

City & Town

NOVEMBER 2015 VOL. 71, NO. 11

THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



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Springdale for 2015 Fall Conference!
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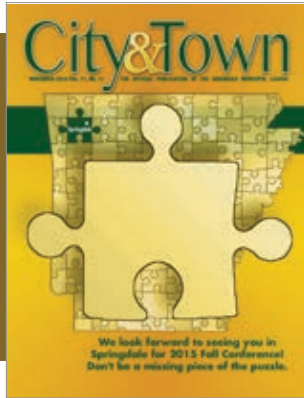
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Cover design by Mark Potter

ON THE COVER—This year is unique for the League in that the Fall Conference, Dec. 2-4 in Springdale, will be our third major event in 2015. It'll be a conference full of valuable information for our cities and towns as we prep for next year, the upcoming fiscal session of the Arkansas Legislature, look at national issues affecting municipalities, and more. Don't be the missing piece of the puzzle. See inside for registration information. Read also about our 2015-2016 League District 3 Vice President, Prairie Grove Mayor Sonny Hudson; advice on cell tower leasing; insight into the Driver's Privacy Protection Act; a very important reminder about IRS reporting requirements regarding the ACA; and much more.—atm

Features

- 6 District 3 VP proactive in Prairie Grove**
Thanks to a philosophy of being proactive rather than reactive, Prairie Grove has been able to handle the growth the city has seen with success and provide outstanding amenities to its residents along the way
- 20 Courts split on Drivers' Privacy Protection Act**
When it comes to what information is protected in accident reports under the new Driver's Privacy Protection Act, the courts have not yet settled on the approach law enforcement agencies should take.
- 24 Ghana revisited**
The League's president and first vice president took a trip to Ghana's Volta Region in October to build upon our growing relationship with the region.
- 40 Deadlines for ACA reporting requirements approaching**
Cities, whether employing more than 50 or fewer, must be ready to report to the IRS in 2016 under the Patient Protection and Affordable Care Act, or face stiff penalties.

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www.arml.org

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Dear Friends and Colleagues,
November is a time of thanksgiving and a great time to reflect on what we are truly thankful for. I personally am very thankful to represent, not only a great city, but also a great state. From the League's perspective, there are 501 blessings across Arkansas. I encourage you to take some time to slow down and count the blessings that are around you during the holiday season.



I am also thankful for the opportunity to represent the Arkansas Municipal League and Arkansas recently in Ghana, West Africa. I am excited about the relationships that were established and the great opportunities to share ideas on trade and infrastructure that could make a great economic development impact. Stephens Mayor Harry Brown and I look forward to sharing more information about this trip at the upcoming Fall Conference, Dec. 2-4 in Springdale. If you are interested in learning more about Sister Cities International, please contact Sherman Banks, whose information is posted on the League website, www.arml.org.

You were recently sent the 2015 Municipal Infrastructure survey. The information collected from this survey is vital to know the specific infrastructure needs for the cities and towns in Arkansas and the dollar amount associated with those needs. If you missed the October 30 deadline, please submit your survey response as soon as possible.

It will soon be time to publish the *2016 Directory of Arkansas Municipal Officials*. You will be receiving a memo requesting updated information from your city. Please respond with your information in a timely manner so the League can have their database as up-to-date as possible.

I encourage each of you to register for and attend the Fall Conference, our third major conference this year. There are many important sessions that are being presented at this conference that are geared toward equipping municipal officials and personnel to better serve our citizens. I trust that my friend, Mayor Doug Sprouse, and the City of Springdale will be great hosts and I look forward to spending some time visiting the Northwest Arkansas area.

Sincerely,

A handwritten signature in blue ink that reads "Rick Elumbaugh". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rick Elumbaugh
Mayor, Batesville
President, Arkansas Municipal League

ARKANSAS MUNICIPAL LEAGUE OFFICERS

Mayor Rick Elumbaugh, **Batesville** President
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It's been a blessing to have a state park that brings visitors to Prairie Grove, Mayor Sonny Hudson says.

PHOTOS BY ANDREW MORGAN.

League District 3 VP proactive in Prairie Grove

By Andrew Morgan, League staff

Prairie Grove Mayor and 2015-2016 League District 3 Vice President Sonny Hudson was born in Springfield, Mo. His father was a truck driver and the family moved to Springdale when Sonny was nine. He finished school there and went to work for Arkansas Western Gas, where he worked for the next 35 years.

Hudson started out as a meter reader, then became a service manager, and in 1980 he became operations manager in Prairie Grove and moved to the city that's been his home ever since. When Western Gas closed that office, he became assistant operations manager at the Fayetteville office and then moved into marketing as they were trying to sell the company. When Source Gas took over, he and some of the other old guard retired.

The retirement came a little earlier than he would've liked, Hudson says, but it worked out all right. His wife, Becky, works for the school district in the superintendent's office. His son, Derek, graduated high school in Prairie Grove and then the University of Arkansas and is now a captain with the Springdale Police Department. Hudson, himself a certified police officer, worked part-time as a sergeant for the Springdale PD for 10 years while working for the gas company.

It was his experience as an officer that prompted city officials to first approach him about filling a vacancy on the city council. He ended up serving as an alderman for 13 years, and when the mayor moved out of town, he decided to run for that office. Now in his fifth term, Hudson holds the record as Prairie Grove's longest serving mayor.



Prairie Grove's historic downtown is a well-known antiques destination.

"We've come a long way in that time," he says. "I didn't really have any intentions of being mayor or an alderman until they came to me. But once I got into it, I was there."

The city's population was about 2,540 when Hudson became an alderman. The 2010 Census put it at 4,426, but the city has definitely topped 5,000 since then, he says.

Under his leadership, the city's priority has been not just to keep up with growth, but to anticipate future needs and stay a step ahead. As such, he has overseen the growth of the city's public safety departments, a new aquatic center and baseball fields, a new water treatment plant, new water and sewer lines, and more.

"It's always been my motto that we are proactive and not reactive."

He credits his city council for making that a priority as well.



Few cities of Prairie Grove's size can boast an aquatic center, which proved more cost-effective than a traditional municipal pool.

"We try not to wait until an emergency to get things done."

Hudson says he gets calls from other small cities all the time inquiring as to how a city of Prairie Grove's size has acquired amenities such as the aquatic park, ball fields, and skate park.

"I try to explain to them that you don't give up. You just go out there and hunt for grants, talk to folks, go before chamber meetings, and you sell it."

The city has also been able to give City Hall, their police department, and other departments better accommodations over the years. The police department and district court used to be in an old building that had served, among other things, as a chicken hatchery and a shop that built drag racers, one of which won Grand Nationals years ago, the mayor says. City Hall, similarly, was housed in an old cinder block machine shop off of downtown. The city was looking for new homes for their offices when a local bank approached them with a property right across from the Prairie Grove Battlefield State Park. It included a small, strip-mall style batch of storefronts that became the new police station and a former insurance/realty office that has made an excellent new City Hall. And from the mayor's office he can look across the field where the historic Battle of Prairie Grove took place during the Civil War.

The new Highway 62 bypass went in more than a year ago, and there was some concern, especially among downtown's thriving antique shops and other businesses,



Public Works Director Larry Oelrich estimates that more than \$100,000 of exercise equipment has been donated to the city, which is now used by city employees and their families and is an example of how Prairie Grove has found thrifty ways to provide excellent amenities.

that it would mean less traffic for them. The fears thus far have proven unfounded, the mayor says.

"We're working on way finder signs and anything we can to get folks directed to historical downtown. But it turns out that since the highway has opened, we have had a continuous rise in our sales tax. We have had record amounts."

There's probably only one empty storefront in the downtown area, he says.

The building may have slowed down during the recession, but it never stopped in Prairie Grove, Hudson says. The schools have continued to grow, and new subdivisions continue to grow on both the east and west sides of town.

Prairie Grove may be a bedroom community for some of its citizens, but the city is home to several successful mid-size employers, particularly at its thriving industrial park. Anchored by longtime business Arkansas Galvanizing, the park also features Specialty Fasteners, a maker of the types of nails used in nail guns; Polytech Plastic Molding, which recently secured a major order from Walmart to make specialty plates that hold tacos; Ozark Delight Candy Company; and Arkansas Wind and Solar.

The Prairie Grove Battlefield State Park has been a great amenity to have in town, Hudson says. Re-enactments are held every other year, and the park brings thousands of visitors from across the world every year, and those tourists spend money in Prairie Grove, he says.

"That's been a very big part of our history, and we've done a lot to protect it."

Hudson again reiterates how important it is for cities to be proactive and not reactive, especially when faced with expensive challenges like upgrading water infrastructure. It's easy to look at paying \$3 million for a new water treatment plant and think it's impossible to get there, he says.

"It's easy to say I don't want to do it and put it off. But it can get to a point where \$3 million is \$6 million or \$9 million. But we stick with it and get to that next step."



Arkansas Wind and Solar's windmill is a landmark at the city's thriving industrial park.



Bentonville's hands-on Amazeum open for play and learning



PHOTOS BY ANDREW MORGAN.

The Scott Family Amazeum, an interactive space for play and learning aimed at children and families, opened in July in Bentonville near the entrance to the Crystal Bridges Museum of American Art. The \$21.5 million 50,000-square-foot space offers hands-on activities and sponsored themed exhibits, such as a Hershey's chocolate-making science lab and a Sponge Bob Square Pants play area. It's all designed to allow children to make, question, create, climb, interact, and learn. The Scott family, for whom the Amazeum is named, includes former Walmart CEO Lee Scott.

According to Marketing Manager Dana Engelbert, the Amazeum has already had more than 100,000 guests since opening this summer.





Frank Lloyd Wright's Bachman-Wilson House moves to Crystal Bridges

A house that architect Frank Lloyd Wright designed for a New Jersey couple more than 60 years ago has been painstakingly reassembled on the 120-acre campus of the Crystal Bridges Museum of American Art in Bentonville. The Bachman-Wilson house now sits among the lush trees overlooking Crystal Spring, which runs through the wooded park that surrounds the museum. The house opened to the public this month and is the first Wright house in Arkansas.

Gloria Bachman and Abraham Wilson in 1954 called on Wright to design a home for them on the lot they had purchased on a tributary of the Raritan River in Millstone, New Jersey. The house was completed in 1956, three years before Wright's death at age 91.

The 1,700-square-foot Bachman-Wilson house is built in his "Usonian" style, designed for affordable, middle-class living and featuring concrete block masonry, floor-to-ceiling glass on the backside, and a cantilevered balcony.



PHOTOS BY ANDREW MORGAN.

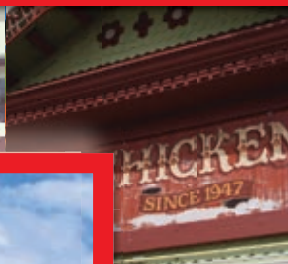
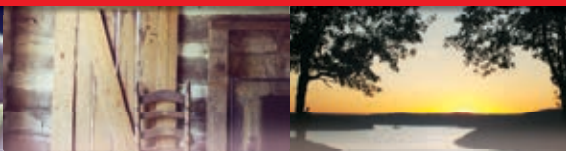
The house changed ownership several times over the years and fell into a period of neglect. Several damaging floods as the result of Hurricanes Floyd and Irene prompted owner Lawrence Tarantino to sell the house, stipulating that it be moved and reassembled somewhere out of harm's way. The forested campus of Crystal Bridges seemed like a perfect spot, and Alice Walton



agreed. The museum purchased the house in 2011 and began the process of moving and rebuilding.

The Bachman-Wilson house opened officially on Nov. 11 and access to the house, like the rest of the museum, is free. A short walk from the house, an interpretive kiosk designed by students of the Fay Jones School of Architecture at the University of Arkansas in Fayetteville, tells Wright's story and the story of the house and its journey to Bentonville.

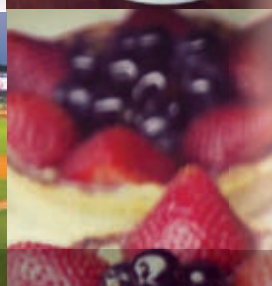
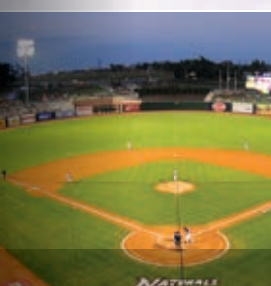
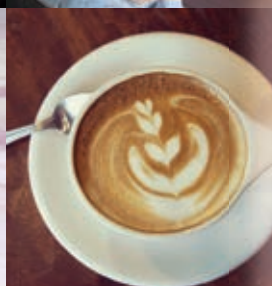




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Mayor Doug Sprouse

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www.SpringdaleAR.gov

Arkansas Municipal League
2015 Fall Conference

Dear Municipal League Friends,

When it comes to getting things done, Springdale has few peers. It is with that spirit that we are excited about rolling out the red carpet and serving as the host city for an event as prestigious as the 2015 Arkansas Municipal League Fall Conference.

While you are here, we hope you'll take the opportunity to explore some of what makes our city such a wonderful place to live and work. We're proud to be the "Poultry Capital of the World," with Tyson Foods and George's Inc. headquartered here.

We're home to The Jones Center, a one-of-a-kind family recreational, educational, and social center that is the premier facility of its kind in mid-America. Our award-winning Arvest Ballpark is home to the Texas League's Northwest Arkansas Naturals and one of only 30 Class AA ballparks in the nation.

Soon, we will be home to a new Arkansas Children's Hospital – a 225,000 square foot facility that will advance the healthcare of thousands of children in our region.

Please take the time to explore our city including one of our many locally-owned restaurants just minutes from the Northwest Arkansas Convention Center. Save time in your busy schedule to sample one of our homemade fried chicken, Italian, Mexican, Japanese, or Indian dinners.

Most importantly, I hope you'll have fond memories of Springdale and will return again soon!

Sincerely,

Mayor Doug Sprouse
City of Springdale

TENTATIVE 2015 Fall Conference

WEDNESDAY - DECEMBER 2

1:00 P.M. - 6:45 P.M.

REGISTRATION....Rogers, Bentonville, & Fayetteville Rooms, Holiday Inn

1:00 P.M. - 7:00 P.M.

VISIT WITH GOVERNMENTAL

AGENCIES Hall I, NWA Convention Center

Governmental agencies have been invited to exhibit in Hall I. Drop by during the breaks and exhibit hall hours to visit with them about services their agencies might offer to your municipality

3:00 P.M. - 6:00 P.M.

RESPECT AND UNDERSTANDINGArkansas Ballroom, Holiday Inn

Understanding societal changes including demographic, racial, generational and gender issues can pose challenges to today's city officials. Unless we respect and understand all groups of people that make up our citizenry then we will run the risk of confrontation and violence that we have seen in several cities across the country. AML Staff, Police Chiefs and elected officials share with us some of their experiences with respect and understanding in the cities they serve. (3 Continuing Education Hours)

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

RESPECT AND UNDERSTANDING

Speaker: Ken Wasson, Director of Operations
Arkansas Municipal League

CULTURAL AWARENESS

Speaker: David Baxter, Health and Safety Coordinator
Arkansas Municipal League

ENFORCING THE LAW AND EARNING RESPECT

Speakers: Police Chief Percy Wilburn
Lake Village
Police Chief J.R. Wilson
Hope
Police Chief Mike Davis
North Little Rock

PANEL DISCUSSION: RESPONDING TO DEMOGRAPHIC CHANGES

Speakers: Mayor Billy Ray McKelvy
De Queen
Mayor Larry Bryant
Forrest City
Mayor Doug Sprouse
Springdale

7:00 P.M. - 8:30 P.M.

OPENING NIGHT BANQUET Hall IHV, NWA Convention Center

Join us for our Opening Night Banquet. We will recognize the 2015 City of Distinction Award winners and this year's Certified Municipal Officials. Our after dinner speaker is Arkansas' own Nate Miller from Jonesboro who will share with us his ideas on leadership and loyalty.

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

Invocation: Judy Stafford Van Hoose, Pastor of Congregational Care
First United Methodist Church

Awards Presenter: Arkansas Business Publishing Group

Speaker: Nate Miller
Professional Speaker, Author and Consultant

8:30 P.M.

PRESIDENT'S POST BANQUET

RECEPTIONArkansas Ballroom, Holiday Inn

After the Opening Night Banquet walk over to the Holiday Inn for desserts, beverages and entertainment.

THURSDAY A.M. - DECEMBER 3

7:15 A.M. - 5:00 P.M.

REGISTRATION....Rogers, Bentonville, & Fayetteville Rooms, Holiday Inn

BREAKFAST ON YOUR OWN

Breakfast is on your own. Each hotel is providing complimentary breakfast to each hotel guest.

7:30 A.M. - 7:45 A.M.

VOLUNTARY PRAYER SESSION.....Ozark Room

A time to gather and pray for those who lead our nation, state and municipalities.

Presiding: Alderman Beth White, North Little Rock

7:30 A.M. - 4:30 P.M.

VISIT WITH GOVERNMENTAL

AGENCIES Hall I, NWA Convention Center

9:00 A.M. - 10:00 A.M.

OPENING GENERAL SESSION.....Arkansas Ballroom, Holiday Inn

The Winter Conference officially begins with the Presentation of Colors and the singing of the National Anthem. This will be followed by welcome remarks from our host city Mayor Doug Sprouse. We will then hear from Tyson President & CEO Donnie Smith.

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

Color Guard by: Springdale Fire Department Honor Guard

Singing the National Anthem: Daystar Quartet

Speaker: Donnie Smith, President & CEO
Tyson Foods, Inc.

10:00 A.M. - 10:30 A.M.

BREAK Hall I, NWA Convention Center

10:30 A.M. - 11:30 A.M.

GENERAL SESSION II,

THE FUTURE OF ARKANSAS HIGHWAYS AND THEIR IMPACT ON ECONOMIC DEVELOPMENT.....Arkansas Ballroom, Holiday Inn

This morning we have several prominent speakers who will enlighten us on their perspective of the future of Arkansas highways.

Presiding: Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League

Speakers: Gard Wayt, Executive Director
I-49 International Coalition
Dick Trammel, Chairman
Arkansas State Highway Commission
Mayor Mike Gaskill, Paragould
Chairman of Arkansas State Aid City Street Program
Steve Napper, Attorney
Arkansas State Aid City Street Program

11:30 A.M. - NOON

SISTER CITIES UPDATE:

REPORT FROM GHANAArkansas Ballroom, Holiday Inn

In September, our AML League President and First Vice President traveled with a group to Ghana where they participated in an exchange of ideas with the Ghanaian officials who attended our 2015 Annual Convention. They will report to the group about their experience in Ghana.

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

Speakers: Sherman Banks, Past President
Sister Cities International
Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League
Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League

THURSDAY P.M. - DECEMBER 3

NOON

VOLUNTEER COMMUNITY OF THE YEAR AWARDS LUNCHEON.....Hall IHV, NWA Convention Center

The 2015 Community of the Year Award winners will be recognized.

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

Invocation: Rev. Ronnie Floyd, Cross Church
Springdale

Speaker: Lieutenant Governor Tim Griffin (Invited)

2:00 P.M. - 2:30 P.M.

THE ARKANSAS BICYCLE AND PEDESTRIAN AND TRANSPORTATION PLAN UPDATE.....Arkansas Ballroom, Holiday Inn

Spokespersons from this group will update us on recent events and future plans for Arkansas Bicycle and Pedestrian usage.

Presiding: Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League

Speakers: Leesa Freasier, Healthy Community Domain Lead
Arkansas Department of Health
Virginia Porta, P.E. Multimodal and Project Planning
Arkansas State Highway and Transportation
Department

2:30 P.M. - 3:15 P.M.

NEW COURT RULINGS: WHAT CITY OFFICIALS NEED TO KNOW.....Arkansas Ballroom, Holiday Inn

New Supreme Court rulings on sign codes, cell phone towers and same sex marriages are a few of the recent court decisions that could impact Arkansas municipalities. The AML Legal Staff explains.

Presiding: Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League

Speakers: AML Staff

3:15 P.M. - 3:30 P.M.

BREAK Hall I, NWA Convention Center

3:30 P.M. - 4:15 P.M.

PROPOSED CONSTITUTIONAL AMENDMENTS AND BALLOT ISSUESArkansas Ballroom, Holiday Inn

There will be three Constitutional Amendments on the ballot and perhaps other ballot proposals. Invited speakers will explain the amendments and ballot proposals.

Presiding: Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League

Speakers: TBA

4:15 P.M. - 5:00 P.M.

ONLINE EDUCATION AND HEALTHY CITIESArkansas Ballroom, Holiday Inn

Online education could be beneficial to the citizens of your municipality, as well as knowledge about becoming a healthy city.

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

Speakers: Dr. Michael Moore, Vice President for Academic Affairs
University of Arkansas System
David Baxter, Health and Safety Coordinator
Arkansas Municipal League

5:30 P.M. - 7:00 P.M.

RECEPTIONThe Jones Center

Our Host City, Springdale, is sponsoring a reception at The Jones Center. Transportation will be provided.

DINNER ON YOUR OWN

FRIDAY - DECEMBER 4

7:15 A.M. - NOON

REGISTRATIONRogers, Bentonville, & Fayetteville Rooms, Holiday Inn
BREAKFAST ON YOUR OWN

9:00 A.M. - 9:45 A.M.

UPDATE FROM WASHINGTON, D.C.Arkansas Ballroom, Holiday Inn

We have invited Senator John Boozman to give an update on several of the important happenings affecting municipalities occurring in Congress.

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

Speakers: U.S. Senator John Boozman (Invited)

9:45 A.M. - 10:00 A.M.

BREAK Hall I, NWA Convention Center

10:00 A.M. - 10:30 A.M.

PREPARING FOR 2016:
IMPORTANT REMINDERSArkansas Ballroom, Holiday Inn

In just a few weeks you will begin a new year of city service. This session is designed to remind you of a few of the important tasks that you need to do as you begin the new year.

Presiding: Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League

Speakers: AML Staff

10:30 A.M. - 11:00 A.M.

UPDATE FROM WASHINGTON, D.C.Arkansas Ballroom, Holiday Inn

Presiding: Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League

Speaker: U.S. Congressman Steve Womack

11:00 A.M. - NOON

THE VOICE OF EXPERIENCE: VETERAN CITY OFFICIALS SHARE FROM THEIR TIME IN OFFICEArkansas Ballroom, Holiday Inn

Veteran city officials have experienced surprises, disappointments, success and failures. With each experience, lessons are learned. A panel of AML officers shares their experiences.

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

Speakers: Alderman Sammy Angel, Lake Village
Vice President, District 1, Arkansas Municipal League
Mayor Joe Smith, North Little Rock
Vice President, District 2, Arkansas Municipal League
Mayor Harry Brown, Stephens
First Vice President, Arkansas Municipal League
Mayor Frank Hash, El Dorado
Vice President, District 4, Arkansas Municipal League

NOON

CONCLUDING REMARKSArkansas Ballroom, Holiday Inn

Presiding: Mayor Rick Elumbaugh, Batesville
President, Arkansas Municipal League

NOON

LUNCHEON BUFFETArkansas Ballroom, Holiday Inn

Before you head home, join us for a buffet in the Arkansas Ballroom.

NOTICE TO ALL CITY ATTORNEYS

The Arkansas City Attorney Association's (ACAA) Fall CLE will NOT be held in conjunction with the Arkansas Municipal League's 2015 Fall Conference, Dec. 2-4 in Springdale.

However, the ACAA will hold its Winter CLE program Friday, Jan. 29, 2016, at the League's North Little Rock headquarters. As in the past, the ACAA Winter CLE will consist of six hours of CLE, including one hour of Ethics.



2015 Fall Conference

Holiday Inn & Convention Center Northwest Arkansas, Springdale. December 2-4, 2015.

REGISTRATION

Registration and payment must be received in League office by Monday, November 9, 2015, to qualify for Pre-registration rates.

Registration fee after November 9, 2015 , and on-site registration for municipal officials	\$175
Registration fee after November 9, 2015 , and on-site registration for guests.	\$100
Other registrants.	\$200

- Registration will be processed **ONLY** with accompanying payment in full. Make checks payable to the Arkansas Municipal League.
- Registration includes meals, activities and a copy of **Handbook for Arkansas Municipal Officials, 2015-2016**.
- No daily registration is available.
- Registration must come through the League office. No telephone registrations will be accepted.
- **No refunds after November 9, 2015.**
- Cancellation letters must be postmarked by **November 9, 2015**.

HOTEL RESERVATION

Hotel Room Rates

Holiday Inn (headquarters hotel)		
Single/Double SOLD OUT	\$104	Check-in 3 p.m.
Hampton Inn		
Single/Double SOLD OUT	\$104	Check-in 3 p.m.
Fairfield Inn & Suites		
Single/Double.	\$104	Check-in 3 p.m.
Comfort Suites		
Single/Double.	\$104	Check-in 3 p.m.
Doubletree Club		
Single/Double SOLD OUT	\$104	Check-in 3 p.m.

- Cut-off date for hotel reservations is **November 9, 2015**.
- Rooms in Springdale are subject to an 13.75 percent tax.
- Rooms will be held until 6 p.m. and then released unless guaranteed by credit card.
- Contact the hotel directly to make changes or cancellations in hotel accommodations.
- Hotel confirmation number will come directly from the hotel.
- Please check on cancellation policy for your hotel.

Two ways to register **2**

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

Complete the steps and **mail with payment** to:
 ARKANSAS MUNICIPAL LEAGUE
 Attn: 2015 Fall Conference
 P.O. Box 38
 North Little Rock, AR 72115-0038

Step 1: Attendee Information

Name:.....

Title:..... City of:.....

Address:.....

City:..... State: Zip:..... Telephone:.....

Attendee only email (**required**)..... cc email

Guests will attend: Yes No

Name:.....

Name:.....

Step 2: Payment Information

• **What is your total?** (see opposite page for fees)

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

• **How are you paying?**

Check
 Mail payment and form to:
 Arkansas Municipal League
 2015 Fall Conference
 P.O. Box 38
 North Little Rock, AR 72115

Credit Card Complete information below and send to address above.
 Credit Card: Visa MasterCard Discover
 Card Number: _____ Exp. Date: ____ /20____
 Card Holder Name (as it appears on card):
 Billing address (as it appears on statement):
 City:..... State: Zip:..... Telephone:.....
 E-mail address (**required for credit card payment**)

Step 3: Hotel Reservations

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

- Holiday Inn** **SOLD OUT** Reservations 479-751-8300
- Hampton Inn** **SOLD OUT** Reservations 479-756-3500
- Fairfield Inn & Suites** Reservations 479-419-5722
- Comfort Suites** Reservations 479-725-1777
- Doubletree Club** **SOLD OUT** Reservations 479-751-7200

Special dietary needs:

Gluten free

Vegetarian

Pescatarian

Vegan

Get maximum value for tower leases

By Greg Fender, Local Government Services, LLC

Typically, cellular companies prefer to lease space for their equipment on city property rather than on private property. In most cases, the companies want to lease space on a water tower or a communications tower (e.g., where a city has its 911 operations).

When negotiating a tower lease, city officials should keep several things in mind to get the maximum value in exchange for these companies using the city's property.

Tower leases

- It is not uncommon for the company's initial rent offer to be substantially lower than the market rate and not unusual for initial offers of \$500 per month to be ultimately negotiated to \$2,000 per month or more. Most water tower leases are, at a minimum, in the \$2,000-plus per month range, depending on coverage density and traffic routes.
- Include an inflation escalator clause, ranging from 3-5 percent each year.
- Know the number of antennas and equipment the company wants to attach to the tower before negotiations begin. Do not give the company a general lease to add equipment without city's prior approval and more rent consideration.
- Negotiate for higher compensation for any term longer than the typical five years with two five-year term

extensions. Include an early termination fee if the company removes its equipment before the lease expires.

- Require the company to pay for moving their equipment if the tower needs painting or maintenance. Do not have the city assume the cost.
- Require cellular companies to reimburse the city for any outside expertise used to negotiate the lease.

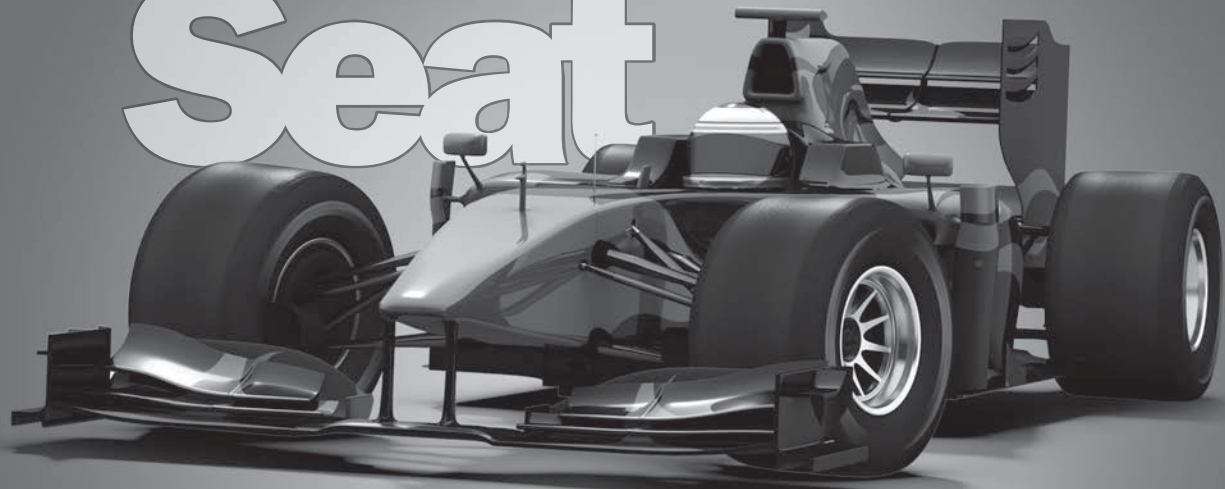
Land leases

- Include a revenue-sharing provision in every land lease as towers are usually constructed with the capacity to add antennas from additional companies on the tower. The provision should require the city's approval for all subleases and provide the city with 20-40 percent of the sublease as collocation revenue.

Occasionally, companies ask for a rent reduction, claiming that technological advances may make the need for your tower obsolete or because of industry consolidation. A more recent trend involves companies offering a lump sum payment in return for the city abating future rent. In most cases, city officials should reject these types of proposals as they are often not in the city's best interest and far below the value cities should receive.

The Arkansas Municipal League has a strategic partnership with Local Government Services, Inc. to provide technical assistance with cable franchise management and tower lease negotiations. For more information, contact Greg Fender with Local Government Services, LLC at 706-482-9933 or email ghfender@windstream.net.

Get in the Driver's Seat



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WHO you gonna CALL?

We don't know either,
without your help. Fill out the
**Directory Information
Request Forms** and
return them to the League by
**Monday,
December 1st.**

Watch for the new Directory
in early 2016.



The deadline for enrollment in
the *Arkansas Municipal League
2016 Municipal Officials and
Department Heads Accidental
Death and Dismemberment Plan*
is **Dec. 31, 2015.**

Contact Tammie Williams at
501-374-3484, Ext. 216, or
e-mail twilliams@arml.org.

Courts split on Driver's Privacy Protection Act and juvenile records

In July of this year the Circuit Court of Pulaski County held that accident reports were not protected by the Driver's Privacy Protection Act (DPPA), and therefore these reports were to be viewed as public records under Arkansas's Freedom of Information Act (FOIA).

The DPPA is a federal law governing the privacy and disclosure of personal information gathered by state departments of motor vehicles. Essentially, the DPPA seeks to protect the privacy of citizens by making sure their personal information—including photographs, social security number, driver's license number, name, address, phone number, and any medical or disability information—remains private. The DPPA protects information collected by an agent, employee, or officer of any department of motor vehicles, and defines a motor vehicle report as “any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles.” However, the DPPA seems to explicitly exclude “information on vehicle accidents, driving violations, and driver's status” from protection.

It is at this point that the law becomes murky. The courts are currently split about how this exclusion should be interpreted. Some hold that it is the information in the report, not the report itself that is exempt from the DPPA. Under this view, any personal information that is gleaned from a department of motor vehicles, even if it appears in a report compiled by an agency other than the department, is protected by the DPPA. For example, when completing an accident report, if an officer were to find some information on a database created by a department of motor vehicles, then that information would fall under the protection of the DPPA and would need to be redacted before the accident report were made available to the public. In these situations, where the information comes from is paramount, and it becomes very important for officers to document information that they obtained from the department of motor vehicles. Under the Arkansas FOIA, on the other hand, accident reports are subject to disclosure with appropriate redactions required by the law.

Conversely, other courts hold that accident reports in their entirety are unprotected by the DPPA because they are not records generated by the Department of Motor Vehicles. The July opinion from the Pulaski

County Circuit Court reflects this approach. Under this view, there is no conflict between the DPPA and Arkansas's FOIA since the DPPA does not protect accident reports. Therefore, the accident reports can be published with the appropriate redactions of information exempted under FOIA and redaction of the personal information of juvenile occupants. Under A.C.A. § 27-53-202, any accident report involving a minor occupant (under 18) must have the minor's personal information—name and address—redacted before it is made available to the public, unless the person requesting the information is (a) the parent, guardian, or legal custodian of the minor, or (b) a representative of an insurance company that insures a person involved in the accident.

Since neither the Eighth Circuit Court of Appeals nor the Arkansas Supreme Court has addressed the question, the law in our jurisdiction remains uncertain at present. As the Arkansas Attorney General has concluded:

I believe it is debatable, in light of the DPPA, whether A.C.A. §§ 27-53-209 and -503 invariably require public disclosure of unredacted accident reports. But the absence of any definitive case law prevents me from opining further on the issue. I will note that the uncertain state of the law may explain any reluctance on the part of custodians to release personal information obtained from the OMV, particularly given the significant potential liability in a DPPA case. I cannot definitively opine, however, on the application of this federal law. It seems the question may ultimately require resort to the courts for resolution. Ark. Op. Atty. Gen. No. 2013-090, at 7 (Jan. 13, 2014) (footnotes omitted).

Hopefully, such a resolution will be forthcoming, as the Arkansas State Police has appealed the decision of the Pulaski County Circuit Court to the Arkansas Supreme Court. The style of the case is *Arkansas State Police v. Daniel E. Wren*, CV-15-828. The legal staff will monitor the progress of this case and will report the results to our members. 🏛️



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Arkansas Municipal League Fall Conference Scholarships Available

The executive committee of the Arkansas Municipal League (AML) voted in 2012 to award two (2) scholarships for registration to the AML Fall Conference. A scholarship will be awarded to one (1) Mayor or Alderman, and (1) City Clerk, Recorder or Treasurer, both of which will enable city officials the opportunity to further their educational training in municipal government.

The Arkansas City Clerk's, Recorders, and Treasurers Association (ACCRTA) agreed to handle applications and the selection process.

Fill out the scholarship application below and return to:

Donna Stewart
City Clerk
City of Camden
P.O. Box 278
Camden, Arkansas 71711

For more information, please contact Donna Stewart at payroll.camden@cablelynx.com, or call 870-836-6436.

Fall 2015 APPLICATION FOR ARKANSAS MUNICIPAL LEAGUE SCHOLARSHIP

I, _____, am a member of the Arkansas Municipal League, and do hereby apply for a registration assistance from AML. (Applicant's city or town must be a member of AML at the time of application).

Name _____ Title _____

Street Address or PO Box _____

City, State, Zip _____

Telephone _____ Date assumed current position _____

Other related experience:

Title	Municipality	Years

Education: H.S. _____ Graduate College (years) _____ Degree _____

Please answer the following questions:

How does your municipality budget yearly for your education? _____

What is your reason(s) for applying for this scholarship? _____

I understand that if a scholarship is awarded to me, it must be used for registration at the AML Fall Conference to be held in December 2-4, 2015, at the Holiday Inn Convention Center in Northwest Arkansas, Springdale and that I must attend all sessions.

Yes _____

If your attendance must be approved by the Chief Executive Officer or legislative body of your city or town, will you be given time to attend the conference? Yes _____ No _____

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

Signature: _____ Date: _____

Deadline to apply is November 30, 2015.

DISCLAIMER:

ACCRTA or AML will not be responsible for applications that are not received by the deadline.

Please feel free to call to verify that your application has been received.

Advertise in the 2016 Directory

The *Arkansas Municipal League Directory* reaches municipal officials and many more. The *Directory* is a working reference of state and federal agencies, legislators, city and town elected and appointed officials, municipal department heads and others. It is a one-stop information guide to all of Arkansas's 501 incorporated cities and towns.

Ad sizes and rates:

Inside back cover—\$2,500
Full page—\$1,500
Half page—\$1,000
Quarter page—\$500

- Published in early 2016
- More than 1,200 copies distributed
- 100-110 pages

Advertising deadline is
December 15, 2015.



For more information, please contact Tricia Zello at 501-374-3484, Ext. 285, or e-mail citytown@arml.org.



Arkansas's delegation meets with the local minister of trade and industry, center in dark blue, during their October trip to Ghana's Volta Region.

Ghana's Volta region revisited

By Sherman Banks

In August of 2014 we began our relationship with the Volta Region of Ghana and the Delta Region of Arkansas when we held, together with the Arkansas Secretary of State, a Sustainable Agriculture Symposium on developing an economic partnership based on sustainable agriculture. Above all, the symposium explored how municipalities and African communities can work together to build strong and long lasting relationships. Jacksonville Mayor Gary Fletcher made a commitment during that visit to pursue a sister city relationship with Kpando City Volta Region, Ghana.

Sustainable agriculture follow-up in Ghana

In March of 2015 a follow-up trip was made with Arkansas Secretary of State Mark Martin to the Volta Region. During that 10-day visit we traveled throughout the region meeting with farmers, local municipal and national officials to further the development of sister cities and economic development in Arkansas and the Delta Region in particular. There we formally invited the leadership of the Volta Region to be delegates to the Arkansas Municipal League's 81st Annual Convention.

In June, the Honorable Helen Ntoso, Governor of the Volta Region, Ghana, led a delegation to the 81st Convention in Little Rock. It was at this conference that Gov. Ntoso gave an in-depth presentation of the importance of the economic, cultural, and education

relationship being developed between the Volta Region the Delta Region of Arkansas. Mayor Pauline of Kpando, Volta Region, and Mayor Gary Fletcher of Jacksonville also signed a formal agreement.

Gov. Ntoso on behalf of the delegation invited the League to enter into a memorandum of understanding (MOU) with the National Association of Local Authorities (NALAG) of Ghana/Volta Region. In addition the Ghanaian delegation signed MOUs with both the University of Arkansas Medical Center's College of Rural Health and Social Work and Shorter Methodist College of North Little Rock.

At the League's Annual Planning Meeting in August the invitation to enter into an MOU between the League and NALAG was approved by the Executive Committee.

League leads follow-up trip to Ghana

In October, Batesville Mayor and current League President Rick Elumbaugh led a small delegation to Ghana. Included in the delegation were Stephens Mayor and League First Vice President Harry Brown, two representatives from Riceland Foods, and me, as President Emeritus of Sister Cities International. This trip further enhanced the relationship between the Volta Region and Arkansas.

We focused on the development of sustainable agriculture, especially in the area of rice production,

and Kente (traditional Ghanaian cloth) production, processing, and marketing. Shortly before our arrival in Ghana the Volta Region had earned the first place award in rice production in Ghana. We met with ministers of finance, agriculture, and industry and trade to explore the modalities of the two regions working together on mutually beneficial arrangements to foster long-term relationships and economic, cultural, and educational development for the people of the Volta Region and Ghana as a whole.

In a formal ceremony, Elumbaugh signed the MOU on behalf of the League with NALAG. He also signed an MOU to present a sister city proposal between the city of Batesville and the city of Asunafo-North, Ghana. Brown signed an MOU to present a sister city proposal between Stephens and the city of Agotime-Ziope, Ghana.

We met with a representative of an oil refinery, where Brown displayed his knowledge in oil refinery development. He also pointed out how the oil refinery could save money in their production of oil. We visited farms and spoke with farmers and opened doors for Arkansas farmers to continue the dialogue. The representatives of Riceland Foods had productive meetings for rice export to Ghana.

At the end of our 12-day visit, Nene Nuer Keteku III, the Paramount King of Agotime Traditional Area and Custodian of the Ewe Kente, Chiefs and people of Agotime Traditional Area agreed to invoke their constitution to name me “Kente King For The Diaspora.” The honor was bestowed for my efforts in making a difference in the lives of the people of Agotime. During the coronation ceremony I was given my charge as a goodwill ambassador of the Kente industry and directed to defend the good image of Agotime and the objectives of Kente, which are:



Mayors Elumbaugh, left, and Brown, right, tour one of the Volta Region’s rice fields.

- To preserve and protect the cultural and aesthetic values of Kente Cloth
- To project the various uses of Kente Cloth through dresses, costumes and regalia
- To expose new techniques and innovations in the Kente industry
- To attract tourism to Agotime traditional area
- To unite the people for Socio-economic development

To involve your city or town in our efforts in sustainable agriculture and economic development with the Volta Region and Ghana or to build a sister city relationship with a traditional district please contact me.



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



Alhaji Mohammad Doku, left, president of the National Association of Local Authorities of Ghana (NALAG) and Arkansas Municipal League 2015-2016 President Rick Elumbaugh, right, mayor of Batesville, sign a memorandum of understanding.

PHOTOS BY SHERMAN BANKS.

Getting past the myths of colorectal cancer

By Jonathan Laryea, M.D.

Colorectal cancer is the third-most commonly diagnosed cancer in both men and women and the second-leading cause of cancer deaths, yet it doesn't quite get the attention that many other types of cancers and diseases do. In Arkansas alone there are about 1,500 colorectal cancer cases annually, with death rates slightly above the national averages. On average, the risk of getting colon cancer is about one in 20.

There are several myths that keep people from getting tested and screened. Education about colorectal cancer and its early detection—both the benefits of getting tested and screened – can be keys to decreasing the number of deaths from the disease each year. It is my hope to help dispel some of these myths and encourage more Arkansans to ask their doctors more questions and get screened when appropriate.

Myth 1—Colorectal cancer is a man's disease.

Colorectal cancer is just as common among women as it is men. The risk overall is equal, but women have a higher risk for colon cancer while men are more likely to develop rectal cancer.

Myth 2—There's no way to prevent colon cancer, so lifestyle doesn't matter.

In many cases, colon cancer can be prevented, and it's about what you eat and your physical activity. It's best to be a healthy weight throughout your life. Be physically active. Stop smoking. Eat high fiber foods, and limit high fat and red meats.

Myth 3—A polyp means I have cancer.

Polyyps are benign (or non-cancerous) growths that, if left unchecked, have the potential to develop into cancer. Polyyps can easily be removed during a colonoscopy. Not all polyyps are precancerous. They are fairly common in people age 50 and older. One type of polyp, called an adenoma, increases the risk of developing colorectal cancer.

Myth 4—Colonoscopies are unpleasant and the only way to screen for colon cancer.

Preparing for a colonoscopy involves cleaning the colon with the help of prescription and over-the-counter medications. Typically these are liquid drinks that must be consumed a day or two before the procedure. The prep for the procedure is generally what people consider to be the worst part. The actual colonoscopy only takes 15-30 minutes, and patients are sedated to eliminate discomfort.

There are several screening options for colorectal cancer, including flexible sigmoidoscopy, fecal occult blood test, and double-contrast barium enema. But a colonoscopy is the gold standard. It detects more cancers, examines the entire colon and can be used for screening, diagnosis, and removing polyyps all in one visit.

Myth 5—Age doesn't matter when it comes to getting colon cancer.

More than 90 percent of all colorectal cancers are found in people who are 50 and older. This is why it is recommended that you start getting checked for this cancer when you are 50. If you have a family history of colon cancer or exhibit other risk factors, you might want to get screened sooner than age 50. Consult with your primary care physician about when you should be screened.

Importance of education and screening

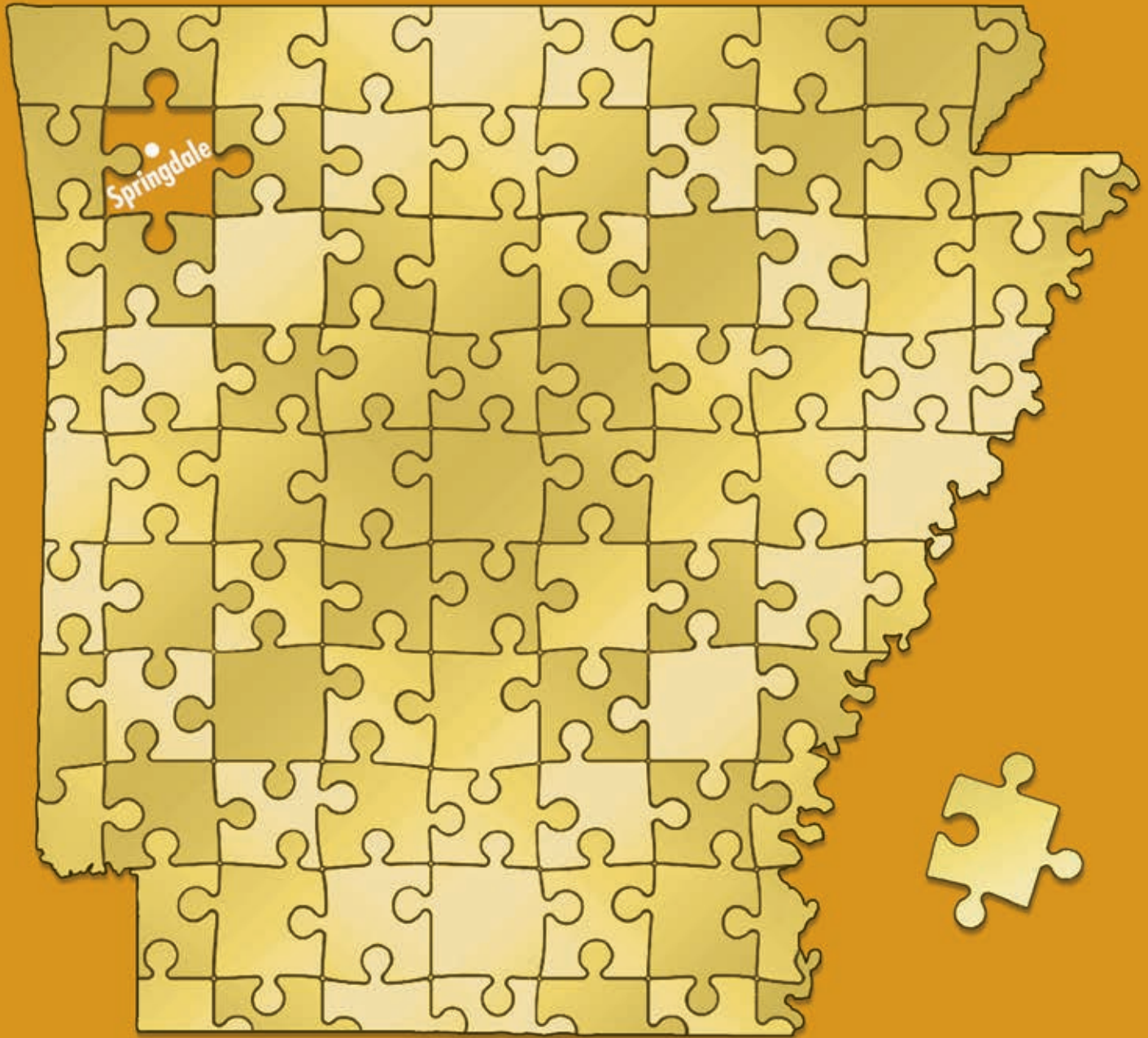
A colon cancer diagnosis can be scary, but knowing all the facts about the disease and its treatment helps patients be better prepared to fight it. Diagnosing colon cancer early and taking preventive measures are vital to decreasing the prevalence of colon cancer. Many people with colon cancer experience no symptoms in the early stages, which is why screening is so important.



Jonathan Laryea, M.D., is Associate Professor of Surgery, Division of Colon & Rectal Surgery, College of Medicine, University of Arkansas for Medical Sciences (UAMS).



**Register now for the 2015 Fall Conference!
We want to see you in Springdale.
Don't be a missing piece of the puzzle.**



2015 Fall Conference

Holiday Inn & Convention Center Northwest Arkansas, Springdale. December 2-4, 2015.

Fairs & Festivals

Nov. 27-28, **STUTT GART**, 80th World Championship Duck Calling Contest & Wings Over the Prairie Festival, 870-673-1602

Nov. 28, **PARIS**, Christmas Parade, 479-963-2244; **SPRINGDALE**, Christmas Parade of the Ozarks, 479-872-2222

Dec. 1, **JACKSONVILLE**, 58th Jacksonville Christmas Parade, 501-982-4316

Dec. 3, **HOXIE**, 8th Dickens in the Park & Winter Wonderland, 870-886-2742; **MARION**, Christmas on the Square, 870-739-6041; **POCAHONTAS**, Old Time Christmas, 870-248-0069; **PRESCOTT**, Christmas Parade & Christmas on the Square, 870-887-2101

Dec. 4, **DARDANELLE**, Christmas Parade, 479-229-3328; **EUREKA SPRINGS**, Christmas Parade of Lights, 479-253-8737; **WHITE HALL**, A White Hall Community Christmas, 870-247-5502

Dec. 5, **ASH FLAT**, 21st Ash Flat Christmas Parade, 870-994-7325; **BEEBE**, Christmas Parade, 501-882-8135; **HEBER SPRINGS**, Christmas Parade & Lighting of Downtown, 501-362-2444; **LITTLE ROCK**, Big Jingle Jubilee Holiday Parade, 501-835-3399; **MENA**, Christmas Parade & Festival, 479-394-2912; **MOUNTAIN VIEW**, Courthouse & Christmas Tree Lighting, 870-269-8068; **SILAM SPRINGS**, Light Up Siloam, 479-524-4556

Dec. 6, **NORTH LITTLE ROCK**, North Little Rock Sertoma Christmas Parade, 501-758-1424

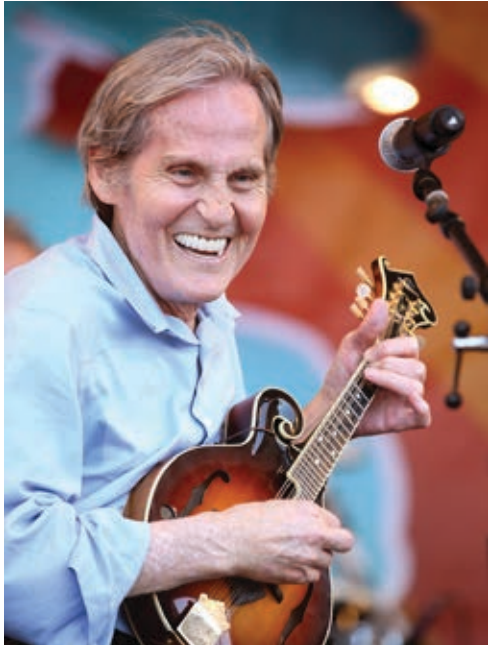
Dec. 7, **GLENWOOD**, Bean Feed & Christmas Parade, 479-996-3657; **HARRISON**, Christmas Parade, 870-741-2659; **ROGERS**, Christmas Parade, 479-936-5487; **TEXARKANA**, 31st Main Street Christmas Parade, 903-792-7191

Dec. 10, **MARION**, Christmas Parade, 870-739-6041

Dec. 12, **BEEBE**, Beebe's Christmas in the Park, 501-882-8135; **BENTONVILLE**, Christmas Parade, 479-254-0254; **HARDY**, Christmas Parade, 870-856-3210

Visit Us.
www.arml.org

Marvell works to preserve musician's home



Marvell on Oct. 24 held the first of several planned fundraising efforts to preserve a home that musician Levon Helm lived in when he was a teenager. The rustic wooden house was moved earlier this year from nearby Turkey Scratch and placed on donated land across from City Hall. The city's goal is to restore the house and transform it into a museum.

Helm was born in Elaine and grew up in Turkey Scratch. He also lived for a time in Marvell when he was young. After high school he joined Ronnie Hawkins' band The Hawks, and he later gained fame as the drummer and vocalist for The Band, who had several hits including "The Weight," "Up on Cripple Creek," and "The Night They Drove Old Dixie Down." Helm died in 2012.



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Pea Ridge high school juniors and seniors have the opportunity to take advantage of workforce development opportunities through the Pea Ridge Manufacturing and Business Academy, a unique partnership among the school system, local governments, and industries.

Making a difference in workforce development

By Josh Markham

Workforce development is consistently cited as one of the most important economic development issues in Arkansas. Educating people, while simultaneously fulfilling the needs of various industries, is no easy task. Workforce development requires input from the education sector, state/local government, and industry; as a result, there is no single “right” approach.

Regardless of the challenges facing workforce development, one city in Arkansas has developed a novel approach that seeks to educate high school students while also fulfilling the needed workforce skill sets of local existing industry. That city is Pea Ridge. The school: Pea Ridge Manufacturing and Business Academy (PRMBA).

PRMBA is a conversion charter school within the Pea Ridge School District that focuses on meeting the needs of business and industry through educational programs designed around specific employment pathways. As a conversion charter school, PRMBA operates within the Pea Ridge School district, but has the flexibility to hire teachers with the unique skill sets needed for its employment pathway focus.

Founded in 2014, PRMBA has enjoyed a great deal of growth in a short period of time. Open to Pea Ridge

School District students in their junior and senior year, 87 associates attended the school in the first year. Now in its second year, 140 associates are attending PRMBA.

The nature of PRMBA’s curriculum is what sets it apart. Five pathways are available to associates to specialize in: Industrial Technology, Healthcare, Marketing and Supply Chain, Plastic and Metal Fabrication, and Multimedia Production. PRMBA associates class schedules are very similar to college schedules. Associates are in charge of managing their time.

“Our associates learn much better by doing,” PRMBA Director Charley Clark said. “We don’t talk about forklifts, we drive forklifts.”

This learn-by-doing model prepares students with the skills needed to enter the workforce or to pursue more specialized training at a college or technical program. However, the pathway model requires extensive time and training away from campus. As a result, PRMBA students take their required courses in subjects such as History, English, Science, and Mathematics through an iSchool format. According to Clark, PRMBA uses one of the “most advanced digital learning environments in the USA.” Here associates work at their own pace anywhere they can access the Internet. Supervision

of teachers in each content area ensures that associates are appropriately grasping the material.

With such a unique instruction model, local businesses are excited to be a part of PRMBA. According to Pea Ridge Mayor Jackie Crabtree, local businesses see PRMBA as an economic development asset.

“Given the ability to listen to the needs of local business and industry, not only is PRMBA supplying individuals with the skill sets and work ethic they need, PRMBA is saving them time and money normally needed to train new hires. PRMBA has a direct effect to the business bottom line,” Crabtree said.

The five pathways were selected through collaboration with local existing industries. Each pathway was identified as an area of needed workforce development for Pea Ridge. Local industries were selected as partners not to simply help fund the program’s pathways, but to assist with curriculum development, instruction, certifications for course work, and networking opportunities. Through this collaborative process, major industrial partners stepped forward to work with PRMBA. Walmart, J.B. Hunt, Daisy Outdoor Products, Mercy Health Systems, and Coca-Cola are just a few of the local businesses supporting PRMBA’s approach to workforce development.

“Our business partners are very excited about the school and are confident in its curriculum,” Clark said. “The business partners essentially set the curriculum that we follow.”

According to Clark, by the end of PRMBA’s first year, 100 percent of its graduates were either employed, enrolled in the military, or headed to college. Year two will be closing this spring, and Clark sees workforce development as being an integral part of PRMBA’s success. Clark added that “some of our associates are preparing for college, but some are preparing for a career that starts right after high school graduation.”

PRMBA’s approach to education shows a unique balance between the interests of local industry and the interests of its associates. Mayor Crabtree sees this as a distinct advantage for Pea Ridge. Within a short period of time, he has witnessed the positive effects of PRMBA’s style of education.

“We are seeing high school students become responsible young adults,” Crabtree said. “I have watched individuals who did not want to be in school transformed into individuals who are excited about being in school, excited about learning and excited about their futures.”



Josh Markham is Assistant Director, Center for Community and Economic Development, University of Central Arkansas.

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Summaries of Attorney General Opinions

Recent opinions that affect municipal government in Arkansas

From the Office of Attorney General Leslie Rutledge

Fire chief may serve on city council under certain circumstances

Opinion: 2015-074

Requestor: Bryan King—State Senator

Can a city council member simultaneously serve in the position of fire chief? 2) Are there any circumstances in which that member would have to recuse himself from city council proceedings or matters? **RESPONSE:** Q1) This might be governed by Ark. Code Ann. § 14-42-115, and the answer under this statute depends on whether the fire chief is a “volunteer fire fighter” within the intended scope of the statute. See opinion for discussion. Q2) The circumstances would be those isolated situations in which decision making might divide the individual allegiance between the interests at stake. Prudence would dictate abstention in those circumstances.

City generally may not exempt self from Shielded Outdoor Lighting Act

Opinion: 2015-055

Requestor: Stephen Meeks—State Representative

Does a city have authority under A.C.A. § 8-14-104(a)(1)(B) to pass a “blanket” ordinance exempting the city in perpetuity from the Shielded Outdoor Lighting Act? Q2) If the answer to question 1 is “no,” Q2(A) for new outdoor lighting projects: (i) What information must be supplied in an ordinance to justify the cost-prohibitive exemption under (a)(1)(B)? (ii) Must the city show a good faith effort has been made to comply with this statute? Q2(B) For existing outdoor lighting: (i) When the time comes to replace a fixture and a city study justifies passage of a cost-exemption ordinance, must the city adopt an ordinance for each individual fixture that needs replacement or may the city group fixtures in one? (ii) If a city may group replacement fixtures for existing outdoor lighting into a single ordinance, in what manner may the city group them? (iii) If cities are allowed to group fixtures in a single ordinance, since fixtures within the group would fail at random intervals going into the future, how often would a city need to re-evaluate the cost-prohibitive exemption ordinance of a group of fixtures to prevent the ordinance from creating a perpetual exemption from the law for that group of fixtures? Q3(A) If a

city has failed to comply with the law since it took effect in 2006, does a city have the legal authority to enact ordinance to exempt all fixtures that were installed in violation of the statute? Q3(B) If the answer to question 3(A) is “yes,” what procedures must a city follow to enact ordinances to cover all fixtures that were installed in violation of the Shielded Outdoor Lighting Act? Q3(C) If the answer to question 3(A) is “no,” may a city be compelled to remove or correct illegally installed fixtures? Q4) Regarding state agencies, apart from the six entities exempted under A.C.A. § 8-14-104, subsection (c) and the exemption under (b)(1) for fixtures with less than 150w incandescent or 70w other, are there any other circumstances under which a non-conforming fixture might be installed using public funds--regardless of cost, safety, or structural modifications that might be required to become compliant? Q5) If a citizen of this state believes a state agency or municipality to be in violation of the Shielded Outdoor Lighting Act, what recourse does the citizen have under the law to compel the agency or municipality into compliance? May a citizen file a grievance with the AG’s office or with a local prosecuting attorney? Would a citizen be required to file suit in a court of competent jurisdiction to seek redress of a violation of the Shielded Outdoor Lighting Act? **RESPONSE:** Q1) “No” as to an ordinance that fails to reflect in some measure the cost analysis that formed the basis for an ordinance determining that acquiring shielded outdoor lighting fixtures will be cost-prohibitive. Q2) The Act offers no clear guidance on the several issues raised under this question. Legislative or judicial clarification is indicated. Q3) A city’s expenditure of public funds contrary to the Act cannot be rectified by the later passage of a cost-exemption ordinance. However, the penalties for a city’s noncompliance are unclear, suggesting the need for legislative clarification on that score as well. Q4) Generally “no,” given the apparent absence of a similar cost-related exemption for the state. Q5) This office has no authority or role concerning citizen grievances, and I cannot opine as to any possible action by a local prosecutor. As for any other recourse, it seems that seeking judicial review may be the necessary course of action, given that the Act does not clearly address penalties against a non-compliant state agency or city.

E-tickets don't change fine distribution process within county

Opinion: 2015-084

Requestors: Jack Ladyman and Dwight Tosh—State Representatives

Q1) Does the implementation of electronic tickets change in any way the process by which the fines are distributed amongst the cities within a county in Arkansas? Q2) A.C.A. § 16-17-906 states Craighead County shall have one district court with two departments, one in Jonesboro and one in Lake City. If another city in Craighead County (i.e., City of Brookland) has a docket called within this District Court, does this mean that city does or does not have a district court as referenced in A.C.A. § 16-17-1203? Q3) How is a city that has a police department but does not operate a district court to receive fines, fees, penalties, and costs associated with offenses committed within said city? Q4) What option does a city have if a county refuses to enter into a written agreement as stated in A.C.A. § 16-17-1203? Q5) Does the proration in A.C.A. § 16-17-1203 also apply to the proration of fines, fees, penalties and costs for offenses occurring within a city? Q6) If Craighead County has not distributed funds to cities for fines, penalties, etc. relating to offenses occurring within a city, does the county owe these funds to said city back to the date the county refused to distribute said funds?

RESPONSE: The answer to your first two questions is “no,” in my opinion. With respect to Question 3, a city that has a police department but does not operate a district court may choose to contribute its prorated share of operating expenses of the nearest district court in its county by entering into a written agreement with all of the other political subdivisions that contribute to the district court in consideration for receiving its prorated amount of revenue deriving from certain offenses occurring within its corporate limits. The answer to Question 5, in my opinion, is “yes.” I am unable to provide definitive answers to Questions 4 and 6, as they are beyond the scope of an Attorney General’s opinion.

F/T police chief may not also serve as acting city manager

Opinion: 2015-076

Requestor: Stephanie Potter Black—Pros. Attorney, Eighth Judicial District

Can a police chief, who works full time, also act as interim city manager in light of A.C.A. § 14-47-119 and § 14-47-121? Q2) If the city manager is the supervisor of the chief of police, would there be a conflict of interest under A.C.A. § 14-47-120 that would prevent the dual service? **RESPONSE:** Q1) In my opinion, a police chief’s inability to devote his full time to city business would not prevent him from being appointed acting city manager. The “full time” requirement under § 14-47-119(b)(3) applies to “the city manager,” and not an “acting city manager” whose appointment is provided for by § 14-47-121. But as explained in response to Q2), one person’s dual service in these two positions may nevertheless be barred by the common law incompatibility doctrine. Q2) In my opinion, one person’s dual service as chief of police and acting city manager would be barred by the common law incompatibility doctrine in circumstances where the city manager has been charged by ordinance with supervising the chief of police.

For full Attorney General opinions online go to www.arkansasag.gov/opinions.

U.S. Department of Labor Proposes to Change White Collar Exemptions to Overtime Rules

The U.S. Department of Labor has issued proposed rules that would change the standard salary level required to qualify for the “white collar” overtime exemptions. These exemptions apply to administrative, executive, computer and professional employees. Currently, these employees are exempt from overtime compensation if they meet the following tests:

- The employee is paid on a salary basis;
- The employee is paid a salary of at least \$455 per week (\$23,660 per year); and
- The employee performs certain duties which are specified for each category.

For more information on the Fair Labor Standards Act, including these exemptions, see “FLSA—21 Things You Should Know” on the League’s website at www.arml.org/resources/legal-faqs.

The proposed amendments to these requirements will greatly increase the minimum salary requirement. The new rules, if adopted, would set that minimum at the 40th percentile of weekly earnings for full-time salaried workers. The Department of Labor has estimated that in 2016, this would increase the salary threshold to approximately \$970.00 per week or \$50,440.00 annually. The DOL also proposes that this amount shall be adjusted on an annual basis.

In addition, the Department of Labor may consider changes to the duties tests and for additional occupations. However, no specific proposals were put forward by the department.

The change to the salary test alone, however, will reduce the number of employees who will be exempt from overtime. For example, a department head who meets the duties test and earns a salary of \$700 per week



would currently be exempt from overtime requirements. If the proposed rule goes into effect, that department head would have to be paid overtime or granted compensatory time at the rate of time-and-a-half for hours worked in excess of 40 hours per week (or the established work period for police and firefighters). In addition, if the amount is adjusted annually, as the DOL proposes, employers will need to reevaluate their payroll practices each year to determine whether employees who were exempt will continue to be so.

It is important to note that the rule is not currently in effect and cities need not make any changes as a result at this time. However, it is quite possible that these proposals will become rules effective as early as Jan. 1, 2016. City officials should therefore consider the potential need to reclassify currently exempt employees and to plan accordingly.

The Municipal League staff will monitor the progress of these proposals and will keep our membership informed of any changes in the regulations that may occur.



League workshop covers HR, personnel issues



The League on Oct. 28 held a workshop, Human Resource and Personnel Matters Affecting Arkansas Municipalities, which covered many of the issues cities and towns face as employers. Participation was strong, with 117 from 70 cities and towns in attendance. Topics covered included IRS reporting requirements of the Patient Protections and Affordable Care Act, the Arkansas Continuity of Operations Program (ACOP), tips for staying in compliance with employment law, making the hiring process easier, and more.



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Wrapping up a long year—bits and pieces

By Jim von Tungeln

As the year draws to a close, time allows for review of what has happened in the past and ruminating on what might happen in the future. To those ends, we might observe that we are living in interesting times. Some say that is a blessing. Some say that is a curse. Let us just say that it is, well, interesting. It may become more so.

Of course one may only guess what the future holds. We aren't even quite sure yet what the past implied. As for urban planning, we start with the most confusing current issue, one that marries the past with the future. It involves the strange case, recently decided by the U.S. Supreme Court, called *Reed v. the Town of Gilbert Arizona*. Our limited pay scale only allows a brief synopsis and a call for caution. Elected officials should seek legal help for actual solutions.

Here are some facts. A city official cited a church for temporary signs, posted on Sunday mornings, bearing the church name and the time and location of their next service. It seems that the town placed different restrictions on signs according to their purpose, i.e. their content. The term "ideological signs" appears in the ruling.

The city cited the church for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. When the two parties failed to reach an accommodation, the church filed suit, claiming that the town's sign ordinance, restricting size, duration, and location of temporary directional signs violated the right to free speech.

Of course SCOTUS ruled against the town. In doing so, there are those who say it mimicked the using of two barrels of double-nought buckshot to kill a gnat. Now no one is quite sure what a city may regulate with its sign ordinance as pertains to the information printed thereon.

At the heart of the matter is the concept of "content neutrality." Legal experts tell us that content-neutral regulations are also called "time, place, and manner restrictions," as the regulation seeks not to limit any particular type of speech, but merely to regulate the circumstances under which the speech may take place.

Some of the issues are familiar to those who have dealt with statements such as "We want to prohibit those little wire-signs that advertise cell phones, tax preparation assistance, or insurance, but we don't need to prohibit the ones that announce Little League tryouts."



It may be unconstitutional to call such signs in the street right-of-way "directional" signs. They are just signs of a certain size and type in a certain location. Seek legal guidance.

In a similar fashion, banners across major thoroughfares are extremely dangerous and to be avoided at all costs, except when they announce the time and date of the city's annual festival.

The issues become much more problematic when we find that a residential property owner may or may not put up a small wooden sign in her yard, according to whether or not the placement or non-placement satisfies some governmental interest. The sign may state that the property is for sale, that the owner sells multi-level marketing supplies, that the owner plans to vote for someone, or that she intends write a book someday. She might even announce that she plans to kick up her heels while her husband is away at deer camp.

At any rate, the city has no say over the content as long as it doesn't violate any defensible prohibitions such as such as libel, obscenity, threats, and such. Imagine the explosion within the real estate community or from political candidates if the city simply opts for no yard signs at all.

In a commercial setting, those small signs in the street right-of-way that point the way to a hotel entrance



A sign code should limit regulation to the time, place, and location of the church signs. Consult an attorney to see if yours meets the standard.

now can only be allowed or disallowed without restrictions on what they may say. They may say the hotel is this way or that way or they may advertise Burma Shave. Their content shall not be the city's concern. Now we are beginning to see the complex repercussions of the ruling.

Justice Alito did, in a concurring opinion, offer some "rules" that would not constitute content-based restrictions. They include:

- Rules regulating the size of signs
- Rules regulating the locations in which signs may be placed
- Rules distinguishing between lighted and unlighted signs
- Rules distinguishing between signs with fixed messages and electronic signs with messages that change
- Rules distinguishing between the placement of signs on commercial and residential property
- Rules distinguishing between on-premise and off-premise signs
- Rules restricting the total number of signs allowed per mile of roadway
- Rules imposing time restrictions on signs advertising a one-time event

These aren't offered here as guidance. Rather, they provide an indication that one justice recognized the right of a municipality to adopt and enforce sign regulations that address the health, safety, welfare, and morals of the community and further a compelling governmental interest.

Advice? As mentioned above, seek immediate legal assistance. It would seem that time is of the essence since plaintiff's attorneys have already begun filing lawsuits

in some states, claiming that even without specific damages, citizens might sue, claiming that their city's sign ordinance "chills" the prospect of their First Amendment rights. And remember that a judgment against your city, no matter how small or insignificant, could trigger substantial attorney fees to be borne by the taxpayers.

The implications seem serious enough to warrant repealing, until sample codes are forthcoming, those provisions of a sign code that do not specifically meet one or more of Justice Alito's "rules."

This brings to mind another year-end reminder. If your planning commission has not reviewed development regulations in light of private property protection rights, it is vital to do so. Local ordinances should, among other things, fall within the "police power" of the community. Attorneys tell us that the best way to achieve this is to make sure that they, once again, protect the health, safety, welfare, and morals of the citizens. The best way to do this is to make sure that the regulations carry out or protect the provisions of a plan or plans prepared with citizen involvement and legal oversight.

Life in the municipal world becomes more complicated with the passing of each day. We can all be thankful for the guidance and assistance provided by the staff of your Arkansas Municipal League. Where would we be without them?



Jim von Tungeln is staff planning consultant and available for consultation as a service of the Arkansas Municipal League. He is a member of the American Institute of Certified Planners. Contact him at 501-944-3649. His website is www.planyourcity.com.

NEWSLETTER

NOVEMBER 2015

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

MROs serve important role

Why is it important to use a Medical Review Officer (MRO) to review drug-testing results? According to the Department of Transportation (DOT), the MRO is the gatekeeper of all federal drug-testing results. Because of the safeguards built into the federal program, including the inclusion of the MRO as the third-party independent gatekeeper, many employers choose to mirror the federal drug testing program for their non-mandated testing and, as part of their policy, choose to use an MRO. To better understand the role of an MRO, I would like to explain the necessary qualifications of the doctors that assume this important role.

Let's begin by understanding who can be qualified to act as an MRO. There are multiple requirements to serve in this capacity, and all must be met to become certified. The doctor must be a licensed physician (Doctor of Medicine or Osteopathy). If the physician is licensed in any U.S., Canadian, or Mexican jurisdiction and meets the other requirements of the MRO verification process, they are authorized to perform MRO services with respect to all covered employees, wherever they are located. Secondly, the physician must have a basic knowledge about and have clinical experience in controlled substances abuse disorders. As part of this requirement, they must have a detailed knowledge of alternative medical explanations for laboratory confirmed drug test results. Beyond that, they must have knowledge about issues relating to adulterated and substituted specimens and the possible medical causes of specimens having an invalid result. In order to review tests in the federal program, the MRO must have a thorough knowledge of DOT Regulations and an understanding of the employer's roles and responsibilities for the tests they review.

How is the physician qualified on the DOT guidelines and regulations? The physician must receive training on specimen collection procedures, custody and control form procedures, interpreting drug and validity tests, and the interaction with Designated Employer Representatives (DERs) and Substance Abuse Professionals (SAPs). Once the training is completed, the physician will have to satisfactorily complete an examination administered by a nationally-recognized board for medical practitioners in the field of medical review of DOT-mandated drug tests. MRO's are required to have continuing education and must retest every 5 years to remain active.

Certified MRO's are listed on the DOT website with a notation stating whether or not they are current. This is not a "take the test once and keep the title forever" business. With so many changes in drug testing panels, custody and control forms being modified and updated, synthetic drugs becoming so prevalent, and alternative testing methodologies coming along, it is important for the MRO to stay on top of what is happening.

If you are not using an MRO to assist with your drug-testing program, you should consider adding this component to your company's program. Having a second set of eyes to review your test results prior to taking disciplinary action on your employee for a positive drug test is a huge benefit for you.



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

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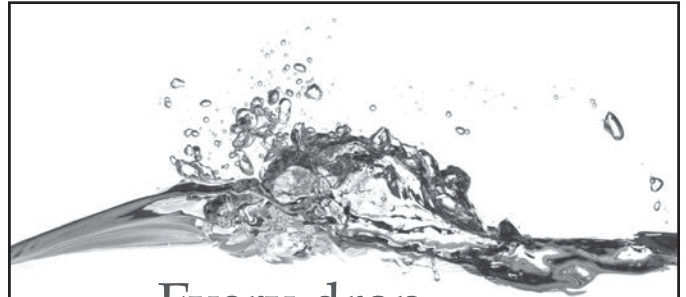
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ACA tax reporting requirements for the 2015 tax year

The Patient Protection and Affordable Care Act (the Act) imposes upon employers (municipal entities) the duty to file information returns with the Internal Revenue Service (IRS). These information returns are made on tax forms and are used to report coverage information to the IRS and to taxpayers about individuals who are covered by minimum essential coverage. Individuals who cannot show that they have minimum essential coverage are liable for the individual shared responsibility payment, sometimes called the “penalty,” “fine,” or “individual mandate.”

Who must file?

As an employer/plan sponsor participating in the Municipal Health Benefit Fund or any municipal entity with fully insured major medical plans, you are providing coverage that meets the minimum essentials required by the Act. As such, you must report in 2016 for the 2015 tax year using the forms and methods required by the IRS. The information report must be filed using transmittal forms. The transmittal form designated as 1094-B is used to file the 1095-B. The transmittal form 1094-C is used to file the 1095-C. The IRS has provided instructions for both the B and C reporting systems.

Who uses the 1094-C and 1095-C forms?

The 1094-C and 1095-C forms are used by an applicable large Employer (municipal entity).

What is an applicable large Employer?

An applicable large Employer is an Employer (municipal entity) having 50 or more employees working an average of 30 or more hours per week. The count for these employees is then added to the total number of hours worked by part-time employees such that a part-time employee works no more than 120 hours per month. If the employee had more than 120 hours per month, the employee would count as a full-time employee. Multiply the total hours worked by part-time employees for each month and then divide the total hours by 120.

As an example, assume you have 40 part-time employees, each of whom averages 90 hours of service per month, and no seasonal workers. Here, the Employer (municipal entity) would have 30 full-time equivalent employees given that $(40 \times 90 = 3,600, \text{ and } 3,600 \div 120 = 30)$. This means that if you only have 20 full-time employees you are a large Employer (municipal entity) since you have a combination (20 full-time plus 30 part-time) that puts your number of employees at 50.

What about Employers that provide coverage but are not large Employers?

Employers (municipal entities) that are not large employers but do provide minimum essential coverage use the 1094-B and 1095-B forms.

When to file?

The return and transmittal form must be filed with the IRS on or before February 28 (March 31 if filed electronically) of the year following the calendar year of coverage. You will meet the requirement to file if the form is properly addressed and mailed on or before the due date. If the regular due date falls on a Saturday, Sunday, or legal holiday, file by the next business day. A business day is any day that is not a Saturday, Sunday, or legal holiday. For forms filed in 2016 reporting coverage provided in calendar year 2015, Forms 1094-B and 1095-B are required to be filed by February 29, 2016, or March 31, 2016, if filing electronically.

Extension of time to file

You can get an automatic 30-day extension of time to file by completing Form 8809, Application for Extension of Time to File Information Returns, and filing it with the IRS on or before the due date for the Forms 1094-B and 1095-B.

Send all information returns filed on paper to the following: Department of the Treasury, Internal Revenue Service Center, Austin, TX 73301

Filing returns with the IRS

Filing Electronically—If you are required to file 250 or more information returns, you must file electronically. Actually, the IRS encourages you to file electronically even if you’re filing fewer than 250 returns. The 250-or-more requirement applies separately to each type of form. For example, if you must file 500 Forms 1095-B and 100 Forms 1095-C, you must file Forms 1095-B electronically, but you aren’t required to file Forms 1095-C electronically. The electronic filing requirement doesn’t apply if you apply for and receive a hardship waiver.

Filing by Mail—If you are filing on paper, send the forms to the IRS in a flat mailer (not folded). If you are sending many forms, you may send them in conveniently sized packages. On each package, write your name, number the packages consecutively, and place Form 1094-B in package number one. Postal regulations require forms and packages to be sent by first-class mail.

Keeping copies

Generally, keep copies of information returns you filed with the IRS or maintain the ability to reconstruct the data for at least three years, from the due date of the returns.

For further clarification, please contact your certified public accountant, tax attorney, or American Fidelity Assurance Representative Charles Angel at 501-690-2532 or via email at Charles.Angel@americanfidelity.com.

ACA Employer Reporting Obligations for MHBF Members

Under the Patient Protection and Affordable Care Act (ACA) beginning in early 2016, Employers (municipal entities) must report to the Internal Revenue Service (IRS) and disclose to employees detailed data about their workforces and benefit offerings for the 2015 calendar year. Employers may use the flowchart below to help determine who has to file what. More information is available at: HCReducation.com/EmployerReporting. The following is a brief introduction:

All employers with 50+ full-time equivalent employees are required to provide information to employees and the IRS regarding their access to Minimal Essential Coverage (MEC) under Internal Revenue Code (IRC) Section 6055 and, with

respect to full-time employees as defined by the ACA, information of an offer of adequate and affordable coverage under IRC Section 6056. While Employers (municipal entities) with fully insured major medical plans can rely on the insurer to submit the information on MEC, Employers (municipal entities) with insured and/or self-funded major medical plans have the responsibility to report the information under Section 6056 of the offer of adequate and affordable coverage to each full-time employee. This information must be reported using IRS Forms 1094-C and 1095-C for large Employers (municipal entities). Small Employers (municipal entities) that provide coverage must report on IRS Forms 1094-B and 1095-B and submit to the IRS by March 31 (if filed electronically) of the following year. Reporting for each calendar year will be due to the employee by January 31 and to the IRS by March 31 (if filed electronically) of the following year.



- As an employer/plan sponsor participating in the Municipal Health Benefit Fund, you are providing coverage that meets the minimum essentials required by the Act. As such, you must report in 2016 for the 2015 tax year using the forms and methods required by the IRS. The information report must be filed using transmittal forms. The transmittal form designated as 1094-B is used to file the 1095-B. The transmittal form 1094-C is used to file the 1095-C.
- For municipal entities offering fully insured major medical plans, contact the plan provider to ensure compliance with ACA tax reporting requirements.

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Bond issuers without continuing disclosure policy risk SEC scrutiny

By Jim Fowler, J.D., LL.M.

Several Arkansas municipal bond issuers recently had their first regulatory encounter with the United States Securities and Exchange Commission (“SEC”). The SEC has stepped up its enforcement efforts to address widespread violations of its continuing disclosure rule.¹ Municipal bond “investors need sufficient current information about issuers and significant obligors to better protect themselves from fraud and manipulation, to better evaluate offering prices, to decide which municipal securities to buy, and to decide when to sell.”²

To this end, the SEC has created a special unit within its Enforcement Division dedicated to municipal securities. Furthermore, the Enforcement Division offered an initiative for bond underwriters and issuers to self-report continuing disclosure violations in exchange for recommending favorable settlement agreements with the SEC (the “MCDC Initiative”).³

The SEC has used civil enforcement and administrative actions against municipal bond issuers in the past. Historically, those have focused on violations involving intentional deception or highly reckless conduct. With this new focus on continuing disclosure, the SEC has demonstrated that it is willing to bring actions predicated only on negligent conduct. Even before the MCDC Initiative, issuers faced a growing number of enforcement actions relating to misstatements or omissions in their continuing disclosures. A common thread linking those cases together was the issuers’ lack of written continuing disclosure policies or training.⁴ Part of the settlement of these cases required that the issuers establish policies and training.

The 2014 MCDC Initiative resulted in several Arkansas issuers self-reporting possible violations and/or being reported by bond underwriters. Settlements with underwriters have already resulted in fines and undertakings designed to prevent further violations. Arkansas issuers who have self-reported are awaiting recommendations for settlement from the Enforcement Division. The Enforcement Division has indicated it will not recommend fines but will require, among other undertakings, that eligible issuers establish policies and training relating to continuing disclosure.

Written policies contain the types of disclosure required, a description of the process through documentation, the division of responsibility and supervision among the issuer’s staff, and a guide for training. Before adopting a written continuing disclosure policy, Arkansas issuers should consider its implications. Having a functional policy should reduce the chances of violating the continuing disclosure rule. A written policy might also establish a defense of reasonable care against violations that nevertheless occur. On the other hand, a written policy might provide a standard by which negligence is established if it is not followed. A policy should fit the issuer and its resources available for compliance.

Among other factors, the frequency, type, and complexity of the issuer’s bonds should be considered when drafting a policy. Also, the size and makeup of the issuer’s staff would reflect on its ability to comply with a policy depending on the complexity of the policy and on the amount of training required. Issuers who have bonds outstanding should consider adopting a continuing disclosure policy if one does not exist. Issuers who have existing policies should review them to determine if revisions are needed.

There is no “one size fits all” policy, and professional advisors should be consulted for advice and assistance.



Jim Fowler is an attorney with Rose Law Firm, a Professional Association in Little Rock.

- 1 SEC Rule 15c2-12. 17 CFR § 240.15c2-12.
- 2 Municipal Securities Disclosure, Exchange Act Release No. 33742 (1994).
- 3 Municipalities Continuing Disclosure Cooperation Initiative (2014): <https://www.sec.gov/divisions/enforce/municipalities-continuing-disclosure-cooperation-initiative.shtml>
- 4 In the Matter of the State of Illinois, Securities Act Release No. 9389 (2013); In the Matter of the City of Harrisburg, Pennsylvania, Exchange Act Release No. 69515 (2013); In the Matter of the City of South Miami, Florida, Securities Act Release No. 9404 (2013); In the Matter of the Greater Wenatchee Regional Events Center Public Facilities District, Securities Act Release No. 9471 (2013); and, In the Matter of West Clark Community Schools, Exchange Act Release No. 70057 (2013).



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IMPORTANT REMINDER: Highway Revenues and Severance Turnback Reporting Due

Act 265 of the 2014 Fiscal Session of the Arkansas Legislature requires municipalities receiving \$2 million or more in total highway revenues and highway severance turnback to submit reporting for 2015 projects to the Bureau of Legislative Research. The reporting deadline is Jan. 30, 2016.

You can access Act 265 and the required reporting document online at:
www.arkleg.state.ar.us/assembly/2013/2014F/Acts/Act265.pdf.

Please take note of Section 13 of Act 265:

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

Each calendar year, beginning with calendar year 2013, each county and municipality receiving total highway revenues and highway severance turnback per A.C.A. 27-70-207 and A.C.A. 26-58-124 of \$2,000,000 or more shall report to the House Public Transportation

Committee and the Senate Transportation, Technology and Legislative Affairs Committee indicating how highway revenues and highway severance turnback funds were utilized. The report shall include a general ledger accounting of the city or county street/road fund. The report shall also include the percentage of the street/road fund that is comprised of state funds. Further, the report shall include details of each contracted project including type and description of project, location of project and total amount of money spent on the project. HB1054 01-27-2014 09:18:30 WLC013

The report shall be submitted annually no later than January 30th for the previous year's projects.

Please ensure this message is forwarded to the appropriate personnel. Direct all questions regarding this reporting requirement to:

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

ARKANSAS MUNICIPAL LEAGUE



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Voluntary Certified Continuing Education Program

The League's Voluntary Certified Continuing Education Program continues in 2016 with a series of workshops covering topics helpful to municipal leaders. The voluntary certification plan is, approved by the Executive Committee, and consists of 21 credit hours of topics.

For those city officials who have completed the 21 hours of core curriculum, you must annually obtain 6 hours of continuing education to maintain your certification status. The required 6 hours must be gained by attending the hours of continuing education offered at the 2015 Fall Conference, the 82nd Annual Convention, or the 2017 Land Use Seminar.

The Program is for Arkansas mayors, city managers, city directors and aldermen, city recorders, recorder/treasurers, city clerks, clerk/treasurers.

The next workshop is:

- City Government 101: Who Does What at City Hall (5 core curriculum hours), 9 a.m. to 3 p.m. Jan. 13, 2016, at League headquarters.

For more information contact Ken Wasson at 501-374-3484 Ext. 211, or email kwasson@arml.org.

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Be prepared to comply when the grant arrives

By Chad Gallagher

“An ounce of prevention is worth a pound of cure.” These words are as true today as they were when Benjamin Franklin uttered them more than 200 years ago. I’ve found they are especially true regarding grants for municipalities. In this space we’ve talked a great deal about community development, strategic planning, and utilizing grants to further a community vision. We’ve also talked a great deal about grant writing strategies, how to write successful proposals, and reasons that grant proposals oftentimes fail. Unfortunately, failing isn’t a result reserved only for those who don’t get the grant. Too many fail after receiving the grant through poor grant management. We want to prevent that.

Setting up certain policies, procedures, and structures in advance of receiving a grant will help ensure you are more likely to succeed in grant management. Receiving a grant is the equivalent of entering a contract. The granting agency has agreed that your need exists and that your solution is viable. They are willing to give you funds, but every dollar has some strings attached. It’s important to know what is required of your city when it accepts grant funds and how these requirements will be met.

Before receiving a grant we recommend cities develop a grant compliance team or at least designate an individual responsible for ensuring the terms of the grant are met. This individual should normally not be the person who will oversee the funds or the actual implementation. If it is a park grant, then your park director is going to play a major role, but you will want someone different reviewing the checklist and working with the park director to ensure every box is checked. The same person for each grant can provide a compliance effort or it could be rotated among team members with various grants to spread out the responsibilities.

When applying for a new grant it is important to make a checklist of every item the grant requires. This would include policies that must be in place, how the funds are handled, matching fund requirements, tracking and reporting, the bidding process, legal notices,

and any other item the grant application makes known. Deliverables promised by the grant writer should also be listed. It is a good idea to have the application and checklist reviewed by the city attorney, a finance officer, and the department head who will oversee the project.

The grant award will normally come with additional paperwork that further outlines all obligations the city is entering into. The same checklist process should be conducted again. If this is done then before you ever accept a penny the city will have a thorough checklist of its legal, fiscal, and performance obligations agreed to as conditions for accepting these grant funds.

Before the project begins be sure that all parties who will have anything to do with the grant are aware of the checklist. Assign each item on the checklist to specific individuals with deadlines. Once the grant-funded project is open, it is important for a member of the team or the compliance-responsible individual to check in on the status of the items on the checklist. We recommend using an independent third party to do this for the city at least once during any grant process and again after completing the project.

Initially, it can feel a bit cumbersome and like a layer of red tape has been added. However, once the process is set and has been followed a few times, it is hardly any trouble at all and becomes the normal protocol. Importantly, this effort ensures that the project is done properly. It not only protects the city from major liability (you don’t want to be the city that must pay grant funds back), but this work will also create trust and goodwill between the city and the funding organization, and such goodwill is always helpful when applying for the next phase!



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

Little Rock's Bernard elected Neighborhoods U.S.A. president



Little Rock's director of Housing and Neighborhood Programs Andre Bernard has been elected president of Neighborhoods U.S.A., a national nonprofit committed to strengthening communities, the city has announced.

Bernard has led Little Rock's Housing and Neighborhood Programs since 2004. The program heads numerous initiatives in community development, resource centers, and animal services in the capital city. Bernard has been involved in projects aimed at bettering neighborhoods, including securing for the city an \$8.6 million Neighborhood Stabilization Grant in 2010 to buy and rehabilitate 100 properties and vacant lots. Bernard will be the first Arkansan to serve as president of Neighborhoods U.S.A.

Municipal Notes

New Hot Springs park to be named for late city manager

The Associated Press reported Oct. 28 that a new park in Hot Springs will be named in honor of City Manager David Watkins, who died unexpectedly this summer after he was injured in a fall at his home. The new park will be built in the 800 block of Park Avenue where a motel once stood. The park will be known as The David F. Watkins Memorial Tunnel Park. Watkins had led the charge for the city to acquire the property and tear down the old motel. The park will be paid for through donations, fundraisers, and grants. Plans for the park include a splash pad, a playground and an amphitheater for small music events.

Vilonia building playground to honor '14 tornado victim

Vilonia is building a playground and dedicating it to the memory of one of the victims of the deadly tornado that struck that city and Mayflower in 2014, KARK has reported. The storm killed 16 people and destroyed hundreds of homes and numerous businesses. The playground will honor Air Force Sergeant Daniel Wassom, who died in Vilonia protecting his two young daughters. After the tornado, his wife, Suzanne, donated their property to the city, and now the city is building a playground in his honor. Volunteers will build the playground on the donated land. Wassom and her daughter chose the name for the park: Remembrance Park. Visit www.cityofvilonia.net to find out how you can contribute to the effort.



Obituaries

JOHN HENLEY, 89, mayor of St. Joe since 1999, died Sept. 13.

CECIL TWILLIE, 78, a Forrest City alderman for 23 years, died Oct. 8.

Splashpads are a budget-friendly way to beat the heat

By Susan Pendergrass

We might remember as children rigging a water hose to spray upwards and outwards, spending hours running through the mist with our friends. For those not living near a body of water, this may have been the only way to cool off during hot Arkansas summers. Recent interest has skyrocketed among municipalities to find a recreational way to cool off without the cost and concerns of an in-ground pool. Splashpads seem to be the answer.

A splashpad is an economical, kid-friendly alternative play area that can be placed within residential neighborhoods, existing parks, recreational complexes, or even in downtown areas. The cost of a traditional pool in Arkansas can quickly become a burden on a municipal budget when reviewing the cost of chemicals, safety, security, staff, and maintenance. This new splash pad phenomenon is happening for a reason—it creates a destination for visitors, can generate revenue, and enhances your existing park and community. Many cities in the state have learned that putting in a splashpad is a speedy and relatively simple procedure. Adding a splashpad to an existing park/pool area will certainly boost attendance by capturing the interest of those visitors not specifically interested in swimming but would still enjoy the fun and excitement of a water play venue.

A splashpad, or spray pool, is a recreation area for water play that has little or no standing water. This may eliminate the need for lifeguards or other supervision, as there is little risk of drowning. Ground nozzles spray water upwards out of the splashpad's rain deck. There may also be other water features with movable and removable nozzles that can also be interchangeable and used to spray each other.

The showers, rain umbrellas and ground nozzles can be controlled by a motion sensor and scheduled to run for an allotted time. The water can be fresh water or recycled and treated water that is typically treated to at least the same level of quality as swimming pool water standards. Textured non-slip concrete or crumb rubber are examples of the types of surfaces applied to these play areas.

The force of the spray can be relatively strong depending upon the strength and arc of the flow, or it may resemble rainfall or even a fine mist. When not combined with a swimming pool or wading pool, some splashpads are created with a shallow “splash pool” area a few inches deep.

Drain openings are designed beneath a spray pool so that the water it produces will flood the surrounding landscape. In some instances, the water collected in these drains is recycled back into the spray mechanism, thereby conserving water.

Many splashpads are designed to appeal to young children, but a more recent trend has been to design similar spaces that include more sophisticated aquatic play features that appeal to adults as well. This urban beach can draw all ages while also providing a way for families to spend time at the water park together. Being recognized as a fun safe place to gather, there has been a noticeable increase in park rentals for large group functions at splashpads.

One of the many advantages to a splashpad is the ability to continually expand the features. As interest and attendance grows, so can the venue. Also, being able to oversee the costs and revenues from the existing splash pad, a city can determine the feasibility of additional space and features. With filtration systems and recycling water processes improving all the time, the goal is to continue to provide the best use of a city's water.

Where does the water come from and where does it go?

Water shortages are affecting more and more states and some areas within Arkansas. With the increasing demand for spray parks and splashpads, agencies are examining new alternatives for the use, reuse, and disposal of spray park water. Some of the options include recirculating the splashpad water, storing the water in a tank underground and allowing it to percolate back into the groundwater, or reusing the water for either subsurface or aboveground irrigation. Each option has its own pros and cons. The captured water can be used to irrigate the surrounding park and sports fields. An aboveground irrigation reuse system stores the water in an underground tank near the splashpad. Because the water will be used above the surface where people may come into contact with it, the water requires more re-sanitation than with a subsurface irrigation system.

Pros and cons

For children, the advantages of a splashpad are obvious: a wild and wet good time. The adults, however, are more likely to key in on three major points:

1. Cost— Splashpads are generally less expensive to install and maintain than a municipal in-ground pool.
2. Safety— Splashpads generally have less than an inch of standing water at any time, so the chance of accidental drowning is virtually non-existent.
3. Size— Splashpads can be large or small, depending on your budget, and can blend in at an existing park or pool.

If your city is considering a splashpad, please consider these items:

- Clearly define the goals of the project (i.e. adding amenities, revenue generation, etc.) and frame public discussions, budget numbers and designs in terms of stated goals.
- Consider various options for funding initial development (general funds, grants, etc.).
- Design the splashpad so that capacity aligns with projected use and revenue goals.
- Discuss parking and access early in the design process.
- Plan for expansion and new features.
- Explore opportunities to develop splashpads in proximity to other public amenities such as parks, pools, picnic areas, and community centers.
- Ensure adequate seating in shaded areas for adults.

- Install equipment on concrete surfaces insulated from dust and dirt.
- Provide adequate time to run a pilot operation before opening to the public.
- Develop a general maintenance plan.
- Set aside a percentage of splashpad revenue to pay for maintenance, regular upgrades, and expansions.
- Plan to rent for private functions for increased revenue.
- Designate varying timeslots for different age groups to maintain a safe atmosphere.
- Foster continued interest in your splashpad by changing patterns, features, and lighting.

Splashpads are a great new way for families to enjoy a worry-free excursion and have a great time doing it. And from the design side, we must keep clearly in mind future expansions and plan ahead when placing a splashpad within our parks and community areas that must grow with the neighborhoods and the families who enjoy them.



Susan Pendergrass is Director of Business Development at McClelland Consulting Engineers, Inc. Contact Susan at 501-371-0272 or email spendergrass@mcclelland-engrs.com.



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PHOTO BY ALISON LITCHY.

Morrilton tree enthusiasts get ready to plant a Japanese Maple and several other shade trees along a walking trail at the city’s senior center as part of their Arbor Day Celebration. Morrilton is a proud Tree City USA.

Tree City USA: Worth the cost?

By Alison Litchy

First of all, what is Tree City USA? Tree City USA is a tree management program sponsored by the Arbor Day Foundation focused on planting and properly managing trees. There are 3,417 Tree City USA communities nationwide.

Tree City USA provides the framework for urban forestry management in cities and towns across the country. Cities must meet four basic requirements to become a Tree City USA:

1. Establish a tree board or designate a department to be responsible for the public trees.
2. Create a tree ordinance on tree care and protection.
3. Budget \$2 per capita for community forestry.
4. Observe and proclaim Arbor Day.

Often when we talk to cities about becoming a Tree City USA, they are concerned by the third requirement, the \$2 per capita required to be spent towards trees. The money does not need to be a cause for concern. The benefits far outweigh the cost, which, you will see, is almost nonexistent.

According to studies done by Auburn University, having trees in towns and cities can reduce energy costs by up to 25 percent. Trees help cities across the country avoid millions of dollars in stormwater management costs. For more information on how this process works check out our article on stormwater in the April issue

of *City & Town*. Trees also boost property values by as much as 21 percent.

Two dollars per capita sounds like a lot of money. There is good news when it comes to this requirement: Your city is already spending that money. Many costs can be included into this standard. Examples of expenses include, but are not limited to, city worker salaries (pro-rated by percent of time they work on trees), contract work, tree purchases, watering, mulching, dead tree removal, leaf and brush pick up and grinding, the Arbor Day program, and training by city workers who learn about tree care. As you can see, a wide variety of expenses apply toward this \$2 requirement, and these types of expenditures add up fast.

Most cities tend to be more willing to accept the other three requirements, but let’s take a quick look at how they can be more easily managed. A tree board can be added to an existing board if needed. Rather than an entire new board to manage, this means it can be just an additional agenda item, making it easier to accomplish. Another way to satisfy this would be to assign it to someone in a department who is in charge of the city’s trees. If you already have this person, the requirement is met. Most cities end up creating a standalone board that includes a wide range of people, from professionals to citizens who care about trees. This committee can assist the city with volunteer tree plantings as well as fundraising.

The tree ordinance can be as broad or as specific as needed for the cities' particular needs. Example tree ordinances can be found online at forestry.arkansas.gov.

The final, and the best requirement, is the Arbor Day celebration. This is the fun part. It can be as basic or as complex as you would like it to be. Some cities, like Conway, make it a large celebration that has many partners involved. Local schools grow trees to give out, volunteers hand out hot dogs, art contests are held, trees are planted, and more. Other cities do a simple tree planting. Both are equally valuable and acceptable.

This year, if your city is already a Tree City USA there is a grant opportunity for you. Proposals that are eligible include:

- **Parking Lot Improvements for Stormwater Runoff**—Installing bioswales and rain gardens with trees. Retrofitting parking spaces with tree planter islands.
- **Tree Friendly Streets**—Incorporating bioswales with trees between streets and sidewalks. Designing tree planting areas that allow for root space and canopy growth over streets
- **Open Space**—Restoring streamside buffers. Planting trees to reduce storm water run-off.

- **Park Improvements**—Planting trees in high use areas such as playgrounds and picnic areas to help reduce sunburns and cool the air.

For grant information please visit: forestry.arkansas.gov/Services/CommunityForestry/Pages/treeCityUSA.aspx.

According to the Arbor Day Foundation, there are many additional benefits to receiving the Tree City USA designation, including increased local pride and the demonstration of the town's commitment for a healthier environment. Tree City USA communities often receive preference for forestry grants, draw more tourism, and entice new businesses and residents to the area.

If you have any additional questions about becoming a Tree City USA or the Grant for current communities please contact Alison Litchy 501-580-9609 or Patti Erwin at 479-422-0900.



Alison Litchy is urban forestry partnership coordinator with the Arkansas Forestry Commission. Call Alison at 501-984-5867 or email alison.litchy@arkansas.gov.

2015 State Turnback Funds

Actual Totals Per Capita						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2014	2015	2014	2015	2014	2015
January	\$5.1428	\$4.8662	\$0.3163	\$0.5728	\$1.9533	\$2.0995
February	\$4.5811	\$4.8562	\$0.4833	\$0.4599	\$1.0052	\$1.0921
March	\$4.7165	\$5.1898	\$0.4463	\$0.2339	\$1.0055	\$1.0909
April	\$4.8363	\$4.7309	\$0.5347	\$0.6375	\$1.0055	\$1.1417
May	\$5.1527	\$5.2251	\$0.5897	\$0.2547	\$1.0053	\$1.0918
June	\$4.9881	\$5.2410	\$0.6126	\$0.2738	\$1.0050	\$1.0920
July	\$5.5230	\$5.3082	\$0.5581	\$0.6600	\$3.9543	\$2.9748
August	\$4.9486	\$5.0259	\$0.6130	\$0.2560	\$1.0932	\$0.9641
September	\$5.0410	\$5.3748	\$0.5763	\$0.2632	\$1.0910	\$1.0791
October	\$5.1889	\$5.2322	\$0.5542	\$0.2767	\$1.0930	\$1.0707
November	\$4.9326		\$0.4906		\$1.0928	
December	\$4.8110		\$0.4013		\$1.0919	
Total Year	\$59.8626	\$51.0503	\$6.1764	\$3.8884	\$16.3960	\$13.6967

Actual Totals Per Month						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2014	2015	2014	2015	2014	2015
January	\$9,666,249.40	\$9,159,751.23	\$594,574.44	\$1,078,253.79	*\$3,671,282.93	*\$3,951,880.56
February	\$8,610,432.52	\$9,140,972.61	\$908,313.92	\$865,620.02	\$1,889,234.55	\$2,055,766.00
March	\$8,864,931.29	\$9,768,890.51	\$838,837.95	\$440,227.94	\$1,889,913.97	\$2,053,376.13
April	\$9,090,103.48	\$8,905,034.06	\$1,005,050.29	\$1,199,954.61	\$1,889,913.97	\$2,149,094.75
May	\$9,684,675.50	\$9,840,348.46	\$1,108,429.75	\$479,664.03	\$1,889,592.55	\$2,056,091.57
June	\$9,380,093.69	\$9,870,151.62	\$1,151,947.00	\$515,640.06	\$1,889,914.20	\$2,056,559.07
July	\$10,386,236.87	\$9,996,770.39	\$1,049,503.01	\$1,242,957.21	**\$7,436,192.77	***\$5,602,259.11
August	\$9,310,016.61	\$9,465,188.42	\$1,153,167.19	\$482,195.54	\$2,056,570.50	\$1,815,712.03
September	\$9,483,759.74	\$10,122,118.61	\$1,084,169.71	\$495,609.13	\$2,052,581.22	\$2,032,276.34
October	\$9,763,094.43	\$9,866,818.54	\$1,042,826.36	\$521,753.79	\$2,056,448.50	\$2,019,155.56
November	\$9,282,963.15		\$923,263.56		\$2,056,540.00	
December	\$9,054,075.63		\$755,208.69		\$2,054,945.78	
Total Year	\$112,576,632.31	\$96,136,044.45	\$11,615,291.87	\$7,321,876.12	\$30,833,130.94	25,792,171.12

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

** Includes \$3,516,800.29 supplemental and \$2 million appropriation from Category B of Budget Stabilization for July 2014

*** Includes \$3,516,801.52 supplemental for July 2015

Local Option Sales and Use Tax in Arkansas



KEY: Counties not collecting sales tax

Source: Rachel Graves, Office of State Treasurer

See also: www.dfa.arkansas.gov

Sales and Use Tax Year-to-Date 2015 with 2014 Comparison (shaded gray)								
Month	Municipal Tax		County Tax		Total Tax		Interest	
January	\$48,260,965	\$44,899,051	\$42,805,543	\$41,135,484	\$91,066,508	\$86,034,535	\$12,222	\$4,805
February	\$57,956,453	\$51,556,660	\$50,071,410	\$46,326,186	\$108,027,863	\$97,882,846	\$12,659	\$5,765
March	\$46,032,300	\$41,142,676	\$41,404,634	\$37,596,230	\$87,436,935	\$78,738,906	\$19,161	\$5,571
April	\$46,694,339	\$44,819,678	\$42,176,819	\$41,824,879	\$88,871,158	\$86,644,557	\$15,459	\$6,185
May	\$52,104,723	\$48,373,032	\$46,560,371	\$43,431,803	\$98,665,094	\$91,804,835	\$4,827	\$6,011
June	\$49,711,589	\$45,121,494	\$44,369,398	\$40,770,568	\$94,080,987	\$85,892,061	\$25,867	\$7,080
July	\$50,358,675	\$50,985,699	\$44,565,666	\$45,660,838	\$94,924,341	\$96,646,537	\$18,804	\$7,291
August	\$51,846,227	\$48,591,520	\$47,174,793	\$44,364,160	\$99,021,020	\$92,955,680	\$16,649	\$7,038
September	\$50,366,202	\$48,279,490	\$48,072,222	\$43,224,258	\$98,438,424	\$91,503,748	\$17,771	\$9,120
October	\$50,569,467	\$50,649,942	\$46,609,011	\$45,482,360	\$97,178,477	\$96,132,302	\$18,511	\$8,604
November		\$48,903,456		\$44,043,654		\$92,947,110		\$19,648
December		\$49,348,276		\$44,623,076		\$93,971,352		\$14,221
Total	\$503,900,940	\$572,670,974	\$453,809,867	\$518,483,496	\$957,710,807	\$1,091,154,469	\$161,930	\$101,339
Averages	\$50,390,094	\$47,722,581	\$45,380,986	\$43,206,958	\$95,771,080	\$90,929,539	\$16,193	\$8,445

MUNICIPAL MART

To place a classified ad in City & Town, please email the League at citytown@arml.org or call 501-374-3484. Ads are FREE to League members and available at the low rate of \$.70 per word to non-members. For members, ads will run for two consecutive months from the date of receipt unless we are notified to continue or discontinue. For non-members, ads will run for one month only unless otherwise notified.

ASSISTANT CITY MGR.—Broken Arrow, Okla., seeks an Assistant City Manager-Operations. This is an executive level position that provides professional staff assistance to the city manager regarding the day-to-day management of operations of the city, including serving as the acting city manager with full operating authority and responsibility in the absence of the city manager. Primary function is to organize, direct, schedule and coordinate the activities of the operations departments: Engineering & Construction, Streets & Stormwater, Parks and Recreation, Utilities and General Services. Includes responsibility for determining major departmental policies, planning long term programs, and making difficult administrative and professional decisions. Broken Arrow is a suburban community of 104,000 near Tulsa. Apply online through Nov. 29 at www.brokenarrowok.gov/employment. EOE.

BILLING COORDINATOR—The City of Bradley is accepting applications for a Billing Coordinator to manage processing/accounting for a WWTP. Microsoft certification preferred but not required. Excellent communication skills required. Needs to adapt easily to assuming duties in other departments as needed. Pay commensurate with experience. Send resumes to City of Bradley at City Hall, P.O. Box 759, 410 Pullman Street, Bradley AR 71826. Bradley is an EOE. For more information, call 870-894-3464.

CHIEF BUILDING OFFICIAL—Johnson City, Tenn., seeks a progressive, innovative and professional Chief Building Official to lead the Code Division, including building inspections/permitting, plans review, and code enforcement, for the City for the future. Requires Bachelor's degree in appropriate field, experience in municipal building inspection, evidence of continued professional development, or possess equiv. combination of experience and training. Knowledge, skills and abilities required of the position are found in the brochure at www.mercergroupinc.com. Johnson City government operates as a home rule municipality and is governed by the City Manager-Commission form of government. Starting annual salary market competitive DOQ/E; benefits provided; reasonable relocation expense negotiable. Open until filled. First review of candidates will occur on Nov. 20. Confidential resumes by COB Nov. 19 to James Mercer, The Mercer Group, 5579B Chamblee Dunwoody Road, #511, Atlanta, GA 30338. Phone: 770-551-0403; fax: 770-399-9749; email: jmercer@mercergroupinc.com. EOE.

CITY ADMINISTRATOR—Oakley, Kan. (pop. 2,075; \$4.1 million budget; 27 FTE's), is a friendly community located an hour west of Hays on I-70. The city is looking for an ethical, professional leader with a bachelor's degree and at least 3 years of local government experience. MPA is preferred. Salary \$60K-\$70K DOQ. Send cover letter, resume, and 3 professional references to LEAPS-Oakley@lkm.org or LEAPS-Oakley, 300 SW 8th, Topeka, KS, 66603. EOE. Open until filled. Application review begins Nov. 16.

CIVIL ENGINEER—Benton seeks a civil engineer. Qualifications include a Bachelor's degree in Civil Engineering or a related field. Salary DOE. Applications and a complete job description are available from the Benton website at www.bentonar.org. Applications and resumes should be returned to Human Resources, P. O. Box 607, Benton, AR 72018-0607. The position is open until filled but consideration will begin on Nov. 9. EOE.

CITY MANAGER—Fort Smith (population 87,400). While characterized by its southern heritage of charm and warmth, Fort Smith boldly embraces the future. It is a bustling regional hub for business, manufacturing and commerce. It is a city with enormous potential and a tremendous future. It is seeking an outstanding leader and manager to guide it to the next level – someone who does not sit behind a desk but who is out in the field with the staff and in the community with the public. The manager will be analytical always looking for opportunities to improve efficiency, effectiveness and customer service. For details, go to www.cb-asso.com under "Executive Search / Active Recruitments." Note: The actual title is City Administrator but this is a Council Manager form of government and the City Administrator is in reality a City Manager. Starting salary: \$130,000 to \$170,000. To apply, send your resume to Recruit49@cb-asso.com by Dec. 2. Faxed and mailed resumes will not be considered. Questions should be directed to Colin Baenziger at 561-707-3537. Class IV Water Operator—The City of Bradley is accepting applications for a Class IV Water Operator. Must have license or be willing to pass the appropriate testing. Duties include assisting in maintaining WWTP, the water system, maintaining equipment, meter reading. Additional duties include maintaining streets, and driving truck for Solid Waste. Valid DL and CDL required. Pay is commensurate with experience. Applications available at City Hall or resumes can be sent to City of Bradley, P.O. Box 759, 410 Pullman Street, Bradley AR 71826. EOE. For more information, call 870-894-3464.

DIRECTOR OF PUBLIC WORKS—Salina, Kan., seeks a progressive leader to become the newest member of our city manager's executive staff team. Salina is the 10th largest city and the county seat of Saline County. City of Salina's Public Works Department includes: 87 personnel from 7 divisions, operating out of three facility locations; Engineering, Streets/Stormwater, Traffic Control, Flood Control, Solid Waste (Landfill), Sanitation, Central Garage Divisions. Employees value the importance of customer service, a commitment to excellence, and professional ethics. Our next director

will have a commitment to our values, a strategic approach to leadership, continuous improvement and community service. Other qualifications include: Bachelor's degree in civil engineering or closely related field; 10 yrs. progressively responsible management and engineering or public works experience; PE licensure preferred. For more information or to apply, go to www.salina-ks.gov. Salary: Up to \$123,115 DOQ plus excellent benefits. Position is open until filled. EOE.

FIREFIGHTER 1 AND 2, EMT—Holiday Island Fire Department is accepting applications for a full time Firefighter 1 and 2, EMT. Experienced preferred. Excellent opportunity. Salary based on experience. Paid vacation, sick leave, retirement. Contact Chief @ 479-253-8397. Mail resumes to 251 Holiday Island Drive, Holiday Island, AR 72631.

GOLF COURSE SUPERINTENDENT—Holiday Island Suburban Improvement District (HSID) is accepting resume's for a FT Golf Course Superintendent for an 18-Hole, 9-Hole Course and Driving Range. Superintendent will be responsible for supervision of the golf course operation and maintenance. The responsibilities include: turf grass/plant material maintenance programs, property/asset management, personnel management, budget/forecasting, financial management, scheduling/maintenance, irrigation systems, pesticide applications, related recordings, and compliance of regulatory issues. Mail resumes to 251 Holiday Island Drive, Holiday Island, AR 72631. Benefits include full health benefits package, paid vacation, sick leave, and retirement. Mail cover letter/resumes to: GC Superintendent Search, 110 Woodsdale Drive, Holiday Island, Arkansas 72631 or email to DistrictMgr@holidayisland.us.

MEMBER SERVICES MANAGER—The League of Kansas Municipalities is seeking a Member Services Manager. This position serves members by managing the League's personnel service programs, including the League Executive/Administrative Search Program (LEAPS). This person also serves as the primary staff liaison to the Kansas Association of City/County Management (KACM) and the League education committee. In addition, the position works with communication staff on publications and coordinates education programs. The member services manager will be expected on occasion to engage in advocacy for the interests of Kansas cities before the Kansas legislature and regulatory bodies. The member services manager will coordinate personnel policy updates and job description development for member cities. This position serves as editor-in-chief of the Kansas Government Journal, and also contributes content to the magazine. Organizing content and speakers for conferences, as well as creating and presenting trainings for members, are also among the duties of the member services manager. Required qualifications include a Bachelor's degree and two years' experience in either member services or state or municipal government. Qualified candidates must be able to work both collaboratively and independently, meet deadlines, and manage multiple projects at the same time. This position requires the ability to clearly and accurately communicate complex information in written and oral presentations. Candidates must have demonstrated skills in research, analysis, and relationship building. They also should have a working knowledge of social media. The League offers great benefits, including KPERs, health/dental insurance, and paid leave and holidays. Salary range of \$40,000 - \$51,000, DOE. Interested candidates should submit a cover letter, resume, three work-related references, and a writing sample to Rynae Plue at resumes@lkm.org or League of Kansas Municipalities, 300 SW 8th, #100, Topeka, KS 66603. If confidentiality is requested, please note in application materials. Position will remain open until filled. Application review will begin Nov. 13. EOE. To view the full job description, visit www.lkm.org.

OFFICE MANAGER—The City of Bradley is accepting applications for an Office Manager. Experience required with payroll, AIR, AIP, utility billing process, accounting and manage liabilities and taxes. Centerpoint Fund accounting preferred but not required. Must be customer-oriented with strong communication skills. Needs to adapt easily to assuming duties in other departments as needed. Pay commensurate with experience. Send resumes to City of Bradley at P.O. Box 759, 410 Pullman Street, Bradley AR 71826. EOE. For more information call 870-894-3464.

PLANNER—Benton is currently taking applications for above position. Complete job description and employment application available at Benton Municipal Complex, 114 S. East Street, Benton, AR, 8 a.m.-5 p.m. Monday-Friday, or online at www.bentonar.org. Position is open until filled, but consideration will begin after 5 p.m. Monday, Nov. 9. EOE.

POLICE CHIEF—Jasper is now accepting applications for a full-time police chief. Must be certified and meet all requirements of law enforcement standards and training. Must live at least within 10 miles of Jasper city limits. Applications are available at City of Jasper, City Hall, P.O. Box 434, Jasper, AR. 72641. Resume must accompany application. Office hours are 8-4 Mon-Fri, 870-446-2633. Applications accepted until position is filled.

POLICE OFFICER—Charleston is accepting applications for a F/T police officer. Candidates must be able to meet all requirements of law enforcement standards and training. Charleston maintains a residency requirement on F/T officers. Contact Charleston City Hall at 479-965-2269 or email mail@aboutcharleston.com for an application. EOE. Application deadline is Nov. 20.

POLICE/SCHOOL RESOURCE OFFICER—The Lake Village Police Department is accepting applications for a Police Officer and a School Resource Officer/Police Officer. Applications and Job descriptions for both positions available at City Hall, 210 Main St. Lake Village, AR 71653. Competitive Salary package that includes paid health, dental and vision ins., vac. and ret. For more information you may call Chief Percy Wilburn at 870-265-5055. Mail resumes to P.O. Box 725, Lake Village, AR 71653, Attn: Chief Percy Wilburn. Applications and resumes will be accepted until 5 p.m. Nov. 30. EOE.

WATER OPERATOR—Forrest City Water Utility is seeking a water operator that has a Class IV Water Treatment and Distribution license. The Water Supply Operator is responsible for the operation of the Water Treatment Plant, storage distribution system monitoring on an assigned shift and other related duties. Application online at dws.arkansas.gov or call Derrick Spearman at Arkansas Workforce at 870-633-2900, located at 300 Eldridge Road #2, Forrest City, AR 72335. Open until filled. Forrest City Water Utility is located at 303 N. Rosser in Forrest City, AR 72335.

FOR SALE—City of Jasper VFD is selling a 1999 Mack Truck 10-speed tanker. The tanker holds approximately 2,000 gallons with a pump on back. Tanker has 15,342.2 hours and 632,230.0 miles. Price is \$35,000. For pictures or questions email us at www.cityofjasper@ritternet.com or call Shane Kilgore at 870-446-2633.

FOR SALE—The city of Van Buren has for sale 1990 Chevrolet Kodiak 6500 Dump truck, 366 cid gasoline engine, with a 5-speed transmission w/2 speed axle and 11R22.5 tires. New exhaust manifolds & bolts installed. Truck has 105,000 miles. Included is a 7.5cy Henderson Sand spreader model #FSHM10. The spreader is operated by truck PTO. For more information contact the Street Department Manager Wayne Sandusky at wsandusky@vanburencity.org or 479-474-3641.

FOR SALE—Van Buren has for sale a 2002 LeeBoy 7000T asphalt track paver. Installed new fuel lines and some hydraulic hoses. Replaced both screed lift cylinders and valve block. Other misc. repairs. \$15,000. We paved with it this year. Need a larger machine. Contact Street Dept. Manager Wayne Sandusky, 479-471-5009.

FOR SALE—2007 Ford Crown Victoria Police Vehicle (black and white). Approximately 81,279 miles. Vehicle is equipped with lights, sirens, radar unit, camera, and has a prisoner partition. Trunk has storage area. Asking a reserve of \$8,000. The city will be accepting sealed bids until noon Nov. 16. Bids will be opened at 6 p.m. Nov. 16 at council meeting. The city reserves the right to accept or deny any and all bids. Please contact Oak Grove Heights City Hall at 870-586-0042 between 8 a.m.-12 p.m. to inquire about vehicle. If you missed the sealed bid deadline, please contact city hall after Nov. 16 if interested in purchasing the vehicle if it has not been sold.



Changes to 2015 Directory, Arkansas Municipal Officials

Submit changes to Whitnee Bullerwell, wvb@arml.org.

Atkins

Delete C/T Barbara Gardner
Add C/T Machelle Brown
Add AM Hope Spence

Brinkley

Delete AL Red Rollins
Add AL Steven Dixon
Delete AL Jolly Bussell

Bryant

Delete PD Shari Knight
Add PD Charlotte Rue

Concord

Delete MR Jody Boerner
Add PC Jody Boerner

Dyess

Delete R/T Veronica McCullar
Add R/T (Vacant)

Harrisburg

Delete AL Lori Hawton
Add AL Nacole Sweeney

Manila

Delete PC Jackie Hill
Add PC James Skinner

Mayflower

Delete AL David Henderson
Add AL David Adcock

Norman

Delete AL Steve Phillips
Add AL Len Doughty

Parkin

Delete C/T Mary Ann Whitlock
Add C/T Prenita Lewis

Russellville

Delete AL Spence Roberts
Add AL (Vacant)

South Lead Hill

Delete AL Bruce Criner
Add AL Charolette Sage
Delete R/T (Vacant)
Add R/T Shelia Tucker

St. Joe

Delete M John Henley
Add M Daniel Terherst
Delete MA 420 S. Oklahoma St.
Add MA P.O. Box 132
Delete TEL 870-439-2012
Add TEL 870-504-2758

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December 2-4, 2015

Holiday Inn & Convention Center
Springdale, AR

City Government 101: Who Does What at City Hall

January 13, 2016

Arkansas Municipal League headquarters
North Little Rock, AR



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Standing from left:
Dennis Hunt (Executive Vice President
and Director of Public Finance), Chris
Angulo, Michael McBryde, Mark
McBryde, Bo Bittle, Jack Truemper
and Kevin Faught

Seated from left:
Michele Casavechia, Lindsey Ollar
and Jason Holsclaw

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We are continually impressed with the talent and dedication of the public sector employees who strive every day to improve our state's municipalities, counties, school districts, hospitals, colleges, universities, utility systems, and other governmental agencies. We thank each of you for your continued trust in our firm, and we look forward to serving you in the years to come.

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