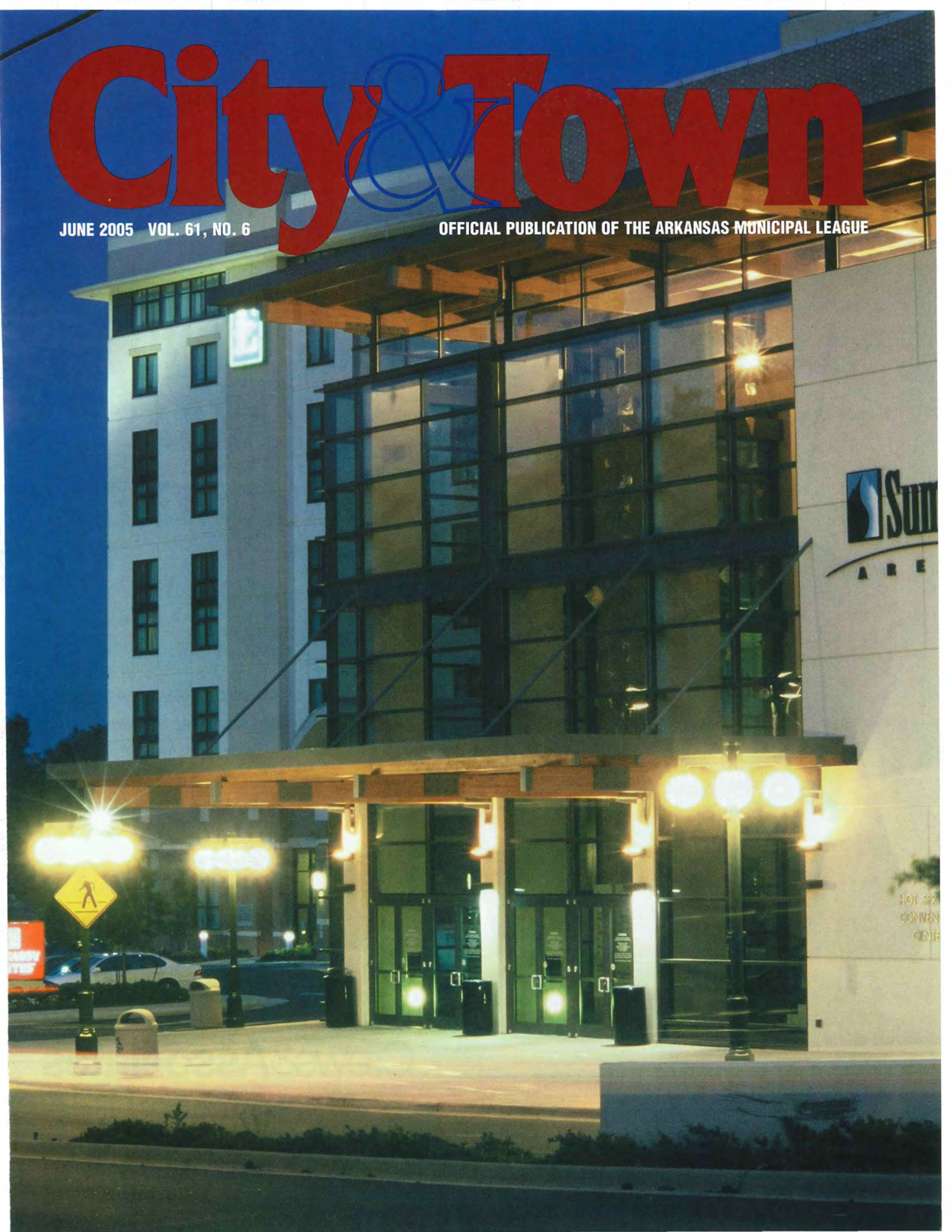


# City & Town

JUNE 2005 VOL. 61, NO. 6

OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



Sun  
ARE

HOT SPRING  
CONVENTION  
CENTRE

A green watering can is shown at the top right, pouring a stream of water into a terracotta pot. Inside the pot, a miniature town scene is depicted, including a yellow school bus, a red barn, a white house, a water tower, and utility poles with power lines. The scene is set on a mound of brown soil.

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## FEATURES

- 6 Delta Grassroots Caucus returns to Washington**  
City and civic leaders, experts in health, education, agriculture, economic development, business and others spoke to congressmen and administration officials to bring attention to the plight of the Mississippi Delta.
- 25 Morrilton police finds way to fill ranks locally**  
Hiring police who are qualified and who are from the local area is a goal of many municipal police departments; Morrilton picks them, trains them and puts the best to work.
- 31 21st-century technology moves to Searcy parks**  
May 6 Searcy became the first city in the state to offer free Internet service in a public park. Plans already are being made to expand the service. Fort Smith is close behind with its own plans for wireless Internet service in its parks.
- 33 Cities can help curb childhood obesity**  
Even land use and community design can be tools to help young people get more exercise and healthy lifestyles and help avert later health complications to their bodies.



The Hot Springs Convention Center, with 360,000 square feet of space, is two blocks from the first national park in the country and home to the 71st League convention. The Center is connected on one end by the 200-room, 14-story Austin Hotel, and on the other end by the Summit Arena and the Embassy Suites Hotel.

## City & Town

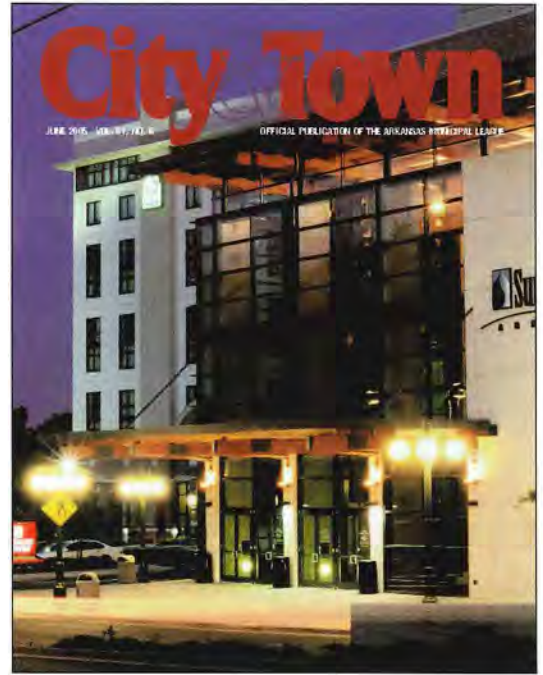
John K. Woodruff, Editor

Lamarie Rutelonis, Dacus Thompson, Editorial Assistants

Here's where to reach us:

501-374-3484; Fax 501-374-0541; E-mail: [citytown@arml.org](mailto:citytown@arml.org);

League Web site—[www.arml.org](http://www.arml.org)



### ON THE COVER:

The Embassy Suites Hot Springs, at left on cover, is the headquarters hotel for the 71st Municipal League Convention, Hot Springs, June 15-17; it's connected by a covered walkway to the Summit Arena at right and Hot Springs Convention Center, lower left on this page. An information-packed meeting awaits city officials to this first convention since it was switched from Little Rock. Oh yes, more than 200 restaurants await you in the Spa City.—jkw

## DEPARTMENTS

Animal Corner .....	34
a'TEST Newsletter .....	41
Attorney General Opinions .....	20
Calendar .....	18
Directory Changes .....	17
Engineering Service .....	28
Fairs and Festivals .....	24
Health Benefit Fund Provider Changes .....	37
<b>League Convention Tentative Program</b> .....	<b>10</b>
League Officers, Advisory Councils .....	5
Municipal Mart .....	46
Obituaries .....	18
Planning to Succeed .....	32
President's Letter .....	4
Professional Directory .....	44-45
Sales Tax Map .....	42
Sales Tax Receipts .....	43
Sister Cities International .....	26
Urban Forestry .....	30
Your Health .....	36

Cover Photo by John K. Woodruff, League Staff

Dear Fellow Municipal Officials:

As we approach the year-end with our convention in Hot Springs, June 15-17, we also celebrate the beginning of a new year. I have confidence that you will enjoy the convention. The City of Hot Springs will roll out the welcome mats and we should have a great time. I encourage everyone to make plans for you and your family to come over and enjoy the festivities.



It is hard to believe that a year has gone by since we met in Little Rock for the 2004 convention. The Municipal League is so blessed to have such wonderful employees, and I would like to say a special thanks to Don Zimmerman and the entire staff for a great job they are doing. I have certainly enjoyed working with them over the past year.

It has been a pleasure to serve the Municipal League as president this past year. It has been a lot of fun and a great experience that I will treasure for the rest of my life. I appreciate everyone for all his or her assistance and efforts they have put forward this year.

A special thanks goes to Kathryn White in Star City for her helping and supporting my efforts as Municipal League president. She wears many hats in our city from being our Civic Center and Parks and Tourism director. Also to my City Council members, C.B. Leonard, Theodis Maddox, David McCoy, Bill Parker, Steve Chatham, Eddie Beard and the City Hall staff.

I look forward to Bentonville Mayor Terry Coberly, League first vice president, as the upcoming president and I know that she will take the Municipal League to an even greater heights. Best of luck to her this next year.

Hope to see you all in Hot Springs and remember all city clerks are great.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gene Yarbrough'.

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

**EXECUTIVE COMMITTEE:** Mayor Bobbie Bailey, **Alpena**; Clerk/Treasurer Shirley Sutton, **Ashdown**; Councilmember Larry Hall, **Bay**; Mayor Tim McKinney, **Berryville**; Mayor Chris Claybaker, **Camden**; Clerk/Treasurer Billie Hasty, **Clarendon**; Mayor Tab Townsell, **Conway**; Mayor Scott McCormick, **Crossett**; Mayor Jimmy Wallace, **England**; Mayor Larry Bryant, **Forrest City**; City Director Gary Campbell, **Fort Smith**; Mayor Robert Reynolds, **Harrison**; Mayor JoAnne Bush, **Lake Village**; Mayor Steve Northcutt, **Malvern**; Mayor Robert Taylor, **Marianna**; Councilmember Murry Witcher, **North Little Rock**; Mayor Mike Gaskill, **Paragould**; Mayor Howard Taylor, **Prescott**; Mayor Belinda LaForce, **Searcy**; Mayor Bill Harmon, **Sherwood**; Mayor M.L. VanPoucke Jr., **Siloam Springs**; Recorder/Treasurer Carolyn Willett, **Smackover**; Mayor Horace Shipp, **Texarkana**; Mayor John Riggs, **Van Buren**.

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**LARGE FIRST CLASS CITIES:** City Manager Kent Myers, **Hot Springs**; Chair; Mayor C.T. (Chuck) Hollingshead, City Director James Calhoun, **Arkadelphia**; Mayor Paul Halley, **Bryant**; Mayor Mickey Stumbaugh, **Cabot**; Mayor Bobby Beard, **El Dorado**; Mayor Dan Coody, **Fayetteville**; Councilmember Cecil Twillie, **Forrest City**; City Manager Catherine Cook, **Hope**; Councilmembers Bill Howard, Robert Lewis, Reedie Ray, Linda Rinker, Marshall Smith, **Jacksonville**; City Clerk Donna Jackson, **Jonesboro**; City Director B.J. Wyrick, Intergovernmental Relations Manager Odies Wilson III, **Little Rock**; Councilmember Charlie Hight, City Clerk Diane Whitbey, **North Little Rock**; Mayor Raye Turner, **Russellville**; Clerk/Treasurer Tammy Gowan, **Searcy**; Clerk/Treasurer Virginia Hillman, Councilmember Lex (Butch) Davis, **Sherwood**; Finance Officer Jane Jackson, **Stuttgart**.

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**SECOND CLASS CITIES:** Mayor Veronica Post, Chair, **Altus**; Recorder/Treasurer Charlotte Goodwin, **Ash Flat**; Councilmember Kathleen Mason, **Briarcliff**; Recorder/Treasurer Sarah Roberts, **Caddo Valley**; Councilmembers Bob French, Charles Scudder, **Campbell Station**; Mayor Thekla Wallis, **Cave Springs**; Councilmembers Danny Armstrong, Richard Harris, **Cedarville**; Mayor Chip Ellis, **Clinton**; Mayor Bill Jennings, **Cotter**; Recorder/Treasurer Sandy Beaver,

**Diamond City**; Mayor William K. Duncan, **Fairfield Bay**; Recorder/Treasurer Mike Cranford, **Foreman**; Recorder/Treasurer Marla Wallace, **Gillett**; Mayor Melba Fox-Hobbs, **Hartford**; Recorder/Treasurer Rose Marie Wilkinson, **Haskell**; Administrative Asst. T.A. Cowan, **Hazen**; Mayor David Shackelford, **Highland**; Mayor Lloyd Travis, Councilmember Joe Gies, **Lakeview**; Mayor James Lee Brooks, **Madison**; Mayor Clark Hall, **Marvell**; Mayor Frank Pearce, **Mayflower**; Recorder/Treasurer Bobby Brown, **McDougal**; Mayor Bob Sullivan, **McRae**; Councilmember Don Sappington, **Norfolk**; Mayor Jerry Duvall, **Pottsville**; Councilmember David McCoy, **Star City**; Mayor Levenis Penix, **Thornton**; Mayor Art Brooke, Councilmembers Ginger Tarno, Glen Walden, **Ward**; Mayor Curly Jackson, **Wilmar**; Mayor Lorraine Smith, **Wrightsville**.

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 Mayor Terry Coberly, **Bentonville**  
 Mayor Frank Fogleman, **Marion**  
 Alderman Kenny Elliott, **Jacksonville**  
 Mayor Jerre Van Hoose, **Springdale**  
 Mayor James Murry Sr., **Wabbaseka**  
 Don A. Zimmerman

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 Vice President, District No. 1  
 Vice President, District No. 2  
 Vice President, District No. 3  
 Vice President, District No. 4  
 Executive Director

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**MUNICIPAL HEALTH BENEFIT FUND BOARD OF TRUSTEES:** Mayor Barrett Harrison, **Blytheville**; Dist. 1; Finance Director Bob Sisson, **North Little Rock**; Dist. 2; Clerk/Treasurer Barbie Curtis, **Van Buren**; Dist. 3; Clerk/Treasurer Regina Walker, **Mena**; Dist. 4; Mayor Mickey Stumbaugh, **Cabot**; At-Large Member.

**TRUSTEES OF MUNICIPAL LEAGUE WORKERS' COMPENSATION TRUST:** Mayor Joe Biard, **Batesville**, District 1; Councilmember Martin Gipson, **North Little Rock**, District 2; Mayor Raye Turner, **Russellville**, District 3; Mayor Lane Jean, Group Manager, **Magnolia**, District 4; Councilmember Jim Stevens, **Mountain Home**, At-Large.

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# Delta Caucus group appeals again to Congress, Administration

By John K. Woodruff, League Staff

WASHINGTON, D. C.—Déjà vu may have been a strong feeling here. Indeed, progress has been reported in the eight-state area of concern since this diverse group came in 1999 to draw attention to the severely impoverished Mississippi River Delta.

Still, needs are rampant, just as they were in 1999. So this group—including many who were here five years ago—returned May 17-19 to appeal to Congress and the President's administration once more about there being so much remaining to be done.

The participants agreed that the needs continue to be so pressing that the Mississippi Delta Grassroots Caucus needs to meet yearly instead of every five years in the

nation's capital to press Congress and perhaps to hold fall meetings, as well, in the Delta.

The Mississippi Delta's seven states stretch from the southernmost tip of Louisiana to southern Illinois and western Kentucky; an eighth state, Alabama, has been added because of its similar problems of poverty.

The group calls itself the Mississippi Delta Grassroots Caucus and is composed of municipal, county and state officials, educators, farmers, business leaders, non-profit organization representatives, health care, housing and transportation experts and others who want more help for the impoverished areas. Forty-two of the 240 counties and parishes in the Mississippi Delta area are in Arkansas. "I can't believe people still live like this," a



*Clockwise in photos, from upper left: Otto Loewer of the University of Arkansas at Fayetteville, who discussed economic development at the meeting, and Marvell Mayor Clark Hall talk at a reception in the Rayburn House Office Building. Congressman Ross, Cleveland County Judge Vernon Dollar and Mayor Yarbrough exchange ideas at a Caucus reception. U.S. Senator Mark Pryor, bottom left, former state Senator Kevin Smith, who long worked for the establishment of the Delta Regional Authority, and consultant Lee Powell speak at the final news conference of the three-day meeting. Pryor stressed the need for improving rural health care. Congressman Mike Ross and Star City Mayor Gene Yarbrough, League president, met moments before the closing news conference in the Capitol. About half of Ross's District 4 is in the Delta.*



first-time visitor to the Delta told Peggy Wright when she took him a few years ago to Hughes, Ark. "He cried," Wright said at a closing day meeting at the U.S. Department of Agriculture. She is director of the Delta Studies Center at Arkansas State University, Jonesboro. A board member of the Lower Mississippi Delta Service Corps and an activist on other fronts, Wright recalled that she testified in 1989 as a housing director for help for the region, yet "in 2005 we still have some of the same conditions we testified about," she said. "I don't want to come back in 2010 and nothing has changed."

Other Arkansas officials were present at the Caucus meeting, including Star City Mayor Gene Yarbrough, president of the Municipal League, Marvell Mayor Clark Hall, Osceola Alderman Tommy Baker, who was Municipal League president when he made the 1999 Caucus trip to Washington, Blytheville Mayor Barrett Harrison, several county judges and others.

The Caucus's 1999 appeal to congressional and White House officials helped establish the Delta Regional Authority (DRA) two years

*From top, Former Transportation Secretary Rodney Slater, a Marianna, Ark., native, commended the governors in the Delta states for working together and said universities had a good opportunity to cooperate in the Delta. U.S. Rep. Blanche Lincoln of Helena, said the Delta Regional Authority will not solve all the problems, but "we need it." She called for the Delta states to work together to increase DRA funding. Congressman Marion Berry was doubtful that increased funding was available for the Delta, but encouraged persevering. Desha County Judge Mark McElroy and retired Gen. Wesley Clark discuss the Delta moments before Clark told the Caucus, "We want the attention of Congress for the needs of rural America." He said the Delta needed "a boost" and envisioned, "We're going to make this Delta region come alive."*



later. Funding of \$2 million for the DRA last year has been recommended to triple to \$6 million in President Bush's 2006 budget. That still is a decrease from the 2001 funding of \$20 million.

While Caucus participants were pleased with the increase, they note that the amount still is piddling compared to the needs of the region and that the similarly constituted Appalachian Regional Authority received \$66 million this year and the Denali Commission that serves Native Americans in Alaska received \$67 million.

U.S. Senator Blanche Lincoln (D-Ark.) of Helena, describing herself as "a child of the Delta," urged continued investment in institutions such as schools and hospitals already part of the Delta, continued local leadership by Caucus participants and the development of dreams to guide what the Delta can be.

Lincoln said that she began working in 1992 when she went to Washington to establish a Delta Regional Authority. She was a key sponsor of its creation.

U.S. Senator Mark Pryor (D-Ark.) endorsed the \$6 million DRA appropriation by the Bush administration and said he would oppose budget cuts in education and agriculture that adversely affect the Delta. "It's now critical for the federal government to consider the Delta's future and to make vast improvements in the region's highways, education and infrastructure."

The funding of Interstate 69, which would reach from Laredo, Tex., to the Canadian border at Port Huron, Mich., is among the Caucus's priorities since its suggested corridor crosses much of the Delta region in Arkansas, Mississippi, Louisiana and western Tennessee and Kentucky. A \$7.3 billion expenditure would complete I-69 in Tennessee, Kentucky and Arkansas and

See Delta, page 16

LET THE  
PAMPERING  
BEGIN.



Hot Springs is all about relaxation. You can relax at a spa. Or hiking in the mountains. Or over a fabulous dinner. Or on the lake. Make that lakes. Or browsing the galleries. So many choices, so few days. Log on or call for more information. And prepare to be relaxed. In America's First Resort.







**City of Hot Springs**  
Office of the Mayor

P.O. Box 700  
Hot Springs National Park,  
Arkansas 71901

June 1, 2005

Arkansas Municipal League  
City Representatives

It gives us great pleasure to welcome you to the 2005 Summer Conference of the Arkansas Municipal League. We are excited to have city leaders from across the state visiting us, and we look forward to showing you some of our many attractions.

The Arkansas Municipal League has worked hard to put together another excellent program that includes topics that impact us all. During breaks in the meetings, I hope we can all get to know each other better and share information on programs and services involving our respective communities.

While you are in Hot Springs, I encourage you to take the time to enjoy what our community has to offer. Take a walk around the downtown area where you will notice several new restaurants, galleries and retail shops. Enjoy such attractions as the Hot Springs Mountain Tower, Mid America Museum, Magic Springs & Crystal Falls Amusement Park and Garvan Woodland Gardens.

We look forward to seeing you for the 2005 Arkansas Municipal League Summer Conference.

Sincerely,

A handwritten signature in blue ink that reads "Mike Bush". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mike Bush  
Mayor

# 71st ANNUAL MUNICIPAL LEAGUE CONFERENCE Tentative Program

## WEDNESDAY, JUNE 15

- 3 P.M. CITY CLERKS, RECORDERS, TREASURERS ASSOC . . . . .Rooms 104, 105  
to 5 P.M.
- 3 P.M. REGISTRATION . . . . .Lobby/Grand Hall  
to 7 P.M.
- 3:00 P.M. MEET YOUR EXHIBITORS/RENEW ACQUAINTANCES . . . . .Halls B, C  
to 6:45 P.M. Use this time to meet the exhibitors and see what products and services they have that could benefit your city. Tasty snacks and cool beverages will be served throughout the afternoon. Also, take the time to renew acquaintances with fellow municipal officials while relaxing in the Exhibit Hall.
- 3:30 P.M. INTERIM JOINT CITY, COUNTY, LOCAL AFFAIRS COMMITTEE  
to 5 P.M. OF THE ARKANSAS LEGISLATURE . . . . .Rooms 102, 103  
This Committee will be conducting its regular meeting. City officials are welcome to attend.
- 5:30 P.M. RESOLUTIONS COMMITTEE . . . . .Hall A  
Each municipality has a designated representative who is a member of the Resolutions Committee.  
Presiding: Mayor Terry Coberly, Bentonville  
First Vice President, Arkansas Municipal League
- 6:45 P.M. AWARDS BANQUET . . . . .Horner Hall Ballroom  
Municipalities and individuals are honored for their many successes and contributions during this past year.
- 8:30 P.M. POST BANQUET RECEPTION  
At the conclusion of the Awards Banquet, enjoy delicious desserts and beverages compliments of Stephens, Inc.

## THURSDAY, JUNE 16

- 6:30 A.M. PRE-BREAKFAST EXERCISE WALK/JOG . . . . .Lobby of Embassy Suites  
to 7 A.M. Meet in the Lobby of the Embassy Suites Hotel.
- 7 A.M. REGISTRATION . . . . .Lobby/Grand Hall  
to 5:30 P.M.
- 7:30 A.M. EXHIBITS OPEN . . . . .Halls B, C  
to 4:30 P.M. The Exhibit Hall will close temporarily at 11:30 A.M. for setting luncheon buffet.
- 7:30 A.M. HOST CITY BREAKFAST BUFFET . . . . .Halls B, C  
to 8:45 A.M. Country-style breakfast buffet will be served, courtesy of our host city, City of Hot Springs.
- 8:30 A.M. CITY ATTORNEYS . . . . .Rooms 104, 105  
City Attorneys will receive 12 hours of CLE credit for participating in two days of meetings at the Hot Springs Convention Center.
- 9 A.M. OPENING GENERAL SESSION PART I . . . . .Horner Hall  
to 10:15 A.M. The 71st Annual Convention begins with the posting of the colors by the Hot Springs Fire Department and the singing of the National Anthem. Hands of Praise from the Union Missionary Baptist Church will perform followed by the Welcome Address from Host City Mayor Mike Bush of Hot Springs. Attorney General Mike Beebe, the Speaker of the House of Representatives and the newly elected President Pro Tempore of the Senate will offer insights into the General Assembly.
- Presentation of Colors: Color Guard by Hot Springs Fire Department  
Singing the National Anthem: Courtney Tackett of Hot Springs  
Musical Performance: The Hands of Praise,  
Union Missionary Baptist Church, Hot Springs  
Host City Welcome Address: Mayor Mike Bush, Hot Springs  
Presiding: Mayor Gene Yarbrough, Star City  
President, Arkansas Municipal League  
Speakers: Attorney General Mike Beebe, State of Arkansas  
State Representative Bill Stovall, Speaker of the House  
Senator Jack Critcher, President Pro Tempore Elect
- 10:15 A.M. BREAK . . . . .Halls B, C  
to 10:30 P.M.
- 10:30 A.M. GENERAL SESSION—PART II . . . . .Horner Hall  
to Noon What Happened to Municipalities in the 2005 Legislative Session? During the past session numerous laws were passed that will affect your municipality. In this session, Municipal League staff will inform you about many of these laws. Be sure and bring your *General Acts Affecting Municipalities Handbook* so that you can follow along. A time for questions and answers will follow, time permitting.  
Presiding: Mayor Gene Yarbrough, Star City  
President, Arkansas Municipal League  
Speakers: Don Zimmerman, Executive Director,  
Arkansas Municipal League  
Ken Wasson, Assistant Director,  
Arkansas Municipal League  
Don Myers, Assistant Director, Arkansas Municipal League  
Chris Bradley, Staff Attorney, Arkansas Municipal League  
Mark Hayes, General Counsel, Arkansas Municipal League

10:30 A.M. INTERIM JOINT CITY, COUNTY, LOCAL AFFAIRS COMMITTEE OF THE ARKANSAS LEGISLATURE . . . . .Rooms 102, 103  
This Committee will be conducting its regular meeting. City officials are welcome to attend.

Noon LUNCHEON BUFFET . . . . .Halls B, C  
to 1:15 P.M. Buffet Extravaganza. Visit one of the four food stations of your choice: hot dog/hamburger, pizza, taco bar and potato/salad bar.

1:15 P.M. CITY ATTORNEYS . . . . .Rooms 104, 105  
to 5 P.M.

1:15 P.M. **CONCURRENT WORKSHOPS**  
to 2:30 P.M. During the next few hours, workshops to help you learn about topics of municipal interest are offered. Attend these workshops, ask questions and gather information to assist you when you return home.

1) IMPROVING YOUR LOCAL ECONOMY . . . . .Room 207  
Could the new TIF laws benefit your municipality? Are there steps you could take to make your municipality more business friendly?  
Presiding: Mayor Pat Hays, North Little Rock  
Speakers: State Representative Dustin McDaniel, Jonesboro  
Jeb H. Joyce, Attorney,  
Quattlebaum, Grooms, Tull & Burrow  
Tim Grooms, Attorney,  
Quattlebaum, Grooms, Tull & Burrow  
Ron Russell, Executive Director,  
Arkansas State Chamber of Commerce

2) CURRENT PUBLIC SAFETY ISSUES . . . . .Rooms 201, 202  
What are the chances of receiving Homeland Security revenue? How would a Wellness Program benefit your uniformed officers?  
Speakers explain.  
Presiding: Mayor Paul Nichols, Wynne  
Speakers: Tina Owens, Grants Program Manager, ADEM  
Preston Brailsford, Loss Control Specialist, League staff  
Bud Thompson, Battalion Chief,  
Fayetteville Fire Department  
Danny Bradley, Police Chief,  
North Little Rock Police Department

3) DRUG TESTING: CDL, NON-CDL . . . . .Rooms 203, 204  
Presiding: Mayor Bill Harmon, Sherwood  
Speakers: Judy Sims, President of aTEST Consultants  
David Schoen, Legal Counsel, League staff

4) PUBLIC PENSION PROGRAMS:  
HOW THE LAWS MAY AFFECT YOUR CITY . . . . .Room 208  
Several new laws affecting city employees in LOPFI, APERS, PRB were passed this last session. Also, an explanation of the League Pension Management program will be presented.  
Presiding: Mayor Mike Gaskill, Paragould  
Speakers: Don Myers, League Assistant Director  
Alex Jordan, Sr. Vice President, Stephens Inc.  
David Clark, Executive Director, LOPFI  
Gail Stone, Executive Director, APERS

5) NEW ARKANSANS:  
EMBRACING THE HISPANIC POPULATION . . . . .Room 205  
Hispanics are very much a part of the Arkansas work place. How is your city dealing with these new Arkansans?  
Presiding: Gary Campbell, City Director, Ft. Smith  
Speakers: Robert Trevino, Policy Advisor for Economic Development,  
Office of the Governor  
Catherine Cook, City Manager, Hope

6) IMPORTANT LAND USE ISSUES . . . . .Room 209  
Incorporation, annexation, impact fees and understanding the significance of the new state fire code will be discussed during this workshop.  
Presiding: Frank Fogleman, Mayor, Marion  
Speakers: Jim vonTungeln, League staff planning consultant  
Troy Galloway, City Planner, Bentonville  
Jeff Griffin, Building Service Official, Hope

2:30 P.M. BREAK . . . . .Halls B, C  
to 2:45 P.M. Soft drinks and coffee available in Exhibit Hall.

2:45 P.M. 1) AVOIDING LAWSUITS . . . . .Room 208  
to 4 P.M. Arkansas municipalities continue to be sued in record numbers. What can you do to avoid being sued? League staff attorneys dispense advice.  
Presiding: Mayor Stanley Morris, Menifee  
Speakers: League Legal Staff

2) RELIEF FROM THE GASB 34 REPORTING REQUIREMENTS AND PREPARING FOR AN AUDIT . . . . .Rooms 201, 202  
GASB 34 reporting requirements may no longer be required. What should you do to be prepared for a Legislative audit?  
Speakers explain.  
Presiding: Jane Jackson, Finance Officer, Stuttgart  
Speakers: Don Myers, Assistant Director, League staff  
David Kraft, Deputy Legislative Auditor,  
Division of Legislative Audit

3) ANIMAL CONTROL . . . . .Room 207  
Vicious dogs, stray cats, how to start various municipal animal control programs and other animal control issues will be discussed during this workshop.  
Presiding: Mayor James Murry, Sr., Wabbaseka  
Speakers: Seborn Gregory, Vice President,  
Arkansas Animal Control Association  
Dan Bugg, Hot Springs Animal Control  
Shana Osborne, Conway Animal Control

4) MUNICIPAL HUMAN RESOURCE CHALLENGES . . . . .Rooms 203, 204  
Negligent Hiring and Background Investigations are two very important topics that all municipal officials dealing with Human Resources need to be aware of. These topics will be discussed in depth.  
Presiding: Mayor Veronica Post, Altus  
Speakers: Andrea Woods, Assistant City Attorney, North Little Rock  
Curt Dawson, Human Resource Department, Little Rock  
Ellen Hughes, Employment Coordinator, Little Rock

5) DEALING WITH NEGATIVE NEWS MEDIA . . . . .Room 209  
Most every city official has had to deal with "negative press." How do you avoid making blunders that often lead to negative news stories? Former TV and newspaper journalists explain.  
Presiding: Mayor Tab Townsell, Conway  
Speakers: Kathy Watson, Constituent Service Coordinator,  
Office of Congressman John Boozman  
Tracy Winchell, Economic Development Coordinator,  
Ft. Smith  
John Woodruff, *City & Town* editor, League staff

6) SOLID WASTE: THE CHALLENGE OF COLLECTING AND DISPOSING OF TRASH . . . . .Room 205  
Trash collection, recycling and solid waste disposal continue to be one of the biggest challenges for municipal officials. Is there a "better" way to perform these important tasks? Participate in this workshop as the moderator leads the discussion.  
Presiding: Mayor Stewart Nelson, Morrilton  
Speakers: Steve Martin, Chief of Solid Waste Division, ADEQ  
Catherine Cook, City Manager, Hope  
Mayor Dan Coody, Fayetteville  
Mayor Lane Jean, Magnolia

4 P.M. BREAK .....Halls B, C  
to 4:15 P.M. Soft drinks and coffee available in Exhibit Hall.

4:15 P.M. 1) FINANCIAL AND TECHNOLOGY BENEFIT PROGRAMS FOR ARKANSAS  
to 5:30 P.M. MUNICIPALITIES .....Room 209  
The AML has recently created several financial assistance programs for municipalities. Attend this conference and learn about the benefits of these programs.

Presiding: Councilmember Murry Witcher, North Little Rock  
Speakers: Don Myers, Assistant Director, League staff

2) THE BENEFITS OF THE SISTER CITY PROGRAM AND HOW THE MAIN STREET PROGRAM COULD ASSIST YOUR TOWN .....Rooms 201, 202  
The Sister City and Main Street Programs each have benefited numerous Arkansas municipalities. Could they benefit your city? Listen as the speakers explain.

Presiding: Mayor Carl Redus, Pine Bluff  
Speakers: Sherman Banks, President, Sister Cities International  
Marion Boyd, Director, Arkansas Main Street Program

3) EVERYTHING YOU WANTED TO KNOW ABOUT APPLYING FOR GRANTS .....Room 208  
Could your municipality be eligible for a grant? Attend this workshop and find out.

Presiding: Clerk/Treasurer Billie Hasty, Clarendon  
Speaker: JoAnn Smith, The Grant Book Company

4) PROPER WAYS TO CONDUCT YOUR COUNCIL MEETING ...Room 207  
Council meetings should be orderly, professional, business-like gatherings to conduct the business of the city. Are there ways to make this happen?

Presiding: Clerk/Treasurer Regina Walker, Mena  
Speaker: Mark Hayes, General Counsel, League staff

5) PROVIDING FOR THE HARD-TO-SERVE POPULATION: ASSISTING THE HOMELESS, FAMILIES, YOUTH AND CHILDREN .....Room 205  
The homeless abound in numerous Arkansas municipalities creating many challenges. How can you meet this challenge? The Institute for Youth, Education and Families, a special entity within the National League of Cities, helps municipal leaders take action on behalf of the children, youth and families in their communities.

Presiding: Councilmember Kenny Elliott, Jacksonville  
Speakers: Andre Bernard, Director of Housing and Neighborhood Programs, Little Rock  
Abby Holeslaw, Institute for Youth, Education and Families, National League of Cities

6) MUNICIPAL PUBLIC WORKS CHALLENGES.....Rooms 203, 204  
Street maintenance, non-point source regulations and new rules concerning storm water permits are a few of the public works challenges that will be discussed during this workshop.

Presiding: Councilmember Bill Howard, Jacksonville  
Speakers: Al Johnson, Engineering Consultant, League staff  
Tony Ramick, Engineering Supervisor,  
Mo Shafii, Permits Section Chief, ADEQ

4:30 P.M. RESOLUTIONS COMMITTEE .....Horner Hall  
to 5:30 P.M. Each municipality has a designated representative who is a Member of the Resolutions Committee.

Presiding: Mayor Terry Coberly, Bentonville  
First Vice President, Arkansas Municipal League

5:30 RECEPTIONS WILL BE HELD IN THE LOBBY/GRAND HALL AND  
to 7 P.M. BALLROOM PREFUNCTION AREAS  
OF THE CONVENTION CENTER .Lobby/Grand Hall to Pre-function Area  
Hosted by: Crews & Associates .....Grand Hall Lobby  
Entergy .....Ballroom Prefunction Area Lobby

7 P.M. DINNER ON YOUR OWN  
to 8:30 P.M. Use this free time to get with your fellow municipal officials at one of the many fine eating establishments in Hot Springs. Be sure to be back by 8:30 P.M. for Confections and Cordials and entertainment by the J.R. Rogers All Star Band.

8:30 P.M. CONFECTIONS AND CORDIALS .....Grand Hall Lobby  
to 10:30 P.M. Sponsored by Morgan Keegan and Lanthrop Investment Managers.

8:30 P.M. ENTERTAINMENT: J.R. Rogers and the All Star Band .....Horner Hall  
to 10:30 P.M.

# FRIDAY, JUNE 17

6:30 A.M. PRE-BREAKFAST EXERCISE WALK/JOG . . . . .Lobby of Embassy Suites  
to 7 A.M. Meet in the Lobby of the Embassy Suites Hotel.

7 A.M. REGISTRATION . . . . .Lobby/Grand Hall  
to Noon

7:30 A.M. EXHIBITS . . . . .Halls B, C  
to 4:30 P.M. Exhibit Hall will close at 9:30 A.M. for the remainder of the convention.

7:30 A.M. BUFFET BREAKFAST . . . . .Halls B, C  
to 8:45 A.M.

8:30 A.M. CITY ATTORNEYS . . . . .Rooms 104, 105  
to 5 P.M.

9 A.M. OFFICIALS' EXCHANGE  
to 10 A.M. Enjoy the opportunity to listen, learn and participate with your fellow officials concerning common interests and concerns.

MAYORS, EXECUTIVE PERSONNEL,  
CITY MANAGERS, AND ADMINISTRATORS . . . . .Horner Hall  
Moderator: Mayor Tommy Swaim, Jacksonville

COUNCILMEMBERS AND CITY DIRECTORS . . . . .Room 207  
Moderator: Alderman Martin Gipson, North Little Rock

ARKANSAS CITY ATTORNEY'S ASSOCIATION . . . . .Rooms 104, 105  
Moderator: City Attorney James Hamilton, Crossett

CLERKS, RECORDERS AND TREASURERS . . . . .Room 208  
Moderator: Clerk/Treasurer Barbie Curtis, Van Buren

ARKANSAS MUNICIPAL HUMAN RESOURCES ASSOCIATION . .Room 205  
Moderator: HR Director Audra Samuels, Russellville

10 A.M. BREAK . . . . .Lobby Area  
to 10:30 A.M.

10:30 A.M. ANNUAL BUSINESS MEETING . . . . .Horner Hall  
to Noon Presiding: Mayor Gene Yarbrough, Star City  
President, Arkansas Municipal League  
President's Address: Mayor Gene Yarbrough, Star City,  
President, Arkansas Municipal League  
Executive Director's Report: Don Zimmerman, Executive Director  
Arkansas Municipal League  
Report of Resolutions Committee: Mayor Terry Coberly, Bentonville  
First Vice President,  
Arkansas Municipal League  
Adoption of Policies and Resolutions  
Report of Nomination Committee: Mayor Tommy Swaim, Jacksonville  
Election of Officers  
MUNICIPAL LEAGUE WORKERS' COMPENSATION TRUST  
MUNICIPAL HEALTH BENEFIT FUND  
MUNICIPAL VEHICLE PROGRAM

Noon NEW OFFICERS' LUNCHEON . . . . .Hall A  
to 1:30 P.M. Presiding: Mayor Gene Yarbrough, Star City  
President, Arkansas Municipal League  
Invocation: Mayor Lorraine Smith, Wrightsville  
Speaker: TBA

The new League president and officers will be introduced to conven-  
tion delegates.

CONGRATULATORY REMARK: TBA



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# CONTINUING LEGAL EDUCATION *Agenda*

## THURSDAY, JUNE 16

- 7:30 A.M. REGISTRATION  
to 4:30 P.M.
- 9 A.M. FLSA UPDATES .....1 Hour  
to 10 A.M. Nga Ostoja-Starzewski, Staff Attorney, Arkansas Municipal League
- 10 A.M. ACAA BUSINESS MEETING  
to 10:15 A.M. a.) Financial Review  
b.) Zimmerman Award  
c.) Yearly Dues, Cost of CLE  
d.) Officer Duties  
e.) Formalized Organization vs. Affiliation  
f.) Election of Officers  
g.) IMLA Membership  
h.) Other Business  
i.) Adjournment/Pictures
- 10:15 A.M. BREAK  
to 10:30 A.M.
- 10:30 A.M. LEGISLATIVE UPDATE .....1.5 Hours  
to Noon (NOTE: This segment of the meeting will be adjourned to Hall A)  
Don A. Zimmerman, Executive Director, Arkansas Municipal League
- Noon LUNCH BUFFET (Halls B, C)  
to 1:30 P.M.
- 1:30 P.M. DWI/DUI CASE LAW UPDATE/COMMON DEFENSES .....1 Hour  
to 2:30 P.M. Michael Mosley, Staff Attorney, Arkansas Municipal League
- 2:30 P.M. BREAK  
to 2:45 P.M.
- 2:45 P.M. ARKANSAS MUNICIPAL CASE LAW UPDATE/FAQs .....1.5 Hours  
to 4:15 P.M. David C. Schoen, Legal Counsel, Arkansas Municipal League
- 4:15 P.M. BREAK  
to 4:30 P.M.
- 4:30 P.M. SUPREME COURT AND EIGHTH CIRCUIT CASE LAW UPDATE ... .1 Hour  
to 5:30 P.M. Cliff Sward, Staff Attorney, Arkansas Municipal League

## FRIDAY, JUNE 17

- 7:30 A.M. REGISTRATION  
to 4:30 P.M.
- 8:30 A.M. EMPLOYMENT LAW UPDATE .....1 Hour  
to 9:30 A.M. Jeannette Denham, Staff Attorney, Arkansas Municipal League
- 9:30 A.M. BREAK  
to 9:45 A.M.
- 9:45 A.M. "I CAN'T BELIEVE YOU SAID THAT!"  
to 10:45 A.M. PUBLIC EMPLOYEES & THE FIRST AMENDMENT .....1 Hour  
Lori Lein, Staff Attorney  
Alabama League of Municipalities, Montgomery, Alabama
- 10:45 A.M. BREAK  
to 11A.M.
- 11A.M. LITIGATING BILLBOARD CASES—  
to Noon FIRST AMENDMENT AND RELATED ISSUES .....1 Hour  
William D. Brinton, Rogers Towers, P.A.  
Jacksonville, Florida
- Noon LUNCH BUFFET (New Officers' Lunch in Horner Hall Ball Room)  
to 1:30 P.M.
- 1:30 P.M. LAND USE OVERVIEW .....1 Hour  
to 2:30 P.M. Jim vonTungeln, President, Urban Planning Associates
- 2:30 P.M. BREAK  
to 2:45 P.M.
- 2:45 P.M. RACIAL PROFILING UPDATE .....1 Hour  
to 3:45 P.M. Mark R. Hayes, General Counsel, Arkansas Municipal League
- 3:45 P.M. BREAK  
to 4:00 P.M.
- 4:00 P.M. CONFLICTS FOR GOVERNMENT ATTORNEYS .....1 Hour  
to 5:00 P.M. Jon Weems, Assistant Attorney General

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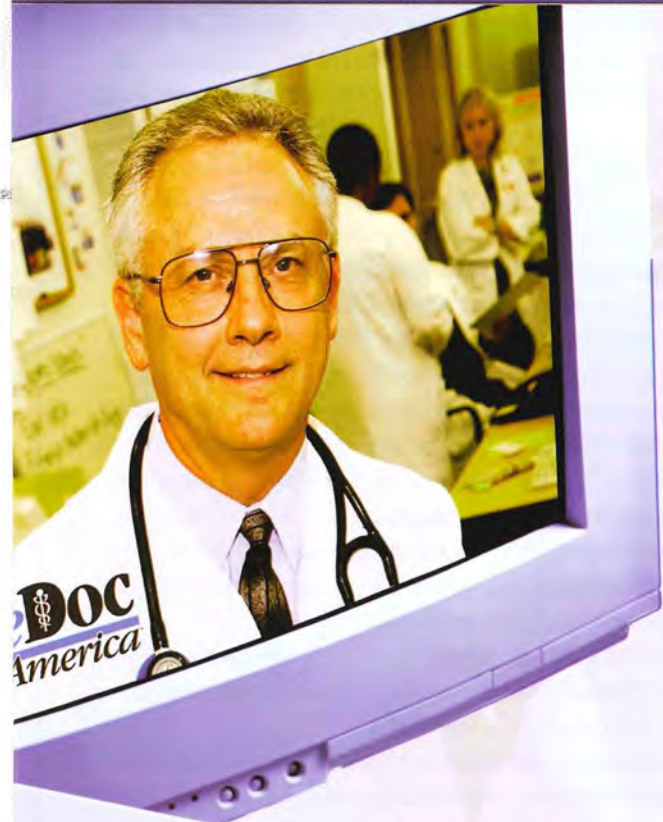
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## **You Can't Afford the Buzz** campaign targeted underage drinking

With new laws that increase the penalties for underage drinking taking effect in July, Attorney General Mike Beebe joined the Alcohol Safety Network, the Alcohol Beverage Control (ABC), law enforcement and parent-teacher groups to implement an awareness campaign to prevent underage drinking that targets middle-school students.

"Underage drinking continues to be a troubling and growing reality to our state," Beebe said. "We want young teens to know in advance the consequences of underage drinking, and we want to give parents the tools to discuss this important issue with their children."

The attorney general led a three-week program, *You Can't Afford the Buzz*, which concluded Memorial Day. Public service announcements were broadcast and Beebe worked with parent-teacher associations to encourage

middle-school students to sign pledges not to drink alcohol before they are 21. ABC and law enforcement visited middle schools to provide students an opportunity to experience the impact that one or two drinks can have on an individual's judgment and driving ability. When they visit schools, students test-drive a golf cart while they wear special goggles that impair the driver's vision as drinking would. In April, Governor Mike Huckabee signed legislation that increases the penalty for a minor in possession to a maximum fine of up to \$500 and a driver's license suspension for up to one year. Arkansas law penalizes adults who buy alcohol for minors with fines of up to \$500 and possible jail time. For more information, visit [www.alcoholsafetynetwork.org](http://www.alcoholsafetynetwork.org) or [www.ag.state.ar.us](http://www.ag.state.ar.us).

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## **Delta**

(Continued from page 7)

finish portions in Mississippi and Louisiana and begin construction in other areas.

"I-69 traverses some of the nation's most impoverished areas that are badly in need of job creation," Lee Powell, coordinator of the Caucus meeting and Caucus consultant, said in a memorandum. "For many of the Delta areas, the numbers of people living below the poverty level far exceeds the national average." Powell served as an economic development advisor in former President Bill Clinton's administration.

The national nonprofit Housing Assistance Council (HAC) reported in April that the lower Mississippi Delta "has a higher concentration of poor African Americans than any other region in the country." It said, "Over one-third of the region's African-American residents live in poverty" and that in the non-metropolitan Delta areas, black poverty is 41 percent. Of the female-headed households with children, 47 percent are below the poverty level.

"Poverty and hopelessness have no place in 21st-century America," former President Clinton told the Caucus by letter. He was pleased with the Caucus's continued monitoring of the Delta, noting that he had experienced its "untapped potential" as governor and president. The Caucus, with its diverse participation, he said, "can provide invaluable counsel to our nation's lawmakers and ensure that every point of view is considered when planning for the future."

Some other comments during the meeting:

- Congressman Marion Berry said that the Delta had the people and adequate water for economic develop-

ment, but that the people would have to provide for themselves, not the federal government. "The money is just not there. We are a bankrupt nation." Berry said the DRA needed a comprehensive plan for specific areas in the Delta and for the entire Delta. Later, Berry told Lee Powell that the Caucus should continue to seek funding, however.

- Star City Mayor Yarbrough noted that his own town was fighting every day to keep jobs from going overseas; the Caucus needs "to create new ways of making things happen," he said. He cited the potential of developing more tourism in the Delta.


- Osceola Alderman Tommy Baker emphasized the importance of the Community Development Block Grants program to the Delta and its municipalities. He repeated the National League of Cities recent theme, "No cut, no move," in reference to the Bush administration's budget plan to cut the program by a third and move it from Housing and Urban Development to the Commerce Department. He said the program is effective and all the money has been accounted for.

- Former Clinton administration Transportation Secretary Rodney Slater commended the governments for working together in the Delta.

- Rex Nelson, communications director to Governor Mike Huckabee, said the DRA was bipartisan and worked as a team. He said that the DRA's increased appropriation from \$2 million last year to \$6 million for the 2006 while 150 other programs in the president's budget were cut "is recognition of the importance" of the Delta. Nelson favored the Caucus's meeting annually in Washington to bring the Delta's needs to congressional attention. "We need to be the squeaky wheels," he said. The spotting of the ivory-billed woodpecker, thought to



be extinct, in the Arkansas Delta's Cache River National Wildlife Refuge, as revealed in news reports in April, drew a few sarcasm-tainted remarks over \$10 million being proposed by the Interior and Agriculture departments to protect the bird. More money is expected.

"It's probably a real nice bird," Congressman Berry said to snickers and giggles. "It seem to be doing OK without our help." Then, he got applause with the remark, "I'd question spending \$100 million protecting that bird. I'd rather spend \$100 million protecting our children." 

*Mark these changes in your 2005 Directory, Arkansas Municipal Officials*

**Caddo Valley**

Delete M (Vacant)  
Add M Alan Dillavou

**DeQueen**

Delete M (Vacant)  
Add M Billy Ray McKelvey

**Paragould**

Delete Email mayor@grnco.net  
Add Email mayor@paragould.org  
Delete WEB <http://paragould.ar.totalwebgov.com>  
Add WEB <http://www.paragould.org>  
Add AC Tim Myatt  
Add CE W.H. Reynolds  
Add CEM Tony Pemberton

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# LECC Conference held in Hot Springs

Improving communication skills, leadership and enhancing professionalism are among the topics that will be discussed at the Statewide Law Enforcement Coordinating Committee (LECC) Conference, June 29-30, at the Clarion Resort on the Lake in Hot Springs.

The Eastern and Western Districts of the U.S. Department of Justice in Arkansas are sponsoring the training conference.

Dr. Jack Enter, who has been associated with law enforcement since 1972 and has served as a law enforcement professor and administrator in Atlanta, will discuss "Survival Skills for Law Enforcement." The course will help train personnel in self-management, communication skills and team building.

Arkansan Dr. Brian Polansky will teach sessions on improving verbal professionalism and personal effectiveness in communicating.

The senior policy advisor with the Department of Justice/Bureau of Justice Assistance, David Lewis, will give a presentation on computers and the Internet as they apply to law enforcement, dealing specifically with how to handle computer and Internet related crimes.

Call by June 10 to the hotel, 800-432-5145, to receive the conference room rate.

Register for the conference for \$30 a person by filling out the registration form. For more information, contact Mandy Warford, 501-340-2648, or Patrick Young, 479-494-4090.

## REGISTRATION FORM

Name(s): \_\_\_\_\_

Agency/Department: \_\_\_\_\_

Office Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Ext.: \_\_\_\_\_

Make checks payable to: LECC Fund  
Complete form and return to:

Mandy Warford, LECC Coordinator  
U.S. Attorney's Office, Eastern District of Arkansas  
P.O. BOX 1229  
Little Rock, AR 72203

## Obituaries—

**Doris Lynn Bachand**, 56, the city clerk and deputy treasurer for the past 14 1/2 years for the city of Wynne, died May 23.

**Jewel Elizabeth Meador Bowles Fowler**, 84, former mayor and former treasurer-recorder of Tillar, died May 28.

**W.J. (Jay) Jernigan Jr.**, 90, who served many years ago as an assistant Little Rock city attorney, died May 17.

**Johnny Jones**, 58, a member of the Barling City Board of Directors for the last 13 years, died Jan. 5.

**Charles (Chuck) Mowder**, 80, mayor of Horseshoe Bend from 1987 to 1999 and a former chairman of the Arkansas Municipal League Second Class City Advisory Council, died May 11 in Havana, IL.

**E.M. Reynolds Jr.**, 79, who served 12 years on the Warren City Council, died May 16.

## MARK YOUR CALENDAR

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

National League of Cities  
Congress of Cities  
Dec. 6-10, 2005  
Charlotte, N.C.

Arkansas Municipal League  
Winter Conference  
Jan. 11-13, 2006  
Little Rock, Ark.

National League of Cities  
Congressional City Conference  
March 11-15, 2006  
Washington, D.C.

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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

## Council, new mayor, city attorney decide employee's pay claim

Opinion: 2005-052

Requestor: Bradford, Jay—State Rep.

Does a mayor of a city of the first class have the authority to settle a claim against the city without approval of the city council or any supporting documentation? Q2) If the outgoing mayor lacked authority to award a grant of vacation and sick leave pay to a retiring employee, does the new mayor have any obligation to honor the grant? **RESPONSE:** Q1) Given the general scope of this question, I am unable to give a specific answer other than to note that a mayor is statutorily authorized to settle only monetary claims against the city without council approval, and only then up to an amount authorized by the council. ACA 14-58-305. It is unclear from the facts you have recited what basis exists for the outgoing clerk's claim of entitlement to vacation and sick leave accrued during her tenure as a secretary for the police department. Accordingly, I am unable to opine whether she was in fact entitled either to a payment redeeming this time, as she apparently requested, or to a grant of leave time in her new position with the street department, as the outgoing mayor apparently granted her. However, I do not believe that a mayor may settle a claim without council approval by granting additional sick leave or vacation time, which you report occurred in this case. A finder of fact would likely characterize such additional leave time as compensation that only the city council may award. See Ark. Const. amend. 56, Sec. 4; ACA 14-43-409; and Ark. Op. Att'y Gen. No. 96-366 (addressing the award of leave time to city officers); see also ACA 14-43-601 (including leave time of city employees among the "state affairs" that the city council, as opposed to the mayor, might regulate in accordance with state law). Q2) I believe the incoming mayor should review with the city attorney all of the circumstances attending the outgoing mayor's issuance of leave time and determine whether the award of additional leave time, if approved by the council, would be warranted. Among the pertinent inquiries will be whether the "settlement" letter constitutes a contract supported by adequate consideration. If the city attorney provisionally answers this question in the affirmative, he may recommend that the council ratify the outgoing mayor's action. I do not believe it would be appropriate for the incoming mayor to honor the terms of the letter simply because the outgoing mayor wrote it.

## Decide master's degree spending thoroughly

Opinion: 2005-062

Requestor: Bradford, Jay—State Rep.

In light of the fact that the U.S. Supreme Court has ruled that a local government could be held liable under 42 USC 1983 if an officer injures a person due to a deficiency in training, is the hiring of a training officer and specifically paying for him to obtain a master's degree an expense that a county government can legally fund? **RESPONSE:** I am unable to answer this question without knowing all of the attendant circumstances, including the special nature of the "assigned duties" you suggest that trainees would eventually perform. However, I will note that courts generally accord strong deference to a quorum court's determinations regarding what appropriations are necessary to fund county government operations, including law enforcement. In my opinion, a reviewing court would uphold the appropriation unless it determined that the quorum court acted arbitrarily, unreasonably or capriciously in pursuit of an end that did not primarily serve a public purpose. However, with respect to your suggestion that the purpose of hiring the training officer would be to avoid county liability under 42 USC Sec. 1983, I will further note that the standard for imposing liability on a county for inadequate training of police officers is daunting—a fact that I believe might factor into the determination of whether it is justified to expend public funds to provide a graduate education for a police training officer.

## Gift shop tax is constitutional

Opinion: 2005-065

Requestor: Jackson, Phillip—State Rep.

As written, the criteria used in ACA 26-75-701 et seq. can only apply to one city in Arkansas, namely Eureka Springs. In your opinion, does that subchapter conflict with either Ark. Const. art. 5, sec. 25 or Amendment 14? **RESPONSE:** The statute, which authorizes cities of the first class having fewer than 5,000 inhabitants and containing an historic district including a property listed on the National Register of Historic Places to impose a tax on gift shops to be used for advertising and promotion, is not local or special legislation in violation of the Arkansas Constitution. The statute is not directed exclusively at Eureka Springs. At least seven Arkansas cities other than Eureka Springs could impose the tax merely by forming an historic district. The statute is reasonably calculated to promote tourism in smaller cities of the first class and is not constitutionally objectionable.

### **Volunteer fire department subject to FOIA**

Opinion: 2005-067

Requestor: Oliver, Steve

Is a volunteer fire department supported by membership dues and state and federal funds exempt from the requirements of ACA 25-19-101 to -106, the Freedom of Information Act (FOIA)? **RESPONSE:** No. In my opinion, a volunteer fire department that is partially funded by public funds, provides a service that is traditionally the purview of the government, and is intertwined with the activities of the government in protecting the health and safety of the citizenry is subject to the provisions of the Freedom of Information Act, ACA 25-19-101 through -109 (Repl. 2002 & Supp. 2003). Of course, I do not have all of the facts regarding this particular fire department before me, but if, as you suggest, it receives direct public funding, in my opinion it is subject to the Freedom of Information Act.

### **Ordinance might solve holding two city jobs**

Opinion: 2005-076

Requestor: Bradford, Jay—State Rep.

The City of Pine Bluff has a paid position of neighborhood watch coordinator. Would ACA 14-42-107(b)(1) allow this coordinator to run for and hold the office of alderman and retain her position as a paid coordinator if the city council voted to allow her to do so? **RESPONSE:** In my opinion, the coordinator about whom you have asked could run for the office of alderman; but the concurrent holding of both positions would run afoul of ACA 14-42-107(b)(1) as interpreted in *Thompson v. Roberts*, 333 Ark. 544, 970 S.W.2d 239(1998). The city council might cure the violation of ACA 14-42-107(b)(1), by passing an ordinance authorizing the dual service.

### **Old petition signatures invalid for new law**

Opinion: 2005-081

Requestor: Borhauer, Shirley—State Rep.

Can the signatures on a petition for incorporation of a village, gathered in the last 18 months pursuant to ACA 14-38-101 and before passage of Act 1236 of 2005 (ACA 14-38-115), be used in a petition for an election on the question of incorporation of that village under the terms of Act 1236? **ANSWER:** No. The parties may either petition under the old law using the existing signatures, or they must gather new signatures if they wish to proceed under the new statute. This conclusion is compelled by the fact that those who signed the petition unquestionably did so in order to apply to the county court for incorporation of the described territory pursuant to ACA 14-38-101. Additionally, Act 1236 cannot be applied retroactively in this manner.

### **Constables lack police appointing power**

Opinion: 2005-082

Requestor: Higginbotham, Steve—State Senator

Does Acts 1983, No. 757, sec. 11, outline that a constable may appoint an auxiliary officer? Q2) What is the limit or

number of auxiliary officers a township may have working under the direct supervision of a full time certified law enforcement officer? Q3) Would the reserve officers be able to work security on a countywide basis and serve process, pursuant to ACA 16-19-503, throughout the county at the direction of the chief constable? Q4) Would the auxiliary officers only have full police powers in that township that appointed them? **RESPONSE:** With respect to your first question, it is my opinion that Act 757 of 1983, codified at ACA 12-9-301 through -308, does not grant constables the authority to appoint auxiliary law enforcement officers. With respect to your remaining questions, as I noted above, a constable may not appoint auxiliary officers rendering these questions moot.

### **Lawsuit stops referendum query**

Opinion: 2005-088

Requestor: Wills, Robbie—State Rep.

Assuming that election officials have sufficient time to comply with all election procedures regarding an Amendment 7 petition seeking referendum on a local ordinance (see ACA 7-9-111(h)), does the city council have the authority and discretion, under City Ordinance 1.36.03 or Amendment 7, to order a special election for a date which is earlier than that specified in the petition? **RESPONSE:** Declined to address due to pending litigation in *Spatz v. City of Conway* (Faulkner County Circuit Court, Third Division).

### **Council can rescind convicted mayor's retirement**

Opinion: 2005-097

Requestor: Rainey, David—State Rep.

Does Mayor Oldner's conviction and subsequent removal from office disqualify him from receiving the retirement benefits provided for under ACA 24-12-123? Q2) Does Mayor Oldner's conviction and removal from office preclude the city council from allowing Mayor Oldner to begin drawing at age fifty-five (55) under ACA 24-12-123 and, if not, may Mayor Oldner vote to break a tie vote on the early retirement issue, if the vote occurs before the removal order is filed? Q3) If the current council voted to allow Mayor Oldner to begin drawing at age fifty-five (55), would that decision be irrevocable, or could a subsequent council rescind the ordinance prior to Mayor Oldner reaching age fifty-five (55)? More specifically, can the current council bind future councils on this issue since it is a discretionary obligation that would not be payable for a couple of years (Mayor Oldner is currently 53 years of age)? **RESPONSE:** 1) No. 2) No and No. 3) The council could rescind the ordinance "prior to Mayor Oldner reaching age fifty-five."

### **2005-enactments effective Aug. 12**

Opinion: 2005-110

Requestor: Daniels, Charlie—Secretary of State

Since the 85th General Assembly adjourned sine die on May 13, 2005, what will be the effective date of legislation passed during the session that did not carry an emergency clause or specified effective date? **RESPONSE:** August 12, 2005.

## Van Buren clerk/treasurer accepted in clerks' academy

Van Buren City Clerk/Treasurer Barbie J. Curtis has been accepted as a member in the International Institute of



Curtis

Municipal Clerks' (IIMC) Master Municipal Clerk Academy Program.

The program encourages municipal clerks to continue their professional growth and development. The IIMC honors achievement beyond clerks' attainment of the Certified Municipal Clerk Award.

Candidates must complete

graduate work at IIMC-approved municipal clerks' institutes or prove similar advanced educational attainment. Leadership must be demonstrated in professional associations, committee work, conference attendance and professional writings and achievements.

Curtis has completed IIMC-approved programs and other courses, seminars and conferences relating to local government.

An IIMC member since 1999, Curtis began work for Van Buren in 1998. She serves as president of the Arkansas City Clerks, Recorders and Treasurers Association, and is a member of the Arkansas Municipal League's Municipal Health Benefit Fund Board of Trustees.

## NLC supports FCC action to require 911 service on voice-over-Internet

WASHINGTON, DC—Little Rock, Ark., Mayor Jim Dailey has voiced the support of the National League of Cities (NLC) for actions taken May 19 by the Federal Communications Commission (FCC) to require enhanced 911 (E911) service for customers of voice-over-Internet (VoIP) phone service. Dailey, chairman of the FCC's Intergovernmental Advisory Committee and a member of the NLC Advisory Council, reaffirmed the importance of providing emergency service to anyone using phone service, regardless of how it is delivered.

"The tragic and moving stories told to the FCC this morning by families who suffered real loss when unable to obtain emergency services clearly show that telecommunications policy is about more than big business and new gadgets," Dailey said. "As local officials, we have always known the important role telecommunications plays in public safety."

"In the past, the FCC has urged deregulation and federalization of voice-over-Internet services without taking into consideration all of its ramifications," Dailey said. "Industry supporters have pressed their point that any services offered over the Internet should be hands-off to local concerns. As we have heard this morning, clearly this has been a mistake."

"We are pleased the FCC has taken this action today to require voice-over-Internet providers to provide E911 service and to notify customers when E911 service is less than complete. In the upcoming debates over telecom reform, we urge the FCC and Congress not to repeat past mistakes of deregulating first and solving problems later as they consider the full range of new Internet-based services," Dailey said.

The FCC order was in response to a growing number of incidents where VoIP customers dialed 911 but were not able to reach emergency operators. Under the order, VoIP service providers must ensure that their customers are able to reach their local emergency operator as part of a standard feature, similar to what is offered for traditional telephone services. The VoIP providers must provide emergency operators with call-back numbers and location information where required by public safety officials. The providers must inform customers of their E911 capabilities and limitations of service.

In 2004, the FCC had taken a "hands-off" policy regarding Internet services, finding that they were "information services," not "telecommunications services." NLC has opposed this decision, citing public safety concerns such as the ones identified today.

"Unfortunately, technology has moved faster than regulation and policy favoring the rapid deployment of new services has led to some drastic consequences," said Gary I. Resnick, Wilton Manors, Fla., Commissioner and a member of the FCC Committee. "Public safety demands continuing oversight and regulation even over new technologies that offer much promise for consumers. We are pleased that the Chairman and FCC have moved to address public safety in such a strong fashion."

The ruling compels VoIP providers to comply with the new requirements within 120 days.

The National League of Cities serves as a resource and advocate for 18,000 cities, towns and villages, which collectively serve 225 million people. *This article was provided by the NLC.*

# Many firefighters with known heart problems go to work

Health promotion, screening could help prevent cardiac arrest—the top killer

Three-quarters of firefighters who died of heart attacks—the top cause of on-duty deaths—went to work with known or detectable heart conditions, according to a new analysis of firefighter fatalities from 1995 to 2004 by the National Fire Protection Association (NFPA).

The toll of heart disease is a major reason why firefighter deaths have not declined in recent years, even though fewer firefighters die in burning structures (and fewer structures catch fire). An average of 97 firefighters died per year in the 1990s. But since 2000, the yearly average has been 102, except for firefighters killed during the 9-11 attacks.

In 2004, there were 103 firefighters who died on the job, a rate similar to other recent years.

The new information points to ways to protect firefighters from the biggest threat to their lives. Just as self-contained breathing apparatus and heat-resistant protective clothing have saved firefighters during interior structural fire protection from many effects of fire, health promotion, screening, appropriate job restrictions and subsequent treatment can reduce the incidence of sudden cardiac death.

Over the 10-year period studied in the NFPA report, 440 firefighters—43.7 percent of those who died on the job—experienced sudden cardiac death (heart attacks and other heart-related sudden death), typically triggered by stress or exertion.

NFPA obtained medical information for 308 of those 440 firefighters. It found that 134 had previously suffered a heart attack, undergone bypass surgery or angioplasty/stent placement. The majority had known heart disease but were not on restricted duty. An additional 97 had severe blockage of the heart's arteries but it is unclear whether this was known prior to their deaths.

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# Fairs & Festivals

June 2-4, **DES ARC**, 20th Steamboat Days, 870-256-3660, rick2952@go.com

June 3-4, **JACKSONPORT**, Portfest, 870-523-3618;  
**LOWELL**, 29th Mudtown Days Festival, 479-770-0023, lbertram@lowellarkansas.gov, www.lowellarkansas.gov;  
**ELKINS**, White River Festival, 479-643-3400, 479-6434094, angue@cox.net

June 3-5, **EUREKA SPRINGS**, 19th Blues Eureka Festival, 888-855-7823, cityaud@eurekasprings.org, www.eurekasprings.org

June 4, **MENA**, Firefighter Challenge, 479-394-1238, ffemt@sbcglobal.net

June 4-11, **WARREN**, 49th Pink Tomato Festival, 870-226-5225, bccc@cei.net, www.bradleycountycommerce.com

June 10-11, **BERRYVILLE**, 20th Ice Cream Social, 870-423-3704, bvillecc@hbeark.com, www.berryville.com

June 10-12, **SPRINGDALE**, FeatherFest, 800-972-7261, info@chamber.springdale.com, www.springdale.com

June 11, **BOONEVILLE**, 2nd Street Music Fest, 479-675-4632, terry@booneville.com, www.booneville.com;  
**SPRINGTOWN**, Springtown Barbeque, 479-736-2599;  
**GASSVILLE**, Gassville in the Park, 870-435-6439

June 15-18, **SMACKOVER**, 34th Oil Town Festival, 870-725-3521, smackover\_chamber@yahoo.com

June 16-18, **LESLIE**, 51st Leslie Homecoming, 870-447-2500, ohac@bulldog.afsc.k12.ar.us

June 17-18, **MCCRORY**, 20th Mosquitofest, 870-731-5537

June 18, **HARDY** Great Ozark Duck Race and Hillbilly Olympics, 870-856-3571, mainstreethardy@centurytel.net; Hardy Homesteaders Day, 870-966-4781

June 23-25, **MALVERN**, Brickfest XXV, 501-337-7788

June 24, **WEST MEMPHIS**, 8th Freedom Fest, 877-732-7598, schristian@citywm.com, www.westmemphis.org; **BLYTHEVILLE**, Music on Main, 870-763-2525, mainstbly@sbcglobal.net

June 24-25, **EMERSON**, 16th PurpleHull Pea Festival & World Championship Rotary Tiller Race, 870-547-2707, purplehull@juno.com, www.purplehull.com; **HOPE**, 3rd Senator Lloyd Spencer Memorial Balloon Race, 870-722-6915; **JASPER**, 8th Buffalo River Elk Festival, 870-446-2455, chamber@riternet.com, www.theozarkmountains.com

June 25, **HATFIELD**, Jubilee in June, 870-389-6611; **BOONEVILLE**, Booneville Homecoming, 479-675-3504, lj@bts.wsc.k12; **CLINTON**, 6th Archey Fork Festival, 501-745-7222, director@mainstreetclinton.com, www.mainstreetclinton.com

July 2, **HEBER SPRINGS**, Fireworks Extravaganza, 501-362-2444, chamber@heber-springs.com, www.heber-springs.com; **CHEROKEE VILLAGE**, Firecracker Street Dance, 870-257-2511; **DIAMOND CITY**, Fireworks Show, 870-422-7575, dchamber@diamoncity.net, www.diamoncity.org

July 2-4, **MOUNTAIN VIEW**, Old Tyme July 4th Celebration, 888-679-2859, mvchamber@mvtnet.net, www.YourPlaceintheMountains.com

July 3, **ALMA**, 4th Fireworks Extravaganza, 479-632-4127, almachamber@valuelinx.net, www.almachamber.com; **HOT SPRINGS**, Fireworks Display, 800-543-2284, hscvb@hotsprings.org, www.hotsprings.org

July 3-4, **FAIRFIELD BAY**, 33rd Fairfield Bay July 4th Event, 501-884-3324, director@ffbchamber.com, www.ffbchamber.org

July 4, 2005, **CORNING**, 61st Homecoming Picnic, 870-857-3874, cacoc@neark.net; **FORT SMITH**, 12th Mayor's Fourth of July Celebration, 479-452-7575, mayor@fsark.com; **ALTUS**, 4th of July Celebration, 479-468-4684, vpost@ipa.net, www.altusarkansas.com; **PIGGOTT**, 78th 4th of July Homecoming and Picnic, 870-598-5264; **BENTONVILLE**, 4th 4th Fest Celebration, 800-410-2535, admin@bentonvilleusa.org, www.bentonvilleusa.org; **MENA**, 2nd Chamber of Commerce Fireworks Display, 479-394-2912, menapolkcofc@voltage.net; **BOONEVILLE**, Celebrating Freedom Fireworks, 479-675-2666, terry@booneville.com, www.booneville.com; **DARDANELLE**, Dardanelle's Sesqui-centennial Celebration, 479-229-3328, vsdardchamber@hotmail.com, www.dardanellechamber.com; **CAMDEN**, Star Spangled Spectacular, 870-836-6426, kristie@growingcamden.com, www.growingcamden.com; **HARRISON**, Fourth of July Fireworks Extravaganza, 870-741-2659, cocinfo@harrison-chamber.com, www.harrison-chamber.com; **EL DORADO**, Fantastic Fourth Celebration, 870-863-6113, alexis1@cox-internet.com, www.boomtown.org; **HORSESHOE BEND**, 22nd 4th of July Celebration, 870-670-5433, info@horseshoebendar.com, www.horseshoebendar.com; **GREENWOOD**, FreedomFest, 479-996-6357, julie@greenwoodchamber.net, www.greenwoodarkansas.com; **NORTH LITTLE ROCK**, Pops on the River, 501-758-1424, eparten@northlitterock.org; **SALEM**, Fireworks in the Park, 870-895-7253, Chamber@SalemAR.com, www.SalemAR.com



Sack races—as old as sacks?—come to life in the Hardy Great Ozark Duck Race and Hillbilly Olympics, June 18 at Hardy. Other events included toilet seat tossin', high heel runnin' and hubcap hurlin'.



## Morrilton police reserves lend experienced, local hiring pool

Twenty-five students who completed the reserve program are now police officers.

By Morrilton Police Lt. Curtis Russell

In mid-1997, the Morrilton Police Department was having a problem finding local people qualified to work as officers. The department was forced to hire officers from other departments around the state.

The problem with this practice was twofold: the officers hired had to commute long distances or move; and Morrilton's residents were upset with the department for not hiring local people who needed jobs. Morrilton has a small police department and was looking to hire certified officers.

In July 1997, the department advertised for a community policing officer. No applicants were suitable. One prospect walked out when he learned that he would have to do some foot patrolling.

The decision was made to form a reserve that would be trained in-house and be a hiring pool for officers. This would give the reserve officers a feel for the job and learn the Morrilton Police Department's policies and procedures. It also would allow the department to watch the officers to get a better idea of what kind of full-time officers they would make. It was also determined that officers taken from the reserves would be promoted to full-time and not be considered new hires. The city council approved the department's hiring the officers.

The department started a month later taking applications for five reserve officers. The applications were treated the same as any application for a full-time officer. Background checks and interviews were performed and the five prospects were picked.

The new officers were issued uniforms and were told to attend the department's part-time II/auxiliary officer's course. The state requires that reserve officers attend and pass a 100-hour class for certification. The department concurred and added 68 hours.

Morrilton police who were certified instructors would teach most of the class.

The new officers, starting in October 1997, were required to attend classes for four hours Tuesday and Thursday nights for four months and some Saturdays for weapons qualification and defensive tactics.

The class was segmented to allow more one-on-one training and to make the officers commit time and effort without compensation to finish the class. This is another way to help ensure that the department was not getting



Lt. Curtis Russell, from left, and Reserve Officers Brian Risner, Matt Leslie, Jerry Bird and Michael Smith prepare for the area Walk for the Cure. Morrilton uses reserve officers at special events, this allowing regular officers to maintain their patrols. In the past assigning the regular officers for special events left other areas uncovered.

people who intended not to participate in the program after the class.

The officers were tested monthly. If they failed a test, they would be allowed one retake. If they failed a second time, they would be dropped from the program. The class was kept small and was offered free-of-charge to other police departments and law enforcement agencies.

In the first class, 12 officers came from the Morrilton Police Department, Van Buren County Sheriff's Office and the Conway County Sheriff's Office. The class was a success. Of the five original officers, the Morrilton Police Department hired three.

In October 1999 and 2000, the department conducted classes of eight and seven officers, respectively. Officers came from the Morrilton and Menifee police departments and the Van Buren and Perry County sheriff's offices; two local constables participated. Again, officers from another police department or law enforcement agency enrolled for free.

Seventeen participants from six police departments and law enforcement agencies joined the June 2004 class. Conway County law enforcement officers participated for free; others were charged \$150 to offset printing and overtime costs.

Twenty-five students who completed the reserve program are now police officers. Nine are employed with Morrilton Police Department. Many reserve program graduates have been sent to the Law Enforcement Academy and graduated in the top 10 percent.

See **Morrilton**, page 35

## Here is your Sister Cities International Conference invitation at Spokane, Wash.

The International Board of Directors and staff invite you to attend the International Conference in Spokane, Wash., July 27-31, 2005

By Sherman Banks

I deviate from my usual articles this month to talk about the conference. In addition to the fun you will have while in the great Northwest, you will get hands-on information about how to develop viable sister city and business development programs.

Spokane could not be a more appropriate place to celebrate our conference theme this year, *Connecting Global Villages*. Spokane has a rich 40-year history as a participant of Sister Cities International (SCI).

Although the conference begins July 27, we ask everyone to arrive by July 26, to participate in all of Wednesday's activities. The day begins with Dragon Boat Races on the Spokane River. The opening celebration and Parade of Nations late that afternoon and the mayor's reception are highlights. You won't want to miss them!

Consider bringing your own Dragon Boat race team to participate in the opening.

### Work sessions promise to 'get the most.'

Workshops with the focus *Getting the Most of Our Sister Cities Internationally* begin Thursday morning, July 28, to allow you to learn about the many services available from the SCI office, such as:

- **Arts and Culture**—a look at art exchanges, sports programs and other cultural projects.
- **Capacity Building**—will cover capacity-building topics such as communication strategies, Web site use and toolkits.
- **Humanitarian Assistance**—a look at disaster relief, aid and other forms of humanitarian assistance.
- **Member Services**—a broad look at the member services, including insurances, the marketplace, assistance with seeking a sister city.
- **Sustainable Development**—a look at economic development, environment, municipal cooperation and public safety projects within the *Network for Sustainable Development*.
- **Youth**—a look at current and future youth projects within the *Youth and Education Network*.

After the Thursday lunch, mini-workshops and a best practices showcase will have an exhibit-like setup with rooms focused on specific topics.

Best practices and award-winning programs will be showcased and staffed by members who can discuss what they did to make their sister city program out-

standing and special. You may move from room to room, collect materials and learn from the experts.

Topics include:

- Communications
- Fundraising
- Innovative Avenues of Exchanges
- Economic Development
- Membership
- Youth Development

### Size makes no difference: Take Gilbert, for example.

At a networking reception Thursday evening at the Arbor Crest Wine Cellars, participants can get to know their fellow delegates, exchange ideas and enjoy some of the fine wines of the Northwest.

When we talk about sister cities, we look at the cities in Arkansas that have sister city relations around the world.

**Gilbert**, in Searcy County, is the smallest municipality in Arkansas, with a population of 33, and it has a Sister Cities program. Gilbert has just confirmed its SCI relationship with a town 10 times its size on the Isle of Man in the British Isles. Size is no obstacle if you really want a sister city.

**Pine Bluff** has had a long-standing relationship with Iwai City, Japan; **Hot Springs** is connected with Hanamaki, Japan; **Conway** with Quakenbruck, Germany; **Fort Smith's** relationship is with Cisterna, Italy; **Mena** has gone all the way to Mena, Ukraine, for its partner; **North Little Rock** has Uiwang City in the Republic of Korea and it is working on developing another sister city in Turkey; and **Little Rock** has five sister cities—Changchun, Jilin, China; Hanam City, Republic of Korea; Kaohsiung Municipality, Taiwan; Mons, Belgium; and Ragusa Province, Italy, as well as two friendship cities, Newcastle Upon Tyne, England, and La Petite Pierre, France.

Arkansas cities have developed a rich history in Sister Cities International. Little Rock Mayor Jim Dailey served for three years on the international board of directors, and the international president, Sherman Banks, is from Arkansas.

Arkansas cities enhanced the state's programs of cultural and student exchanges and economic development



Banks

when Arkansas and its cities hosted the international SCI Conference in 1999. Delegations came to Arkansas from 98 countries.

Back to Spokane. On Friday, July 29, workshops divided into four tracks begin with speakers, then small group discussions and then reporting back from groups to the whole. The tracks:

- 50th SCI Anniversary in 2006 and citizen diplomacy
- Economic Development;
- The Role of Local Government in Sister City Programs; and
- Youth.

The final evening reception will signal the final push toward the 50th SCI Anniversary, July 2006 in Washington, D.C.

One of the concurrent activities will be the Second Sino-U.S./Sister Cities Conference, which will run at the same time, but separate from, the Sister Cities International Annual Conference.

It will focus on those U.S. cities that want sister city and economic development relations with Chinese cities. **One registration will entitle you to attend both conferences.** The Sino-U.S. Sister Cities Conference will feature American and Chinese elected officials, volunteers and other experts in their fields as presenters. There will be simultaneous translation in English and Mandarin.

#### Registration offers online discount.

Registration for members is \$425 in advance of the conference (4/2/05—7/8/05). Nonmembers' registration is \$475 in advance of conference. You can register online with a \$25 discount with an immediate e-mail confirmation when your registration is complete. This offer for a \$25 discount is for all attendees who register online. Just visit [www.sister-cities.org](http://www.sister-cities.org) and follow the links to the conference.

Youth registration for the Youth Leadership is \$290 and covers the housing in Gonzaga University dorms, daily programs and activities, transportation and entry fees for field trips and most meals. Not included in the fees are the airfare and ground transportation to and from the airport.


There is an optional \$35 fee for those who want college credits through Eastern Washington University's Eisenhower Center.


#### Registration available on line.

The conference hotel is the Doubletree Hotel Spokane City Center: special room rates of \$92 plus tax (currently 10.1 percent) single/double are available during the dates of the conference for attendees. Executive guestrooms are available at a rate of \$112 plus tax (currently 10.1 percent) single/double. These special rates are available for reservations made on or before Wednesday June 29, 2005. Call the hotel for reservation 509-455-9600.

Make your plans to attend this year's international

conference and learn hands-on about developing international, cultural and educational exchanges, economic development for companies in your community that want foreign ties and how to project toward sustainable development for betterment or the enhancement of existing sister city relationships.


To learn more about how to register for the conference, contact Sherman Banks, president, Sister Cities International, 501-376-0480, fax 501-372-6564, e-mail [sbanks@aristotle.net](mailto:sbanks@aristotle.net) or write P.O. Box 165920, Little Rock, AR 72216. 



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## Types of asphalt and their paving characteristics

Perform the correct computations for a smooth route to staying within budget.

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

**A**sphalt is a heavy petroleum hydrocarbon. This black, sticky material is found naturally in coal tar pits in South America. Heavy crude oil from Texas was used to pave some of the early New England roads in the early 1900s. The process was referred to as Macadam Road.

Modern asphalt comes as the last product in the refining process of crude oil. The further the refining process is carried, the heavier the asphalt and the less the amount of volatile organics. The heavier asphalts require heat to remain liquid, while the lighter asphalts have enough petroleum distillates to stay liquid until the hydrocarbons vaporize.

In today's world, with the environmental concerns about petroleum releases, the lighter asphalts are seldom used.

Two other types are hot asphalt and emulsified asphalt. The emulsified asphalt is a water solution where the beads of asphalt are suspended using a protein medium to lubricate surfaces. As the water dries, the asphalt droplets are attracted to each other forming an asphalt seal.

The technical terms for an asphalt pavement are asphalt cement hot mix, surface, base or binder coarse, and type one or two, specifying the maximum aggregate size.

Asphalt paving mixes contain asphalt cement, mineral filler, fine aggregate, coarse aggregate and sometimes an additive to improve the lay-down qualities of the mix.

Asphalt mixes are extremely sensitive. In order to get durability and stability, a mix must be properly designed, handled and applied.

A durable mix must be resilient enough to have some flexibility. A stable mix must have the right amount of asphalt and air voids to produce good aggregate interlock and maximum density.

Mixing, transporting and handling the mix is important to a successful overlay. Aggregate and sand must be dried, and there must be no high absorption aggregate used. The continuous asphalt mixer must be capable of monitoring all ingredients and making sure that everything is in proportion.

Controlling heat during the mixing and transportation time is very important. If the temperature gets too hot (above about 240 degrees Fahrenheit), the asphalt can burn and oxidize—taking away its ductility. If the temperature gets too cold (below 170 degrees Fahrenheit), working the mix with the lay down machine and rolling the materials to achieve maximum density becomes extremely difficult and sometimes impossible.




Johnson

Preparation of the surface on which the hot mix is to be applied is also very important. If the hot mix base core is going on a subgrade, the subgrade should be well-compacted to assure that the hot mix can be compacted and a prime coat applied to improve the bond between the asphalt and the subgrade. If the asphalt hot mix is being applied to old pavement, the pavement should be swept clean and a tack coat applied.

The asphalt in the prime and tack coats comes in the form of an asphalt emulsion. When the asphalt particles are suspended in the water emulsion, the material is gray. As the water evaporates and the particles find each other, the material turns into a shiny black. When this black color appears, the coat is ready to be covered with hot mix.

Asphalt hot mix is described as a flexible pavement. It is very important that any asphalt mix have some resilience. An asphalt mix is continually working as each heavy (wheel) load is applied. An asphalt surface that does not receive any traffic can deteriorate more rapidly because of surface oxidation and cracking of a mix that flexes. On the other hand, an asphalt mix that is overloaded can result in rutting, longitudinal shear, clumping and, eventually, alligator cracks.

Anytime a city is preparing specifications for an asphalt overlay, it is important that the mix to be used meets Arkansas Highway and Transportation Department (AHTD) specifications. Also, to be sure and get your money's worth, have the overlay program quoted by tons of asphalt in place, including surface preparation and the prime intact coat in the bid price. Never bid an asphalt overlay program by street or square yard. Remember: 110 pounds of asphalt cement hot mix will cover one square yard, with one compacted inch of depth. A good overlay should add two inches and be applied in one "pass." As a rule, the minimum depth should never be less than 1.5 inches or more than the maximum 2.25 inches.

It's easy to control your overlay program. Make sure the asphalt plant is certified and that they are complying with the AHTD specification. Have them provide you with a copy of the mix design, then collect the haul tickets and total up the tonnage. By keeping up with the haul tickets and knowing the price per ton, it's very easy to stay within budget. *You can reach A. E. (Al) Johnson at 501-374-7492.* 

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# Lacebark Elm—the Rodney Dangerfield tree?—gets little respect.

But it deserves attention: It's a survivor and may be 'a nearly perfect urban tree.'

By Jim Northum, Urban Forester, and John Slater, Urban Forest Partnership Coordinator



Slater

The lacebark elm (*Ulmus parvifolia*) is an outstanding small- to medium-sized tree that receives little of the attention it should. Part of the neglect may be to the presence of a close relative, the Siberian elm (*Ulmus pumila*), which has only one redeeming feature—it is very tough and hardy. The Siberian elm will grow almost anywhere.

Common tree names often lead to confusion; Siberian elm is sometimes labeled Chinese elm, which happens to also be a common name for lacebark elm. The only sure way of getting lacebark elm is to use the scientific name, *Ulmus parvifolia*.

The lacebark elm is a very hardy tree. It can tolerate the extremes of poor soils, compaction, pH range, drought, cold and even much neglect. It is as near to a "plant it and forget it" tree as there is, not that I am advocating that approach. Many trees of this nature are rightly considered weed trees and are to be avoided in the planned urban landscape. They are often messy, poorly formed and weak wooded. The lacebark elm shares none of these undesirable features.

The lacebark elm is a fast growing deciduous or evergreen tree with a graceful, upright, rounded canopy of long, arching and somewhat weeping branches. Some cultivars (cultivated trees) grow in the typical vase-shaped elm form. Its foliage is shiny, dark green, leathery and 2-3 inches long. Its fall colors are various shades of red, purple or yellow, and its height ranges up to 80 feet, though 40 to 50 feet is more common.

Its exfoliating bark is the tree's greatest visual asset. Random, mottled patterns of gray, green, orange and brown add visual and textural interest. The lacebark's winter silhouette is outstanding.

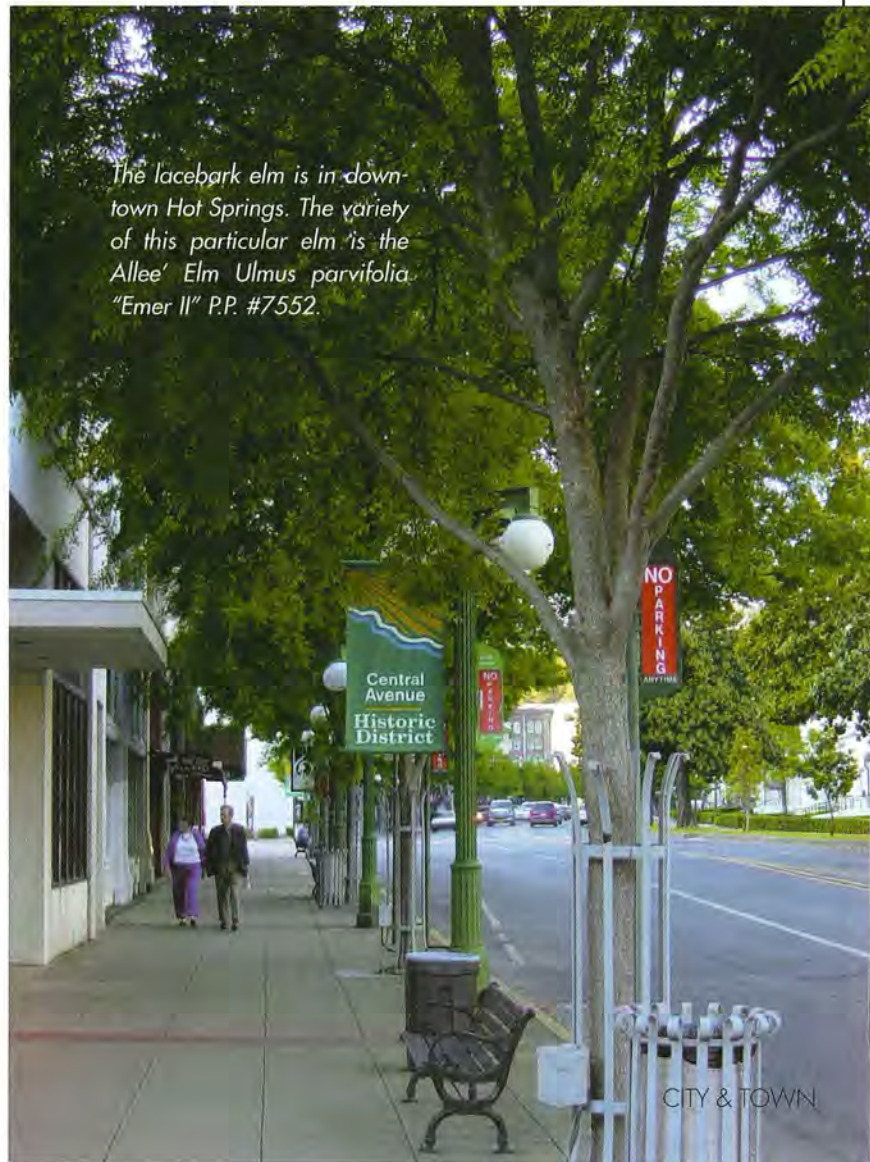
The lacebark elm will grow in partial to full sun, and its form can have single or multiple stems. It is well suited to sites with restricted root space, such as tree pits, tree islands in parking lots, tree lawns along streets and other locations. The lacebark elm is usually resistant to Dutch elm disease and elm phloem necrosis. This is a real plus for a tree in the elm family. Dutch elm disease is the pathogen that eliminated

the American elm as a shade tree in many parts of the nation.

The lacebark elm is not a showy tree, but it is a survivor. Urban conditions often call for such a tree.

In the lacebark elm we have a nearly perfect urban tree. It is not suitable for planting under power lines in most cases nor is it a huge tree for large spaces. It may not have the brilliant fall colors or the striking flowers of some species, but what the lacebark elm offers is a tough, hardy tree that will adapt to and survive the harsh

Continued on next page



The lacebark elm is in downtown Hot Springs. The variety of this particular elm is the Allee' Elm *Ulmus parvifolia* "Emer II" P.P. #7552.

# Searcy brings 'big city technology' to city park

Two Harding students setup Arkansas's first free wireless Internet in public park.

By Dacus Thompson, League Staff

A technological breakthrough occurred at Searcy's Berryhill Park May 6 with a wire-cutting ceremony that began Arkansas's first free (and wireless) Internet service in a public park.

"I've been reading about wireless public parks in big cities like Philadelphia, New York and Austin," said Searcy Mayor Belinda LaForce, "but no small cities that I'm aware of are doing this. We're bringing big city technology to our small town."

Berryhill Park has for years been a hotspot for volleyball and tennis players, walkers and children gallowing over monkey bars and jungle gyms, but now, thanks to two Harding University students, there will be a new breed of park dweller—Web surfers.

Christopher Perry, 21, and Justin Schubert, 22, approached LaForce last fall with the proposal. "They had the wireless-in-the-park idea for a senior project," LaForce recalled. "They said they would do the fundraising, and asked if they could get this up and going would we be interested in showcasing it, and we said, 'Well sure.'"


"We wanted to see Searcy move into the 21st century," Schubert said. "It's a great benefit to bring technology like this into a small town." He added that the service should attract new industries and young professionals to the area.

The students worked with the city to develop a strategy on how to setup and pay for the service. Local busi-

nesses bought advertising on Searcy's Wireless in the Park homepage, which pops up on the computer screen when one logs on to the Internet in the park, and much of the project's needed equipment was donated. LaForce stressed that none of the project's \$10,000 cost came from tax dollars.

The Internet service is furnished with a content filter to "prevent people from looking at what they shouldn't," LaForce said, and is available during park hours only, 6 a.m. to 11 p.m.

LaForce hopes to someday have a wireless service at Searcy's Sports Complex, a project that would cost an estimated \$35,000 to \$40,000. "Wireless service at the Complex would let rainouts, scheduling and scores be communicated instantly, and would allow our concessions to accept debit and credit cards," LaForce said. She added that someday there could be Web cast of all sporting events, allowing anyone to watch the games from anywhere via the Internet.

Fort Smith also plans to provide wireless Internet in its city parks. A target date for the service has yet to be determined, but the city's parks department and information technology department plan on having wireless Internet in Creekmore Park, River Park, Tilles Park and other city parks. According to *Focus on Fort Smith*, the city's newsletter, "The Creekmore Park community center and the meeting rooms at the River Park will also have wireless Internet access available." 

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## Urban Forestry

(Continued from page 30)

conditions often found in urban areas. It is also reasonably attractive. What more can one ask a tree to do?


Don't let an outlaw cousin (Siberian Elm, *Ulmus pumila*) stop us from using this outstanding tree. Just be sure to ask for it by the right name, *Ulmus parvifolia*.

(The above is from an article written by Jim Northum, the urban forester who used to pen this column. I thank Jim for the use of his article.)

When I went to McCrory a few weeks ago and talked to the garden club about the city's becoming a Tree City USA and about how the urban forestry grant program works, garden club members expressed interest in beautifying their downtown area by using a grant to design

and implement a treescape. They had already planted trees in containers and had seen what a difference a little green could do to improve the city's looks. McCrory Mayor Doyle Fowler and I had talked a year earlier about how an attractive town shows community pride and could encourage business growth in the community. I was asked to recommend a good urban tree that could stand the harsh environment of a downtown area. I recommended the lacebark elm.

For more information on recommended trees for your towns and communities, contact the Arkansas Forestry Commission. Reach Slater at [john.slater@arkansas.gov](mailto:john.slater@arkansas.gov), or 501-984-5867.

Make a memory—Plant a tree. 

## Rural water districts and urban development: Incompatible?

A property owner who plans a commercial or industrial structure on a site in a rural water district may be told, "too bad."

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



vonTungeln

Rural water districts are creating urban growth boundaries for many Arkansas cities as surely as if fences had been constructed by city ordinance. Growth boundaries stop urban development at a specified point and they fueled a statewide referendum in Oregon. One may assume that growth boundaries would not be welcomed by affected property owners here. Some have been holding property for years to be developed when urban services arrived. Now, they may see those plans dashed. Special protections afforded rural water, in tandem with the Arkansas State Fire Code, may limit development beyond the corporate limits to large-lot single-family homes and farms—forever.

How have things reached this stage? Maybe we can blame the Law of Unintended Consequences. General consensus holds that rural water districts were established to promote better public health in the hinterlands. A managed water system certainly bodes better for good health than trusting individual property owners to separate wells and septic systems.

The problem is that rural systems are much more costly on a per-capita basis than urban systems. So districts turn to the federal and state governments to provide grant and loan assistance. In order to ensure loan repayment, rural systems are protected from competition by 7 U.S.C. § 1926(b) and state equivalents. The statutes also promote the expansion of the systems.

I lack both the space and credentials to analyze the legal ramifications of all this. Rather, I will confine observations herein to what I see as the final result upon the orderly growth and development of municipalities.

For years, we assumed that this orderly development was protected under Ark. Code Ann. § 14-56-413 (a) (1) (A) which states that "The territorial jurisdiction of the legislative body of the city having a planning commission, for the purpose of this subchapter, shall be exclusive and shall include all land lying within five miles of the corporate limits."

A recent Supreme Court ruling, however, subordinates this authority to that of the state agency having responsibility for the Arkansas Water Plan: Ark. Code Ann. § 15-22-503.

Some rural districts have, as I pointed out previously, become very aggressive in interpreting their territo-

ries. Some claim all land not within a corporate limit and some even specify the city and/or the date at which such exclusivity begins. In other words, property not currently within the city belongs to them and them alone.

As far as I can tell, there is no defined formula through which territory claimed by a rural water district could be purchased by a municipality. This has led to some rather bitter negotiation talks and to stalemates. The statutes do seem to indicate that the state agency having responsibility for the Arkansas Water Plan could adjust the boundaries. This is an area deserving further investigation.

The next important point is that no one seems to dispute the claim that the charter of rural water districts provides for drinking water only. Water lines sized for fire protection are generally available only from a municipal system.

Enter the Arkansas Fire Code. It combines the old Fire Safety Code and whatever building codes existed previously. It, or a more stringent code, is the only one that can be administered in our state. The Arkansas Attorney General's Office reminds us that this is a state law applying to every property in the state and to every city whether adopted by ordinance or not.

The code specifies in great detail the manner in which structures will be fitted for fire protection. Suffice it to say that two-inch water lines don't provide the necessary flow for commercial or industrial fire protection.

What happens if a property owner wants to construct a commercial or industrial building in an area claimed by a rural water district? There is a Vietnamese term—*Xin Loi*—that comes to mind. It—sort of—means "too bad."

Is there a way out of this? There must be. It would seem to me that reasonable people would not deny the possibility that an area adjacent to a municipality might someday transition from rural to urban. In that case, reasonable people might work out a methodology by which this could happen to the benefit of all parties, particularly the property owners. Until that occurs, I cannot think of a more serious planning and development issue facing our state.

Comments or questions? Reach Jim vonTungeln at 501-372-3232. His Web site is [www.planyourcity.com](http://www.planyourcity.com). He is available for consultation as a service of the Arkansas Municipal League.





# Curbing childhood obesity: What cities can do

Reprinted with permission from the May 16 National League of Cities *Nation's Cities Weekly*.

By Charles Royer

To get a sense of what your city can do to combat childhood obesity, take a walk around.

Can you walk around your city? Would you want to? Is there anywhere to go?

How we construct and renovate our cities can go a long way toward stemming what is now regarded as an epidemic of childhood obesity.

The childhood obesity rate has more than doubled for children aged 2-5 years and 12-19 years over the past three decades, according to the Institute of Medicine's "Preventing Child-hood Obesity: Health in the Balance."

It has more than tripled for children aged 6-11 years, and 9 million children over 6 years of age are considered obese.

## Local government interests

Local governments have strong incentives to combat obesity.

Reducing obesity fits easily within the mission of health departments to organize community efforts to prevent disease and eliminate health disparities among groups.

Plus, obesity rates—and the dramatic increases in chronic disease that go along with them—portend yet another explosion in health care costs, including lost productivity.

There is also a strong economic development incentive to combat obesity. Businesses—when considering where to locate—often consider quality of life factors.

This calculation increasingly includes whether a locality promotes—through its built-in environment—a sedentary or active lifestyle.

Walkable streets and neighborhoods are, by definition, lively and beautiful, definitely the kinds of places Richard Florida envisioned in his book, "The Rise of the Creative Class."

A city's health, parks and recreation, transportation and planning departments all have roles to play in developing priorities and instilling values that promote healthy lifestyles.

The inclusion of a public health perspective in local planning decisions in transportation, community development, zoning and building codes would make it much more likely that community development and maintenance decisions would support physical activity.

There are several considerations that local governments can apply to their decision-making about physical activity in their communities.

**Density**—Not surprisingly, the more spread out and less dense a community, the more people drive. And, increased driving is correlated with less physical activity

and weight gain.

People living in one study's most sprawling county—Geauga County, Ohio—weighed, on average, six pounds more and walked 79 minutes less each month than Manhattanites.

While it is unlikely that suburbanization trends are going to be reversed any time soon, there are many things that suburban, urban and rural communities can do to facilitate physical activity, particularly among children.

**Structures**—Sidewalks, bike trails (or bike lanes along roads), parks and other recreation facilities spur physical activities. Having good "connectivity" among these amenities is vital.

For example, too many dead-end cul-de-sacs, wide intersections and locations of busy parking lot entries and exits can affect the walk- and bike-ability of sidewalks and bike lanes.

**Safety**—Research indicates that the lack of structures and facilities such as sidewalks and parks is only one reason for not exercising.

Another is fear. Parents worry about letting their kids walk or bike because of traffic-related dangers as well as crime and "stranger anxiety" concerns (real and perceived).

Local governments should address these concerns in addition to providing the structures.

A growing "safe routes to school" effort—most notably one in Marin County, Calif.—promotes walking and biking to school by addressing the safety concerns of parents, encouraging greater enforcement of traffic laws, educating the public and exploring other ways to create safer streets.

**Land Use**—Zoning that promotes mixed uses is an important factor. People need destinations to walk to.

With houses, offices, shops, parks, public transit stations and schools located within walking distance, people are much less likely to drive.

Only 10 percent of public school students walk to school today. A generation ago, most did. The change is partly due to the location of schools, now often built at the edge of communities, too far from home to walk to.

Another land use issue involves the location of grocery stores. Low-income neighborhoods generally have fewer grocery stores with fresh produce and other healthy foods and more convenience stores that generally have few healthy food selections.

State and local governments can provide incentives to stimulate the development of nearby grocery stores or even farmers' markets and community gardens.

See *Obesity*, page 35

## East Coast-based North Shore Animal League America makes third North Little Rock visit

14 animals are adopted during Animal League stop.

By Marilyn Hall, North Little Rock Animal Control Assistant

The North Shore Animal League America (NSALA) for the third consecutive year has chosen North Little Rock, with its active animal shelter, as a stop on its annual *Tour For Life* trip across the country.

On April 22, the NSALA traveling pet adoption center dropped by North Little Rock, its only official stop in the state, and assisted in the adoption of several pets.

The staff of the North Little Rock Animal Shelter renewed acquaintances made in the two previous NSALA visits.

The NSALA crew has impressed North Little Rock shelter workers as being very dedicated and who show they believe strongly in what they do.

Founded in 1944, North Shore Animal League America is the world's largest animal adoption organization. For decades the New York-based agency has set the standard for animal shelters and rescue. After hearing and reading about this much-heralded entity for many years, it is still hard to believe that they are now making central Arkansas a regular stop on their tour. We are very thrilled and honored to have them!

At its recent North Little Rock stop, NSALA parked its Mobile Adoption Center in front of PETSMART on Landers Road for an afternoon of fun.

The NSALA stopovers promote pet adoptions and raise awareness for the plight of homeless animals. Responsible pet guardianship was a key message for the 2005 *Tour For Life*.

Doctor Jennifer Kosich and Ben Matthews, from Banfield, The Pet Hospital, participated to promote healthy adoptions. Kosich answered questions and provided free medical advice for the pet owners who attended the event.

North Little Rock Mayor Pat Hays, a devoted animal lover, helped us welcome NSALA back to the city. During the party-like event—complete with refreshments and smiling faces, the emphasis remained on finding homes for the animals.

Other shelters and rescue groups that participated included Bryant Animal Shelter, Jacksonville Animal Shelter, Feline Rescue and Greyhound Rescue. North Little Rock Friends Of Animals supplied volunteers, labor, refreshments and obedience training tips. PETSMART, on whose parking lot the mobile adoption unit set up, provided lunch for the workers.

Later that afternoon, before the shiny NSALA motor home drove away, its staff and volunteers said they hoped to return next year to North Little Rock.

Mixed emotions marked the departure of NSALA motor home later in the day. The friends who remained and those who departed were saddened to split up again, but the joy at the day's end came from the news that 14 pets found their way into new homes as a result of this year's NSALA visit.

The NSALA crew said they would recommend to their supervisors that they return next year to North Little Rock—a significant recommendation because NSALA does not do not always return to the same cities on the annual *Tour For Life* trips.

The NSALA participants, however, were impressed by the enthusiasm displayed by the North Little Rock area people for this visit.

The local volunteers and animal control staffs appreciate the NSALA visits especially because they draw attention to the overpopulation of dogs and cats in the area.

There are probably 10 times more animals in this area than we need. The only way we will turn this around is to keep raising awareness to the problem, and that is exactly what the tour does.

Many thanks to everyone who helped make this year's *Tour For Life* a success. As earlier stated, it was your involvement and enthusiasm that impressed NSALA enough to make them want to come back. Let's all work toward giving NSALA an even bigger welcome next year so they will continue to come back to Central Arkansas.



Mayor Hays and Pattie Platt, a volunteer with Helping Hands for Little Paws, right, delight Adrian Lipkins, left, and his mom, Lakeita, with a Jack Russell-mix puppy.



## Dardanelle celebrates sesquicentennial

This July 4 when the rest of the country celebrates its 229th birthday, Dardanelle will have a celebration all its own—its 150th year since incorporation.


The Yell County city of 4,228 will welcome its sesquicentennial with a parade and local entertainment. The festivities will center around the gazebo on Front Street in downtown Dardanelle; a Civil War reenactment will be in Veterans Riverfront Park on the banks of the Arkansas River.

A fireworks display will conclude the July 4 event, but the 56th Mt. Nebo Chicken Fry Sept. 17 will continue the yearlong celebration. For more information, call 479-229-4500 or fax 479-229-4804.

## Morrilton

(Continued from page 25)

Eight officers now are in the Morrilton Police Department reserve program, and three officers are in the police academy; all three of these officers were promoted to full-time status from the reserves.

Having a reserve program at the department has given the department the ability to train local people and watch them to help determine what kind of officers they will be. The reserve program also allows the Morrilton Police Department to have officers who the department can call in a crisis situation. Although the initial cost to implement the program was substantial, the return for the department has been invaluable. 

## Obesity

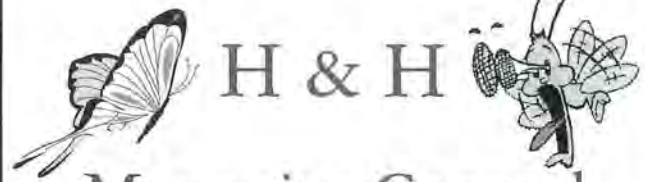
(Continued from page 33)

For example, Pennsylvania Governor Ed Rendell created a statewide Supermarket Initiative to support development of supermarkets and other fresh-food retailers in underserved, disadvantaged urban and rural communities throughout Pennsylvania that lack adequate access to supermarkets.

The community design and land use decisions we make in our cities can re-engineer physical activity back into our daily lives, which would be a big step toward curbing childhood obesity as well as creating lively, attractive places in which to live.

For more information contact Keshia Crosby at 202-626-3074 or [fellow@nlc.org](mailto:fellow@nlc.org), or visit [www.nlc.org/iyef](http://www.nlc.org/iyef) and click on the program areas section.

*Charles Royer is director of the Robert Wood Johnson Foundation's Urban Health Initiative, and a member of the Institute of Medicine's Panel on Prevention of Obesity in Children and Youth. He was mayor of Seattle from 1979-1991 and was NLC President in 1983.*



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# Health grants available to city, local governments

With tighter state and federal budgets, along with increased financial pressures on municipalities, more communities are looking for grants to fund public health projects

By Elaine Wootten



Wootten

**F**inding sources of grant money does not have to be a tricky process if you know where to look. The Internet can prove an invaluable resource to find funding for projects that can improve the public health and quality of life in a community.

Hundreds of governmental and private organizations have grant funding available, but subscribing to a few no-cost databases on the Internet will make searching easier.

Many grants are available through the federal government. Go to <http://grants.gov> and click on *Find Grants Opportunities*; select *Register for E-mail Notification of Grant Opportunities*.

After entering an e-mail address, click on *Selected Interest and Eligibility Group*, and enter the types of funding of interest. Choosing categories such as community development, disaster prevention and relief, environment, food and nutrition and health will ensure receiving information on a variety of public health grants.

On the same page under *Select Eligible Applicants*, enter your type of government organization to receive only those notices for which you are eligible. A recent example announced grants available through the Environmental Protection Agency for educating children and parents about asthma and environmental triggers in the home. County and city governments were eligible to apply for the grant.


Another good site is The Foundation Center, a clearinghouse for information on philanthropic programs and the grant-seeking process. Go to <http://fdncenter.org> and select *Philanthropy News Digest*, then the *RFP Bulletin*. At the bottom of the page, enter an e-mail address to subscribe, and bulletins of new request for proposal announcements will be sent regularly. A handy feature of this site is the list of categories that makes it easier to find a particular type of funding, and the *Community* category may be especially helpful. For example, The Foundation Center's e-mail announcements recently included grants available to communities for purchasing fire department equipment.

Check out other public health-related categories

such as aging, children and youth, disabilities and substance abuse. One of the best sources for Arkansas organizations and communities is the Arkansas Department of Health. Jacqueline Gorton, a community development specialist for the department, regularly researches, compiles and e-mails a list of current funding opportunities to interested subscribers. To subscribe, send an e-mail to: [jgorton@healthyarkansas.com](mailto:jgorton@healthyarkansas.com), or visit [www.healthyarkansas.com](http://www.healthyarkansas.com) each month and click on *Hometown Health*. This list can be found under *Resources*.

Many large employers have charitable foundations that make grants in communities where they have offices, plants or other interests. The Entergy Charitable Foundation, for example, assists communities in which Entergy has operations and can be found at [www.entergy.com](http://www.entergy.com). Select the *In the Community* tab at the top of the page, and then *Corporate Giving* for a summary of opportunities and guidelines for application. A number of Entergy's efforts are public health focused, such as community improvement and enrichment, healthy families and environmental stewardship. Check with other large employers or branches of large companies with a local presence to see if that organization makes grants.

Depending on the type of grant, funders often like to see applications that reflect a community effort. A local government could team up with organizations such as the local health department, the nearest hospital, agricultural extension service, chamber of commerce, educators or others with public health interest. This will show a panel of grant reviewers that the community is invested in the project. Finally, those interested in honing their grant-writing skills should consider attending training such as the excellent session offered by The Grantsmanship Center, ([www.tgci.com](http://www.tgci.com)) at the United Way of Pulaski County on Sept. 26-30, 2005.

Elaine Wootten is Assistant Dean of the College of Public Health, University of Arkansas for Medical Sciences Instructor, Health Policy and Management Department. 











# Arkansas Municipal League Municipal Legal Defense Program

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## NEWSLETTER

JUNE 2005

### Random selection process must be more than just random

Employers must do more than draw names out of a hat blindly to select employees for drug tests. According to §382.305 (j)(1) in Federal Regulations, "The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' social security numbers, payroll identification numbers or other comparable identifying numbers."

We encourage employers to read the regulations and to proceed with a legally defensible random selection process that is also considered fair and equitable to your employees. If you need assistance with this service, please contact Angie Abshire at 501-376-9776.

### MDMA/ecstasy carries complex consequences

MDMA (also known as ecstasy or X) is a complex drug that defies simple classification. Its chemical structure bears similarities to both the stimulant methamphetamine and the hallucinogen mescaline.

As a result, it can produce both stimulant and psychedelic effects. Research has shown that, in addition to euphoric effects, MDMA can lead to disruptions in body temperature and cardiovascular systems.

Environmental conditions, such as extremely high temperatures found at many dance venues, and the drug's stimulant effects can increase the severity of these symptoms. This combination can lead to hypothermia and heart or kidney failure. MDMA also appears to produce long-term deficits in memory and cognitive skills.

*(To help employers learn about illegal drugs, here is a brief discussion of a few, along with their effects.—editor)*

### LSD, PCP and related drugs produce profound effects

Lysergic acid diethylamide (LSD) is a hallucinogen, which causes hallucinations and profound distortions in a person's perception of reality. This experience can be called "a trip." LSD is the most potent mood and perception-altering drug known and, unfortunately, is the most widely used hallucinogen. Other hallucinogens, including mescaline, psilocybin and ibogaine, have actions and effects similar to those of LSD. For more information on these drugs and others, visit [www.drugabuse.gov](http://www.drugabuse.gov).

Physiological effects of LSD include increased blood pressure and heart rate, dizziness, loss of appetite, dry mouth, sweating, numbness, nausea and tremors; while emotional effects include rapid shifts through a range of fear to euphoria, so the user seems to experience several emotions simultaneously.

Drugs such as phencyclidine (PCP) and ketamine were initially developed as general anesthetics. They

distort perceptions of sight and sound and produce feelings of detachment but do not typically produce hallucinations.

The effects of PCP and ketamine are felt within minutes of ingestion, may last for several hours and are unpredictable. PCP, at low doses, has physiological effects, which may include shallow, rapid breathing, increased blood pressure and heart rate and elevated body temperature. At higher doses, dangerous changes can occur in blood pressure, heart rate, respiration, nausea, blurred vision, dizziness and decreased awareness of pain.

Ketamine is available illegally in powder or pill form and is odorless and tasteless, induces amnesia and cannot be detected in beverages. It may be used in sexual assaults, often referred to as "drug rape." Ketamine is used in veterinary medicine, thus making those facilities a target for burglaries.

# 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](http://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
February	\$35,409,849	\$36,460,184	\$71,870,033	\$67,041
March	\$28,227,748	\$30,270,548	\$58,498,296	\$28,905
April	\$29,312,091	\$31,468,136	\$60,780,227	\$122,149
May	\$31,526,209	\$33,148,164	\$64,674,373	\$30,300
<b>Total</b>	<b>\$154,219,376</b>	<b>\$162,746,962</b>	<b>\$316,966,338</b>	<b>\$274,417</b>
Averages	\$30,843,875	\$32,549,392	\$63,393,268	\$54,883

## 2005 Elections

**FORT SMITH, May 10.**  
 Passed. Continue 1¢.  
 For: 3,653 Against: 1,155

**LAWRENCE CO., May 10.**  
 Passed. Continue .5¢.  
 For: 694 Against: 205



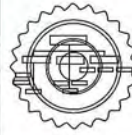
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# MUNICIPAL MART

**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 OFFICER**—Marmaduke (Greene County) is taking applications for police officer. Certified applicants only requested. Marmaduke City Hall, 800-597-2753, for information, or mail resume to Marmaduke Police Dept., P.O. Box 208, Marmaduke AR, 72443, ATT: Chief Steve Franks

**CERTIFIED POLICE OFFICERS**—Forrest City Police Dept. seeks certified officers. Good salary, benefits inc. paid holiday, health, dental, eye insurance, retirement, 3 wks paid vacation and LOPFI. Minorities and veterans strongly urged to apply. Call 870-633-3434 for more information or send resume and copies of certification to Chief's Office, c/o Forrest City Police Dept., 225 N. Rosser St., Forrest City, AR 72335. EOE.

**POLICE OFFICER**—Allport (Lonoke County) is seeking a full-time officer. Please mail resume and certifications to: Allport Police Department P.O. Box 58, Humnoke, AR 72072.

**PLANNING TECHNICIAN**—Bentonville is taking applications for entry level Planning Technician. Hiring sal. range \$13.73/hr-\$16.82/hr DOE. Performs professional planning work on variety of assignments, include. research, assisting with coordination and implementation of development programs, plan review, site inspections, report writing, comprehensive plan prep. Requires Bachelor's degree in Planning or related or 3 yrs directly related work exp.; strong oral and written communication skills, and computer skills in Word and Excel. ACAD exp. helpful. Applications just inside City Hall front door and City website, [www.bentonville.com](http://www.bentonville.com). Completed application or resume can be faxed to 479-271-3105 or mailed to City of Bentonville, Attn: HR, 117 West Central, Bentonville, AR 72712. EOE

**WASTEWATER OPERATOR**—Sulphur Springs is accepting applications for a wastewater operator. Qualifications include: Class II Waste Water license, supervisory, administrative and general operations of city water/sewer facilities. Exp. pref., not req. Benefits include health, dental, paid vacations, sick leave and holiday pay. Send resume to: City of Sulphur Springs, P.O. Box 145, Sulphur Springs, AR 72768 or fax 479-298-3515.

**ENGINEER**—Jonesboro is accepting resumes for Civil Eng. Responsibilities: analyze reports, maps, drawings, tests

and aerial photos on soil comp., terrain, hydrological characteristics and other topo and geologic data to plan, design projects; calculate project costs, prepare or direct prep of reports, specs, plans, environmental studies and designs for projects. Exp. req. in construction projects such as sewer, streets and drainage with emphasis on hydrology. Bachelor's degree in CE and 6-10 yrs. exp. req. Registered Prof. Eng. in Ark. or able to acquire registration. Send resume with sal. history to City of Jonesboro, Human Resources Director, 515 W. Washington, Jonesboro, AR 72401 or e-mail [shackney@jonesboro.org](mailto:shackney@jonesboro.org). Resumes accepted until position filled. EOE.

**POLICE OFFICER**—Mountain Pine (Garland County) is accepting applications for a police officer. Certified applicants are requested. Contact Chief Robert C. Jester for info., 501-760-1319.

**WATER/SEWER OPERATOR**—Coal Hill is taking applications for a Water/Sewer operator. Need to have water distribution license. City of Coal Hill, P.O. Box 218, Coal Hill, AR 72832. Call 479-497-2204, Fax 479-497-1000.

**WASTEWATER FOREMAN**—Bentonville is accepting applications for operations foreman, Wastewater Treatment Plant. Sal. \$30,410-\$37,253 DOE. Responsibilities: the supervision of 7 employees in plant op. and management of associated equip., vehicles, bldgs. App. must hold current Ark. Class 3 Wastewater license or equiv. Previous exp. with Activated Sludge, Nitrate-Nitrite and Phosphorus removal required. Must have instrumentation knowledge, good computer skills. App. available at [www.bentonville.com](http://www.bentonville.com), or City Hall. Completed app. or resumes faxed to 479-271-3105 or mailed: City of Bentonville, Attn: Human Resources, 117 West Central, Bentonville, AR 72712. EOE.

**POLICE OFFICER**—Fordyce seeks cert. apps. for police officer. Good sal. and benefits inc. paid holidays, health, dental, 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](mailto:cityoffordyce@alltel.net)

**POLICE OFFICER**—Holly Grove is accepting applications for full or part time police officers. Cert. is preferred but not required. Sal. DOQ. Contact Chief Owens at 870-462-8008 or 462-3422.

**ROAD GRADER**—New Holland RG 140 articulated road grader. Hour meter reads 385.7 hours. Price: \$58,000. Contact the City of Berryville at 870-423-4414 or [mayortim@alltel.net](mailto:mayortim@alltel.net).

**STREET SWEEPER**—Diamond City offers for sale a Tennant Street Sweeper, 1993 Model 830 with 1,379 mi., four-wheel steering, dust control, vacuum and vario sweeping brush. Call Howard Lohman, 870-422-7177, 6:30-10:30 a.m.

**FOR SALE**—High Thrust US Electric Motor; Frame 326 TP WPI 50 HP; Type RU 1770 rpm; ID# R-6232-05-036 R322 2480. Also Volute + Well Suction Pipe. Call City Lonoke, 501-676-2422 or 501-266-0018.

**FOR SALE**—1989 Chevy utility/rescue truck. Body extra good condition, tires fair, drives excellent; \$6,975; 38,000 mi.; Tuckerman Fire Dept. on Main St., Mayor Gerald Jackson at 870-349-5313; P.O. Box 1117 Tuckerman, AR 72473.

**AMBULANCE FOR SALE**—Huntington (Sebastian County) has a 1994 van-type ambulance for sale. Bids may be sent to P.O. Box 27, Huntington, AR 72940. Or contact Fire Chief Gary Lawrence, [huntingtonfire@valueinix.net](mailto:huntingtonfire@valueinix.net).

**FOR SALE**—Cave City selling tri-axle trailer, \$800; 1990 white, 6 cyl. Dodge PU. automatic, \$2,000; 250 gal. diesel tank w/ pump, \$250; and 3-phase well pump. Call 870-283-5455.

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

**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.

**PUMPER FOR SALE**—1974 Ford, Model: C756F, Howe Conversion, 750 GPM Waterous Pump tested in '04, 2 Booster Reels and Nozzles, Ladders, Hard Suction, Power Steering, less than 12,000 mi, \$4,500. Call Harrell Town Hall, 870-798-2929.



## 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:

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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.

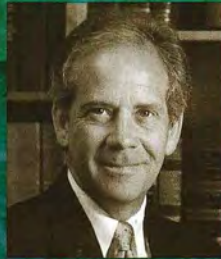
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Morgan Stanley	677.5	9
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South Central Region: Arkansas, Alabama, Kentucky, Louisiana, Mississippi and Tennessee

Source: Thomson Financial Securities Data Company  
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## Experience – Arkansas’ Municipal Finance Group



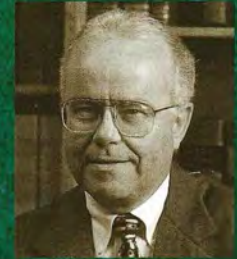
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