Irma Hunter Brown of Little Rock, chair of the City, County and Local Affairs Committee, had advice for the city officials: “Nothing is more effective than those [city officials] coming to our meetings.” She said that while telephone calls and e-mails are useful, “several hundred” e-mails



Cabot Mayor Mickey D. (Stubby) Stumbaugh, center, has a light moment with Gov. Huckabee, right, and North Little Rock Alderman Martin Gipson.

“end up on our computers.” But when city officials come to the committee meetings they can also hear “other viewpoints, too.” Then she said, city officials have the opportunity “to convince at least four of us your way is the right way.”

Rep. Benny Petrus of Stuttgart said, in reference to the governor’s and state Highway Commission’s plans for reconstruction of major highways around the state, that he continues to support the 70-15-15 division of revenues, even with a bond issue to pay for the work. “I definitely, unequivocally support the split,” he said.

Sen. Jim Argue of Little Rock, chair of the Education Committee, said in response to a recent opinion by state Attorney General Mike Beebe, that he did not oppose tax increment financing (TIF) districts, but that he wanted assurance that school districts would continue to receive a minimum of 25 mills from property taxes, as mandated by state law. Beebe says that the millage intended for the schools cannot go to TIF districts. Argue added that he wanted to work with cities and counties on how they can deal with the financial issues of improving infrastructure, dealing with blight and others.



T. A. Cowan, assistant to the Hazen mayor, taps the knowledge of Jeannette Denham, League attorney. Cowan, a regular at League conferences, has located and obtained millions of dollars in grants over the years for Hazen.



State Rep. David Johnson of Little Rock was among the many legislators introduced at the opening night banquet, a get-together between the legislators and city officials. Mena Clerk-Treasurer Regina Walker, seated, helped welcome Johnson.



University of Arkansas Clinton School of Public Service Dean David Pryor, former U.S. senator, welcomes Municipal League Winter Conference participants. Behind Pryor are from far left, Little Rock Mayor Jim Dailey, Pulaski County Judge Buddy Villines and Jim McClelland of McClelland Consulting Engineers, Inc., sponsor of the reception.



Mark Hayes, right, League general counsel, after a League priorities and services general session, meets with Mena Mayor Jerry Montgomery, from left, and Mena Councilmembers Walt Gray and David Spurgin.



Wendy Shumate, left, assistant to the Rogers mayor, during the League reception at the Clinton Library, checks the bicycle that Tour de France winner Lance Armstrong gave to Clinton.



"Meet with your legislators," Conference participants were urged; this group did just that. Here, they dined with state Rep. Shirley Borhauer of Bella Vista, standing left. Next to her are Bentonville Mayor Terry Coberly, Karen Digby and Highfill Councilmember Charles Digby, and seated, from left, are Bentonville Councilmembers Rod Sanders, Chris Sooter, Mary Baggett and Ed Austin.



New Bryant Councilmembers J. R. Levart, left, and Danny Steele pick up their registration packets from Sheila Moore of the League staff and then headed for an empty table. "Let's sort all this out," Levart said.



State Rep. Gregg Reep, former Warren mayor, renewed acquaintances with city officials and other legislators at the League reception.



"We are not handicapped," Ida Ish't of the Governor's Commission on People with Disabilities, said at a general session. "We are people with disabilities ... we are able to be tax-paying individuals." She said wheelchairs allow independence,

but "common obstacles" still arise, such as improperly designed restrooms. Ish't spoke from a motorized wheelchair.



Pryor mingled among the crowd at the Clinton School of Public Service, a division of the University of Arkansas, including Texarkana Mayor Horace Shipp and Bentonville Mayor Terry Coberly, League first vice president.



Newly elected Pine Bluff Mayor Carl Redus, the city's first black mayor, shares a few words with Gov. Huckabee as the governor was departing after his luncheon speech.



A video mounted on the side of a wall at the Clinton Library captured the attention of Mountain Home Councilmember Jennifer Baker, from left, Cindy Claybaker of Camden, Linda Martens of Elkins and Eureka Springs Councilmember Butch Berry. "All should be real proud to have this in our state," Berry said.



Ken Helton, Dardenelle city attorney, snaps a digital picture at a Clinton Library display during the League reception and informal tours of the Library.



Thanks, Municipal League, says former U.S. Sen. David Pryor, dean of the Clinton School of Public Service, as he holds a \$10,000 check from the League, as authorized by the Executive Committee, for a scholarship at the School. "You will help a student learn about our country and public service," Pryor said. Public servants listening to Pryor are Attorney General Mike Beebe, state Sen. Irma Hunter Brown of Little Rock, chair of the City, County and Local Affairs Committee, and state Rep. Bill Stovall of Quitman, speaker of the House.



Little Rock City Directors Willie Hinton, from left, Joan Adcock and Johnnie Pugh distribute "little rocks" as they welcome Star City Mayor Gene Yarbrough, League president, and others at the Little Rock-sponsored breakfast.

'Words of Wisdom' expressed to the newly elected

LITTLE ROCK—When the request was made for a showing of hands for the newly elected municipal officials at the closing conference session, *Words of Wisdom*, March 14 at the League Winter Conference, a sizeable number went up. Many other participants in the audience, despite years of service, still were open for hearing others' ideas as they sat in on this airing of advice session.

So what sorts of "wisdom" did both groups hear?



"Remember procedural rules," Osceola Alderman Tommy Baker, 1999-2000 League president, advises during the **Words of Wisdom** session.

"If you have the rules, you usually can make a good decision," Osceola Alderman Tommy Baker, League president 1999-2000, advised. He suggested that city officials obtain and study the *Handbook for Arkansas Municipal Officials*, which was given to each Conference participant as part of the registration fee and is available for \$65 each at the League. "You ought to read the *Handbook* to know what the law is."

North Little Rock Alderman Martin Gipson, League president 1990-91, advised: "You are elected to represent all the people, not just a few," and, "Elected officials can make a difference in their community."

"Grants are the lifeline of a small city," said St. Charles Mayor Robert Patrick, League president 2003-04 and one of the 361 residents of his Arkansas County town. He has brought in more than \$3 million in grants for St. Charles. Follow through on the paperwork and meet deadlines, he said. Patrick also brought attention



"Always be on a friendly basis," El Dorado Councilmember Larry Combs, League president 1986-'87, said while discussing council meetings in a **Words of Wisdom** segment.

that tourism is the state's second largest industry. Cities and towns, Patrick opined, should find and highlight something about their municipalities to take advantage of tourism: "an opportunity waiting to happen."

El Dorado Alderman Larry Combs, League president 1986-87, focused on council meetings: "Don't be a rubber stamp"; "Always be on a friendly basis"; and "Don't take anything personally whatever is said at a council meeting."

Little Rock Mayor Jim Dailey, League president 2002-03, noted: "It is important to know your legislators." He urged conference participants: "Get to know the [League] staff" and "work with neighbors" as other city

and county officials.

Jacksonville Mayor Tommy Swaim, League president 1989-90, had several city council-related suggestions among others: "Council meetings are not contact sports"; "Disagree with issues, not the individual"; "Be courteous"; "Don't hold a grudge"; "Don't say something you'll regret"; "Come to meetings prepared"; "Represent all constituents"; and "Don't dominate the conversations."

"Tell people what you think," North Little Rock Mayor Pat Hays said. "Honesty is the absolute key word in dealing with constituents on a daily basis."

Star City Mayor Gene Yarbrough, League president, urged city officials to "create a vision" for their cities, then "share it and go to work with it."



The Arkansas City Clerks, Recorders and Treasurers Association sponsored an almost day-long session before the Conference began about 3 p.m. Jan. 12 to help especially newly elected clerks. Among attendees were Elkins Recorder/Treasurer Meg Smith, from left, and Angula McDonald, an Elkins Councilmember, and at right, front, Alicson Reding, Cedarville recorder/treasurer, and London Recorder/Treasurer Deby Sorrells, and behind them, from left, Recorder/Treasurers Katie Smith of Hoxie, Mary Wiles of Highland and Stacy Bennett of Cherry Valley.



State Reps. Frank Glidewell, from left, and Jim Medley, both of Fort Smith, and Fort Smith City Director Gary Campbell found the League reception a good opportunity to exchange views.



Wabbeseka Mayor James Murry, left, League Dist. 4 vice president, and state Rep. Jerry Taylor of Pine Bluff, visit at the League banquet Jan. 12.



Cherokee Village Council member Peter Martin, second from right, had a few questions for Sheryll Lipscomb, assistant League director for Workers' Compensation, center, and Pat Planeck, far left, assistant League director for the Municipal Health Benefit Fund. Stephen Martin, at right, is president of the Cherokee Village Property Owners' Association and Peter Martin's father.



Altus Mayor Veronica Post, from left, Corning Mayor J. H. Ermert and Little Rock District Judge David Stewart discuss changes in the district judgeship laws.




Elkins Councilmember Tim Martens, right, quizzes Jim vonTungeln, League planning consultant, after League programs and services were discussed at a general session.



State Rep. Travis Boyd of Piggott, second from left, and state Sen. Jerry Bookout of Jonesboro, right center, mingled with city officials at the reception at the conference's opening day.

New Benton Councilmember Brad Moore, one of the many new city officials at the Winter Conference, sought more information during a question and answer session at a general session.




**National
League of Cities**

2005 Annual Congressional City Conference

Hilton Washington Hotel and Towers • Washington, DC • March 11-15, 2005



Ten municipalities mark their 100th anniversary

Ten cities around Arkansas this year celebrate the centennials of their incorporations as *City & Town* looks back at their beginnings and future.

By Dacus Thompson, League staff

Turn of the 20th century Arkansas and turn of the 21st century Arkansas are like distant and estranged brothers: familiar in basic makeup, but scarcely recognizable as related.

Mechanization, industrialization, urbanization and school consolidation have displaced much of the character that communities such as Datto, Griffithville, Winslow, Burdette and Humphrey were founded on and replaced it with a quietude and atmosphere that only distantly reflect the once prosperous lumber and farm towns that threatened to thrive at the turn of the last century. Still other cities are just beginning to realize their possibilities.

Take Lowell in northwest Arkansas. It is a 21st century boomtown with its new homes and accessibility to modern shopping centers and restaurants; it has quintupled in population in the last decade. While others, such as the Delta community of Dell, haven't grown much in size over past 100 years, but have improved leaps and bounds in community mindedness.

This year, 10 Arkansas municipalities celebrate their centennial. From the river city of Calico Rock to the mountainous community of Winslow to the southern Arkansas municipality of Emerson, Arkansas is getting older. And it's changing more than some would think. Most of the railways are defunct and waterways these communities were founded on unused, but these towns and cities are finding new ways to survive and, in many cases, thrive.

Burdette

The Three States Lumber Company forever altered much of the landscape of Mississippi County, and in particular the community Burdette, by harvesting all of the area's timber. From 1898 to 1922, Three States clear cut 17,000 acres of the county and established Burdette to support its extensive logging and milling operations. At that time, according to history buffs, Three States and its first superintendent, Alfred Burdette Wolverton, the town's namesake, deemed the town expendable.

Nevertheless, the town prospered and grew. Burdette Plantation was established in the 1920s and the lumber mill town developed into a respectably sized, agriculture-based community. An ice cream parlor, hotel, pool hall, doctor's office, cotton gin, bathhouse and open-air theater and park were part of the burgeoning farming community.

Its population nearly doubled in the 1980s when it peaked at 328; today, it's at 129, as in the 1940s and '50s. Mayor James Sullivan heads the city council of Douglas Caldwell, W.M. McKinney, Scott Sullivan, Lafonce Latham, Gary Webb and Greg Predmore.

Calico Rock

When early explorers traveled the White River from the Mississippi, they discovered colorfully blotched limestone bluffs. They became a landmark for lumbermen who harvested the 40-foot cedar trees. Keel boats, paddle wheelers and steamboats rigged like floating palaces—The Dauntless, Josie Harry and Lady Boone—traversed the winding White River and cut their way through the Ozark foothills before landing at what had become known as Calico Rock.

Commerce flourished in the river town in the mid-to-late 1800s with cotton and lumber leading the way; button blanks—shells cut in circles from the abundance of river mussels in the area, were also exported. A post

The vacant Burdette Elementary School was built as a part of the Depression-era Works Progress Administration (WPA) and is on the National Register of Historic Places.

PHOTOS BY JOHN K. WOODRUFF, LEAGUE STAFF



Datto's City Hall, shown here, and an old school building, are among the few public buildings in the Clay County town of 97.

office in 1851 was open for one year before closing, but the one that opened in 1879 is still selling stamps.

In 1902, the railroad came burling through the northern Arkansas river-bottoms, blasting whatever got in its way in the name of progress. Many calico-colored bluffs were destroyed. But the name endured. When the community incorporated in 1905, it became—and still is—the only U.S. city named Calico Rock.

Hotels, banks and businesses closely followed the railroad. They were too close, in fact: In 1923, a spark from a passing locomotive burned down 21 buildings in two hours. With the help of the Missouri Southern Railroad, the city was restored and the population grew until it hit a plateau at around 1,000 in the 1950s.

Today, Calico Rock offers the natural with the urban. Bird watching, hunting and hiking are popular; it also has a school, hospital, newspaper—the *White River Current* and several privately owned shops. The Izard County city aggressively pursues attracting tourists and industry in hopes of keeping its young people at home. Nature is participating in Calico Rock's renewal as the limestone bluffs slowly re-acquire the peculiar calico coloration.

Mayor Ronnie Guthrie leads the city council of Bill Killian, Terry Jenkins, Elbert Kizzia, Steven Marsee, Bill Wiseman, Paul Killian, Ricky Knowles and Lance Whiteaker.

Datto

At 97 people the Clay County town of Datto is small: It's one of 32 towns in the state below 100 population. It wasn't always that way. Early in the 20th Century, Datto boasted a drugstore, four grocery stores, barbershop, blacksmith, cotton gin and several churches. U.S. 67, completed in the late 1920s, altered Datto's future by locating less than a mile to the east, pulling travelers' attention away from Datto. Lack of jobs in Datto prompted residents to head north to Corning and St. Louis and south to Jonesboro. Today, Datto has a Baptist church, post office and the



sturdy, brick remains of the old school. "It was quite a busy little town," said Winnie Harper, who moved to Datto with her husband in 1946 and served as postmaster for 20 years; she retired in 1992.

As many towns in northeast Arkansas, Datto was founded because of its abundant lumber. The Day family owned the land in Datto and operated a sawmill until the lumber supply was exhausted. The Days sold lots to farmers and it became a cotton and corn community. "The land was cheap and it's good land, low river ground," Harper said. "Everybody knew their neighbors and everybody was friends and they used to go visiting. And the men would go hunting and fishing and people naturally would move in and out."

The farms now are a thousand acres and most of the people work elsewhere in factories, Harper said. "It's a right pretty little town. It's nothing like a big town. We do have sidewalks and blacktop streets and named streets, and we're doing our best to keep it looking nice," she said. No plans are pending to celebrate Datto's centennial.

Datto's city council is Harper, Burt Swan, Brenda Banks, Rick Edington and Jeremy Edington, and its mayor is William Tillie.

Dell

"If the Pyramids [in Egypt] would've been located right outside of

Dell, the farmers would've tore 'em down just to get an extra acre of cotton," Dell Mayor Kenneth Jackson said of the cotton-grown community, which at one time in the early 1900s had five cotton gins on one street.

This all came after the U.S. Corps of Engineers turned the woody swamplands surrounding the Pemiscot Bayou into habitable land by installing drainage. After the timber was cleared and the swamps drained, some of the richest soil in the world was ready to cultivate. "Mississippi County is fertile property, like the Euphrates and the Nile," Jackson said; he added that at one time the county produced more cotton than any other county in the United States.

To celebrate the municipality's 100th birthday, Dell is inviting everyone who was born, raised or graduated high school in Dell to "come back home." Jackson said he hopes people from across the nation will return. "It's

kind of scary," Jackson said. "Our town's just 251 and I don't know how we're going to hold everybody." The celebration is planned for the first weekend in June.

Despite what Jackson describes as Dell's "Mayberry-like" feel, Dell has had setbacks. The city's school consolidation with Gosnell in 1984 "impacted the town greatly," Jackson said. "Your school is the activity center of a small community. Adapting to that is pretty difficult." With clean, neat streets, a noon-time bustling crowd in Camie's Café at Dell's front door, a tidy, paved walking trail through a grove of Cypress trees just behind a quaint city hall and the town's inviting neighborhoods, Dell appears to be doing just fine.

Helping Jackson make these improvements are council members Radene Minyard, L.G. Mahan, Harold Rowe, Rodney Cooper and Jackie Reams.

Earle

The Arkansas Delta municipality of Earle and a nearby community known as Norvell developed almost simultaneously in Crittenden County, vying for position to determine which of the towns would envelop the other. Watt Road divided the towns physically and the Watt brothers, for whom the road was named, fueled the division ideologically, history records say. The feud cul-

minated in 1904, the documents say, when an Earle landowner, W.M. Brown, was fatally shot by one of the Watt brothers over the proposed move of the post office, which was housed in a Watt brothers' general store, from Norvell to Earle. The St. Louis, Iron Mountain and Southern Railroad may not have known about the bitter rivalry, yet determined the towns' fates by running its line through Earle, pretty well sealing Norvell's fate. Merger of Earle and Norvelle was proposed as early as 1913, but did not become official until 1978, although the merger was still opposed by Norvell electors.

Earle was at one time the largest city in Crittenden County. Saloons, hotels, grocery stores and theaters buzzed with activity as the cotton gins and lumber mills churned out some of the finest materials in the state, exporting some of its products to Europe. The prospering economy not only allowed for luxuries such as the-



Cotton boll remnants from the harvest hang near Dell's splendid Cyprus grove and public park; the town proper is just behind the grove.

aters (Earle at one time had three) but sports teams. The Earle Cardinals, a professional basketball team, won five Southern Independent Basketball championships in the 1920s and '30s by winning 204 of 221 games. Earle High School also had Crittenden County's first football team.

Today, Earle is mostly a farming community, harvesting soy beans and wheat and cotton. The Crittenden County Museum, located in a restored 1922 train depot in Earle, keeps the city's vibrant history alive; but Earle at its 100th birthday is far less lively than it was at its first. "When I was growing up in the 1930s and '40s," museum volunteer Richard Wood wrote in a letter to *City & Town*, "it was called 'The Gem of Eastern Arkansas.' But, sadly, [it is] no more."

Sherman Smith is Earle's mayor and Sarah Johnson, Robert Malone, Leroy Bowling, Jesse Selvy, Jimmie Barham, Donnie Cheers, Bobby Luckett and Ann Pickering make up the city council.

Emerson

The "Biggest Little Town in Arkansas," as its motto says, is better known nationally than it is in state, Emerson Mayor Joe Mullins said. Why? Because of the Purple Hull Pea Festival and World Championship Rotary Tiller Race. The tiller race can claim such a bold title because it is the only tiller race in the world. The race has been covered nationally by networks such as Discovery, The Food Network and CBS and internationally, by a TV crew from Germany in 2004.

Mullins, who has participated in radio talk shows from San Diego to New York for the festival, said that the "very unusual town of Emerson" will add a few new spins this year to celebrate the municipality's centennial. A play with a cast of 15-20 that tells the history of Emerson will be staged and the festival's "pea-shirts" will display an emblem noting the 100th.

The festival was cooked up in 1990 by satirist Glenn Eades, a former resident of Emerson who wrote fictitious accounts about locals for Magnolia's *Banner-News*. "We were so boring we didn't even have a cop," Eades said, who added he wanted to shake up the community.

Fifteen years later, Emerson hosts one of the wackiest festivals in the nation.

The southern Columbia County municipality (just six miles north of the Louisiana border) is doing well financially and benefits from lumber, bromine and chemical industries in the area. "Everybody works here and makes a good living," Mullins said.

The town of 359 has been recognized with about every festival award in Arkansas, including the Arkansas Festival Association's "Festival of the Year" award in 2001. This year's PurpleHull Pea Festival is June 24-25.

Mullins benefits from having Thomas Talley, Jeffery Horne, Talmadge Faulk, Bonita Ferguson and Terressa

Curtis as Emerson's city council.

See www.purplehull.com.



The Crittenden County Museum, in this 1922-built train depot in Earle, stood vacant, deteriorating from 1967 through the 1980s until it was bought, restored and opened Oct. 25, 1987, as the museum. The structure is on the National Register of Historic Places.

Griffithville

A few families gathered in the southeastern flatlands of White County in the mid-1850s, but little else found its way to this area because of its inaccessibility—the closest inlet was the White River 10 miles away at West Point. But in 1898, the area's burgeoning lumber industry gave rise to the Rock Island Railroad line from DeValls Bluff to Searcy; the line passed five miles from the community. The nine families in the area decided to take advantage and immediately sawmills were constructed and Griffithville was born.

A schoolhouse and bank were built in the early 1900s and the town made the slow transition from a lumber to a farming community. By the 1940s, most of the business and commerce had shifted to Searcy and the main focus of Griffithville became its school.

In the 1970s, Griffithville's schools prospered with a new gymnasium and library; the enrollment reached 302. But in 1991, the school consolidated with Riverview and the community began to struggle. "You take the school out of the community and you've done cut its throat, you might say," James Smith, the mayor of Griffithville, said. Few businesses operate in Griffithville today.

Dean Dill, Steven Hamm, Windle Porter, Jerry Hamm and Ron Pettypool make up the city council that is led by Smith.

Humphrey

This Jefferson County city of 806 is mostly a bedroom community for Stuttgart, Pine Bluff and Little Rock. "People live here who don't want to live in a bigger town," said Alderman Michael Hodges, who is a crop-duster and runs a welding and body shop in Humphrey. "It's quiet here, a slow pace. It's kind of back in time, in a way."

Humphrey was settled around the Union Pacific Railroad, which now splits the town in half, and generated its early economy from sawmills, a cotton gin, sorghum mill and farming. But those industries, with the exception of farming, have long gone under or moved to surrounding cities, and today the busiest places in Humphrey are the bank, post office and its lone convenience store.

Although businesses aren't growing in Humphrey, the city is making strides in improving its community. A new fire station (Humphrey's second) and state-of-the-art water treatment center have been erected in the past two years, and the city is currently in the early stages of rebuilding its old community center, originally constructed in the 1920s.

Mayor James Sanders leads the city with a city council of Michael Hodges, Ricky Robinson, Michael Bogy, Tim Bogy, Cleveland Hatch and Ronney Brown.

Lowell

This booming Benton County city was one of the fastest growing communities in Arkansas in the last decade, jumping in population from 1,224 to 5,013. Its beginnings are less prodigious.

Located along Old Wire Road, Bloomington—as it was known then—is where the Butterfield Stagecoach stopped. The stagecoach was a mail delivery service in the 1850s and '60s that took parcels and letters from St. Louis to San Francisco; the stagecoach often got stuck in Bloomington's muddy trails, thus earning it the nickname Mudtown. In 1881, the town moved slightly west to be near the new railroad; the new town was officially named Lowell, although Mudtown has stuck with the city ever since. Lowell will celebrate the 100th later in the year.

The city's rapid growth has sprouted new businesses such as hotels, restaurants and other customer-based ventures that have Mayor Phil Biggers and council members Michael Solomon, Melissa Pool, Matthew Delucchi, Keith Williams, Brad Spurlock, Mitchell Wright, Marty Lathem and Marie Haussermann working hard to stay abreast.

Winslow

In the early 1900s, wealthy travelers from all over the country migrated to Winslow for refuge from the summer heat for two reasons: it was the point of some of the most majestic views on the St. Louis-San Francisco railroad line; and because of its elevation (2,000 feet) it was

cool. "That was back before air conditioning and all that," said Barbara Ashbaugh, assistant librarian and member of the Winslow Centennial Committee. "Up here we were at least 10 degrees cooler, which doesn't mean much to us now, but it did back then to them."

In the following decades, Winslow encountered a series of unfortunate events, aside from the invention of the air conditioner. In the middle of the Depression, half of Winslow burned and was rebuilt; 19 years later, the other half of the city burned, but by that point there was no need to rebuild. The city had



Griffithville's streetlights and its city limits sign welcome the night-traveling public traffic. Few businesses, however, remain in this White County town.

mostly lost its draw as a resort.

History was made in Winslow in 1925 when the first all-women city council in the United States was elected, just five years after women's suffrage. The business women of Winslow organized and swept the elections. "It was kind of a joke," Ashbaugh said. "After the women decided they would run, the men bowed out." The joke persisted for two terms. Ashbaugh recalled: "The men thought the women would just get together and have tea parties, but they were very serious and did a whole lot for the city during that time ... beautification, repairing the roads and just got some of the things done that needed to be done." They did not run for a third term.

The traffic through the mountain town has slowed considerably with Interstate 540 replacing the winding, hilly U.S. 71 as the primary north-south route at the

See **Centennial Cities**, page 34

Sherman Bank's new stance

New Sister Cities International president addresses issues, hopes

Since Sherman Banks of Little Rock became Sister Cities International (SCI) president last summer, several Arkansas towns and cities have shown increased interest in joining the organization and finding a sister city. Thusly, City & Town thought it would be appropriate to include excerpts from Banks' acceptance speech last July in Fort Worth to give a bit more background on SCI. Banks writes a monthly feature column on SCI for City & Town. See this month's column on page 26.

—Editor

Someone once wrote: "America is great because she is good and if America ever ceases to be good she ceases to be great." Since September 11th, that goodness and greatness has been challenged. We as a nation even sometimes question our goodness and greatness. Sister Cities International in the last five years as an organization has had to reach into its depths to determine why it exists and if it will continue to fall into the abyss or survive.

The aftermath of the attacks on the World Trade Center illustrated just how little our nation and the Western world are understood by much of the Arab world. Against this backdrop, SCI, in the form of citizen's diplomats, can play a vital role in bridging this gap.

Sister Cities International is in a unique position as a people-to-people organization to act as bridge in the 21st century to the Arab and Western world. Therefore, I would like to propose a slogan [to be used] during my two years as [SCI] president: Now is the time for change ... the only absolute.

President Eisenhower said, "What we call foreign affairs is no longer foreign affairs. It's a local affair. Whatever happens in Asia is important to Arkansas. Whatever happens in any corner of the world has some effect on the farmer in Dickinson County, Kansas, or on a worker in a factory." He went on to say something that I think depicts what Sister Cities International, People-to-People and other organizations like ours are about when he said, "Both in war and in peace, it has been my conviction that no man can isolate himself from the men and women he is attempting to serve and really sense what is in their hearts and minds. But let me say

we hold firmly to a vital paradox and to a fixed purpose: We maintain strength only in order some day to yield it in league with all other nations."



SCI, People to People [International] and organizations like ours have years of excellence [in working] for the good of mankind. Together yet separate, we have long served as the nucleus of social, educational, cultural and economic development for the people of the world.


Since the beginning of time, communities have drawn citizens together in a mutual cause and purpose. It has been the collective goal of our organizations to harness that sense of mutual purpose to further the cause of peaceful and substantive urban partnership on a global scale.

Experience has taught us that when a community establishes a relationship in another country, virtually an unlimited talent is unleashed. Issues of local, national

and international scope are addressed. Our organizations are committed to a process whereby values are examined, differences acknowledged and experiences shared, all in an atmosphere of mutual respect and trust.

I believe that it is the purpose of mankind through organizations like ours to develop, facilitate and serve our respective movements throughout the world, to coordinate with others who have similar national and international goals and objectives. By working with volunteer leadership from all sectors of local communities, we strive to create a network of partnerships around the world that will provide a resource unmatched in value. By stimulating creative possibilities within established long-term frameworks, issues ranging from the technical to human, from the environmental to the cultural and beyond may be examined, dialogue begun and solutions obtained.

We believe the very first step to a future that ensures global cooperation is the absolutely irreplaceable, intrinsically vital process of people meeting other people.

Through partnerships, we can learn together, work together, live together and dream together. Through each other, we reach out to the people of the world and grasp new challenges and solve some of life's problems together with 21st Century dialogue leading to 21st Century solutions. 

Local governments and media agree to continue FOIA discussions—later.

By John K. Woodruff, League Staff

Journalists, other media representatives and city and county governments with state and education representatives sitting in, met Jan. 27 to discuss amendments to the state Freedom of Information Act.

The media side was cool to touching the FOIA, yet agreed to continue discussions in response to Arkansas Municipal League representatives pleading, "We wanted a joint effort," in the words of League Executive Director Don Zimmerman and Fort Smith City Director Gary Campbell saying, "We need your help."

The rare meeting of a sit-down of media and local government representatives was held at the Arkansas Press Association (APA) offices in Little Rock, a block in front of the Capitol. Three bills proposing amendments to the FOIA have been filed in the legislature—none by anyone at the APA-local governments meeting.

Zimmerman emphasized that the League position is to obtain support of the APA before seeking FOIA changes. But he said clarification is needed in the law to define what constitutes a public meeting. Formerly, he said, it was two or more public officials meeting to discuss city business, but now even that is uncertain because of a state Supreme Court decision last year against the city of Fort Smith. "I don't really know what a meeting is anymore," Zimmerman said.

The Court said Fort Smith city officials violated the FOIA when the city administrator called by telephone each city director about his bidding on a piece of property on behalf of the city at an auction. The city, by so doing, saved taxpayers almost \$700,000 by placing a bid price that had not been publicly disclosed prior to the auction. City officials later approved the bid in public.

The phone calls were placed between a private indi-

vidual (the city manager, who holds a non-elected position) and each of the directors, creating what the meeting participants referred to as a "serial" meeting of the city board.

Tom Larimer, executive director of the Arkansas Press Association, standing, far left background, opens a meeting of the Arkansas Freedom of Information Coalition, which was attended by Municipal League representatives. League Executive Director Don Zimmerman, second from right, Star City Mayor Gene Yarbrough, League president, right, Morrilton Mayor Stewart Nelson, far left, and Fort Smith City Director Gary Campbell, not shown, were among the League representatives.

Zimmerman wonders if a city resident's talking to a director now constitutes a public meeting and, therefore, covered by the FOIA.

David Bailey, managing editor of the *Arkansas Democrat-Gazette*, said that if confusion is apparent, then the state attorney general could be asked for an opinion. Others concurred. Bailey said he would attend future discussions, but would not help write legislation. "I'll offer my opinion."

Campbell emphasized that the Municipal League supported open meetings, opposed secret meetings and wanted any changes in the FOIA to be with the support of the APA, so the two sides could go "arm in arm" to the legislature with an agreed on bill.

Media representatives, including Robert McCord, a longtime journalist who helped bring about the 1967-enacted FOIA, one of the strongest in the nation, said they did not want to author legislation that would "weaken the law."

Morrilton Mayor Stewart Nelson said of public meetings, "I love to have the press there" and "I want the press there," but he, too, agreed that clarification is needed on what a public meeting is. Nelson said that he has had to expel aldermen at times from his office so their presence would not constitute a public meeting. But, Nelson said, he was uncertain about what a public meeting is. "I'd like to know."

Early in the meeting, Zimmerman defended the League's and cities' and towns' support of the FOIA, saying that the League "spends an inordinate amount of



time" training city officials to comply with the FOIA. "We spend more time in FOIA training than any other law in the state." He read from a media-conducted survey that ranked municipal government far above all other levels of government—county, state and education—in compliance with FOIA provisions.

Yet, editorials and articles of recent have slammed the League for being a "staunch opponent of the FOI." Zimmerman told the group, "that is absolutely not true."

Richard J. Peltz, associate professor of law at the William H. Bowen School of Law in Little Rock, had reservations about discussing possible legislation affecting the FOIA while the legislature was in session. Such discussions likely would take six months or so. Peltz is co-author of the fourth edition of the book, *Freedom of Information Act*.

Campbell distributed to the group copies of suggested amendments to the FOIA. He emphasized that the suggestions were only "talking points" and that the Municipal League had not drafted any legislation to change the FOIA. But he said changes were needed but that the League wanted to make changes with the support of the APA. It was the APA's Arkansas Freedom of Information Coalition that organized the luncheon meeting. The five changes proposed by Campbell would keep from public disclosure:

1) **Litigation and settlement negotiations.** Making these public as now is allowed, "puts the taxpayers at a distinct disadvantage."

2) **Real estate appraisal information.** Releasing this information prior to public disclosure can result in taxpayers paying more for property than necessary.

3) **Executive session for litigation and real property assessment.** This has a negative affect on protecting the public interest.

4) **Economic development company-provided information.** Campbell wrote that local governments are taking a more proactive role in economic development to replace the jobs lost to plant closings as well as to ensure orderly growth. He said that extending the Arkansas Department of Economic Development's temporary window of confidentiality to cities and counties will protect company information and avoid potential federal SEC violations prior to scheduled public debate and public voting.

5) **Public meeting definition.** The FOIA should include a clear definition of the number of members that constitute a public meeting.

Eric Francis of the *The Times* of North Little Rock questioned whether cities ought to be working in economic development, anyway, and should be concerned only with such services as picking up garbage.

Economic development, he said, should be left to chambers of commerce and bank presidents. Carol Griffee, an independent journalist, said economic development prospects should be turned over to the Arkansas Department of Economic Development where an FOIA exemption exists.

Tom Larimer, executive director of the APA, said Arkansas has done well in keeping the FOIA mostly intact since its inception. He noted that Tennessee enacted an FOIA modeled after Arkansas's FOIA, then amended it more than 100 times. Campbell had noted earlier that the FOIA in Arkansas had been amended 22 times.

Larimer invited volunteers to let him know who would participate in continued discussions about the FOIA. Among the volunteers were Campbell, representing the League, Dennis Byrd of the Arkansas News Bureau, Robert Shaw of Associated Press, Peltz and Bailey.

No time was set on the next meeting. 🏛️

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Frequently asked questions of law

Now is a good time to review city council procedures and matters such as just when the mayor can vote and can't vote.

By David Schoen, Legal Counsel, Arkansas Municipal League



Schoen

Q *What is the difference between an ordinance and a resolution?*

A An ordinance is a permanent law. A resolution is temporary in nature, and for that reason, it is more appropriately used when a city wants to make known its intent on certain matters. *Kruzich v. West Memphis Util. Comm'n.*, 257 Ark. 187, 189, 515 S.W.2d 71, 72 (1974).

Proper subjects of an ordinance would include zoning, animal control, building codes, the setting of salaries and juvenile curfews, just to name a few. Resolutions are commonly used to approve specific expenditures and contracts or to recognize an employee or citizen for distinguished service to the city.

Q *Must an ordinance be read three times if it is not of a "general or permanent" nature?*

A Ark. Code Ann. § 14-55-202 requires ordinances of a general or permanent nature to be read on three different days unless two-thirds of the council votes to dispense with the rule.

"The ordinances of a general or permanent nature which must be adopted according to the formalities of section [14-55-202] ... refer to those regulations and acts of the council which prescribe a permanent rule of government for the municipality." *City of Batesville v. Ball*, 100 Ark. 496, 140 S.W. 712, 716 (1911). In the Batesville case, the court ruled that an ordinance referring the question of an annexation to the voters was not general or permanent.

The Arkansas Supreme Court has also ruled that an ordinance to enter a contract such as a utility franchise is not of a "general or permanent nature" and thus need not be read three times. *Barnett v. Mays*, 153 Ark. 1, 239 S.W. 379 (1922). The fact that a franchise runs for a long period of time does not make it "general or permanent." *El Dorado v. Citizens' Light and Power Co.*, 158 Ark. 550, 250 S.W. 882 (1923).

Q *How many subjects may an ordinance cover?*

A Ark. Code Ann. § 14-55-201 provides that "no bylaw or ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title." However, an ordinance may contain subcategories that pertain to a single, overall subject. See, for example, *Craft v. City of Fort Smith*, 335 Ark. 417, 984 S.W.2d 22 (1998), in which the court held that an ordinance dealing with street design was valid even though it covered both landscaping and signage requirements.

Q *Must votes on ordinances be taken by a roll-call vote?*

A Ark. Code Ann. 14-55-203 provides that in voting on an ordinance the yeas and nays shall be called and recorded. It does not specifically require a "roll call" vote in so many words, although this may be implied. A roll call vote would certainly be clearer and easier to record and follow. Some councils have a roll call on each vote. The following provisions do specifically require a roll-call vote: Ark. Const. Amendment 7 (when enacting an emergency clause or repealing an initiated measure); 14-164-329 (abolishing tax); 26-75-210 (abolishing sales tax).

Q *How many votes are needed to pass an ordinance or resolution?*

A Ordinarily, a majority of the entire council is required to pass any bylaw, ordinance, resolution or order. Ark. Code Ann. § 14-55-203. A majority is whatever number it takes to have more than half. On a five-member council, this would be three, a six-member council would require four, and so forth.

Some actions require a two-thirds vote to pass. See, for example, Ark. Const. amend. 7 (enactment of emergency clause); Ark. Code Ann. § 14-40-302 (annexation of lands contiguous to the municipality); 14-42-304 (amendments to city charter); 14-43-504; 14-44-107; 14-45-105 (override of mayor's veto); 14-55-202 (suspending the reading requirement for ordinances); 14-55-301 (referral of ordinances to voters); 14-58-401 (borrowing against property tax in first class city); 14-164-329 (industrial development bonds not to be issued); 19-11-801 (designation of professional services); 26-77-102 (establishment of license fees and taxes).

Other statutes require a two-thirds vote to override mayoral appointments and removals: 14-42-110 (department heads); 14-42-422 (director of department of public safety); 14-44-111 (marshal in second class city).

The two-thirds requirement also applies to the council's power to remove various commission and board members: 14-49-211, 14-50-210, 14-51-210 (civil service commissioner); 14-88-305 (board of improvement or member); 14-122-106 (drainage improvement district board members); 14-141-106 (auditorium commissioner); 14-184-111 (business district board members); 14-201-108 (utility commissioners); 14-234-305 (water-

works commissioners); 14-264-103 (hospital commissioners); 14-269-202 & 302 (parks commissioners);

In some cases, the law requires confirmation by a two-thirds vote of the council for commissioners appointed by the mayor. Ark. Code Ann. § 14-201-105 (utility commissioners of first class cities); 14-234-304 (waterworks commissioners).

Note that on a six member council, a two-thirds vote is the same as a majority: four. On other councils, a two-thirds vote should be calculated by rounding up to the next number needed to constitute 2/3. For example, two-thirds of eight is 5.33, so it would take six members of an eight member council to constitute a two-thirds vote. See Atty. Gen. Op. No. 94-128.

Q *What if some members are absent. Does it then take fewer votes to pass?*

A No. You still must have a majority (or in some cases, two-thirds) of the entire council. For example, if two members of a six-member council are absent or abstain, a three-to-one vote would not be sufficient, as three is not a majority of six.

Q *How many members must be present in order to have a vote?*

A A quorum consists of a majority of the whole number of the council. Ark. Code Ann. § 14-43-501(a)(2)(A) (first class cities); Ark. Atty. Gen. Op. No. 96-384; (second class cities); Ark. Code Ann. § 14-45-101(b)(incorporated towns). For example, three council members are needed on a five-member council, four are required on a six-member council, and so forth.

Q *Is either the number of votes or the number needed for a quorum affected when voting to fill a vacancy on the council?*

A Yes as to the number of votes, no as to the need for a quorum. Ark. Code Ann. § 14-42-103 provides that a vacancy may be filled by a "majority of a quorum of the whole number of the governing body." Thus, on a six-member council three favorable votes out of the remaining five members would be sufficient. Ark. Atty. Gen. Op. No. 97-265. However, if the mayor voted, four votes would be required to pass as there would then be six possible votes in all.

Q *Can the mayor be counted as part of the quorum?*

A In cities of the first class, the mayor shall have a vote to establish a quorum of the council at any regular meeting of the council. Act 354 of 2001, Ark. Code Ann. § 14-43-501(b) (emphasis added). In second class cities, the mayor has a vote to establish a quorum of the council, with no restriction as to special or regular meetings. Ark.

Code Ann. § 14-44-107. Thus, on a six-member council, if only three aldermen show up, the mayor could be the "fourth" needed to establish a quorum in accordance with the foregoing statutes.

Q *When can the mayor vote?*

A Whenever the mayor's vote is needed to pass an ordinance, bylaw, order or resolution. Ark. Code Ann. §§ 14-43-501 (first class cities); 14-44-107 (second class cities); 14-45-105 (incorporated town); see also *Gibson v. City of Trumann*, 311 Ark. 561, 845 S.W.2d 515 (1993). An obvious example is when the vote is tied, for example, three-to-three on a six-member council. The mayor could cast the fourth vote needed for passage.

A tie is not the only situation in which a mayor's vote might be needed to pass, however. For example, in question 2 we had a 3-1 vote on a six member council. This could be the result of absence and/or abstention of two council members. We don't have a tie, but three votes is not enough for passage. The mayor may cast the fourth vote in order to pass the item.

Suppose the vote in the foregoing scenario is 2-2. The mayor cannot vote to "break the tie" because his vote would only create three in favor, again not enough on a six-member council.

There are two exceptions to the mayor's right to vote for passage of an item. The Arkansas Supreme Court has ruled that a mayor may not vote to amend or repeal an initiative measure enacted by a vote of the people. *Thompson v. Younts*, 282 Ark. 524, 669 S.W.2d 471 (1984). In addition, the Mayor may not vote to enact an emergency clause. Ops. Atty. Gen. No. 96-155; 85-174.

Q *Can the mayor vote against an ordinance, resolution, etc.?*

A No. The mayor may only vote for a measure, and then only when necessary to pass it. See answer to previous question. Note, however, that if the mayor is needed to make up a quorum, then he or she can defeat a measure by abstaining, since a quorum consists of a majority.

Q *In a first class city, if the mayor is out of town and an alderman presides at the council meeting pursuant to Ark. Code Ann. § 14-43-501(b)(2), can the presiding alderman vote?*

A Probably so. The statute does not say one way or the other. However, there does not appear to be any reason to deprive an alderman of a vote merely because he or she is temporarily presiding over the meeting. Note that mayors can vote under certain circumstances, so it would not appear to be the policy of the state to prohibit a presiding officer from voting. See Ark. Code Ann. 14-43-501.



Grants breaking new ground

Federal Home Loan Bank of Dallas gives back to community

Arkansas is getting \$2.1 million in grants for 613 affordable housing units, thanks to the Federal Home Loan Bank of Dallas (FHLBank of Dallas). Each year, 10 percent of the bank's profits are returned to the communities served by its member institutions in the form of affordable housing grants. The FHLBank of Dallas's Arkansas member institutions include: Arvest Bank, Bank of the Ozarks, BenefitBank, First Arkansas Bank and Trust, Forrest City Bank, Metropolitan National Bank, Pulaski Bank & Trust and Simmons First Bank of South Arkansas.

This year, \$7.3 million was awarded to 58 projects located in Arkansas, Louisiana, Mississippi, New Mexico and Texas. The funds are used to purchase, construct or rehabilitate transitional, single- and multi-family projects for low- to moderate-income families. The grants typically go to community development organizations, but can go to municipal housing authorities and city government projects that meet the program's criteria.

Locations of this year's Arkansas projects are Forrest City, Jacksonville, Lake Village, Little Rock, Marianna, North Little Rock, Russellville and Springdale. For more information, visit www.fhlb.com and click on "Community Investment."

Brownfields makes used land like new

January 27, Heifer International officially completed the largest-volume brownfield cleanup in Arkansas and the ground for its new \$17 million headquarters was declared "ready to reuse."

A brownfield is property where commercial, industrial or agricultural use may have contaminated the site with a hazardous substance, complicating prospects for expansion, redevelopment or reuse. In Heifer's case, 75,526 cubic yards of soil and water contaminated with diesel fuel, gasoline, lead and mercury were removed. Several brownfields projects around the state have been completed, but Heifer is the first non-profit organization to complete a brownfield project in Arkansas.

In 2004, a \$250,000 grant was awarded to Pulaski County by the U.S. Environmental Protection Agency. The grant was used to redevelop various sites in Little Rock and North Little Rock. For information on brownfields, contact the Pulaski County Brownfields Office at 501-340-6157. Brownfields information for elsewhere in Arkansas is at the Arkansas Department of Environmental Quality, 501-682-0867.

ADED is looking for your help

Housing and Urban Development funds' allocation open for comment

The Arkansas Department of Economic Development (ADED) is looking for comments from Arkansas residents concerning housing, community and economic needs and how best to allocate the \$37,231,643 in funds from the U.S. Department of Housing and Urban Development (HUD).

For communities of 50,000 or less, the programs include Community Development Block Grants (CDBG), HOME Investment Partnerships (HOME Program), Emergency Shelter Grants (ESG) and Housing Opportunities for Persons with AIDS (HOPWA).

To have your comment recorded, mail or deliver it to: Arkansas Department of Economic Development, Grants Management, One Capitol Mall, Little Rock, AR 72201 or email info@1-800-Arkansas.com.

Need help in safety training? Call the League for videos

What is a city worker's enemy No. 1? Back injury. Or what's the best ways to maintain a playground safe for the children?

Or how does a city reduce the incidence of on-the-job accidents?

Or how do city employees avoid carpal tunnel syndrome?

From inside city hall to the groundskeepers outside, or to backhoe operators—city employees have challenges and safety rules that they need to keep in mind.

The questions are there and so are solutions.

Many answers, training tips and other help are available in safety training videos for employees to learn, train and practice safe work habits. The videos in the League's video library are offered FREE for borrowing to League member cities.

Cities can order the videos by calling the Loss Control Department at the League, 501-374-3484, ext. 103, or fax the order form to, 501-374-0541, attention to the Loss Control Department. Need a list of the videos? Look at the League Web site.

Or order from the list as offered on the League Web site: www.arml.org. To do that, go to the Web site, then to League Programs, and scroll to Loss Control Video Library and check that list of about 130 videos. Then follow the instructions and order yours online. They are free to borrow to member cities and towns. They are responsible for the safe return of the videos.

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Summaries of attorney general opinions

Recent opinions that affect municipal government in Arkansas.

From the Office of Attorney General Mike Beebe

July 28, 1995, was cut off for full retirement benefits

Opinion: 2004-312

Requestor: Prater, Larry—State Rep.

Is the City of Van Buren in violation of the provisions of ACA 24-12-129, since the city pays the medical insurance premiums for former elected officials with 10 years of service? Q2) Are the former elected officials who attained 10 years of service prior to enactment of ACA 24-12-129 eligible to receive municipal insurance benefits? Q3) If so, is it legal for the city to pay for those premiums or should the former official pay the premiums? Q4) Can the Van Buren Water and Sewer Commission offer municipal insurance to its commissioners who are appointed, not elected? Q5) Is it legal for the Van Buren Water and Sewer Commission to pay the entire medical insurance premiums for those commissioners? **RESPONSE:** In my opinion, with respect to your first question, the City of Van Buren may continue to pay the entire premium of medical health insurance through the municipal insurance plan for officials who retired with ten years of service prior to July 28, 1995, and that the City may continue to offer health insurance to retirees with only ten years of service, as opposed to the twenty required under ACA 24-12-129 if the retiree pays the entire premium. I also opine that the City of Van Buren is in violation of ACA 24-12-129 (Repl. 2002) if it pays the entire medical insurance premium for municipal officials who retired after July 28, 1995, and do not meet the exceptions found in ACA 24-12-130 (Repl. 2002). With respect to your second question, I believe that the city of Van Buren may legally differentiate between an elected official and an employee for the purposes of extending health insurance coverage to retirees. With respect to your third question, I opine that officials who retired prior to the effective date of ACA 24-12-129 may receive municipal insurance and that the city council may pay the entire premium. With respect to your fourth question, it is my opinion that a municipal official is not eligible to receive municipal insurance if they retired after July 28, 1995, unless they meet the requirements of ACA 24-12-129 or the City Council of Van Buren includes them under the exceptions found in ACA 24-12-130. In either instance, I opine that the retiree must pay the entire premium as described in ACA 24-12-129. With respect to your fifth question, I opine that the Van Buren Water and Sewer Commission may only offer municipal insurance to its commissioners if the city

council has approved insurance as part of the commissioners' compensation and has properly appropriated funds for such compensation.

Improvements to city-leased building OK ... maybe

Opinion: 2004-319

Requestor: Kenney, Mike—State Rep.

Is it lawful for the City of Siloam Springs to make improvements to a building it has leased for use as a public library if any resulting increase in the property's value is dependent upon wear-and-tear occurring during the city's 10-year lease and upon the nature of the subsequent use of the building? **RESPONSE:** I believe that, if the situation is as you describe it in your request for my opinion, it is lawful for the city to make the improvements noted. I caution you, however, that this office is neither equipped nor authorized to make fact-finding decisions and that this situation would require intensive fact-finding and analysis for a definitive answer. The City should work with its city attorney to make relevant decisions regarding the property.

Cities help pay general election costs

Opinion: 2004-324

Requestor: Luker, Jim—State Senator

Pursuant to provisions of ACA 7-5-104, is a municipality required to pay a portion of the expenses of a general election if no municipal candidates or issues were included on the ballot? **ANSWER:** Yes. The reimbursement formula is based simply upon the number of voters voting from the municipality.

Utilities manager answers to new commission

Opinion: 2004-329

Requestor: Glover, Bobby L.—State Senator

Pursuant to Cabot City Ordinance No. 37, which creates the Cabot Public Utilities Commission, does Section 14 of Ord. 37 conflict with ACA 14-42-110 since it authorizes the Commission to hire a manager of the system as opposed to allowing the mayor to appoint this "department head?" Q2) Are aldermen presently serving on the city council eligible for appointment to the new Utilities Commission? If not, when will currently serving aldermen become eligible? **RESPONSE:** Q1) No. The manager will answer directly to the Commission, not to the city council, and consequently does not constitute a "depart-

ment head" of the sort referenced in ACA 14-42-110. Q2) Cabot aldermen cannot serve on the Utilities Commission so long as they retain their positions on the city council. Moreover, with respect to those aldermen serving on the Cabot City Council on the date of the Utility Commission's creation, ACA 14-27-107(a)(1) would preclude them from being appointed to the Utility Commission for a one-year period following their terms as aldermen.

Mayor's veto can affect utilities commission

Opinion: 2004-330

Requestor: Glover, Bobby L.—State Senator

Since Section 2 of Cabot City Ordinance No. 37 states that members of the Utilities Commission shall be elected by a majority vote of the city council, does the mayor have the authority to veto an appointment to the Commission? Q2) Does state law authorize the Commission to appoint key personnel? **RESPONSE:** Q1) In my opinion, the Mayor retains his veto authority pursuant to ACA s. 14-53-504 and may exercise it with respect to the appointment of members to the Commission. Q2) I opine that the Commission may appoint key personnel, such as the Utility Manager, only insofar as Ordinance 37 has delegated hiring authority to the Commission. See also Op. Att'y Gen. 2004-329.

City can't buy back unused sick leave

Opinion: 2004-337

Requestor: Scroggin, Preston—State Rep.

Is it legal for a city to buy back a portion of unused sick time for currently employed uniformed employees? **ANSWER:** No, under the assumption that this would involve paying police officers and fire fighters for accumulated unused sick leave under circumstances other than death or retirement. See ACA 14-52-107 and 14-53-108; Op. 98-102 (and opinions cited therein). These statutes are limited to officers who retire or die. Those who leave employment for any other reason forfeit their sick leave. So the city is also prohibited from buying back previously accumulated sick leave.

Amendment 78 revenue use strictly defined

Opinion: 2004-359

Requestor: Argue, Jim—State Senator

Does Amendment 78 allow the future revenue growth from the uniform rate of tax levied pursuant to Amendment 74 to be redirected to a local redevelopment project? **RESPONSE:** Under current legislation, the answer to this question is "no." The General Assembly has defined the term "taxing unit" as used in Ark. Const. amend. 78 to mean "any city, county, school district, or community college." ACA 14-168-301(16). In accordance with the terms of Amendment 78, the legislature has chosen to make available for redirection to local redevelopment projects

only statutorily defined portions of local ad valorem property tax revenues. I have previously opined on at least three occasions that the uniform rate of tax is a state tax, levied by the voters who enacted Ark. Const. amend. 74. See Ark. Ops. Att'y Gen. Nos. 2003-031, 2003-065 and 2004-134. The legislature has not chosen to earmark any state taxes as subject to division pursuant to Amendment 78. With respect to a possible amendment of the legislation implementing Amendment 78, I consider it unclear whether a reviewing court would deem it consistent with the constitution for the legislature to approve any redirection to a redevelopment project of revenue increases realized from application of the uniform rate of tax following a reappraisal.

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China, Southwestern Asian countries new frontier

Sister City International looks to the East for development and opportunity—Part 1, China.

By Sherman Banks

Sister Cities International along with the People's Republic of China Association for Friendship in Foreign Countries recognizes the importance of Sino-U.S. relations. This past November, I lead a 12-member delegation to China to forge better relations between China and the United States, to establish contact with Chinese cities that wish to have sister cities in the United States, and vice versa, and to prepare for the second Sino-U.S. economic conference, which will take place in Spokane, Wash., at the Sister Cities International Conference July 26–31, 2005.

China is the world's most populous country, and its economy is growing rapidly. But economic development has proceeded unevenly, with urban coastal areas in particular experiencing more rapid economic development than other areas of the country. Since the 1980s, the Chinese government has encouraged foreign investment in some sectors of the economy, with certain constraints. One of these incentives is "special economic zones" in which foreign investors receive preferable tax, tariff and investment treatment.

When China entered into the World Trade Organization (WTO) in November 2001, its government made commitments to trade and investment liberalization, which, if fully implemented, will substantially open the Chinese economy to foreign firms. The United States and China agreed on reciprocal multiple entry visas, which began Jan. 15. The U.S. embassy now offers 12-month multiple entry visas to Chinese citizens on temporary business or tourist trips. The Chinese Ministry of Foreign Affairs promised that Americans visiting China would have the same privilege.

To date, 3,000 U.S. businesses are in China, which ranks the United States second, behind Japan, in trading with China. It is estimated that U.S. imports/exports have exceeded \$150 billion since 1999. One of the primary reasons China is seeking sister city relationships is to develop economic contacts. In determining a sister city in China, size is not important. No Arkansas municipality can compare in size to a city in China, so one must consider how it fits economically, culturally and educationally to determine a sister city partnership.

Economics and trade have prompted enormous growth in China since 1994. China's State Commission of Economics and Trade declares that China encourages foreign investment in these categories:

- Comprehensive and new technological agro economic projects such as the retooling of low-and medium-yield farmland and the development of high yield varieties;

- Construction of infrastructural facilities in the sectors including energy and communications and basic industrial projects, such as the production of key raw and processed materials;

- State designated pillar industries, including machinery, electronics, petrochemicals and automobiles;

- Projects capable of introducing advanced technologies to improve economic returns and productivity of domestic enterprises and the products that can meet the demands in the home market;

- Projects that can increase foreign exchange through export;

- Projects using new technologies and equipment to comprehensively use resources and recycled resources;

- Technologies and equipment helpful for pollution control and environment protection;

- Emerging industrial technologies and equipment such as bio-chemical, telecom networking systems, isotope radiation and laser and the development of oceanic energy;

- Service industry such as consultancy services, maintenance and after sales service of precision instruments and;

- Projects that can make good use of the labor force and natural resources in central and western China.

Two Arkansas companies having a prominent place in the Chinese economy are Wal-Mart and Acxiom Corporation.

As you consider developing sister city relations with China, it is important to keep in mind that our trading relationships add enormous value to the U. S. economy and to Arkansas in particular, as well as sister city partners around the world. Also, note that our markets are open because we believe that competition creates excellence with our economies. We must encourage our sister city relationships to lead to competition with countries around the world, though it is imperative that trade take place on a level playing field.

Sister Cities International and the U.S. government commend China for the steps it has taken in strengthening its trade, providing important help on international



Banks

Regional authorities proposed

The Metroplan board of directors, which is composed of city and county leaders from Faulkner, Lonoke, Pulaski and Saline counties, has proposed to establish a regional authority for road and other transportation improvements, which would be funded through tax dollars; the proposal is to go to the state Legislature.

The *Arkansas Democrat-Gazette*, reported that the authority, upon approval by each county's quorum court, could request member counties to call for a vote to raise an up to 10-cents-on-the-gallon gasoline tax, a sales and use tax up to one percent and a \$10 surcharge per vehicle license fee. California, Florida, Nevada and Texas have similar authorities.

The authority would work with counties to plan and build roads and other transportation improvements, such as sidewalks, bicycle trails, parking decks and public transit systems. The Arkansas Highway and Transportation Department, local governments and private investors could partner with the proposed authority in such projects.

The authority would act on behalf of the counties. If one county voted against a tax and another voted for it, only the county that approved the tax would be taxed and receive the benefits.

State needs help to find Depression-era projects

The Arkansas Historic Preservation Program (AHPP) plans to document historic properties constructed through the Public Works Administration (PWA), a Depression-era federal relief program that generated jobs by commissioning public works projects, beginning this spring, AHPP Director Ken Grunewald said.

The types of PWA-built properties (which are different from those of the Works Progress Administration [WPA] the agency seeks to document are water works structures, hospitals, college buildings, courthouses, schools and municipal buildings. AHPP historians will photograph the properties and document them on architectural resource forms, which will later be used to determine which properties may be eligible for National Register recognition.

For information contact the AHPP at 1500 Tower Building, 323 Center Street, Little Rock, AR 72201, or call 501-324-9880 or email info@arkansaspreservation.org.

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If you are interested in providing your city with effective mosquito control call us at 1-800-413-4445. A V.D.C.I. representative is always available to make a detailed presentation to your city council.

'Freeze-thaw cycle' wreaks havoc

Arkansas's fluctuating climate causes substantial damage to its city streets, highways.

By A.E. Johnson Jr., P.E., Staff Engineer

When it comes to street maintenance, the importance of good drainage can never be over-emphasized. Water creates nothing except problems for city streets, whether they are gravel, asphalt hot mix or concrete.

When water penetrates the surface or infiltrates the base course, problems begin. In a matter of time potholes, cracks and raveled pavement edges occur. When poor drainage is combined with freezing temperatures, pavement damage is more severe and happens more quickly.

The recent snow and ice that covered the majority of Arkansas did millions of dollars of damage to the surface of its transportation system. When water changes to ice it expands, and that expansion's force is significant. That force is capable of bursting your waterline and is also capable of causing havoc with concrete and asphalt pavements.

A "freeze-thaw cycle" occurs each time the ground freezes and thaws; the frozen moisture causes the soil to swell. When melting occurs, more water enters the swollen ground and the next freeze causes greater damage. On pavement sub-grades and shoulders, compaction of the material is lost and its stability lessens.

Frozen moisture in an aggregate base course pushes the aggregate apart, and in some cases, will crack the aggregate. Frozen moisture in asphalt and concrete pavement cracks extends the cracks and makes them wider, allowing more moisture and foreign matter to enter when a thaw occurs.

During the five days of snow and ice in late December, Arkansas experienced at least five freeze-thaw cycles that trapped and froze free moisture from the melting ice and snow. The trapped moisture is a result of accumulated ice and snow along the edge of the roads or where shady areas are.

This condition is far more severe and detrimental than a normal spring rain where the free moisture is quickly absorbed into the ground or taken back into the air through evaporation and transpiration.

In northern Canada and Alaska, is permafrost, a frozen water-soil mix that can be as deep as three or four feet and stays frozen year-round. Some melting occurs on the ground's surface in late summer, but the extreme northern climates suffer only a limited number of freeze-thaw cycles throughout the year.




Johnson

In the northern states, the soil will stay frozen all winter with only a few freeze-thaw cycles in late fall and early spring.

In Arkansas, freeze-thaw cycles happen quite frequently and the road and street damage is much more severe.

When you throw in the 40 to 50 inches of annual rainfall in Arkansas, it adds up to conditions that make road and street maintenance very costly.

The governor, highway commissioners and legislators must include the 70-15-15 funding distribution in the forthcoming highway program. (The 70-15-15 is the division in percentages of revenues to the state, cities and counties.) The city streets, county roads and state highways all have backlog needs. 

James C. Howland Award looks for nominees

Has your city or town made a significant difference in the quality of life for your community? If so, share the news about those accomplishments by submitting a nomination to the National League of Cities' 2005 James C. Howland Award for Municipal Enrichment.

This prestigious community award honors all population sizes and is divided into four winning categories: under 50,000; 50,001-150,000; 150,001-500,000; and more than 500,000. Each category will have two winners, Gold and Silver.

Criteria for this award are based on program innovation, local government implementation and the measurable benefit to the community and local government. A complete listing of the criteria, eligibility requirements, additional information, and a nomination form is available at

www.nlc.org/resources_for_cities/awards_recognition/118.cfm.

The 2005 Howland Awards deadline: **June 16, 2005.**

For more information, contact the National League of Cities at 202-626-3000 or write to Kelly@nlc.org. The program is sponsored by CH2M HILL.

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Planting seeds in students' lives

Shade Trees on Playgrounds program helps kids learn hands-on.

By Doug Akin

"... all sorts of vegetation seemed to thrive under my touch until I was styled the plant doctor."

—George Washington Carver

George Washington Carver Magnet Elementary school partnered with the Arkansas Forestry Commission for its Shade Trees on Playgrounds program. Nine elementary schools across the state cooperated in the program, which was designed to educate students on skin cancer and provide shade for barren school playgrounds. Sun damage to the skin during childhood is the leading cause of skin cancer in adults. Trees have been proven by researchers at Purdue University to significantly reduce human exposure to damaging sunrays and to lengthen the amount of time a person can spend in the sun.

Teachers at Carver Elementary used this program as an opportunity to integrate the study of trees with the school's science, art, music and drama curricula. The fact that this school is named for Dr. George Washington Carver made its participation in this program fitting.

Carver, born a slave, became an accomplished musician, poet, artist, lecturer and scientist. He is sometimes referred to as the "Peanut Man" for his research on the industrial applications of the peanut. Carver's research came at a time when rural Southern farmers were leaving their over-worked farms and nutrient depleted soils for industrialized cities. Carver discovered nearly 300 valuable uses of the peanut. This enabled farmers to stay on farms and grow a cash crop, the peanut. It also enriched soils through the nitrogen-fixing attribute of the peanut plant. During Carver's lifetime, the Southern peanut crop grew to cover five million acres and have an annual value of \$200 million.

Carver Elementary students followed in the footsteps of their namesake by studying the uses of trees and the products that come from trees, with a special emphasis on the importance of trees in urban areas. Students learned that wood products are found in hundreds of products, including toothpaste, chewing gum and some types of chocolate. Like the peanut in the early 1900s, the contribution of wood products to the Southern economy is important. In Arkansas alone, the forest industry has a \$1.17 billion payroll and approximately 47,000 employees.


The students' study of trees culminated in a school assembly in which classes presented short plays they had written. The plays explored the many and varied uses of trees; one play showed the benefits of shade on the play-

ground. Unfortunately, it was raining the day of the assembly and a tree planting on the school grounds had to be postponed. Each grade in the school adopted, named and planted a tree.

In-depth study of trees in addition to adopting, naming and planting trees will lead to greater student ownership in the playground and greater appreciation of trees in general; which, in turn, will lead the students to be greater conservators of natural resources.

Cities and towns across the state should create a similar model by partnering with schools and hopefully benefit from the enhancement of the students' conservation ethic, if for no other reason, a reduction in vandalism of parks and park trees.

For more information about the Shade Trees on Playgrounds program, contact John Slater at 501-984-5867 or Patty Erwin at 479-442-8627

Doug Akin, formerly an Arkansas Urban Forester with the Ark. Forestry Commission and column writer for *City & Town*, now is Pulaski County Ranger; he heads a fire fighting crew. 



Akin

Firefighting video shows how to reduce loss where urban life and wildlands meet

QUINCY, Mass.—Firefighting at the point where woodlands and communities meet has a new partner as an educational and training tool, and it's free. *Using Water Effectively in the Wildland/Urban Interface* is a video that takes firefighters through Firewise preparation and mitigation before a wildfire threatens a community.

"Effective and efficient water use strategies and tactics during a wildfire can be critical in protecting homes, lives, and resources—especially in rural areas where water can be scarce," said Rick Trembath, chief of the Bigfork Fire Department and structure protection specialist. He said that for those who live in the wildland/urban interface and for firefighters who serve them, the video shows different ways of using water effectively.

Techniques and strategies include planning and locating water sources, accessing the water sources, and testing and maintaining the sources. Tactics in the video include developing quick engine fill sites, making the best use of limited water, proper use of foams and gels, mobile water delivery and site preparation to reduce water needs.

Video quantities are limited to one per address. To request a copy, visit www.firewise.org.

APERS presents seminars

The Arkansas Public Employees Retirement System (APERS) will present seminars throughout the state during 2005. APERS will offer local and regional seminars.

The local seminars are half-day and led by APERS representatives, a social security representative and a deferred compensation provider. This seminar will provide basic information on, but not limited to, eligibility for membership, monthly service credit and vesting.

The regional seminars are comprehensive all-day seminars that include representatives of APERS, a social security representative, deferred compensation provider, an attorney for estate planning and, at the Little Rock seminar only, a state insurance representative.

All employees who are members of APERS are welcome to attend. Visit APERS Web site, www.apers.org, for more information and registration forms.

If you have questions, contact Teresa Thomas at 501-682-7860 or 1-800-682-7377, ext. 27860.

Seminar type	Date	Location	Registration Date
Local	Feb. 10	Conway	Feb. 3
Local	Mar. 3	Magnolia	Feb. 24
Regional	Mar. 10	Little Rock	Mar. 3
Local	Apr. 7	Arkadelphia	Mar. 31
Regional	Apr. 14	Rogers	Apr. 14
Local	May 5	Newport	Apr. 28
Regional	June 9	Nashville	June 2
Local	June 15	Osceola	June 8
Local	June 16	West Memphis	June 9



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Mayors, aldermen (or city directors) of the year nominations due by April 30

The deadline for nominations for the League's first mayors and aldermen (or city directors) of the year competition is April 30. St. Charles Mayor Robert Patrick has announced.

Forms for nominations were in the January *City & Town*. The awards would go to a mayor and an alderman (or city director) in one category of incorporated towns and second class cities and a second category of first class cities and large first class cities.

The mayors and aldermen or city directors must be serving in office in the year nominated. Send materials for nominations to Mayor Robert Patrick, P.O. Box 305, St. Charles, AR 72140.

Higher densities—not a bad idea

Municipalities should avoid dense approach to rising population.

By Jim vonTungeln, Staff Planning Consultant, American Institute of Certified Planners



vonTungeln

Like it or not, our cities may face a future of growing upward instead of outward. In other words, it is probable that urban development density may be much higher in the future than in the past.

Why? A number of factors stand out. First, of course, is money. There is simply a limit to how far local governments can allow development to spread and still operate and maintain water, sewer and streets. The same goes for providing public services—fire and police in particular.

Of more immediate concern is the proliferation of rural water systems adjacent to many cities. Once in place, these are becoming increasingly aggressive about protecting their territories and some claim that their territory includes everything not presently in the city. Since these systems do not provide fire protection—most barely provide domestic water—they prevent additional development at an urban scale, including commercial construction.

As if that is not enough, rural fire districts are also beginning to challenge urban expansion, i.e. annexation.

Then there was the indication in the last census that the baby boom generation may be starting a movement back into the city center. Inner city census tracts that had shown no life for decades increased in population.

Finally, there is always the possibility that a global economy may result in a leveling of fuel prices. Americans, faced with the same gas prices as Europeans and Asians, may elect to live closer to work, shopping areas and public services.

There are obstacles. Mention high densities in a planning commission meeting and you are likely to set off a firestorm of weeping, wailing and predictions of imminent doom. Doesn't everyone know that high-density living causes every known social ill, from crime to stunted growth in babies?

Those who have actually studied the subject draw different conclusions. Most of the "facts" about high density residential living, for example, are anecdotal (means you heard it in the coffee shop). Scientific works tend to find some correlation, but not much in the way of causation. It really just depends.

For example, one can find social ills in a high-density inner city neighborhood that has essentially been

abandoned and left to its fate. On the other hand, some of the highest density neighborhoods in the country—the Park Avenue neighborhood of New York for example—are practically free of internal crime or other oft-mentioned social problems.


For those who want to be "in the know," an enlightened work on the topic is Jonathan L. Freedman's *Crowding and Behavior*. His experiments led him to the conclusion that humans are not laboratory mice and that—as far as we are concerned—crowding seems to amplify natural tendencies rather than cause them. It really just depends.

So, now that we have that out of the way, just what are we talking about in terms of residential density? New suburban subdivisions on public sanitary sewer systems offer from around two to four dwelling units per acre. The only city in Arkansas with anything approaching high urban densities is Little Rock. Its planning commission recently approved a development that would run about 84 units per acre. This is still under half of what one might expect in the urban core of a city like New York or Boston. By contrast, the typical zoning code in our state stops at around 12 to 16 dwelling units per acre.

The units in Little Rock, by the way, are starting at about half-a-million, so it isn't slum housing.

What are some drawbacks to higher urban densities? Well, there isn't much room for a garden or need for a 15-horsepower riding lawnmower. Residents will likely have more contact with their neighbors. Moving things in and out is a bit more difficult. One probably will not enjoy an enclosed carport.

The benefits were outlined earlier, but it may be that the future densities will not derive from costs and benefits as much as from necessity. So it would probably be wise to start educating residents. At this juncture, municipalities still have the option of planning for higher densities systematically. The alternative is to see them forced upon us over the screaming and wailing of terrified residents. It really just depends.

Contact Jim vonTungeln at 501-372-3232, or visit www.planyourcity.com. He is available for consultation as a service of the Arkansas Municipal League. 



Book Review

By Jim vonTungeln

• ***Urban Sprawl and Public Health: Designing, Planning and Building for Healthy Communities***

By Howard Frumkin, Lawrence Frank and Richard Jackson
Island Press, 2004, 338 pp., hardcover \$60, paperback \$30

• ***Dark Age Ahead***

By Jane Jacobs
Random House, 2004, 241 pp., hardcover \$23.95

Two new books offer us some interesting reading on the condition of urban life. Other than proving a bit scary, they offer a great pastime for the long evenings ahead.

The first: *Urban Sprawl and Public Health* is probably the single most-documented work on the subject yet produced. The copious documentation and the fact that two of its authors, Howard Frumkin and Richard Jackson, are physicians place it above the screeching of urban planners about the dangers of sprawl. Lawrence Frank, the third contributor, is a landscape architect, transportation planner and land use planner.

Their work will frighten even the most cynical policy maker. The level of factual data far exceeds the space herein; however, a sample of their warnings gives a taste of how seriously they view the effects of the automobile:

- An increase in the percentage of Americans who are overweight—from 24 percent in 1964 to 64 percent in 2000
- An increase in instances of asthma to the point where nearly 10 percent of Americans are affected
- The death, on an average day, of 120 Americans by motor vehicles
- An increase in one generation—from 1960 to 2000 of the average American's yearly driving from 4,000 to nearly 10,000 miles per year
- An estimated 64,000 premature deaths each year due to particulate matter (air quality) at least partially attributable to motor vehicle emissions
- An estimated 3.4 million non-fatal injuries along with \$200 billion in costs due to traffic accidents.

What does all this have to do with the way we are developing our cities? That is the central question of the book. The statistics, along with the feeling, as the authors put it, "that for many of us, *things just don't feel right*," seem to be attracted like planets toward an unseen star: the automobile-centered life. An interesting irony

lies in the fact that an often-quoted reason for moving to the suburbs is personal safety when the facts are clear that a person's chances of being killed by a stranger in another vehicle while commuting far exceed the chances of violent death by crime, even when one lives in the center city.

Different chapters of the book treat different aspects of health and how they relate to sprawl—air quality, physical activity, injuries and deaths from traffic, water quantity and quality, mental health, social capital and health concerns for special populations. Although some of the correlations are stronger than others, the sheer enormity of data must cause us to reflect on current trends and notions. Some appear as black humor as the case of the Georgia Department of Transportation's decision to prohibit trees, benches and other fixed objects within eight feet of a curb so the sidewalk could become an "auto recovery zone" for errant drivers.

Speaking of traffic engineers—Jane Jacobs is worth reading because, well because she is Jane Jacobs, but also because one must be amused by her savaging of that particular profession. She calls a lapse [in the ability of the scientific state of mind] of the traffic engineering profession "... of practical importance because it wastes the time of many drivers, contributes to pollution, wastes land and energy, and is the most active single cause of community destruction ..."

As one might expect, *Dark Age Ahead* is not a particularly happy book, but it is an important one in the context of how we will approach urban development in the 21st Century. She paints a particularly disturbing picture of where we are headed in our technological approach to urban development.

Unlike the authors of *Urban Sprawl and Public Health*, she isn't likely to forgive our tendency for urban sprawl as simply honest issues of public taste. Although both books mention it, Jacobs is quite eloquent, for example, in reliving the history of how General Motors purposely bought and demolished public transit systems throughout the country in order to increase dependency on the automobile.

Are there answers and ways to compromise among choice, livability and health as we develop our cities? The reader must decide on an individual basis. These books suggest where we might start our thinking process.

After all, as the authors of *Urban Sprawl* put it, there is no such thing as "sidewalk rage."



Catching up with the new 'dog catcher'

Teaching the public the nuances of modern animal control can be trying, but hang in there and keep your head up.

By Stacy V. Dolan

Long gone are the days of the butterfly net and the stereotypical dog catcher. Today, nets have been replaced with modern equipment, such as the catch pole, chemical capture (dart gun), live traps and snake tongs; and dog catchers replaced with animal control officers.

Hello. I am Stacy V. Dolan, Heber Springs animal control officer and president of the Arkansas State Animal Control Association (ASACA). To many a big title means something, but to others I am known only as a "dog catcher." Ask John Q. Public and he might tell you, "There goes the dog catcher" or "That's the animal control officer." To me the title doesn't matter. I love my job and what matters is respect! If you do not want to be called dog catcher, you have to earn the public's respect.

Public safety is top priority, and an animal control officer to the public must be a professional. Just because one has a citation book does not mean that she/he has to be a jerk. We must say "yes ma'am" and "no sir" (and mean it) and listen to the owners. The owner might not have known that the fence had a hole in it or the cable run had broken. Animal control is about controlling animals and educating the public on their care, not just writing citations.

Being a professional means relaying to the public that you are not there just to take their animals, or just


being a "dog catcher," but that you're there to help. The animal control officer's job is to:

- 1) Make sure the animals are healthy;
- 2) Educate the public on why vaccinations are a good thing;
- 3) Explain why spaying and neutering are needed;
- 4) Talk to children about what to do when a stray comes along;
- 5) Keep the animal control vehicle and equipment clean and maintain the uniform.

By doing these things, you will gain the public's respect. Animal control officers may always have the dog catcher name, but when we help a child in need and gain that child's respect, we will have our just reward!

Dog catcher is not a dirty name; it describes what animal control officers do for a living. We catch dogs! Yes, it's not just dogs anymore, but this is where the name animal control comes in: dogs, cats, raccoons, opossums, squirrels, skunks, snakes, armadillos ... you name it, we get it. So when someone says, "There is that dog catcher," hold your head up, smile and say, "Yes, I am!"

Remember these two things: Be true to yourself and respect is something earned not handed out!

You can reach Stacy V. Dolan at 501-362-8291. 



Dolan

Fairs & Festivals

Feb. 19, **HOPE**, 3rd Winter Bluegrass Show, 870-777-3640, hopeark@arkansas.net, www.hopemelonfest.com

Mar. 1-31, **BIGELOW**, 27th Wye Mountain Daffodil Festival, 501-330-2403

Mar. 11-12, **CAMDEN**, 11th Camden Daffodil Festival, 870-836-0023, clarafreeland@cablelynx.com, www.camdenfestival.com

Mar. 17, **EUREKA SPRINGS**, St. Patrick's Day Parade, 888-855-7823, cityaud@eurekasprings.org, www.eurekasprings.org

Mar. 18-20, **WASHINGTON**, 37th Jonquil Festival, 870-983-2660, oldwashington@arkansas.com, www.oldwashingtonstatepark.com


May 19-21, **PARAGOULD**, Loose Caboose Festival, 870-240-0544, msped@grnco.net



Centennial Cities

(Continued from page 16)

state's western edge. But Ashbaugh said that overall it has probably been good for the community because of safety and because people who want to travel the scenic 71 still do. The scenic railroad is also still in operation, traveling seasonally from Springdale to Van Buren to Winslow and offering sightseers a glimpse of what those century-old tourists saw. Winslow will celebrate its centennial in conjunction with its annual music festival September 16-18.

Mayor Randy Jarnagan heads Winslow's city council of Donald Clark, Theresa Seely, Marsha Cooley, Velma Duncan, Barbara Ashbaugh and Freddie Wood. 

Annexation Survey important to Arkansas municipalities

By Sarah Breshears

In late January, the U. S. Census Bureau began mailing out the 2005 Boundary and Annexation Survey (BAS) to all mayors or a designated individual, such as the city clerk, in every city and town in Arkansas. The BAS survey asks all jurisdictions to confirm that the jurisdictional boundaries are correct as of January 1. If annexations have occurred that change the boundaries, the BAS allows the local officials to incorporate those additions. These new boundaries will be used in two current Census Bureau programs—the population estimates program and the American Community Survey.

It is always a good idea to have the correct boundaries represented in TIGER, the digital map that the Census Bureau uses for all its programs; the TIGER files are being updated and enhanced through several programs to make them more accurate. It is especially critical to have correct boundaries for the decennial census (taken in years ending in zero) because those boundaries determine the population count which will be used for a decade to distribute federal and state turnback funds.

The packet each mayor received included a BAS form, a "No Boundary Change" postcard, pencils, the *2005 Boundary and Annexation Survey User's Guide*, an index map and in some cases, all the maps of the jurisdiction. If the boundaries shown on the map are correct and if there have been no annexations, all you have to do is return the postcard to the Census Bureau indicating that everything is correct.

If changes have occurred, you will need to fill out the BAS forms, mark the changes on the maps and return the forms and the maps to the Census Bureau in the enclosed return-address envelope. The *User's Guide* contains complete instructions on how to accomplish this task. This process also allows you to add new streets and other features that are related to the jurisdictional boundaries.

If there have been annexations, the Census Bureau requests that information on the legal actions associated with the changes also be provided, such as the city ordinance. The Census Bureau will report your legal boundary change action numbers and effective dates to a certification official to be sure that these changes are legally recognized; in Arkansas that would be

the office of the Secretary of State.

(Please note: for jurisdictions whose fire and police departments participate in the Arkansas Fire and Police Pension Plan or LOPFI, annexations must be filed with the Secretary of State's office before these changes will be incorporated into the area and population totals, according to Rule 12. Failure to do so will affect the total pension turnback funds.)

To be incorporated into the population estimates program and the American Community Survey, these changes must be received by the Census Bureau by April 1, 2005. The Bureau asks all municipalities to return their forms within 15 days of receipt of the package, but if they haven't received it by the end of February, a follow-up procedure will begin.

All cities and towns that haven't responded by the first of March will receive a telephone call from Mary McFarland of the Census State Data Center located at the University of Arkansas at Little Rock.

Questions? Contact the Census State Data Center at 501-569-8530.

Sarah Breshears is director of the Census State Data Center for the Institute for Economic Advancement at the University of Arkansas at Little Rock.



www.arml.org

Be prepared for the unexpected

Remember emergency preparedness for special needs populations and avoid disaster

LeaVonne Pulley, Ph.D.

While Arkansans don't have to worry about tsunamis, there are a number of potential natural and man-made disasters—from tornadoes to chemical spills—for which local governments must be prepared. Moreover, officials also must ensure the safety of those with special needs.

The keys to protecting your vulnerable populations in an emergency are pre-planning, asking for input from community groups and remaining flexible.

There are many vulnerable populations to be considered. Some of the more obvious are the mobility impaired, such as the elderly, the chronically ill, the disabled and children. Some of these individuals may spend much or all of their time in institutions. Are there good plans in place for your local day care centers, schools and nursing homes? And do those who would need to act on these plans well-informed on what to do?

Those residents who may not be able to respond must also be considered. People without reliable transportation may not be able to evacuate. Geographically isolated individuals may have communication as well as transportation difficulties. People with arthritis, spinal conditions, artificial limbs and joint replacement, frailty or those confined to bed or wheelchair may need physical assistance.

Communication can be an issue with some populations. Are there individuals in your community who do not speak, read or understand English well? These could be members of racial or ethnic minorities, the visually or hearing impaired, individuals with mental illness or mental disability and the functionally illiterate. How will you get emergency instructions to these individuals and overcome their communication difficulties?

Another issue that should not be ignored is that of trust. The poor, the homeless, racial and ethnic minorities may have historical or on-going reasons to not trust those in authority. It is important to have good contacts in place with members of those communities who can serve as your go-between in an emergency situation to help avoid unnecessary delays and possible loss of life and property.

Other trust issues may arise. Elderly individuals and children may have been firmly instructed not to go with or trust strangers. Family members who have been separated may be reluctant to leave familiar locales or pre-scheduled meeting places. Leaving pets, livestock and

treasured possessions also can be traumatic. People are not thinking their best in the middle of an emergency, so it is important to consider ways to reach an accommodation that meets your emergency response goals while taking care of their unique needs.

Another way to approach this problem is to think in terms of your most vital functions in an emergency, and how those might need to be adapted for members of your community. The first is communication, including the possible need for translators or ways to communicate with the deaf or hard of hearing.

Transportation and location are other important concerns. Where will you be asking people to go? How will they get there? Once they get there, are there physical barriers such as stairs, slick floors or uneven surfaces? Are these places familiar and comforting? For many individuals, churches or community buildings might feel less threatening than government buildings.

Key individuals to assist you with these functions can be found in your county emergency government, faith-based groups, local health care providers and human services providers. Reaching out to these individuals for pre-emergency planning will help you identify essential resources in your community and brainstorm to overcome anticipated barriers.

A new resource for emergency planning is on the Department of Homeland Security Web site at: www.dhs.gov/dhspublic/interapp/editorial/editorial_0566.xml

LeaVonne Pulley, Ph.D. is an associate professor in the Department of Health Behavior & Health Education, College of Public Health at the University of Arkansas for Medical Sciences



Pulley

MARK YOUR CALENDAR

**National League of Cities
Congressional City Conference**
Mar. 11-15, 2005
Washington, D.C.

**Arkansas Municipal League
71st Annual Convention**
June 15-17, 2005
Hot Springs, Ark.

COPD: What you should know about this disease

(NAPSA)-Many people quit smoking each year in a move to improve their health. Few, however, take the next logical step after quitting-visiting their doctor for a lung function test.

While quitting smoking decreases your risk of illness, it's important to find out how much damage may have already been done by checking for a variety of lung diseases including chronic obstructive pulmonary disease (COPD), diagnosed in more than 11 million adults. It is the fourth leading cause of death and claims the lives of more than 120,000 Americans annually.

COPD is a term referring to a large group of lung diseases characterized by obstruction to airflow that interferes with normal breathing. Emphysema and chronic bronchitis are the most important conditions that compose COPD and you can have them at the same time.

COPD can have a variety of causes from occupational hazards to air pollution. But the most common cause is smoking and accounts for 80-90 percent of deaths from COPD. The American Lung Association offers the following advice to current and ex-smokers to help you learn more about COPD and quit smoking.

- Learn to recognize the symptoms of COPD.

Symptoms include chronic cough, shortness of breath, a greater effort to breathe, increased mucus production and frequent clearing of the throat.

- Discuss these symptoms with your doctor. "Many smokers or ex-smokers may harbor feelings of guilt, shame or fear and will often ignore or misinterpret the signs of COPD," said Dr. Norman Edelman, medical

consultant for the American Lung Association and a professor of medicine at SUNY Stony Brook University. "That said, family and friend support can go a long way in encouraging someone to consult with their physician and ask to see a pulmonologist. Early diagnosis can open the door to treatment options that can improve the quality of life."

- The American Lung Association and ALTANA Pharma US have developed free "Hungry for Air: Care. Share. Commit." care packages designed to encourage people to reach out to family and friends who they suspect may have symptoms of COPD and ask them to request a lung function test from their doctor. Care packages include a 10-minute calling card, a COPD informational card and a plastic drinking straw to simulate the difficulty of breathing when suffering from COPD. They are available by calling 1-877-COPD-INFO or by visiting www.lungusa.org.

- Get help to quit smoking. Join a stop-smoking program such as *Freedom From Smoking* from the American Lung Association. This online program gives ideas and peer support to help you quit for good.

Other risk factors of COPD include heredity and a history of childhood respiratory infections. "Researchers are identifying certain genetic traits that make individuals more likely to develop the disease," said Edelman. "If you have a history of COPD in your family, you should run, not walk to your doctor and ask for a lung function test."

For more information about quitting smoking and COPD, go to www.lungusa.org.

Obituaries—

Don F. Brown, 69, a former longtime Pine Bluff alderman and a chairman of the Pine Bluff Civil Service Commission, died Jan. 9.

Marguerite Dawson Ketchum, 90, died Jan. 19. Ketchum, as her husband, J. B. (Bee) Ketchum, now deceased, was a former Lonoke mayor. He was mayor for 17 years, she for two years.


Joe Lewis, 77, a former mayor of Success, died Jan. 17.

Lee Lorn Mc-Millan, 92, a former Mena mayor and alderman, died Jan. 20. As mayor he helped secure the Old Post Office as the City Hall, led construction of a new library and Iron Fork Lake, Mena's current water supply, and secured land for a city park on the south side of Mena.

Sister Cities

(Continued from page 26)

security issues and making progress toward satisfying its WTO commitments. An increasing number of Chinese companies are investing in the United States and working toward productive cooperation through the U.S.-China Joint Commission on Commerce and Trade.

To discuss the People's Republic of China Association for Friendship to Foreign Countries as a sister city or to have a presentation made to your city council or local businesses, contact Sherman Banks, president, Sister Cities International, 501-376-0480, Fax 501-372-6564, e-mail: sbanks@aristotle.net, or write P.O. Box 165920, Little Rock, AR 72216. 



MUNICIPAL HEALTH BENEFIT FUND

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CHANGES TO THE 2005 MMBF DIRECTORY, AS OF FEB. 1, 2005

Also visit League Programs on League Web site, www.arml.org, for these changes and providers.



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HARDIN, MD	LAURA	FARMINGTON FAMILY MEDICAL	199 E MAIN	FARMINGTON	AR	72730	479-267-1001
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THERAPY WORKS		PHYSICAL THERAPY	1441 HWY 62 & 412	HARDY	AR	72542	870-856-9675
KAJITANI, MD	KARI	EMERGENCY MED.	2319 HWY 110	HEBER SPRINGS	AR	72543	501-206-312
MITCHELL, MD	BRUCE	EMERGENCY MED.	2319 HWY 110	HEBER SPRINGS	AR	72543	501-206-3102
FOWLER, MD	JAMES	OTOLARYNGOLOGY (ENT)	819-B NEWMAN DR	HELENA	AR	72342	870-338-3300
VALENTIN-STONE, MD	PAUL	NO PULASKI INTERNAL MED.	1401 BRADEN ST	JACKSONVILLE	AR	72076	501-985-2537
STINSON, MD	SHEILA	QUACHITA REGIONAL ANESTHESIA	3024 STADIUM BLVD	JONESBORO	AR	72401	870-972-7000
APRIA HEALTHCARE		DURABLE MED. EQUIP. & SUPPLIES	1519 S BOWMAN #B	LITTLE ROCK	AR	72211	501-227-9020
BALLARD, MD	CLARENCE	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
BAUER, MD	MARTIN	PEDIATRIC & ADOLESCENT MED.	4301 W MARKHAM	LITTLE ROCK	AR	72205	501-686-8000
BECK, CRNA	BEN	ANESTHESIOLOGY	904 AUTUMN RD	LITTLE ROCK	AR	72205	501-202-4100
BELK, MD	ROBERT	ANESTHESIOLOGY	9601 I-630	LITTLE ROCK	AR	72205	501-202-4100
BERTRAND, MD	SKIPPER	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
CHI, MD	JASEN	ORTHOARKANSAS	10301 KANIS RD	LITTLE ROCK	AR	72205	501-604-6902
DAVIS, MD	ROMONA	OPHTHALMOLOGY & OPTOMETRY	4301 W MARKHAM	LITTLE ROCK	AR	72205	501-686-8000
EDRINGTON, MD	DAVID	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
FLAMIK, MD	DARREN	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
GARNER, MD	WILLIAM	AR WOMENS CENTER	9500 KANIS RD#200	LITTLE ROCK	AR	72205	501-202-1325
HOGAN, MD	WILLIAM	ANESTHESIOLOGY	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
JENNINGS-HUGHES, MD	DAYNA	PSYCHIATRY	4301 W MARKHAM	LITTLE ROCK	AR	72205	501-686-8000
KENNEDY, MD	ELICIA	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
LEIBOVICH, MD	MARVIN	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
MA, MD	FRANK	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
MILLIGAN, MD	LYNDA	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
NOWLIN, MD	JAMES	ANESTHESIOLOGY	9601 I-630	LITTLE ROCK	AR	72205	501-202-4100
PAHLS, MD	WENDELL	EMERGENCY MED.	9601 I-630	LITTLE ROCK	AR	72205	501-202-1325
SAENZ, MD	JAY	ORTHOARKANSAS	10301 KANIS RD	LITTLE ROCK	AR	72205	501-604-6902
APRIA		DURABLE MED. EQUIP. & SUPPLIES	124A COMMERCIAL AVE	LOWELL	AR	72745	479-770-5461
LONG, OD	DEREK	OPHTHALMOLOGY & OPTOMETRY	301 MILLWOOD CIRCLE #107A	MAUMELLE	AR	72113	501-803-3937
ALBATAINEH, MD	NAJEEB	PHYSICIANS MED CTR OF OZARKS	17 MEDICAL PLAZA	MTN. HOME	AR	72653	870-425-6212
BADEJO, MD	ABODUNRIN	TWIN LAKES MED SPECIALISTS	628 HOSPITAL DR	MTN. HOME	AR	72653	870-425-4402
RENAL CENTER OF MTN. HOME		NEPHROLOGY (KIDNEY)	200 E EIGHTH ST #101	MTN. HOME	AR	72653	870-508-6500
BISHOP, MD	MICHELLE	MTN. VIEW FAMILY PRACTICE	2202 E MAIN	MTN. VIEW	AR	72580	870-269-4144
RODGERS, MD	MELISSA	HARRIS PEDIATRIC CLINIC	1117 MCCLAIN ST #100	NEWPORT	AR	72112	870-512-3267
ARNOLD, MD	JAMES	EMERGENCY MED.	3333 SPRINGHILL DR	NO LITTLE ROCK	AR	72117	501-202-6800
BALLARD, CRNA	LEWIS N.III	ANESTHESIOLOGY	3401 SPRINGHILL DR #155	NO LITTLE ROCK	AR	72117	501-202-4100
ENGELHOVEN, DC	PEGGY	PSE CHIROPRATIC CLINIC	4401 N ORANGE ST	NO LITTLE ROCK	AR	72118	501-753-6034
SCOTT, DDS	C. BARRY	GENERAL DENTISTRY	1109 W CHESTNUT	ROGERS	AR	72756	479-636-7525
HENDERSON, MD	JOHN C.	CARDIOLOGY, CARDIOVASCULAR	1109 S MAIN	SEARCY	AR	72143	501-268-7557
LANE, DDS	BRIAN	LANE FAMILY DENTISTRY	17 EAGLE PARK	VILONIA	AR	72173	501-796-3903
EDWARDS, DDS	REBECCA	GENERAL DENTISTRY	1045 W MAIN #A	WALNUT RIDGE	AR	72476	870-886-3338
CORSOLINI, MD	THOMAS B.	PHYSICAL MED.	3231 S. NATIONAL	SPRINGFIELD	MO	65807	417-841-0186
CORSOLINI, MD	THOMAS B.	PHYSICAL MED.	2120 W. KEARNEY	SPRINGFIELD	MO	65803	417-869-6191
AARON, OD	BRAD	OPHTHALMOLOGY & OPTOMETRY	3630 N ROBISON	TEXARKANA	TX	75501	903-838-5781
IN-STATE UPDATES							
CURRY, MD	JANET	EMERGENCY MED.	3050 TWIN RIVERS DR	ARKADELPHIA	AR	71923	501-202-1325
JENSEN, DMD	PEDER	PERIODONTICS & IMPLANTS	1226 FERGUSON	BENTON	AR	72015	501-778-6510
CLIFTON, MD	MILDRED M.	PREMIER DERM. & SKIN RENEWAL CTR	909 SE 28TH ST	BENTONVILLE	AR	72712	479-273-3376
RICHARDS, MD	TODD A.	WOMENS CENTER ON THE PARKWAY	2900 MEDICAL CTR PKWY #300	BENTONVILLE	AR	72712	479-271-0005
UNITED MEDICAL, INC.		DURABLE MED. EQUIP. & SUPPLIES	208 N. WALTON BLVD #10	BENTONVILLE	AR	72712	479-273-1890
DAVIS, MD	J. LYNN	QUACHITA VALLEY FAMILY CLINIC	353 CASH RD	CAMDEN	AR	71701	870-836-8101
GREEN, MD	MICHAEL D.	QUACHITA VALLEY FAMILY CLINIC	353 CASH RD	CAMDEN	AR	71701	870-836-8101
KUMPURIS, MD	ANDREW	QUACHITA VALLEY FAMILY CLINIC	353 CASH RD	CAMDEN	AR	71701	870-836-8101
CONOVER, DO	RANDY	NWHS BENTON CO CENTERTON CLINIC	101 SUN MEADOWS DR	CENTERTON	AR	72719	479-795-2167
MCMASTER, DPT	LETITIA	MCMASTER PHYSICAL THERAPY	3605 COLLEGE AVE	CONWAY	AR	72034	501-327-2235
BLEVINS, MD	STEVEN	VISTA HEALTH FAYETTEVILLE	4253 CROSSOVER RD	FAYETTEVILLE	AR	72703	479-521-5731
DAVIS, MD	THOMAS J.	ANESTHESIOLOGY	3215 N NORTH HILLS BLVD	FAYETTEVILLE	AR	72703	479-442-3961
HARRIS, MD	WALTER	OZARK ORTHOPAEDIC & SPORTS MED.	3317 N. WIMBERLY DR.	FAYETTEVILLE	AR	72703	479-521-2752
KAPLAN, MD	RYAN	CONSULTS IN NEUROLOGY	3336 N FUTRALL DR	FAYETTEVILLE	AR	72703	479-571-4541
MOON, MD	STEVEN	CONSULTS IN NEUROLOGY	3336 N FUTRALL DR	FAYETTEVILLE	AR	72703	479-571-4541
PAULSON, MD	KATHLEEN	RENAISSANCE WOMENS HEALTHCARE	63 W SUNBRIDGE	FAYETTEVILLE	AR	72703	479-582-3366
WILKIN, DO	TIM	FORDYCE FAMILY MEDICAL CTR.	1071 HWY 79	FORDYCE	AR	71742	870-352-7171
MAURONER, MD	RICHARD	MERCY BEHAVIORAL OUTPATIENT	7301 ROGERS AVE	FORT SMITH	AR	72903	479-314-1650
MERCY OUTPATIENT SURGERY CTR.		OUTPATIENT SURGERY CTRS.	7301 ROGERS AVE.	FORT SMITH	AR	72903	479-314-6275
BIRK, MD	RAINER	MAIN STREET MEDICAL CLINIC	707 N MAIN	HARRISON	AR	72601	870-741-3592
SMITH, MD	BOB	NEUROLOGY	1716 W. SEARCY	HEBER SPRINGS	AR	72543	501-362-9462
UNITED MEDICAL, INC.		DURABLE MED. EQUIP. & SUPPLIES	1340 HIGDON FERRY RD.#A	HOT SPRINGS	AR	71913	501-623-1006
VALENTIN STONE, MD	PAUL	NO. PULASKI INTERNAL MEDICINE	1401 BRADEN ST.	JACKSONVILLE	AR	72076	501-985-2537
ALLGOOD, MD	JOHN W.	AR. RADIATION MEDICINE	225 E. JACKSON AVE.	JONESBORO	AR	72401	870-972-4510
HASS, MD	FERRELL D.	QUACHITA REGIONAL ANESTHESIA	3024 STADIUM BLVD	JONESBORO	AR	72401	870-972-7000
HESTER, PHD	SAMUEL	HESTER & ASSOCIATES	260 SOUTHWEST DR	JONESBORO	AR	72401	870-932-1707
NAIDOO, MD	ABENDRA B.	CARDIOLOGY, CARDIOVASCULAR	201 E. OAK AVE.	JONESBORO	AR	72401	870-268-4445
NAIDOO, MD	ABENDRA	CARDIOLOGY, CARDIOVASCULAR	311 E. MATTHEWS	JONESBORO	AR	72401	870-935-4150
HUNTER, MD	KARLA	ANESTHESIOLOGY	9601 I-630	LITTLE ROCK	AR	72205	501-202-4073
LINCARE, INC.		DURABLE MED. EQUIP. & SUPPLIES	10600 COLONEL GLENN	LITTLE ROCK	AR	72204	501-664-2525
OVERACRE, MD	ROBERT L.	AR. HEALTH GROUP ANESTHESIA	9601 I-630	LITTLE ROCK	AR	72205	501-202-2000
WARE, MD	GERALD	RETINA ASSOCIATES	9800 LILE DR #200	LITTLE ROCK	AR	72205	501-219-0900

LAST NAME	FIRST NAME	CLINIC/SPECIALTY	ADDRESS	CITY	ST	ZIP	PHONE
WRIGHT, MD	JOHN W.	ANESTHESIOLOGY	9601 I-630	LITTLE ROCK	AR	72205	501-202-4309
MAYHEW, DO	KATHY	MAYHEW CLINIC	212 W MONROE #B	LOWELL	AR	72745	479-770-0221
OLSEN, MD	MARK F.	OLSEN CLINIC	212 W MONROE AVE #B	LOWELL	AR	72745	479-770-0262
PECKHAM, MD	RICHARD	INTERNAL MED.	1010 N OUDNEY #D	MAGNOLIA	AR	71753	870-234-5995
BOLLEN, MD	A.R.	BAPTIST HEALTH CTR.	1002 SCHNEIDER DR. #104	MALVERN	AR	72104	501-337-9066
MAXWELL, DO	RALPH M.	FAMILY PRACTICE	766 H L ROSS DR	MONTICELLO	AR	71655	870-367-8293
UNITED MEDICAL, INC.		DURABLE MED. EQUIP. & SUPPLIES	259 N. HWY. 425	MONTICELLO	AR	71655	870-367-2525
BABCOCK, MD	JAMES	OZARK PATHOLOGY ASSOC.	715 CHURCH ST.	MTN. HOME	AR	72653	870-424-7070
BARROW, MD	J. HARLEY	THE CENTER FOR WOMEN	628 HOSPITAL DR. #2A	MTN. HOME	AR	72653	870-425-7300
SIMPSON, MD	RONALD W.	MT. VIEW FAMILY PRACTICE	2202 E MAIN	MTN. VIEW	AR	72560	870-269-4144
HARRIS HOSPITAL		HOSPITAL	1205 MCLAIN ST.	NEWPORT	AR	72112	870-523-8911
BURNETT, MD	P. SUSAN	ANESTHESIOLOGY	3401 SPRINGHILL DR #155	NO LITTLE ROCK	AR	72117	501-945-5800
CHRISMAN, MD	FREDDY DWIGHT	AR. CARDIOLOGY	3343 SPRINGHILL #1035	NO LITTLE ROCK	AR	72117	501-975-7676
CHURCH, MD	MICHAEL	INTERNAL MEDICINE ASSOC. OF NLR	1505 W PERSHING #C	NO LITTLE ROCK	AR	72114	501-758-1002
CLARK, MD	JOHN D	INTERNAL MEDICINE ASSOC.	505 W. PERSHING #C	NO LITTLE ROCK	AR	72114	501-758-1002
HENRY, MD	RICHARD Y.	OPHTHALMOLOGY & OPTOMETRY	3401 SPRINGHILL DR. #250	NO LITTLE ROCK	AR	72117	501-758-7627
MILLIGAN, MD	BETH	BAPTIST HEALTH LAKEWOOD	2508 CRESTWOOD	NO LITTLE ROCK	AR	72116	501-758-2294
SCRUGGS, MD	JAN W.	OPHTHALMOLOGY & OPTOMETRY	3401 SPRINGHILL DR. #250	NO LITTLE ROCK	AR	72114	501-758-7627
D ANNA, MD	RICHARD E.	PARAGOULD UROLOGY	1000 W. KINGSHIGHWAY #8	PARAGOULD	AR	72450	870-236-3308
DHARAMSEY, MD	SHABIR	CARDIAC & VASCULAR CTR. OF AR.	7200 S HAZEL ST	PINE BLUFF	AR	71603	870-534-2900
JENSEN, DMD	PEDER	PERIODONTICS & IMPLANTS	1704 DOCTORS DR	PINE BLUFF	AR	71603	870-534-7283
MAHMOOD, MD	SADEEM	SO. ARK. CARDIOLOGY	7200 S HAZEL ST	PINE BLUFF	AR	71603	870-534-2900
THRASH, DPM	JOHN P.	SA FOOT & ANKLE CLINIC	1801 W 40TH #4E	PINE BLUFF	AR	71603	870-535-4850
HALEY, DC	SAMUEL S.	HALEY CHIROPRACTIC LIFE CTR.	6007A HEBER SPRINGS RD WEST	QUITMAN	AR	72131	501-589-2222
ADAMS, PSYD	GLEN	PSYCHOLOGY	2900 HAWKINS DR	SEARCY	AR	72143	501-278-2800
FINCHER, MD	STEVEN C	SEARCY MEDICAL CTR.	2900 HAWKINS DR.	SEARCY	AR	72143	501-278-2800
MOORE, MD	DONALD	SEARCY MEDICAL CTR.	2900 HAWKINS DR.	SEARCY	AR	72143	501-278-2800
THOMAS, PHD	JACK D	PSYCHOLOGY	2900 HAWKINS DR	SEARCY	AR	72143	501-278-2800
ROWE, MD	CINDY	SHERWOOD FAMILY MEDICAL CENTER	1308 E KIEHL AVE	SHERWOOD	AR	72120	501-835-0703
VARLEY, DC	MARK R.	ACCIDENT & INJURY CLINIC	8214 HWY. 107	SHERWOOD	AR	72120	501-834-7000
UNITED MEDICAL, INC.		DURABLE MED. EQUIP. & SUPPLIES	812 N. THOMPSON #16	SPRINGDALE	AR	72764	479-927-0618
JENKINS, MD	CHESTER	PSYCHIATRY	801 ARKANSAS BLVD.	TEXARKANA	AR	71854	870-773-4673
EDWARDS, MD	HENRY	CORNERSTONE MEDICAL GROUP	2010 CHESTNUT #H	VAN BUREN	AR	72956	479-471-4147
WHARTON, MD	JOE H.	WHARTON CLINIC	1012 E. CHURCH ST.#C	WARREN	AR	71671	870-226-6786
CALDWELL, OD	JULIE	OPHTHALMOLOGY & OPTOMETRY	201 S AVALON	WEST MEMPHIS	AR	72301	870-732-4701
WILKIN, DO	TIM	FAMILY PRACTICE	7400 DOLLARWAY RD #A	WHITE HALL	AR	71602	870-247-8900

IN-STATE DELETES

RICHARDS, MD	TODD A.	MERCY HEALTH CTR.	3101 SE 14TH ST.	BENTONVILLE	AR	72712	479-631-2100
SPURLIN, DDS	JOHN	GENERAL DENTISTRY	208 N. MAIN	BERRYVILLE	AR	72616	870-423-4042
DUENSING, DO	THEODORE	GENERAL SURGERY	307 COLLIN RAYE DR.	DEQUEEN	AR	71832	870-642-7143
BAILEY, DO	ROLLAND L.	FAMILY PRACTICE	806 E. MAIN ST.	FLIPPIN	AR	72634	870-453-2266
ENNER, MD	JAMES S.	OPHTHALMOLOGY & OPTOMETRY	3312 S. 70TH ST.	FORT SMITH	AR	72903	479-452-7800
MORGAN, OD	D. L.	ARKANSAS EYE ASSOC.	100 N. CHERRY ST.	HAMBURG	AR	71646	870-853-5091
FOSCUE, MD	DAVID	FOSCUE MEDICAL CLINIC	417 EAST 4TH ST	HERMITAGE	AR	71647	870-226-2844
IBRAHIM, MD	HOSSAM	ENDOCRINOLOGY	180 MEDICAL PARK #202	HOT SPRINGS	AR	71901	501-625-7400
CARPENTER, MD	KEN	NEA CLINIC WOODSPRINGS	2205 W. PARKER RD.	JONESBORO	AR	72404	870-933-9250
LASER, LPC	ANN	PSYCHOLOGY	522 W. WASHINGTON	JONESBORO	AR	72403	870-931-9461
MOORE, MD	SUZANNE	NEA CLINIC	311 E. MATTHEWS	JONESBORO	AR	72401	870-935-4150
BENTON, MD	THOMAS H	BAPTIST HEALTH FAMILY CLINIC	9600 LILE DR #210	LITTLE ROCK	AR	72205	501-217-0500
FAULKENBERRY, DC	MELISSA	HALEY CHIROPRACTIC LIFE CTR.	7117 GEYER SPRINGS RD.	LITTLE ROCK	AR	72209	501-568-6612
HENRY, MD	G. MICHAEL	CORNERSTONE CLINIC FOR WOMEN	#1 LILE COURT #200	LITTLE ROCK	AR	72205	501-224-5500
MUKUNYADZI, MD	PERKINS	PATHOLOGY	4301 W. MARKHAM	LITTLE ROCK	AR	72205	501-686-5171
STOUT, MD	MICHAEL D.	ST. VINCENT FAMILY SO.	4202 S. UNIVERSITY	LITTLE ROCK	AR	72204	501-562-4838
SWARD, MD	DAVID	ORTHOPAEDICS SURG. & SPORTS	4301 W MARKHAM	LITTLE ROCK	AR	72205	501-686-8000
MORGAN, OD	DEXTER L.	ARKANSAS EYE ASSOC.	1000B HOLLY ST.	MCGHEE	AR	71854	870-222-4228
HENSON, MD	L. KELTON	MT. VIEW FAMILY PRACTICE	HWY. 14 E.	MTN. VIEW	AR	72560	870-269-4144
IRWIN, MD	JOHN D.	MT. VIEW FAMILY PRACTICE	HWY. 14 E.	MTN. VIEW	AR	72560	870-269-4144
SUTTERFIELD, MD	TERRY F.	FAMILY PRACTICE	HWY. 14 E.	MTN. VIEW	AR	72560	870-269-4144
BROWN, MD	HOWARD	GASTROENTEROLOGY	1000 W. KINGSHIGHWAY #2	PARAGOULD	AR	72450	870-236-4600
NASH, ANP	CLAY	FAMILY PRACTICE	218 CHURCH ST.	STAMPS	AR	71860	870-533-8808

OUT-OF-STATE ADDITIONS

VIGNA, MD	GREG	PHYSICAL MED.	1401 EZELL ST	RUSTON	LA	71270	318-251-5426
JONIKAS, DO	JOHN	SJC ROARING RIVER CASSVILLE	1 MEDICAL PLAZA	CASSVILLE	MO	65625	417-847-5225
ZENGOTITA, MD	JAIME	SJC ROARING RIVER FAMILY PRACTICE	1 MEDICAL PLAZA	CASSVILLE	MO	65625	417-847-5225
RAPHEL, MD	JOSE	SJC PSYCHIATRY	1965 S FREMONT #3900	SPRINGFIELD	MO	65804	417-820-8180
WEESTON, MD	THOMAS	SJC FREMONT PSYCHIATRY	1965 S FREMONT #3900	SPRINGFIELD	MO	65804	417-820-8180
LUNA, MD	VICTOR	INDIANOLA CLINIC	401 CATCHINGS AVE	GREENVILLE	MS	38704	662-887-2494
GRANADOS, MD	DESIREE	WASHINGTON PHYSICIANS CORP	302 ARNOLD AVE	BRENTWOOD	TN	37027	662-335-9291
PINNACLE HEALTH ANESTHESIA		ANESTHESIOLOGY	5681 QUINCE RD	MEMPHIS	TN	38119	901-747-2105
BINGHAM, MD	D'ANDRA	COLLOM & CARNEY CLINIC	5002 COWHORN CREEK RD	TEXARKANA	TX	75503	903-614-3000
PRAXAIR HEALTHCARE SERVICES		DURABLE MED. EQUIP. & SUPPLIES	4040 SUMMERHILL SQUARE	TEXARKANA	TX	75503	903-792-6414
SHARP, MD	RICHARD	COLLOM & CARNEY CLINIC	5002 COWHORN CREEK RD	TEXARKANA	TX	75503	903-614-3000
SHETH, MD	MINESH	24 ON PHYSICIANS	1000 PINE ST	TEXARKANA	TX	75501	903-798-8653
THOMPSON, MD	JENNIFER	COLLOM & CARNEY CLINIC	5002 COWHORN CREEK RD	TEXARKANA	TX	75503	903-614-3000
UNITED MEDICAL, INC.		DURABLE MED. EQUIP. & SUPPLIES	3505 SUMMERHILL #8	TEXARKANA	TX	75503	903-793-2004
RS MEDICAL		DURABLE MED. EQUIP. & SUPPLIES	14401 SE FIRST ST	VANCOUVER	WA	98684	800-683-0353

OUT-OF-STATE UPDATES

BICKNELL, MD	BENNETT W.	MEDICAL ANESTHESIA GROUP	220 S. CLAYBROOK #203	MEMPHIS	TN	38104	901-725-5846
CUNNINGHAM, MD	EDWIN D.	MEDICAL ANESTHESIA GROUP	220 S CLAYBROOK #203	MEMPHIS	TN	38104	901-725-5846
SHAPIRO, MD	MARVIN	MEDICAL ANESTHESIA GROUP	266 S. CLEVELAND AVE #105	MEMPHIS	TN	38104	901-725-5846
STEINMAN, MD	FRED	MEDICAL ANESTHESIA GROUP	266 S. CLEVELAND AVE #105	MEMPHIS	TN	38104	901-725-5846
WEST, MD	JAMES	MEDICAL ANESTHESIA GROUP	266 S. CLEVELAND AVE #105	MEMPHIS	TN	38104	901-725-5846
DESKIN, MD	ROY	COLLOM & CARNEY	2602 ST MICHAEL DR	TEXARKANA	TX	75503	903-614-3002
PAYNE, MD	CHRISTINA	COLLOM & CARNEY	2602 ST MICHAEL DR	TEXARKANA	TX	75503	903-614-3002
PORTER, MD	CINDY	COLLOM & CARNEY	2602 ST MICHAEL DR	TEXARKANA	TX	75503	903-614-3002
SMITH, PSYD	BRYAN	PSYCHOLOGY	5321 SUMMERHILL RD	TEXARKANA	TX	75503	903-334-8022
WARREN, LMSW	LESA	BEHAVIORAL HLTH. CENTER OF TEXARKANA	5321 SUMMERHILL RD	TEXARKANA	TX	75503	903-334-8022
WRIGHT, MD	MARK	COLLOM & CARNEY	2602 ST MICHAEL DR	TEXARKANA	TX	75503	903-614-3002

OUT-OF-STATE DELETES

BARNHILL, MD	DANNY	OBSTETRICS & GYNECOLOGY	2800 KINGS HWY #310	SHREVEPORT	LA	71103	318-212-8928
PEGRAM, MD	BRUCE	FAMILY PRACTICE	1106 W. JACKSON	OZARK	MO	65721	417-581-3548
CUMMINGS, MD	LINDA	PSYCHIATRY	1965 S. FREMONT #3700	SPRINGFIELD	MO	65804	417-885-3128
RICHARDS, MD	TROY	RADIATION ONCOLOGY	1000 PINE ST.	TEXARKANA	TX	75501	903-798-7241

Arkansas Municipal League Municipal Legal Defense Program

and

a'TEST CONSULTANTS INC.



NEWSLETTER

FEBRUARY 2005

DOT agencies offer guidance on drug and alcohol policy

The Substance Abuse Program Administrators Association recently released a question and answer document from the Office of General Counsel and Office of Drug and Alcohol Policy and Compliance of the Department of Transportation that is of importance to all companies federally mandated to test employees. The two questions and answers with reference notations constitute official and authoritative guidance and interpretation concerning 49 CFR Part 40 (see 49 CFR 40.5).

\$40.25 Question: May the previous employer delay sending an employee's drug and alcohol testing information to the gaining employer pending payment for the cost of the information?

Answer: No. Part 40 specifically requires that previous employers immediately provide the gaining employer with the appropriate drug and alcohol testing information. No one (i.e. previous employer, service agent [to include C/TPA], employer information, data broker) may withhold this information from the requesting employer pending payment for it.

\$40.159 Question: What does an MRO do when a drug test result is invalid due to "color discrepancy?"

Answer: If "invalid color difference" is the only result reported to you, you must follow the guidance of \$40.159 by contacting the laboratory to obtain more specific information about the color difference between the specimens, and contacting the donor to

obtain a legitimate explanation for the color difference. While there is no legitimate medical reason for anyone being able to provide a specimen that separates into two different colors when placed in two different bottles, the interview is necessary to determine appropriate follow-up action. You must determine whether the donor has provided you with a legitimate explanation for the color difference (e.g. the collector used two separate voids for the collection) or not (e.g., no clue as to how the colors changed by the time the specimens reached the laboratory). You must follow \$40.159 for canceling the result, reporting the result to the employer, determining whether a recollection is necessary and, if so, should it be under direct observation. If the laboratory has also reported to you that the specimen is positive, adulterated or substituted, then you must process the results in accordance with \$40.129-131. If you determine (i.e., verify) the final result to be positive, adulterated or substituted, then no additional action is required by you due to the color difference. You must not direct the employee to take another test. Notify the employer that the collector must receive "error correction training" as required by \$40.33(f). The area of Part 40 in which the collector needs to be retrained is \$40.65 (a).

This information will be beneficial to you in managing your drug and alcohol testing program. Please keep this information with your Federal Motor Carrier Safety Regulations.

Change of "Pace" in Drug Testing Seminar

A race car-themed seminar that will include speakers, a meal, handout materials and door prizes will be held from 8:30 a.m. to 4 p.m. March 8 at the University of Arkansas Cooperative Extension Services Auditorium in Little Rock.

Seminar topics include: alternative methods of testing; new drug and alcohol testing laws; how to create supervisory training programs; and keeping your company audit ready for the U.S. Department of Transportation,

the Arkansas Workers' Compensation Commission or your insurance provider.

The speakers include: the drug and alcohol trainer from Southwest Airlines; the president of a drug-free workplace company; a Substance Abuse Mental Health Service Administration laboratory director; and an attorney to discuss the legal updates.

Registration is \$125 per person; seating is limited. Contact for reservations Debbie Hickam at 800-837-8648.

ACCRTA scholarship available

The Executive Board of the Arkansas City Clerks, Recorder and Treasurers Association (ACCRTA) awards scholarships for tuition to attend the Municipal Clerks' Training Institute, the Academy for Advanced Education and the International Institute of Municipal Clerks' Annual Conference, all of which will enable Arkansas clerks to further educational training.

A scholarship honors the memory of Bill S. Bonner. It will be awarded only to first-year attendees in the certification program at the Institute.

There will be four local \$400 scholarships to attend the Municipal Clerks' Institute in Fayetteville, Sept. 19-22, for tuition and lodging, one for the Academy for Advanced Education in Fayetteville, Sept. 14-15, in the

amount of \$400, and one \$400 tuition scholarship to attend the International Institute of Municipal Clerks (IIMC) annual conference in St. Paul, Minn., May 22-26.

These scholarships are in addition to the 10 regional tuition scholarships awarded by the IIMC.

A scholarship application is printed below. See DEADLINES at bottom of form. Applicants should return forms to:

Paula Caudle, Clerk/Treasurer, MMC
City of West Fork
P.O. Box 339
West Fork, AR 72774

For more information, contact Scholarship Chairman Paula Caudle at 479-839-2342

APPLICATION FOR SCHOLARSHIP ASSISTANCE—2005

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

- 1) Name _____ Title _____
- 2) Street Address or P.O. Box _____
- 3) City, State, Zip _____
- 4) Telephone _____
- 5) Date assumed present position _____
- 6) Other related experience: _____

Municipality	Title	Years
_____	_____	_____
_____	_____	_____

- 7) Education: H.S. _____ Graduate College (years) _____ Degree _____ Other _____
- 8) Check one: This application is for a First _____ Second _____ Third _____ year Institute.
- 9) What are the approximate costs of the institute you plan to attend?
Travel/Transportation _____ Lodging and Meals _____
Registration Fee/Tuition _____ Total _____
- 10) How much does your municipality budget your department yearly for education? _____
- 11) What is your reason(s) for applying for this scholarship? _____

12) I understand that if a scholarship is awarded to me, it must be used between January 1, 2004, and December 31, 2004, and that I must attend all sessions. Yes _____

13) Have you attached written evidence that your Chief Executive or legislative body support your attendance at the institute and that in the event that a scholarship is awarded, you will be given the time to attend the institute? Yes _____ No _____

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

Signature: _____ Date: _____

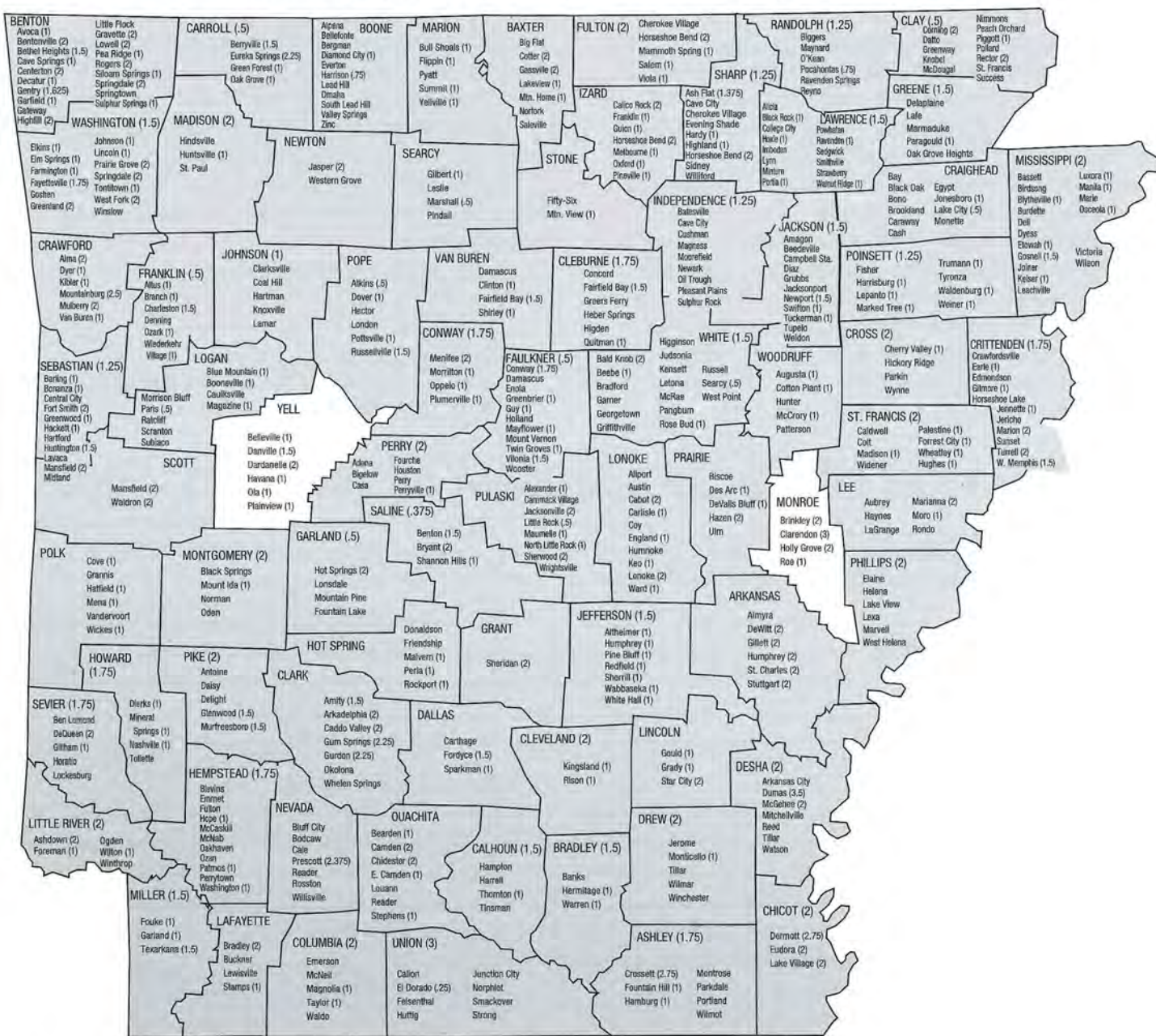
CHECK THE SCHOLARSHIP FOR WHICH YOU ARE APPLYING:

Municipal Clerks' Institute/Fayetteville, Ark. Sept. 19-22
Academy for Advanced Education/Fayetteville, Ark. Sept. 14-15
IIMC Conference, St. Paul, Minn./May 22-26

DEADLINES:	Municipal Clerks' Institute	May 2, 2005
	Academy for Advanced Education	May 2, 2005
	IIMC Conference	April 4, 2005

Disclaimer: ACCRTA will not be responsible for applications that do not reach the chairman. We suggest that you call after a few days to be sure your application was received.

Local Option Sales and Use Tax in Arkansas



KEY: Counties with countywide tax (shaded is 1¢ unless otherwise noted)
 (2) 2¢ being collected in that municipality
 (2co¢) 2¢ being collected in that county

Source: Debbie Rogers, Office of State Treasurer

See also: www.state.ar.us/revenue/eta/sales/taxrates.html

Sales and Use Tax Year-to-Date 2005

Month	Municipal Tax	County Tax	Total Tax	Interest
January	\$29,743,479	\$31,399,930	\$61,143,410	\$26,022
Total	\$29,743,479	\$31,399,930	\$61,143,410	\$26,022
Averages	\$29,743,479	\$31,399,930	\$61,143,410	\$26,022

January 2005 Municipal Levy Receipts

Alexander	6,644.40	Lake Village	52,863.65
Alma	114,276.92	Lakeview	3,490.71
Altitude	3,372.93	Lepanto	8,846.37
Altus	5,125.40	Leslie	1,984.73
Amity	6,422.08	Lewisville	1,058.18
Arkadelphia	248,481.78	Lincoln	20,988.52
Asht Flat	67,048.27	Little Rock	1,723,558.86
Ashtown	74,871.81	Lonsake	74,888.10
Atlanta	8,572.02	Lowell	175,941.00
Augusta	2,023.42	Luxemburg	15,467.22
Aurora	5,084.64	Madison	2,023.42
Bald Knob	40,254.18	Magazine	2,161.79
Barling	13,806.76	Magnolia	160,042.15
Bearden	6,219.54	Malvern	222,337.28
Beesbe	47,087.50	Mammoth Spring	7,177.79
Bellville	1,170.69	Manila	13,448.50
Benton	496,836.00	Mansfield	16,834.30
Bentonville	660,384.99	Marion	29,187.86
Berryville	141,083.92	Marked Tree	109,497.50
Bethel Heights	46,050.90	Marshall	12,877.87
Black Rock	2,950.01	Maui	81,246.65
Blue Mountain	94.15	Maulflow	1,443.22
Blytheville	238,042.12	McCrory	9,742.58
Bonanza	1,080.40	McGehee	76,939.95
Booneville	81,493.08	McIntosh	20,019.21
Bradley	3,792.39	Mena	1,019.87
Branch	1,936.26	Menard	3,478.08
Brinkley	89,083.02	Mineral Springs	17,126.81
Bryant	340,898.94	Monticello	138,745.68
Bull Shoals	11,014.13	Moro	1,300.40
Cabot	404,640.16	Morrison	102,557.33
Caddo Valley	21,957.78	Mount Ida	13,127.61
Calico Rock	21,910.55	Mountain Home	296,687.84
Camden	265,005.68	Mountain View	56,836.50
Carlisle	20,207.05	Mt. Pleasant	53,780.56
Cave Springs	4,052.76	Mulberry	17,539.48
Cedarburg	28,605.39	Murresboro	16,899.77
Charleston	16,899.77	Nashville	92,192.10
Cherry Valley	3,527.66	Newport	126,674.51
Childers	2,856.75	Norfolk	2,681.55
Clarendon	31,754.15	North Little Rock	1,289,796.15
Clarksville	128,024.87	Oak Grove	604.74
Clinton	68,446.01	Ola	6,304.87
Conway	1,262,366.72	Opeelo	1,779.33
Cornell	70,636.42	Ozark	60,451.32
Cottrell	9,856.77	Oxford	1,389.78
Cotton Plant	1,389.78	Overton	5,171.50
Cove	2,545.73	Palmer	4,912.13
Crosssett	310,720.82	Paragould	273,219.13
Danville	33,807.11	Paris	18,531.03
Dardanelle	97,800.17	Palmetto	203.85
DeQueen	144,966.15	Pea Ridge	11,857.03
DeValls Bluff	3,191.73	Perla	1,687.10
DeWitt	65,902.80	Perryville	11,478.05
Decatur	11,947.75	Piggott	23,519.80
Deer Creek	32,641.48	Pine Bluff	622,949.87
Des Arc	13,815.07	Pineville	1,068.44
Diamond City	1,674.61	Plainview	2,471.45
Dierks	15,107.52	Plumerville	4,203.28
Dover	12,639.99	Pocahontas	69,137.15
Dumas	187,168.86	Portia	1,868.62
Dyer	662.98	Pottsville	5,704.94
Earle	17,163.44	Prairie Grove	32,573.74
East Camden	3,003.49	Prescott	79,169.01
El Dorado	87,045.05	Ravenna	2,457.87
Elkins	15,300.90	Reactor	24,931.13
Elm Springs	2,792.75	Redfield	10,199.85
England	15,427.84	Rison	9,240.33
Eltowah	604.06	Rockport	3,625.63
Eudora	27,048.97	Roe	267.91
Eureka Springs	132,262.55	Rogers	1,383,406.60
Fairfield Bay	15,010.62	Rose Bud	5,125.91
Farmington	22,111.39	Russellville	613.33
Fayetteville	2,259,873.19	Salem	12,926.34
Floph	23,648.63	Searcy	204,339.72
Foreman	79,859.07	Shannon Hills	5,526.70
Forrest City	6,070.12	Sheridan	116,798.25
Forrest City	147,166.25	Sheriff	553.31
Fort Smith	3,001,623.46	Shirwood	511,403.01
Fouke	6,705.98	Shirley	2,209.09
Fountain Hill	422.73	Siloam Springs	196,573.75
Franklin	6,382.97	Springman	2,207.66
Garfield	2,697.14	Springdale	1,866,723.34
Gardard	1,482.83	St. Charles	6,996.13
Gassville	22,604.31	Stamps	11,880.59
Gentry	41,788.69	Star City	42,438.76
Gilbert	316.93	Stephens	4,283.01
Gillett	2,858.51	Stuttgart	249,283.49
Gilman	1,103.71	Summit	1,815.23
Gilmore	413.52	Swifton	2,655.88
Glenwood	46,576.76	Taylor	2,134.45
Gonville	9,971.48	Toxarkana	974,884.99
Gould	2,923.79	Thornton	4,248.19
Grady	1,775.21	Tontown	44,796.25
Gravette	94,732.73	Trumann	56,955.33
Green Forest	27,347.19	Tuckerman	68,950.35
Greensboro	30,784.21	Turrell	3,764.23
Greenland	12,142.41	Twin Groves	384.40
Greenwood	64,560.94	Van Buren	256,229.52
Gulon	837.72	Viona	22,493.99
Gurdon	27,030.90	Wabasha	1,707.65
Guy	1,681.28	Wadsworth	2,584.12
Hackett	2,264.15	Waldenburg	2,538.43
Hamburg	25,864.12	Walton	34,988.93
Hardy	12,608.82	Walnut Ridge	51,277.54
Harrisburg	20,931.39	Ward	7,115.03
Hartfield	203,993.91	Warren	51,694.71
Hawthorn	3,186.01	Washington	57.62
Havana	1,337.64	Weiner	3,891.61
Hazen	28,959.68	West Fork	84,440.50
Hemphill	2,054.03	West Memphis	4,737.79
Higdon	24,726.19	Whitely	33,196.73
Holly Grove	5,251.34	Wicks	2,156.94
Hope	136,520.15	Wiederkehr Village	7,788.19
Horseshoe Bend	16,948.82	Wilton	519,914.16
Hot Springs	1,600,371.82	Yellville	19,144.32
Hoxie	11,810.03		
Hughes	8,226.99		
Humphrey	1,989.93		
Huntington	1,789.32		
Huntsville	45,403.13		
Jacksonville	336,444.24		
Jasper	16,290.43		
Jennette	128.13		
Johnson	16,558.29		
Jonasboro	1,007,907.36		
Keiser	1,857.95		
Kio	1,219.21		
Kilo	1,331.82		
Kingsland	1,037.10		
Lake City	3,168.04		

County Sales and Use Tax	
Arkansas County	208,515.04
Ashtley County	225,120.10
Crosssett	44,520.56
Fountain Hill	1,161.02
Hamburg	22,190.91
Montrose	3,840.67
Parkdale	2,752.87
Portland	4,030.73
Portland	5,729.41
Butler County	231,140.15
Mountain Home	112,045.32

January 2005 Municipal/County Levy Receipts

Cherry Valley	4,912.27	Strawberry	1,163.40
Hickory Ridge	2,875.47	Lee County	20,755.75
Parkin	11,178.42	Marianna	16,900.17
Wynne	60,113.69	Aubrey	720.89
Dallas County	57,796.36	Haynes	698.06
Desha County	139,524.99	LaGrange	397.96
McGehee	33,223.70	Marion	786.13
Arkansas City	4,282.00	Rondo	773.08
Dumas	38,080.03	Lincoln County	33,525.66
Michelleville	3,613.17	Star City	8,127.33
Watson	1,999.24	Scud	4,292.26
Tillar	239.91	Grady	1,720.18
Drew County	234,500.51	Little River County	133,063.87
Monticello	78,605.04	Ashtown	31,016.45
Jerome	395.35	Ogden	1,388.31
Tillar	1,779.05	Wilton	2,847.99
Winmar	4,907.44	Winthrop	1,206.66
Winchester	1,641.54	Foreman	7,298.37
Faulkner County	424,744.69	Logan County	70,339.56
Danvers	593.34	Van Mountain	745.41
Enola	945.32	Calverton	3,514.49
Mount Vernon	724.07	Magazine	5,167.04
Woolster	2,594.59	Morrison Bluff	2,262.16
Holland	2,901.32	Paris	20,933.59
Franklin County	105,054.80	Ratcliff	1,078.59
Branch	2,022.74	Scranton	1,253.64
Wiederkehr Village	260.63	Subacio	2,479.05
Charles	4,629.18	Booneville	23,246.87
Charleston	15,799.48	Lonoke County	153,025.55
Denning	2,294.70	Scott County	809.19
Ozark	19,972.39	Austin	3,854.79
Fulton County	62,572.09	Carlisle	14,680.05
Mammoth Spring	3,714.81	Coy	739.10
Salem	5,152.81	England	19,216.60
Viola	1,233.95	Hummel	1,784.03
Horseshoe Bend	22.67	Kee	1,497.32
Shoreline Village	2,820.12	Lonoke	27,314.84
Asht Flat	118,662.01	Ward	16,436.60
Hardy	87.45	Cebal	97,236.25
Garland County	538,607.87	Madison County	140,337.54
Lonsdale	732.56	Huntsville	10,884.21
Mountain Pine	4,792.66	Hindsville	10,255.02
Fountain Lake	2,538.11	St. Paul	918.76
Grant County	84,356.61	Marion County	52,021.56
Greene County	264,460.83	Bull Shoals	9,785.85
Leopold	1,063.45	Filippi	6,539.70
Lafayette	5,923.93	Payett	1,237.90
Marmaduke	9,696.69	Sullivan	2,867.25
Oak Grove Heights	6,087.64	Woolville	6,419.32
Paragould	184,362.67	Miller County	258,021.41
Hempstead County	211,355.24	Garland	5,109.34
Hope	76,664.10	Fouke	5,109.34
Blivins	2,635.87	Texasiana	114,960.05
Emmett	187.76	Mississippi County	492,312.01
Fulton	1,769.29	Ozark	69,833.45
Rockwell	18,140.10	Keiser	6,357.79
Oakhaven	389.96	Albion	1,321.92
Ozan	594.95	Bryden	3,147.4
Patmos	440.52	Ridgely	1,734.28
Perrytown	1,841.50	Burdette	1,015.04
Washington	1,068.79	Oell	1,975.01
McNab	31,222.44	Dyess	4,052.31
Springer County	116,375.46	Gosnell	31,222.44
Malvern	34,970.31	Joiner	4,249.02
Rockwell	700.70	Leachville	15,587.61
Donaldson	1,986.51	Luxora	10,362.89
Friendship	1,255.28	Marion	24,038.44
Midway	2,084.01	Maria	849.80
Magnet Cove	2,760.40	Victoria	464.24
Howard County	175,628.64	Wilson	7,388.59
Nashville	49,438.02	Eltowah	2,879.89
Dierks	12,185.20	Montgomery County	56,778.04
General Springs	12,810.58	Black Springs	386.38
Clatsop County	263,064.13	Norman	5,063.26
Concord	303,352.96	Oden	745.65
Batesville	94,412.79	Tallapoosa	3,324.88
Cave City	61,796.76	Nevada County	22,890.38
Cushman	4,608.18	Prescott	17,046.68
Magness	1,909.25	Bluff City	730.79
Moorefield	1,599.37	Bodcaw	712.29
Newark	1,225.69	Cale	346.89
Oil Trough	2,179.14	Emmett	2,220.12
Union Springs	2,668.99	Ruston	1,225.69
Sulphur Rock	4,208.34	Willitsville	869.35
Izard County	59,017.16	Newton County	17,933.47
Jackson County	114,748.10	Jasper	1,154.94
Newport	61,702.97	Western Grove	942.26
Tuckerman	7,394.30	Ouchits County	76,394.97
Grubbs	3,459.98	Camden	84,431.14
Amagon	7,221.00	Stephens	1,171.85
Beesville	829.45	East Camden	5,789.64
Wentzell Station	1,801.91	Bearden	14,423.71
Dier	10,142.95	Childers	2,310.72
Jacksonport	1,858.38	Loyon	1,835.67
Swifton	6,880.46	Perry County	46,980.18
Tupelo	1,398.21	Adona	11,683.15
Weldon	789.95	Bigsby	496.26
Jefferson County	564,135.84	Casa	554.84
Pine Bluff	17,551.48	Fourche	156.57
Wabasha	2,676.20	Houston	421.95
White Hall	42,136.77	Perry	833.29
Fiedfield	10,302.67	Perryville	3,989.25
Altmeier	10,614.33	Phillips County	119,162.67
Humphrey	3,552.95	Euline	9,162.83
Sherill	1,122.00	Helena	86,978.68
Johnson County	85,031.06	Lake View	5,624.82
Clarksville	56,881.42	Luxa	3,506.24
Coal Hill	7,376.38	Marvell	14,777.05
Hartman	4,391.93	West Helena	92,041.38
Knowlville	3,765.57	Pike County	92,733.52
Lamar	10,427.16	Antoine	797.05
Lafayette County	14,904.33	Dalay	602.90
Bradley	2,005.53	Delight	1,588.98
Stamps	7,591.09	Greenwood	10,765.26
Buckner	1,410.64	Murfreestown	9,012.78
Levisville	4,577.45	Polk County	91,901.59
Lawrence County	94,535.47	Lepanto	1,705.64
Walnut Ridge	20,248.43	Fisher	1,523.98
Albion	596.09	Harrisburg	12,605.88
Franklin Rock	2,847.50	Marked Tree	16,102.40
College City	1,105.85	Murphy	39,618.66
Hoxie	11,580.50	Tyrone	5,279.29
Imboden	2,811.89	Weiner	27,229.25
Lynn	1,294.95	Waldenburg	460.07
Mintum	468.65	Polk County	84,880.28
Portia	1,985.59	Mena	38,471.51
Powhatan	2,065.55	Cove	2,613.91
Ravenden	2,100.70	Grannis	3,924.27
Soldwicker	460.43	Hartfield	2,743.58
Smithville	301.10	Vandervoort	818.98
		Wicks	4,

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MUNICIPAL MART

FREE space is provided to municipalities with job opportunities or products to buy or sell. FAX: 501-374-0541; E-mail: CityTown@arml.org

POLICE OFFICERS—The Texarkana, Ark. Police Department has openings for police officers. Annual salary \$31,106; benefits include insurance, vacation, sick leave, certificate pay, education pay, longevity pay, uniforms and equipment furnished. Min. requirements: (1) 21 years of age (2) 30+ hours of college—partial waiver may be available for law enforcement or military exp. (3) meet all other minimum requirements. Texarkana, Ark. hires under current civil service law; EOE. For additional information, 903-798-3328.

POLICE CHIEF—Elkins seeks a Police Chief who will oversee a department of 5. Sal. range of \$30-\$40K DOE. Excellent benefits, retirement plan with LOPFI. Send resume to: Elkins City Hall, P.O. Box 331, Elkins, AR. 72727, attn: Meg Smith or e-mail to elkinchall@yahoo.com or contact city hall at 479-643-3400.

WATER/WASTEWATER OPERATOR—Lake Village seeks a water/wastewater operator; prefer Class 3 treatment, distribution, wastewater license. Required to perform supervisory, administrative and general operation duties along with repair and maintenance of city water and sewer facilities. Benefits include: retirement plan, health, dental insurance, paid vacation, sick leave and holidays. Sal. negotiable. Send resumes to: City of Lake Village, P.O. Box 725, Lake Village, AR 71653.

POLICE OFFICER—Lewisville Police Dept. is accepting applications for a police officer. Cert. preferred. DOQ. Applications: City Hall, 330 W. First St. Lewisville, AR, or contact Chief Jason Tomlin at 870-921-4971.

WATER/WASTEWATER OPERATOR—Brinkley Municipal Waterworks seeks a water/wastewater operator. Min. requirements: HS, GED, or equiv., Class 2 Treatment, Distribution and Wastewater Class I license, or ability to obtain required license within 4 yrs. Required to perform general operation duties w/ repair and maintenance of city water/sewer facilities. Benefits include: retirement plan, health, dental, vision insurance, paid vacation, sick leave, holidays. Sal negotiable. Send resumes: Brinkley Municipal Waterworks, P.O. Box 746, Brinkley, AR 72021. Attn: Bill Boozer

WATER OPERATOR—Highfill is taking applications for a water operator. Must have an Arkansas Level 2 water distri-

bution license. Must be HS graduate w/ Ark. driver's license. Required to perform supervisory, administrative and general operational duties. Applicant must be willing to obtain wastewater license in order to accommodate the future wastewater collection system for the town.

DIRECTOR OF PUBLIC WORKS—Qualifications include knowledge of principles, practices of civil engineering; ability to organize, coordinate, implement a comprehensive construction and maintenance program for city public works dept.; ability to prepare, analyze, use reports and records; knowledge of computer technology and practices; thorough knowledge of applicable state, fed. regs. Must have Ark. driver's license, Ark. Class II or above Water Treatment Distribution and Wastewater license. Sal. negotiable based on exp. Send resume include, salary req., work exp., references to City of Barling, City Administrator, PO Box 23039, Barling, AR 72923-0039.

STAFF CIVIL ENGINEER—Conway is accepting resumes for Staff Civil Engineer in the Street and Engineering Dept. Requirements: Prepare detailed construction plans for street and drainage, sanitary landfill projects, public works projects; prepare/present presentations of engineering projects/proposals; develop budget for maint., const. of city streets and storm drainage. Exp. w/ computer aided drafting, eng. design programs; compute quantities and prepare construction estimates for engineering projects; graduate or pending graduate of an ABET approved eng. school with a BS in Civil Eng. or related; Registered Professional Engineer or qualified to take the exam in the near future. Must have AR driver's license and acceptable driving record. Send resume w/ sal. history to: Human Resource Director; City of Conway; 1201 Oak Street; Conway, AR 72032; E-mail: lisa.mwilliams@conway-corp.net; Fax: 501-513-3503. Resumes accepted until position filled. EOE

POLICE OFFICER—Fordyce seeks cert. applicants for police officer. Good sal. and benefits inc. paid holidays, health, dental and eye insurance, 3 wks. paid. vac. and APERS ret. Call 870-352-2178 for app. Or send resume to Fordyce Police Dept. 101 S. Main St. Fordyce, AR 71742, or email cityoffordyce@alltel.net

POLICE OFFICER—Holly Grove is accepting applications for a full or part

time police officers. Cert. is preferred but not required. Sal. depends on qualifications. Contact Chief Owens at 870-462-8008 or 462-3422.

WATER/WASTEWATER OPERATOR—Plainview seeks a water/wastewater operator. Must have Class 2 treatment, distribution and wastewater licenses. Sa. neg. Paid vac., sick leave and holidays. Send resumes to City of Plainview, P.O. Box 117, Plainview. AR 72857

WATER SUPERINTENDENT—Helena is taking applications for Water/Wastewater Superintendent. Must have Ark. Class II Water Treatment, Class II Distribution and Class II Wastewater license. Must be HS grad. w/ Ark. driver's license. Required to perform supervisory, admin. and general operational duties, repair and maint. of city water and sewer facilities and systems. Sal. neg. Call Carolyn Spann at 870-338-7415 with the Ark. Employment Security Div., 413 Cherry St., Helena, AR.

WATER OPERATOR—Damascus seeks licensed water operator with Ark. Level 2 water distribution license. \$11 to start; \$13 with 4 yrs. licensed water operator exp. Retirement plan \$300 per month, health, dental insurance paid, up to 12 paid sick leave, 11 paid holidays and 10 paid vacation days a yr. Prefer Damascus water service area resident. Apply at Damascus Town Hall 8 a.m.-5 p.m. M-F. For info., Randy at 501-335-7321.

PUMPER FOR SALE—Bids requested for '74 Ford Darley F-700, 5-speed, 361 extra duty, engine new in '01. Some equip.; \$8,000. Call Nick McDowell or Betty Jackson at Marmaduke city hall, 870-597-2753.

FOR SALE—Two three-phase deep well pumps; in good working order; best offer. Buckner Mayor Charlie Lee Tyson, 870-533-2260, or P.O. Box 190, Buckner, AR 71827.

FOR SALE—Barnes 4SE11344L 11.3 hp sewer pump, never been used, purchased Nov. '01, \$2,500. Allen Spradling, Grubbs Water and Sewer, 870-252-3487.

EXTRICATION EQUIPMENT—Bryant fire department is selling a Power Plant w/ Honda motor, Marverick spreader/cutter, large cutter, large spreader, ram tool, junction box, hose reel w.100 ft. hose and elec. rewind and three 20-30 ft. extra hoses and chain packs for \$10,000. Equip. is about 3 yrs. old. Contact Chief Cox at 501-847-0483.



Municipal Property Program

Your Municipal Property Program offers broad coverage for your municipal property. The limits of coverage are \$25 million per occurrence per member for damages from fire, windstorm and other incidents in excess of \$5,000.

Coverage is \$5 million per occurrence per member for losses exceeding \$100,000 on earthquakes, flooding and newly acquired locations. On items such as accounts receivable, valuable papers, fine arts, construction equipment, business interruptions and electronic data processing equipment, the coverage is \$500,000 per member per occurrence for losses in excess of \$100,000.

The Municipal League Property Program participants at their 2001 annual meeting approved recommended rates according to the following scale.

The rates are:

FIRE CLASS I	— .001	X covered value	=	Premium
FIRE CLASS II	— .0017	X covered value	=	Premium
FIRE CLASS III	— .0018	X covered value	=	Premium
FIRE CLASS IV	— .0019	X covered value	=	Premium
FIRE CLASS V	— .002	X covered value	=	Premium
FIRE CLASS VI	— .0025	X covered value	=	Premium
FIRE CLASS VII	— .003	X covered value	=	Premium
FIRE CLASS VIII	— .0034	X covered value	=	Premium
FIRE CLASS IX	— .0038	X covered value	=	Premium
FIRE CLASS X	— .0042	X covered value	=	Premium
UNINCORPORATED	— .01	X covered value	=	Premium

For more information, call us at League headquarters, 501-374-3484.

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Firm	Principal Amount (\$Millions)	Number of Issues
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Salomon Smith Barney	4,576.1	89
UBS PaineWebber Inc.	3,894.1	87
J.P. Morgan Securities Inc.	2,546.4	18
Raymond, James & Associates Inc.	2,456.6	16
A.G. Edwards & Sons	1,766.0	80
Stephens Inc.	1,664.4	91
Southtrust Securities	1,637.7	46
Merchant Capital LLC	1,495.7	61
Banc of America Securities LLC	1,492.6	78

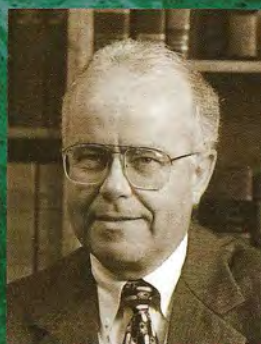
South Central Region: Alabama, Arkansas, Kentucky, Louisiana, Mississippi and Tennessee

Source: Thomson Financial Securities Data Company
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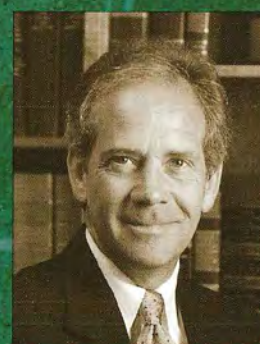
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Jim Fowler
20 Years Experience



Kent Douglas
3 Years Experience



Bob Snider
23 Years Experience

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