

City & Town

DECEMBER 2005 VOL. 61, NO. 12

OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE

Season's Greetings!

from your Arkansas Municipal League
officers and staff



A green watering can is shown pouring water into a terracotta pot. Inside the pot is a miniature town scene featuring a yellow school bus, a red barn, a blue house, and a water tower. The scene is set on a mound of dark soil. The background is white.

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FEATURES

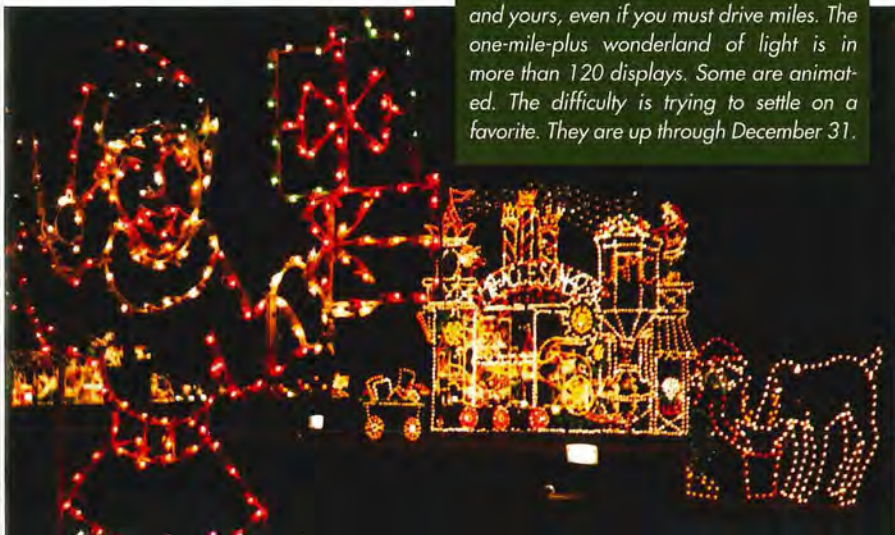
6 Northwest Arkansas Heritage Trail traces history
Stagecoach routes, civil war maneuvers and battles and recollections and routes of relocated Native Americans comprise the trail that connects towns, cities and the past.

10 Register and choose hotel for Winter Conference
Statewide political candidates, eminent domain update, streamline sales tax issues, coming legislative issues and other municipal issues, along with the Harlem Globetrotters, await conference participants.

13 Firewise uses smart ideas to avoid city firestorms
When urban areas mix and mingle with the forest, catastrophic infernos can be in the making for homes. Arkansas leads in the nation in Firewise communities with 28 participating.

27 State provides some sales and use tax information
League Executive Committee learns that cities and towns can find which businesses collect the tax; and it is on to the Supreme Court apparently to determine a definition of "municipal prisoners" for county jail purposes.

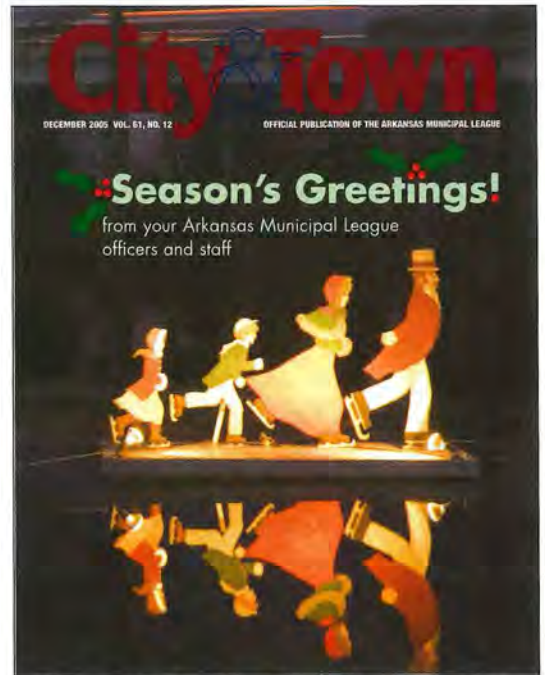
The Enchanted Land of Lights & Legends display at the Pine Bluff/Jefferson County Regional Park at Pine Bluff will delight you and yours, even if you must drive miles. The one-mile-plus wonderland of light is in more than 120 displays. Some are animated. The difficulty is trying to settle on a favorite. They are up through December 31.



City & Town

John K. Woodruff, Editor
Lamarie Rutelonis, Editorial Assistant
Here's where to reach us:

501-374-3484; Fax 501-374-0541; E-mail: citytown@arml.org;
League Web site—www.arml.org



ON THE COVER: Not quite cold enough to freeze this Wiley McGehee Park pond—just under the passing traffic on the U.S. 65 bridge at McGehee—this family of skaters found the Styrofoam block just fine, at least to keep them afloat during the holidays. This and other plywood cutouts sharing the pond are artistic work of Rochelle Poyner, City Hall receptionist (among other duties), and Karon White, McGehee bookkeeper. Assistance comes from the city street crew, overseen by Street Superintendent Eric Plunkett. Downtown, too, has holiday decorations—all to wish you, as the League staff and officers do, HAPPY AND JOYOUS HOLIDAYS!—jkw

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Cover Photo by John K. Woodruff, League staff

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Dear Colleagues:

Disasters seem almost commonplace as tornados rip through the state, as they did late last month and we constantly are reminded of the potential for terrorist attacks.

Each of our 501 cities and towns in the state need to prepare for the worst. With natural disasters in mind and in response to the Sept. 11, 2001, terrorism attacks, I encouraged the creation of the Bentonville Community Emergency Response Team, or CERT, in 2002.



Our local CERT is part of a program adopted in cities and towns around the country after the original CERT program was created in communities in the earthquake zone around Los Angeles. CERT sought to prepare residents to plan for emergencies and to enable them to care for themselves, neighbors and coworkers when emergency responders—police, fire and ambulance personnel—are overwhelmed by large-scale emergencies such as earthquakes. Here in Arkansas, the emergencies are more likely to be tornados.

CERT trainees in Bentonville attend one class a week for six weeks, studying the psychology of disasters, light search and rescue techniques, interacting with emergency responders, shutting off utilities at home and planning for a large scale emergency. Students learn to make emergency supply kits with food, water and other items sufficient for sustaining a person at least three days.

So far, 130 people have received CERT training in Bentonville and countywide, more than 265 people have been trained. It's paid off. The CERT-trained team from Bentonville have been called to assist firefighters when winds downed power lines and such.

Our next CERT course will run from March 2, 2006, to April 6, 2006, with three-hour evening classes. Instructors have trained at the Emergency Management Institute in Emmitsburg, Md., to be CERT instructors. Participants include Fire Department Division Chief David Dray, and Lt. David Terrell, Lt. Ron Tedford and Firefighters Kenny Sandlin and Chris Salts. Questions about our CERT program? Call Fire Chief Dan White or Division Chief Dray at 479-271-3151.

And if you missed it on the cover of this issue, I repeat it for all of my colleagues, Season's Greetings from your Arkansas Municipal League officers and staff!

Sincerely,

A handwritten signature in cursive script that reads "Terry Black Coberly".

Terry Black Coberly,
Mayor of Bentonville,
President, Arkansas Municipal League

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Heritage Trail traces history in Northwest Arkansas

STAGECOACH ROUTES, CIVIL WAR MANEUVERS, NATIVE AMERICANS TRAIL OF TEARS ROUTES OF DISPLACEMENT LINK CITIES AND TOWNS TO THE PAST.

By Marilyn Johnson Heifner
 City and county officials, historical society representatives, museum administrators, tourism officials and others Nov. 8 gathered at Fitzgerald Station in Springdale to dedicate the Heritage Trail in Northwest Arkansas and unveil the signage which will mark the trail.

Three types of historic routes comprise the Heritage Trail—the Butterfield Stagecoach Route, the Trail of Tears routes and routes of Civil War troops. Fitzgerald Station was a stop on the Butterfield Coach route.

The three route types unify regional connections and the historic themes for the trail connections.

Butterfield Stage Coach

In 1858, John Butterfield began operating the longest stagecoach run in the history of the world. Butterfield mail coaches traveled about 2,800 miles from Tipton, Mo., to San Francisco, right through Northwest Arkansas.

Coaches were to run each way twice a week. Having 25 days to make each run, the coaches traveled day and night to meet the deadline. Stages stopped every 20 miles or so to change teams. The first westbound Butterfield Stage stopped at Callaghan’s Station in present day Rogers on

Sept. 18, 1858. It then went through Cross Hollows to Fitzgerald’s Station in Shiloh, now Springdale.

The stage arrived in Fayetteville at 11 a.m. and left 50 minutes later on the way south to the rugged Boston Mountains and on to Van Buren and Fort Smith. “I might say the road was steep, rugged, jagged, rough and mountainous and then wish for more impressive words,” one of the first riders supposedly said.

This first westbound stage arrived in San Francisco on Oct. 10, 1858, one day ahead of schedule. The Butterfield Stagecoach ran from 1858 until 1861. It is said that Texas and Arkansas Rebels confiscated many of the coaches and horses.

Trail of Tears

“Trail of Tears” signifies the routes used for the forced Indian removal from 1837 to 1839. At least three Cherokee removal parties traveled through Northwest Arkansas on the “State Road” from Springfield to Fort Smith through Fayetteville.

The road followed the general route of what would later be called Telegraph Road, from north of the Pea Ridge Park and to southwest toward Fayetteville. The Cherokees turned west in Fayetteville, toward their final destination at Tahlequah, Okla.

Diaries of party leaders recorded dates and Cherokee camp locations. The Richard Taylor contingent on March 18, 1839, camped at the Elk Horn Tavern site in today's Pea Ridge Military Park. Another party leader's diary tells us: "Traveled 15 miles to Cross Hollows, ate dinner at Home-slys, and came on 5 miles to Fitzgerald's."

Another group, the Hildebrand contingent of 88 wagons, 881 horses, and 1,312 Cherokee, followed closely behind the Richard Taylor group.

Civil War Troop Movements

On Feb. 13, 1862, the Missouri State Guard under General Price retreated from Springfield, Mo., due to an unexpected winter campaign initiated by General Curtis of the Union Army.

In the midst of fierce winter storms, 8,000 Confederate troops with an almost endless wagon train trudged down the Telegraph Road to join their rebel counterparts in Arkansas. The Union Army gave a relentless pursuit resulting in the first Civil War battle in Arkansas on Feb. 17, 1862 at Little Sugar Creek on the Telegraph Road.

The Confederate troops made it to Cross Hollows for their first night's rest since leaving Springfield. The Arkansas Confederate commander at Camp Cross Hollow, General McCulloch, advised a further retreat to the Boston Mountains near Strickler in southern Washington County. Here they were joined by General Van Dorn's troops from Van Buren and amassed an army of approximately 16,000 men, the largest concentration of Confederate troops west of the Mississippi.

The Union Army of the Southwest, which consisted of approximately 10,500 men, had settled into a defensive position along Little Sugar Creek and McKissick Creek in northern Benton County. Van Dorn ordered his men to move against the Union Army on March 4, 1862. Van Dorn's army, along with its massive supply train, marched up the Telegraph Road to Fayetteville and then up the Elm Springs Road to Bentonville amidst another fierce winter storm. Some of the cold, weary, Confederate troops fell out along the way and perished. Most struggled along to meet their fate at one of the largest Civil War battles west of the Mississippi, the Battle of Pea Ridge.

What's the Heritage Trail Plan?

The Heritage Trail Plan is a regional network of automobile, bicycle and pedestrian facilities that connects Northwest Arkansas citizens and visitors to our rich heritage, our recreational and cultural assets, a healthier lifestyle, and to each other.

By implementing a region-wide network of bike and pedestrian facilities, the public will have access to healthy and safe alternatives to automotive travel. This system will also provide opportunities to experience the historic and natural environments of the area. As a result, the overall quality of life, economy, and health of the region will be enhanced.

Scope

This plan describes a regional network for automobile, proposed bicycle and pedestrian facilities within Washington and Benton counties in Northwest Arkansas. The entire network can be seen, at a minimum, as a bicycle route with improvements along the route providing safety for bicyclists. Within the more populated areas, where pedestrian traffic is anticipated, the improvements will also accommodate safe pedestrian travel. This regional system is designed to link the emerging master trail plans of the region's cities. By incorporating local trail plans into the regional network, a functional regional system will begin to emerge. By linking with the cities' own plans and including strategic spurs, the Heritage Trail Plan provides links to recreational sites, parks, historic sites, museums, schools, work centers and retail shopping.

Almost the entire regional trail network coincides with the existing road network. Some exceptions are a railroad corridor from Bentonville to Rogers, and a connection that would go through Lake Fayetteville Park. The Heritage Trail Plan depends primarily on existing right of ways in order to achieve immediate continuity. Off road facilities will be developed by the involved cities as part of their individual master trail plans. As cities adopt their own Master Trail Plans that link to the Regional Plan, those plans will be recognized as part of the Regional Plan.

The Trail was approved by the Technical Advisory Committee in October 2002 and included as an amendment in 2025 Northwest Arkansas Long Range Regional Transportation Plan.

All cities in Washington and Benton counties are represented on the TAC and Policy Committee and each has endorsed the Heritage Trail Plan. The Ft. Smith Master Street plan has included the Butterfield Coach Road with plans to link it to the Ozark Highlands Trail.

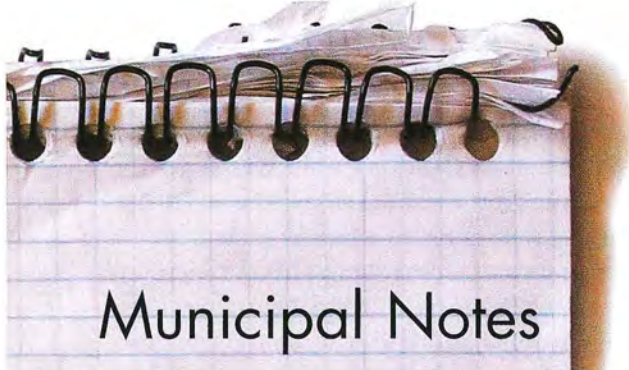
History

Kirby Sanders and John McLarty (trail partners) investigated and researched books, maps and oral reports to site the Butterfield Coach Trail and Civil War Trail route in Washington and Benton counties. Beginning in the summer of 2000 until the fall of 2002, they research the Trail of Tears and attended the national Trail of Tears conference.

Discussions regarding the formation of a 501(c)3 non-profit were started in November 2002 and that designation was approved in 2004 for Heritage Trail Partners. Its purpose is to promote and support the design, development, preservation and advancement of The Heritage Trail in western Arkansas.

The Arkansas Highway and Transportation Department (AHTD) assigned road profiles in December 2002. They included 10-foot and 6-foot pedestrian trails in cities and 6-foot trails in the counties. They include this design in their preliminary designs for all road improvements in Washington and Benton counties.

See **Trail**, page 29



Municipal Notes

CLE offered at League conference

Six hours of continuing legal education (CLE) will be available for city attorneys who attend the Arkansas Municipal League's 2006 Winter Conference, Jan. 11-13, at the Statehouse Convention Center in Little Rock. The Arkansas City Attorneys Association (ACAA) sponsors the CLE.

Paul Suskie, North Little Rock city attorney, ACAA president, urges members and non-members to register for the convention as soon as possible. A registration form is in this **City & Town**; copies also are being mailed to

city attorneys.

CLE topics, offered Jan. 13, include DWI/DUI prosecution, land use litigation update, Freedom of Information Act update, municipal initiative and referendum and one hour of ethics.

To attend the CLE program, registration is required at the League Conference. For registration information, call Whitnee Bullerwell at the League, 501-374-3484, ext. 206. For CLE information, call Mark Hayes, ACAA secretary/treasurer and League general counsel, 501-374-3484, ext. 222.

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. Watch for the new Directory in early 2006.

Obituaries

Carolyn Sue Anglin, 67, a member of the Siloam Springs Board of Directors, died Dec. 9.

Nathan Jefferson, 82, a Bluff City alderman from August 1986 to April 2003, died Nov. 6.

CALENDAR

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

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

Arkansas Municipal League
72nd Annual Convention
June 14-16, 2006
Hot Springs, Ark.



Volunteer Communities awards



Political candidates for statewide offices



CLE credit for city attorneys



Harlem Globetrotters

STATEHOUSE
Convention
Center



Main Street Arkansas awards



Legislative outlook

Winter Conference

Arkansas Municipal League

Jan. 11-13, 2006





WINTER CONFERENCE

Peabody Hotel
January 11-13, 2006

REGISTRATION

Registration and payment must be received in League office by Dec. 16, 2005, to qualify for advance registration.

Advance registration for municipal officials	\$100
Registration fee after Dec. 16, 2005 , and on-site registration for municipal officials	\$125
Spouse/guest registration	\$50
Child registration	\$50
Other registrants	\$150

- Registration will be processed **ONLY** with accompanying payment in full.
Make checks payable to the Arkansas Municipal League.
- Registration includes meals, activities and copies of **Handbook for Arkansas Municipal Officials, 2005-'06 edition**.
- No daily registration is available.
- Registration must come through the League office. No telephone registrations will be accepted.
- **No refunds after Dec. 16, 2005.**
- Cancellation letters must be postmarked by **Dec. 16, 2005.**

HOUSING

**To set up direct billing, contact hotel accounting offices.
Doubletree Hotel—501-372-4371
Wyndham Hotel—501-371-9000
Marriott Hotel—501-975-9800**

Peabody Hotel (headquarters hotel)	
Single/ Double	\$109
Check-in	3 p.m.
Doubletree Hotel	
Single/ Double	\$101
Check-in	3 p.m.
Marriott Hotel	
Single/ Double	\$109
Check-in	3 p.m.
Wyndham Hotel	
Single	\$71
Double	\$81
Check-in	3 p.m.

- Cut-off date for hotel reservations is **Dec. 16, 2005.**
- Rooms in Little Rock are subject to a 11.5 percent tax; in North Little Rock a 14 percent tax.
- If your 1st choice and 2nd choice are unavailable, the Housing Bureau will assign you to an available facility.
- Rooms will be held until 6 p.m. and then released unless guaranteed by credit card.
- Contact the Housing Bureau at 501-376-4781 (9 a.m. to 4:30 p.m. M-F) to make changes or cancellations in hotel accommodations until **Dec. 16, 2005.** Contact the hotel after that date.
- Hotel confirmation number will come directly from the hotel.

TWO WAYS TO REGISTER

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

OR

2

Complete the steps and **mail with payment** to:
ARKANSAS MUNICIPAL LEAGUE
Attn: 2006 Winter Conference
P.O. Box 38
North Little Rock, AR 72115-0038

Step 1: Delegate Information

Name: _____
Title: _____ City of: _____
Address: _____
City: _____ State: _____ Zip: _____ Telephone: _____
Spouse/Guest will attend: Yes No Name: _____
Children will attend: Yes No Name(s): _____

Step 2: Payment Information

• WHAT IS YOUR TOTAL? (see opposite page for fees)

<input type="checkbox"/> Advance Registration	<input type="checkbox"/> Regular Registration	<input type="checkbox"/> Spouse/Guest	<input type="checkbox"/> Child	<input type="checkbox"/> Other Registrants	Total
<u> \$100 </u>	<u> \$125 </u>	<u> \$50 </u>	<u> \$50 </u>	<u> \$150 </u>	<u> \$ </u>

• HOW ARE YOU PAYING?

Check Mail payment and form to: Arkansas Municipal League
2006 Winter Conference
P.O. Box 38
North Little Rock, AR 72114

Credit Card Complete information below and send to address above.

Credit Card: Visa MasterCard

Card Number: _____ Exp. Date: __/__/200__

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

Billing address (as it appears on statement): _____

City: _____ State: _____ Zip: _____

E-mail address (required for credit card payment): _____

Step 3: Housing Reservation Request

Make my hotel reservation as indicated below.

I prefer a SMOKING room (if available).

I do not require hotel reservations.

I need information for handicapped accessibility.

Arrival Date: 01 / __ / 2006 Time: 3 p.m.

Departure Date: 01 / __ / 2006 Time: _____

Hotel Choices: 1st choice: _____ 2nd choice: _____

Type of Accommodations: 1 bed 2 beds

List all people staying in room (include yourself): _____

Step 4: Housing Payment

Payment Options: Credit Card Direct Bill Note: only two payment options.

Direct bill my city. (The Peabody does NOT accept direct billing. Otherwise, contact hotel to set up an account.)

Use my credit card to obtain/guarantee my reservations.

Credit Card: Visa MasterCard Discover AM EX

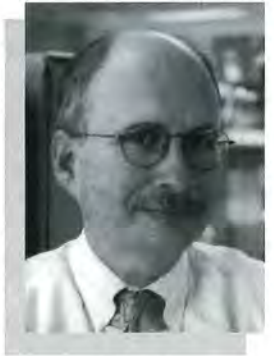
Card Number: _____ Exp. Date: __/__/200__

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

Frequently asked questions of law

Municipalities decide party primaries; note filing deadlines.

By David Schoen, Legal Counsel, Arkansas Municipal League



Schoen

Q In mayor-council cities, are city elections nonpartisan and if so, are they required to stay non-partisan?

A Generally, city elections in mayor-council cities are nonpartisan. However, the city may elect to hold party primaries by resolution. See Ark. Code Ann. § 14-42-206. To proceed with party primaries, “on or before January 1 of the year of the election,” the governing body must pass a resolution requesting that the legally recognized political parties of the state conduct such primaries. After passage of the resolution the clerk or recorder must mail certified copies of the resolution to the chairmen of the county and state parties. The statute enumerates various requirements for such an election.


Q Once the city passes a resolution, does it stay in effect for future elections?

A Previously, it did not, but now it does. Act 1165 of 2003, section 10, changed 14-42-206 to provide that “such resolution shall remain in effect for the subsequent elections unless revoked by the city or town council.” However, resolutions from prior years would probably be ineffective. In other words, if the council

wishes to have primaries, it should pass another resolution to comply with the new statute, and then the new resolution would stay in effect for future elections.

Q Have the filing deadlines changed?

A Yes. Independent candidates for offices in mayor-council governments now must file “not more than one hundred ten (110) days nor less than ninety (90) days prior to the general election by twelve o’clock noon with the county clerk the petition of nomination.” This replaces the former 80/60-day period.

If the city has an ordinance requiring independents to file “no later than noon on the day before the preferential primary election,” the ordinance should be amended to account for another new change in the law, which adds that independents in this situation should file “no earlier than twenty (20) days prior to the preferential primary election.” Act 1104 of 2003, section 1. Act 1104 also clarified that this filing deadline may be established “even if the municipal offices are all independent or otherwise nonpartisan.” Id., section 2. 

Lawsuit could put \$1,000 in retirees’ pockets

Uniformed and non-uniformed retired municipal workers may be entitled to an income tax refund as a result of a class action lawsuit filed in 1999 called *McFadden v. Weiss*.

In *McFadden*, the Arkansas Supreme Court held that employee contributions to their retirement plans should be returned free of income tax. As a result, more than \$25 million to date has been refunded to retired teachers, retired state employees, retired federal employees, and retired municipal employees. The average refund exceeds \$1,000.

Municipalities can assist retirees by providing the necessary information to process claims directly to the Arkansas Department of Finance and Administration (DF&A). The information necessary for the state to automatically process and calculate the refunds is:

- Retiree Name
- Retiree Address
- Retiree Social Security Number
- Retiree Date of Birth
- Annuity Indicator (Annuitant only or Survivor Election)
- If Survivor Election, Survivor Date of Birth

- Annuity Commencement Date
- Original Cost of Contribution
- Gross Annuity Amount Received for years 1999-2002

Submitting the above information directly to DF&A in bulk for all of a municipality’s retirees will not only assist the retirees, but will reduce the number of questions that municipal officers will have to answer from retirees attempting to obtain the information to complete claim forms.

If a municipality chooses not to provide the information directly to DF&A, it should contact all of the retirees to notify them that this refund is available and provide the following link to the DF&A Web site for more information and a claim form: www.arkansas.gov/dfa/.

The deadline for filing claims is March 15, 2006. Claims filed after March 15, 2006, will not be accepted or processed.

Once DF&A receives the information necessary to process the claims, it will recalculate the retiree’s Arkansas state income tax for the years 1999-2002 and issue a refund check for the amount of overpayment, plus 10 percent interest, for each year, less court-awarded attorneys fees.

FIREWISE

equips cities to counter wildfires threats

ARKANSAS HAS ALMOST FOUR TIMES AS MANY FIREWISE COMMUNITIES THAN ANY OTHER STATE.

By Laurie Pierce

WIND BLOWS EMBERS FROM A HOMEOWNER'S BURNING PILE OF BRUSH. Dead grass and pine needles fuel the fire. A wildland fire is born. The rural fire department is miles away. Will firefighters reach the house before the fire?

Each year, thousands of acres of Arkansas wildland and many homes are threatened or destroyed during the fire season that lasts from early spring until late fall. Arkansans cannot prevent every wildfire, but they can lessen the effects of wildfire on their homes and property.

"We're trying to help homeowners learn to protect themselves by creating an environment in which they will be safe from wildfire," says Firewise Communities/USA Project Manager Judith Cook. "Many forested areas in Arkansas have become very desirable places to live. [In the United States] our population has nearly tripled over the last 100 years, and much of the growth is going into traditionally natural areas.

"Many people who move into these areas, which are very picturesque, arrive with urban expectations. They may not recognize wildfire as a hazard and assume that the fire department is able to provide the same kind of protection that they do in the city. In most cases it's true that the fire department can. Should a wildfire occur, however, dozens of homes can be threatened at the same time, and this can overwhelm a smaller fire department."

Firewise, a national fire prevention program administered locally by the Arkansas Forestry Commission, targets homeowners, builders, developers, and community leaders who live in and near natural areas. Equipment purchased with federal grants and volunteer labor lessen wildfire's effects on houses by eliminating

exterior fire hazards such as trees that hang over roofs, dead limbs and brush, and poor access for emergency vehicles.

"The Firewise Communities/USA program was built around the notion of the home ignition zone—a house and its surroundings out to 100-150 feet," Cook says. "A house burns because of its relationship with everything in its surroundings. To avoid home ignition, the homeowner must eliminate the potential relationship a wildfire can have with his home. This can be accomplished by interrupting the natural path a fire takes. We help the people who move into these areas learn to prepare their home ignition zones in case of fire," the national Fire-



PHOTO BY LAURIE PIERCE, ARKANSAS FORESTRY COMMISSION

wise program manager says. “Fire can occur without catastrophic home loss.”

Local fire departments often provide Firewise leadership and support, Cook says. “Volunteer fire departments and the smaller fire departments have been an extremely important part of the growth of the program because they’re able to bring information to their specific communities and work with the residents there to develop prevention methods that work for their area.”

“Firewise lets people know what they need to do so fires can’t get to them,” says Norphlet Volunteer Fire Department Chief Sonny Harper. “We look at a house and evaluate if you have limbs right near you and [how close it is to] the woods. This is a community. By going to their houses we became closer with the population of Norphlet.”

Harper says the Firewise program has strengthened and added valuable resources to his Union County department. “It’s a volunteer fire department with 18 members and five junior members under 21. The population is 822 in the city limits, and there are other communities around us with no fire department,” he says. “We ended up getting four chainsaws, two gas-powered limb saws that telescope out to 15 feet, a manual limb saw, a leaf blower, and a trailer to haul it on. When we started this program, I didn’t realize we could get money for this stuff. I thought it was gonna be a \$1,000 for some fire hose. To me, it is one of the best programs I’ve been associated with for getting grants. We got this equipment for just a couple of hours of work.”

Firewise Communities/USA participation begins when concerned local citizens organize a Firewise board to identify high-risk areas and implement a local solution.

“We started with our neighborhood associations,” says Fayetteville Fire Department Battalion Chief Terry Lawson. “We have a presidents’ association where all the presidents of the neighborhood associations come together. And we made a presentation to them about the Firewise program. It’s a proactive approach where people in our community and neighborhoods can work with fire departments, the Arkansas Forestry Commission, and the U.S. Forest Service to protect their homes,” he says.

“As any fire department, we believe we can put out any fire, but in the urban-wildland interface, moving back the vegetation is going to help residents save their house and control a natural-occurring phenomenon,” says Fayetteville Fire Department Chief Tony Johnson. “Not only [does the Firewise program] help us as a fire department, it helps residents in the urban wildland area help themselves,” he says.

More than 250 of the 930 fire departments in Arkansas have been trained to assess wildland fire risks to homes in their fire districts by the Arkansas Forestry Commission. And Arkansas’ Firewise Communities have received nearly \$350,000 to complete assessment projects and purchase fire reduction equipment such as chainsaws, leaf blowers, ladders, and protective equipment.

“In Arkansas the Firewise program works through the Arkansas Forestry Commission, and there is a dedicated person there—David Samuel—who has introduced Firewise to residents of fire-prone areas all over the state,” Cook says.

The Firewise Communities/USA program is established in 40 states with 124 recognized communities, Cook says. The top three participating states are Arkansas (38), Florida (10), and Texas (9). “Arkansas is our star.”

For more information, visit arkansasfirewise.com and firewise.org.

Laurie Pierce is an information officer at the Arkansas Forestry Commission.

ARKANSAS’S 38 FIREWISE COMMUNITIES/USA

Adona • Bella Vista • Centerville • Cherokee Village
• Cherry Hill • Danville • Dutch Creek • Eureka
Springs • Fayetteville • Hartman • Harris Brake •
Hollis • Holiday Island • Houston • Hunt • Inspiration
Point • Joplin • Ludwig-Lakewood • Lutherville-Holman
• Mount George • Nimrod • Norphlet • Norman •
Nella • Oden • Ozark • Ozark County Estates •
Pencil Bluff • Perry • Pine Ridge • Plainview • Sims •
Story • Strickler • Thornburg • 250 • Wedington •
Williams Junction



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Summaries of attorney general opinions

Recent opinions that affect municipal government in Arkansas.

From the Office of Attorney General Mike Beebe

Adhere to state district court pay rate

Opinion: 2005-180

Requestor: King, Kevin N.—Circuit Judge

Are the salary perimeters (sic) established in ACA 16-16-108, applicable to the Sharp County District Court Clerks who serve several jurisdictions within and including Sharp County? Q2) If the statute controls the salary of the Sharp County District Court Clerk, does this also apply to the two deputy clerks? Q3) If this statute applies to any or all of the three (Clerk and Deputies), what are the legal remedy options for Sharp County in view of the fact that these salaries have been approved by appropriation ordinance by the Sharp County Quorum Court? **ANSWER:** Q1) Section 16-17-108, subsection 103, only applies to the individual who serves by appointment pursuant to ACA 16-17-211. See also Op. 2005-191 (discussing 16-17-108 and 16-17-901 et seq.; 16-17-925. Q2) No. Q3) the County must comply with the salary range that is set under 16-17-108 for “the Sharp County District Court Clerk.” ACA 14-14-1203 is inapplicable because a district court clerk is not a “county officer” under this provision.

Registered engineer needed also for repairs

Opinion: 2005-201

Requestor: Smith, Lindsley—State Representative

Does ACA 22-9-101 apply to major repairs to existing public works where the contemplated expenditure exceeds \$25,000, or are the services of a registered professional engineer only required for new construction of public works? **ANSWER:** The requirements of 22-9-101 are not limited to new construction and can apply to major repairs. Compare ACA 22-9-203, 22-9-301, 22-9-302, 22-9-401, 22-9-601 (other provisions in Chapter 9 of Title 22 employing similar language and having a similar object or purpose).

Contract to pay private corporation

Opinion: 2005-205

Requestor: Glover, Bobby L.—State Senator

Can the City of Cabot donate \$500 per month to the Lonoke County Safe Haven, a shelter for domestic abuse victims? Q2) If the answer to question one (1) is “no,” can the City of Cabot contract with Lonoke County Safe Haven for services? Q3) If the answer to question two (2) is “yes,” should the city’s payments to Safe Haven be limited to payments for services provided to victims who are also residents of the City of Cabot? Q4) Can the Cabot Water Wastewater Commission, pursuant to ACA 14-234-307(b)(1), donate funds to support Lonoke County Safe Haven? **RESPONSE:** Q1)

No. Article 12, Sec. 5 of the Arkansas Constitution, as interpreted by the Arkansas Supreme Court, would preclude a city from donating public funds to a private, nonprofit corporation. Q2) Yes, subject to the condition that the consideration the city pays for the services at issue must be reasonable. Q3) Yes, given that a city’s statutory police powers enable it to provide only for the general welfare of its “inhabitants.” ACA 14-55-102. Q4) No. Although ACA 14-42-108(b)(2) and 14-234-307(b)(1) expressly authorize municipal water commissions to donate money to various types of organizations, I believe these statutes would be adjudged unconstitutional as offending Article 12, Sec. 5 if they were read as authorizing the donation of public funds to a private, nonprofit corporation.

Generally, OK for taxes for economic development

Opinion: 2005-206

Requestor: Capps, John Paul—State Senator

Is it the intent and purpose of Act 1372 of 2005 that a nonprofit corporation established under Act 1372 be funded by a levy of a tax (ACA 14-174-101, et seq.)? Q2) May a corporation established under Act 1372 be funded by an appropriation of general funds yearly budget expenditures rather than by a levy of a tax authorized by the voters as provided for in ACA 14-174-103? Would this be in violation of Ark. Const. art. 12, sec. 5? Q3) Is it your opinion that a lawsuit could be successfully brought against a municipality that funded a corporation established under authority of Act 1372 of 2005 with money from the General Fund yearly budget appropriation rather than from a levy of a tax as prescribed and authorized by the voters under Act 1372? **RESPONSE:** Q1) I believe the legislature clearly intended that a public economic development corporation of the sort authorized by Act 1372 of 2005 be funded by a levy of a tax. Specifically, ACA 14-175-111(b)(1)(A) (Supp. 2005) expressly authorizes levying a voter-approved sales and use tax to finance projects undertaken by such a corporation. Q2) The law is unclear as to whether or not a political subdivision might appropriate unpledged general funds to subsidize a public corporation formed under the Public Corporations for Economic Development Act (the “PCEDA”), which was enacted as Act 1372, Sec. 3 and is codified at ACA 14-175-101 through -116 (Supp. 2005). As a general rule, in the absence of prohibitory legislation, a political subdivision may pledge public funds, including general revenues, to a public entity to fulfill a “public purpose.” Unfortunately, it remains unclear whether the legislature intended the financing mechanism set forth in the PCEDA to be exclusive, primary or optional. Legislative clar-

ification appears warranted. I do not believe the fact that a political subdivision provided such alternative funding would offend Ark. Const. art. 12, Sec. 5. As noted, I believe the issue is one of statutory preemption. Q3) Given the uncertainty addressed in my response to your second question, I cannot confidently predict the outcome of a lawsuit challenging the funding of a PCEDA project using general funds.

Mutual pact clarifies fire district board

Opinion: 2005-210

Requestor: Broadway, Shane—State Senator

May a member of the Springhill Fire Protection District Board serve the remainder of the member's appointed term after the area in which the member resides has been annexed into the city? Q2) Is there any legal impediment to the board remaining intact until the annexation results of the November 2006 general election are certified? Q3) If a board member must be replaced prior to the expiration of the member's term as a result of either proposed annexation, how and when should the board member be replaced? Q4) If part of the Springhill Fire Protection District is annexed into the City of Bryant, is the district required to reorganize? If so, how and when, and may the board wait until the annexation results of the November 2006 general election are certified to accomplish the reorganization? **RESPONSE:** With respect to your first question, if there is a "mutual, formal agreement" between the district and the City, or if bonded indebtedness is outstanding, a court in my opinion would find that the fire protection district includes the annexed lands for the reasons set forth below, allowing the board member to continue service. If there is no agreement and no outstanding bonds, it is unclear whether the boundaries of the fire protection district change by operation of law so as to affect the board member's service. In my opinion, however, in any event, the board member would be at least a de facto officer who could continue to serve until or unless removed or until the expiration of his term. With respect to your second question, in my opinion the Board must continue to abide by the statutory terms of office set by law. With respect to your third question, ACA 14-284-208(c) governs filling of vacancies on the board and specifies that the county court will appoint a new commissioner for the remainder of the vacating commissioner's term. With respect to your fourth question, in my opinion as long as the Springhill Fire Protection District was properly formed originally, there is no need to reorganize when some portion of the district has been annexed. Legislative clarification on the status of the annexed territory is warranted, however.

Cities in separate counties stay separate

Opinion: 2005-222

Requestor: Davis, Otis L.—State Representative

Is it permissible for two Arkansas cities to consolidate if they are located in different counties? **RESPONSE:** No. The Gen-

eral Assembly has delineated the authority of municipalities to consolidate only with other municipalities in the same county. This grant of authority does not extend beyond the specific language used in ACA 14-40-1201 which allows municipalities in the same county to consolidate.

Proper class decides openness of personnel data

Opinion: 2005-267

Requestor: Thomas, Stuart—Chief of Police,
LR Police Dept.

Is the decision of the custodian of records to withhold release of documents contained in an ongoing Internal Affairs investigative file consistent with provisions of the Freedom of Information Act (FOIA)? **RESPONSE:** If the records are properly classified as "employee evaluation or job performance records" and if no decision has been made to suspend or terminate the employees involved, then the decision is consistent with the FOIA. If not properly classified as such, the decision may be inconsistent with the FOIA. See also, Opinions 2004-178 and 2003-306.

Records typically open with allowed redactions

Opinion: 2005-268

Requestor: LaForce, Belinda—Mayor

In response to an oral request for the personnel files of five (5) Searcy police officers, the City of Searcy has forwarded copies of the files to this office and posed four questions regarding the records as follows: 1) whether the request poses an unwarranted invasion of personal privacy because the request makes no showing of a valid public interest in disclosure; 2) whether the file maintained by the City as a "police file" is subject to release as a "personnel file;" 3) has the City fairly and accurately redacted the appropriate information from the personnel files; and 4) has the City properly redacted the appropriate information from the police files? **RESPONSE:** My statutory duty is to determine whether the custodian's decision is consistent with the FOIA. The request does not state what that decision is. I am not authorized or required to answer questions posed by the custodian or to advise the custodian on his or her decision. To the extent necessary to set forth the applicable tests and principles under the FOIA however, I can state that: 1) The requester is not required to make a "showing" of a public interest. It is, rather, the custodian's burden to prove an exemption. 2) The fact that a record is not maintained in a "personnel file" does not preclude a conclusion that it is a "personnel record." 3) & 4) Personnel records are typically open to inspection and copying with appropriate redactions. The redactions made are in large measure consistent with the FOIA, but I have noted some deviations in both the personnel and police files. In addition, the redactions should comply with ACA 25-19-105(f)(3) ("the amount of information redacted shall be indicated on the released portion of the record and if technically feasible, at the place in the record where the deletion was made.")

Arkansas plays role in the international market

Sister Cites may be conduit for finding foreign markets—Part I

By Sherman Banks

Canada and Mexico are, respectively, the first and third largest trading partners of the United States, and the amount of trade that flows over our northern and southern borders has increased dramatically during the past decade.

It was therefore not surprising that the United States and its neighbors would seek treaties with one another to ease restrictions on trade. Sister City relationships with cities in Canada or Mexico enhance the Free Trade Agreement (FTA) with the United States.

The primary connection in international trade begins with the local government of the foreign city. Sister city relationships begin with a mayor-to-mayor connection between the municipalities; that coming together usually begins the trade and commerce-building initiative.

The FTA that President Reagan signed in 1989 eliminated all tariffs on United States-Canada trade. The lowering of the trade barriers has virtually guaranteed new investments and trade opportunities between our two countries.

With its abundance of agricultural products and its natural beauty, Arkansas can through Sister Cities develop city-to-city relationships based solely on economic development and tourism.

Sister Cities is the catalyst by which the doors of opportunity are open and trust is easily established where cooperation and reciprocal economic benefits exist.

Since the increase of the Hispanic population in Arkansas, it has become more important for our cities to look south of the border to begin sister city relationships that further economic development.

In June 1990 the U.S. and Mexican governments began talks that led to an agreement similar in structure and substance to the U.S.-Canadian FTA. What are the benefits to Arkansas by the United States having such an agreement with Mexico? Arkansas benefits greatly from better access to the enormous Mexican market (one-third the size of the United States), including:

- Protection of U.S. intellectual property rights;
- Easier access to the large Mexican market; and
- Protection for direct foreign investment.

Arkansas, being one of the states nearer to the border of Mexico, can offer investment and technology access that has been crucial to the continued economic recovery and development of Mexico. In 1986 the Mexican government agreed to open its economy to the General Agreement of Tariffs and Trade (GATT), which committed to

reducing barriers to commerce.

North Little Rock is the first city to take advantage of the opportunities afforded it by the U.S. and Mexican governments by North Little Rock's forming a sister city relationship with Mauxipan, Mexico.

This strong relationship between the United States and its neighbors on the northern and southern borders is the foundation on which the North American Free Trade Agreement (NAFTA) was built.

Opportunities in Western Europe are also expanding at a rapid rate. The European Community (EC) eliminated all internal economic barriers to trade and created an enormous single market encompassing nearly 350 million people within its member nations.

Two corporations in Arkansas, Wal-Mart and Acxiom have taken advantage of this change by doing business directly in Western Europe, and both have a presence in the United Kingdom (Northern Ireland, England and Scotland). Arkansas is one of the five member states of Swedish-American Chamber of Commerce South Central United States. Sister Cities is playing a vital role by providing key contacts in those cities where there established sister city relations.

With Sister Cities as a conduit, Arkansas businesses have two options when entering any foreign market. One is to treat each country or city individually, requiring a considerable amount of knowledge of many different languages, political systems and markets.

The second is to utilize the sister city contacts and request their expertise to bridge the gap of cultures in doing foreign business. The first option has been the more common method by U.S. businesses. Typically each country is treated individually, and companies concentrate on particular markets. There are positive aspects to this approach, and that the various trade agreements between countries and the interior barriers have come down makes entrance into a country's market considerably easier. A sister city relationship reduces the red tape even more and enhances the success of a foreign business agreement. Arkansas is on the cutting edge of that with its Fortune 500 companies.

To find out more about the international market, contact Sherman Banks, President, Sister Cities International, 501-376-0480 or e-mail sbanks@aristotle.net, or write to P. O. Box 165920, Little Rock, AR 72216. 



Banks



“A NOBEL PRIZE FOR CONSTRUCTIVE CITIZENSHIP”

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—former president Bill Clinton, during a Rose Garden ceremony for All-America Cities.



“These communities have lessons to teach us all. They are proving the power of partnership—citizens, government, business, and volunteer groups cooperating to confront community issues together,”
—former president George Bush, during a Rose Garden ceremony for All-America Cities.



“Those who participate in the All-America City Awards process are winners because they know that fulfillment comes from service to their communities. They are reaching across barriers to bring people together to talk, to build, to dream. That is what the Award is all about,”
—former U.S. Senator, and former NCL Chairman, Bill Bradley.

If your community — whether a neighborhood, town, city, county or region — employs collaboration and innovation to overcome challenges, it could become an All-America City in 2006. The application process alone can make your community stronger.



The deadline for applications is March 9, 2006. Finalists will be announced on April 14th. The awards ceremony will be in Anaheim, California June 9-12. Additional information and applications are available at www.ncl.org/aac. For more information, contact the National Civic League at 303-571-4343, or write to aleksh@ncl.org

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Survival driving considers laws about humans, mechanics, physics

Anticipate conditions, check the tires, brakes and then prepare to simply react in a crisis.

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

Let me preface this column by saying that I don't consider myself to be a really good driver. In the capacity of staff engineer for the Arkansas Municipal League and my work as a consultant, the annual vehicle miles of travel that I log are in the 50,000-60,000-mile range.

This equates to about one million miles of travel during my time with the League. My qualifications to talk about survival driving consists of being in five major car crashes plus one plane crash for what that's worth.

Again, let me emphasize that this is not an article about driver training. It's about survival.

Early in my career, every training course involving driving was titled *Defensive driving—drive defensively!* Today, drivers seem to want to protect their space. They feel like that their space is violated if they have to change lanes or adjust their speed.

It's the behavioral pattern of society today and nothing can be done about it. The driver tips that will be presented in this article consist of applied physics to vehicular travel and understanding driver behavior.

My first rule of survival is: Never take a direct head on impact or give a head on impact. When this type of impact occurs there is no other place for energy to dissipate but in the vehicle. If the impact can be reduced to an angle or the car redirected, then that energy that would have been absorbed by the vehicle will remain as kinetic energy.

Avoid hitting trees, particularly head on. The worst tree is the pine tree that has sap in it year around and a long taproot. Trees are very resilient and are very poor energy absorbers. They do not give. If you have a choice pick the wooden light pole because it will shatter.

Braking—just because your car has an anti-skid braking system (ABS) does not mean that it will take care of you in all situations. The brakes on the wheels will get hot even though the brake pedal is not applied because the pad passes in close proximity to the rotating discs. Brakes get even hotter when the pad and discs make contact and there is surface friction. When brakes get hot the surfaces tend to polish and the stopping distance is extended. Pumping the brakes as you begin to stop will reduce speed, and cut the heat on the brakes allowing for better performance and longer service life.

Also, brakes that are hot due to over use can easily



Johnson

become warped. If you drive through a deep puddle or stream the rapid cooling causes the discs to warp and uneven stopping, which can be dangerous and undependable.

Hydroplaning! It's like skipping a flat rock across a lake. If the surface of the rock is not hard and flat, it will not skip. It must also have velocity. The equation for kinetic energy, which is moving energy, is mass times the velocity squared. While driving in a major rain the vehicle speed should be reduced about 10 miles an hour below the legal speed limit. Going from 70 miles an hour to 60 miles an hour reduces the kinetic energy by 25 percent. The lower speed lets the water on the pavement have a little more time to work out between the grooves and the tire tread. If traffic is relatively heavy during a rainstorm, there will be a wheel path in front of you where the water has been separated. Staying in that wheel path gives you better friction. Avoid ponding water particularly long stretches of ponding water where hydroplaning can be a real problem.

Tire pressures—The physics of the automobile tire is very simple. If you run a high tire pressure, the surface contact on the pavement will be less and even though the coefficient of friction between the tire and the pavement surface will be the same, lower tire pressures give better traction because the tread forms around the texture of the surface.

When it comes to tires the choice is simple—either a softer, safer ride or higher mileage and a hard ride. Don't take the low pressure to an extreme. Tire sidewalls should only bulge slightly. A tire sidewall that flexes significantly creates friction heat and accelerates the oxidation and hardening of the tire. A good rule of thumb is about five pounds psi less than what the manufacture recommends. Also, check tire pressure as the seasons change.

Before departing the physics side of survival driving, let's talk about coefficient friction. The coefficient of friction is very important as to how your vehicle stops, accelerates and maneuvers. In the laboratory the coefficient of friction is determined by placing the two materials together, one connected to a board and the other unrestrained on top of that material and rotating the board angularly until the top material separates and

slides down the slope. The tangent of that angle is the coefficient of friction. The coefficient of friction can go from near zero to well over one. A tire on good pavement will have a coefficient of friction of about 0.6. This means that 100 pounds of weight from that tire on the pavement can produce 60 pounds of thrust before that tire skids. The coefficient of friction between ice and rubber is 0.08! Grass and rubber is about 0.2 and very dangerous when it comes to stopping.


Now let's move to the human factors that help in survival driving. Anticipate conditions before they occur. Be cautious of your surroundings and particularly erratic vehicular behavior. Make a habit of glancing up the road or highway to see if traffic is being altered. Stay with the traffic flow and maintain space between vehicles. Don't go faster or slower and avoid "clusters" of vehicles that have unsafe vehicle separation distance.

There are times when you don't want to be wearing a seatbelt and you want to have your windows down. For example, you want to be able to get out of your vehicle with your electrical system shut down and pressure on the outside when unloading a boat from the boat trailer into the lake, crossing a low water bridge, and driving onto a ferry.

Adding the human element to the laws of physics, you create a very complex situation and potential problem. After your vehicle has been serviced or there has been a maintenance function performed, check your vehicle to be sure that there are no filter leaks, the plugs and caps have been replaced properly, and that there are no strange objects such as wrenches left on your engine that could fall into the fan. Check the gages on you dash to be sure that they are reading properly. Becoming disabled on the side of the road can be a real survival experience.

There are two types of driver responses to a situation. The first is analytical. The driver is able to assess the situation and perform a risk evaluation if necessary then respond. The other type of driver response is strictly reaction. The driver sees a situation and responds immediately. In a crisis, the analytical approach is bypassed. This reaction can occur in a fraction of a second. The reaction is based on what the body has done during similar conditions in the past. If a situation is misrepresented the reaction can be fatal. For example, a wrong way driver on a freeway is encountered by a car on the inside lane, the wrong way drive and the car on the inside lane both go to the inside shoulder to avoid a head on crash and the results are fatal.

Obedying the traffic laws is very important; however, when the inevitable occurs, dealing with the laws of physics and understanding driver behavior will greatly improve your chances of being a survivor.

Reach Al Johnson at 501-374-7492. He is available to consult with member cities and towns for one on-site consultation a year as a service of your Arkansas Municipal League. 

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Live up the holidays with a living Christmas tree

Then planting it boosts the city's beauty, the environment and tradition.

By John Slater, Urban Forestry Partnership Coordinator



Slater

More than 35 million American families will celebrate the holiday season with the long-standing tradition of a real, live Christmas tree.

Where did this tradition come from? It was introduced in the United States by Hessian mercenaries paid to fight in the Revolutionary War and by German settlers. In 1804, U.S. soldiers stationed at Fort Dearborn, Ill., (now Chicago) hauled trees from the surrounding woods to their barracks at Christmas. Franklin Pierce, our 14th President, started the White House Christmas tree tradition.

I have always preferred a live Christmas tree to an artificial tree and have fond memories of going out in the woods with my kids and looking for that perfect tree. Back then, it was the Eastern red cedar. It grew wild, and while it could be used for fence posts, its best use was as a Christmas tree. This was our family tradition and a great way of making memories with our kids.

While looking through the Internet, I found an article about using a live (not cut) Christmas tree during the

holidays. What a great idea! I had never considered this as an option before. This could be a way for a community to start its own tradition by using a live tree. After the holidays, it could be planted on city property or put back into the landscape. It could be used again the following year and could also be used to celebrate Arbor Day.

Recommended living trees for Arkansas

Eastern red cedar, Virginia pine, Leyland cypress, and Scotch pine. The hardiest tree is the Eastern Red Cedar. It's native to Arkansas and can grow under the harshest of conditions.

How to care for a live Christmas tree.

A tree should be conditioned before being brought into a heated room. Leaving the tree in an unheated room or garage for a couple of days should be sufficient. After the conditioning, the tree can be brought indoors and placed in a cool location away from direct sunlight. It is even more important with living trees that the location is away from heat sources such as wood stoves, fireplaces, or heater vents.

Living trees will also need water, although not nearly as much as cut trees. Whether using a balled and burlapped tree or a potted tree, the roots should be moistened and kept in a moistened condition while a tree is displayed. The tree should be placed in a tub with the roots covered by mulch to hold in moisture. Living trees should not be kept inside for more than 10 days. If left inside too long, the tree may break dormancy and begin growing, this is undesirable.

After the holidays, reverse the conditioning procedure when reintroducing the tree outside. Place the tree in an unheated room for a couple of days. If it's a balled and burlapped tree, plant it immediately. If it is potted, relocate it back into your landscape.

Whether it is a living tree or a cut tree, real trees are renewable and recyclable. We have Christmas tree growers around the state and the nation, so every year we have a new crop of trees to choose from. While these trees are being grown, they are providing us with oxygen and are fighting pollution.



After the holidays it's a new life

Christmas trees take on a new life after the holidays says the National Christmas Tree Growers Association.

Christmas trees are more than just the celebration of life during the holidays; they're a source of life after it. Each year more communities are discovering the recyclable, renewable benefits of real Christmas trees.

Real Christmas trees, unlike artificial ones which aren't biodegradable and will remain in landfills for centuries after disposal, can provide something back to the environment in a number of ways.

Christmas trees are biodegradable. Many communities across the state, such as McCrory, Stuttgart, and Hot Springs, have recycling programs that take yard waste such as limbs, leaves, and I'm sure, real Christmas trees.

Cut trees produce mulch that is used by the city and its residents for gardens, parks, and trees. The mulch provides a barrier for the roots, holds in moisture for the plants, and then decomposes, providing the nutrients plants need to thrive. They also sunk in ponds and lakes to create habitat for fish.

I thank The National Christmas Tree Growers Association Web site www.christmastrees.org and the Arkansas Christmas Tree Growers Association www.arktreegrowers.com for the information they provided for this article.

If you're looking for a fresh-cut tree, try their Web sites and find a Christmas tree grower near you. If you're

looking for a live to tree you can enjoy for many seasons, call your local nursery to see what they have in stock. I'm off to find that perfect, live Christmas tree.

Happy Hunting, Happy Holidays and a Happy New Year.

For more information, contact John Slater at john.slater@arkansas.gov or 501-984-5867.

Make a Memory ... Plant a Tree

Foot note: Before sending this column to City & Town magazine I decided to wait until I returned from Nation Urban Forestry Conference in Charlotte, NC. While attending the conference I won the door prize which was a red maple about 2 feet tall and had eight colorful leaves. The seed came from an historical place, Walden Woods—made famous by Henry David Thoreau who is recognized as the father of conservation. I mention this because now I had to carry this tree with me on the plane back home and received several curious looks.

But I met a couple who were on their way to visit family in Seattle, Wash., for the holidays and they asked about the tree. After I explained what I was doing with the tree, without prompting from me, the lady started telling me about when they were kids growing up in Pennsylvania they used live Christmas trees, what a coincidence.

She had remembered planting one of the live trees in their yard and the last time she had seen it, it had grown into a very large tree. The other live trees they had celebrated Christmas with, were donated to friends and/ or the city to plant. We continued talking about family, friends, holidays, traditions and memories as kids. What a pleasant way to spend your time at an airport all because of a little Maple tree. A memory I will not forget. 🌳

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Book Review By Jim vonTungeln

Benjamin M. Friedman, economist and Harvard University professor, examines the big picture (scholars call it “macro-economics”) in his fascinating new book, *The Moral Consequences of Economic Growth*. There is, thankfully, much to ponder for one who deals with local government.

The basic point in the work might be summed up as this: economic development contributes in time to a rising standard of living, which contributes to the advancement of progressive social and governmental trends. Sadly, the reverse is true. Economic stagnation can presage negative societal trends. He tells us how and why this happens in a long and circuitous journey—one that takes us from the 1760s to modern times and from Saudi Arabia to Luxembourg.

Read from the standpoint of local government administration, the book is especially rich in texture and instruction. I found, hidden within its statistics and expositions, much support for a long-simmering personal belief that municipalities might do better to concentrate more on growing their people and less on growing their populations.

Friedman begins with a historical summary of the relationship between economic growth and social progress. His jumping-off point is Britain’s Great Exposition of 1851. Featuring the famous Crystal Palace, it set out to demonstrate the fact that new technology would raise living standards. He then touches upon such various trends, personages, and events as Calvinism (there is nothing shameful about hard work), Max Weber (the “protestant ethic”), and World War II (America’s transition from a wartime to global economy).

History gives way to geography as Friedman examines the cases of four democratic entities emerging after World War II: The United States, Great Britain, France and Germany. The result is a convincing argument that, most often, responses to economic growth feature movements toward positive social ideals (civil rights and progressive government) while responses to economic stagnation feature movements away from those same ideals (the Ku Klux Klan and populism.)

Friedman continually reminds us what economic progress is and isn’t. It is not simply higher incomes but a rising standard of living, which itself may be a relative issue among different countries. Its opposite is not poverty but a sense of being mired in hopelessness with no apparent way out. It is not simply a matter of public policy but how those public policies ultimately affect attitudes (the French Revolution began among segments of the population that were doing better than some.)

The book proves a little tough going at times. Economists are neither the clearest nor the best writers. If for

no other reason, however, *The Moral Consequences of Economic Growth* is worth the effort for the final chapter.

In it, Friedman revisits an idea presented in the first chapter and echoed by other modern writers, including David Cay Johnston.

This is that America achieved substantial increases in prosperity in

the decades following World War II. For most Americans, however, economic progress in constant dollars stagnated from the early 1970s until the early 1990s. After resurging in that decade, economic progress again became stagnant and remains so today. Friedman draws an alarming picture of the future if something doesn’t change.

He does offer a way out. He describes three basic ways for an economy to enhance its ability to produce goods and services, thereby delivering a higher standard of living for society. Public policy (which he believes in, by the way) can: create and deploy more resources; devise new technologies for using those resources in production; and use existing resources and technology more efficiently.

I won’t spoil the ending by divulging his optimum course of action. Let’s simply say that he expands the concept of resources to include both physical and human capital. Then he offers a solution that emphasizes human capital, is best addressed at the state and local level, and requires textbooks.

Jim vonTungeln of Little Rock, president of Urban Planning Associates, is a member of the American Institute of Certified Planners and a League consultant.



BENJAMIN M. FRIEDMAN

THE MORAL CONSEQUENCES OF ECONOMIC GROWTH



The Moral Consequences of Economic Growth, by Benjamin M. Friedman; (Alfred A Knopf, 2005, ISBN: 0-679-44891-8; 570 pages; \$35.

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Names of businesses that pay sales and use tax open to municipalities

Executive committee pleased to hear that the state provides lists of businesses paying the taxes. No individual business dollar amounts are released, however.

By John K. Woodruff, League staff

City officials can obtain from the Arkansas Department of Finance and Administration (DF&A) the names of businesses showing which ones are collecting local sales and use taxes for their respective municipalities.

This was the good news that a Municipal League committee, appointed by Mayor Terry Coberly of Bentonville, League president, learned in a meeting in November with DF&A officials. Mayor Stewart Nelson of Morrilton, League first vice president, chaired the committee. Members also included Mayor Robert Patrick of St. Charles, City Manager Kent Myers of Hot Springs, Finance Officer Stephen Davis of Fayetteville and Don Zimmerman, League executive director.

Municipal officials and the League have been trying for years to obtain detailed sales and use tax information from the state to assure that businesses are collecting the state and local sales and use taxes that they should.

DF&A said by letter following the meeting that cities and towns could obtain the names of each business that:

- 1) Has a history of taxable business activity at least once for the local tax.
- 2) Has not recently changed its sales tax permit number.
- 3) Has an open account on the publishing date of the report.

The information that the state provides shows the out-of-state permit holders, the consolidated accounts operating at more than one location and accounts with one location in the county.

Code numbers on the information forms indicate information that is an internal account, an unknown one and one-time payments or special-handling accounts.

Even more data would be appreciated.

In a letter to Patrick, from Liliana Flores, supervisor of the electronic fund transfer and local tax unit, said that the DF&A sales and use tax Internet page at <http://www.arkansas.gov/dfa> has tax charts, frequently

asked questions, sales tax regulations, form requests, state rates, local rates, Internet filing and statistical data.

Since Aug. 13, 2001, city and county governments have been able to request a list of businesses no more than quarterly, in accord with state law, ACA 26-73-115, she said.

Patrick was "impressed" with the DF&A cooperation in providing the sales and use tax information. Kent

Myers said he "would appreciate getting the information." He said the lists of businesses paying the sales taxes could be checked against the city's lists of businesses operating in the city. He noted that cities still are unable to obtain from DF&A the amounts of sales taxes being paid by individual businesses.

County jail expenses issues continue.

The Executive Committee agreed to continue to help pursue, if necessary, to the Arkansas Supreme Court the contention by Pine Bluff—with the League assisting—that it is a county's responsibility to pay prisoner expenses for a person convicted of state laws—misdemeanors and felonies—after the person was arrested by a municipal police officer.

This particular case was brought by Jefferson County against Pine Bluff in a lawsuit alleging that the city owed the county for prison or expenses. The League helped Pine Bluff argue that the city owed only expenses of prisoners convicted of municipal ordinance violations and sentenced to the county jail.



The Executive Committee Nov. 30 learned that at least some sales tax records are available from the state. Morrilton Mayor Stewart Nelson, first vice president, presided after Bentonville Mayor Terry Coberly, League president, was unable to attend.

Two judges have ruled to the contrary, based on an attorney general's opinion that has been clarified since a Mississippi County judicial ruling was made. The latest ruling was Nov. 9 when Retired Circuit Judge John B. Plegge concurred in a Pine Bluff case with a previous opinion of Circuit Judge David Laser in that Mississippi County case.

That ruling said that cities should pay jail expenses for prisoners convicted of misdemeanors, even under state laws, when the prisoners had been arrested by a municipal police officer and sentenced to a county jail.

Cities contend (with the Leagues's assistance) that their obligation to pay those expenses cease when the prisoner is convicted of the state law and sentenced to the county jail. They contend also that the last two judicial rulings—Laser's and Plegge's—are based on state laws that deal with distribution of jail fines, not costs of housing prisoners.


League lawyers cite attorney general opinions that concur with the Pine Bluff and League viewpoint. The latest attorney general ruling on the jail expense issue was that of Attorney General Mike Beebe in Opinion 2004-303 last year. Beebe concurred with previous attorney general opinions that counties must bear the jail expenses after a prisoner is convicted of a state misdemeanor and sentenced to a county jail. Beebe said "a municipality is relieved of further financial obligation under ACA (subsection) 12-41-506 after the sentencing (to the county jail) of a prisoner who was arrested by law enforcement officers for a state misdemeanor offense committed within the city."

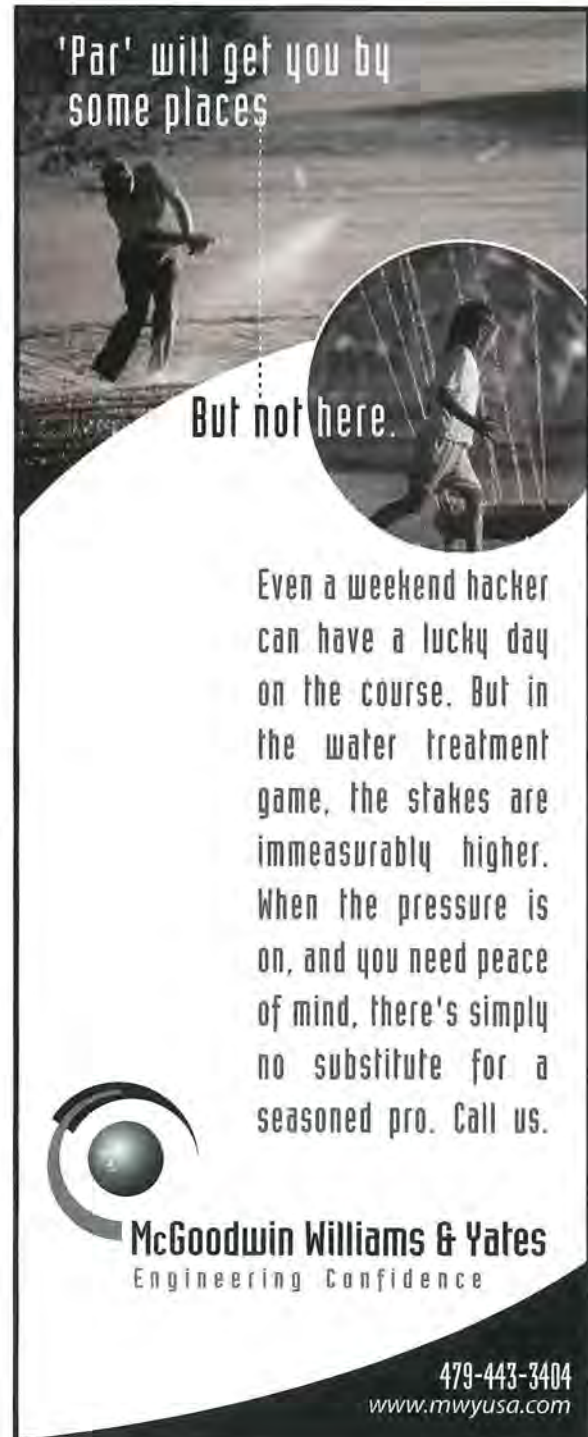
The opinion further noted that Act 555 of 1995 made it clear "that a city's post-sentencing responsibility only attaches if the sentence is for a municipal ordinance violation. It noted further that Attorney General Opinion 97-299 concluded, "when a person is sentenced to the county jail for an offense other than a municipal ordinance violation, the city will not be responsible for paying a daily fee."

Winter Conference program discussed.

In other Executive Committee business, Assistant League Director Ken Wasson reviewed the tentative program for the League winter conference, Jan. 11-13. State politics will be a the topics, with political candidates invited to attend the welcoming reception opening night at 6:30 p.m. Jan. 11 and "announced candidates" to speak at a general session at 2 p.m. Jan. 12. Mayor Nelson emphasized and Executive Committee members concurred that the candidates should that the candidates speak on "issues important to cities," such as how they stand on land use and "what is good for cities and towns of Arkansas."

League expands use of nature's resources.


The committee authorized the staff to proceed with installation of a geothermal heating and air conditioning system for the part of the League offices built in 1984 and 1988. The system would connect to the geothermal operation installed last year in an annex and is producing utility savings of \$1,200 to \$1,500 a month over estimated expenses of conventional heating and cooling system. Geothermal uses a network of deep underground piping. 



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And a little child shall lead them

With public hearings that were scheduled at different times and places, as many people as possible were accommodated.

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



vonTungeln

Bridget Muse is what you might call action-oriented. So when her uncle took her to a public hearing held last month to discuss ways that a penny sales tax might be used to improve Heber Springs she accepted the challenge.

Cynics among us might say that her response was naïve. Doesn't she know that the purpose of many public hearings is simply to allow one side to applaud itself while yelling insults at its opponents? The idea of achieving something worthwhile is simply childish.

This didn't deter Bridget. After all, she is only 8 years old. Her plan for the future, reproduced herein, may not be the most productive thing I have ever seen result from a public hearing, but it ranks right up there.

What I like about her plan is that it is both diversified and precise. Her idea was to focus on recreation-oriented projects, and she spreads the joy around. She understands that community planning, especially if it is to involve taxes, must appeal to as many people as possible. She also knows that the oft-times neglected twin sister of planning is selling.

Another impressive thing about her plan is that it is custom-made for her community—where her uncle Paul Muse is mayor. She didn't call a half-dozen other cities (the first step with most planning) to see what they had done. She just thought it up and put it down on paper.

Her plan is also both bold and positive. Nowhere does it contain the word "should" or the phrase "not in so and so's back yard." This lady won't lead a life of equivocation.

Naïve? I don't think so. In Bridget's plan we see sunshine and clouds, hills and valleys, and a respect for healthy living—the active recreation facilities are larger in scope than either the eating-place or the theater. Life is in bal-

ance, for she planned it that way.

She was aided in her success by the city's process of public participation. The impetus for the movement came not from city hall but from the local chamber of commerce and community leaders. From the start it represented true community interest and not a brainstorm of the mayor or council. If the sales tax question passes, the elected officials will be simply asked to respond to a groundswell.


Also, the organizers made participation easy. They scheduled a number of meetings at different times and

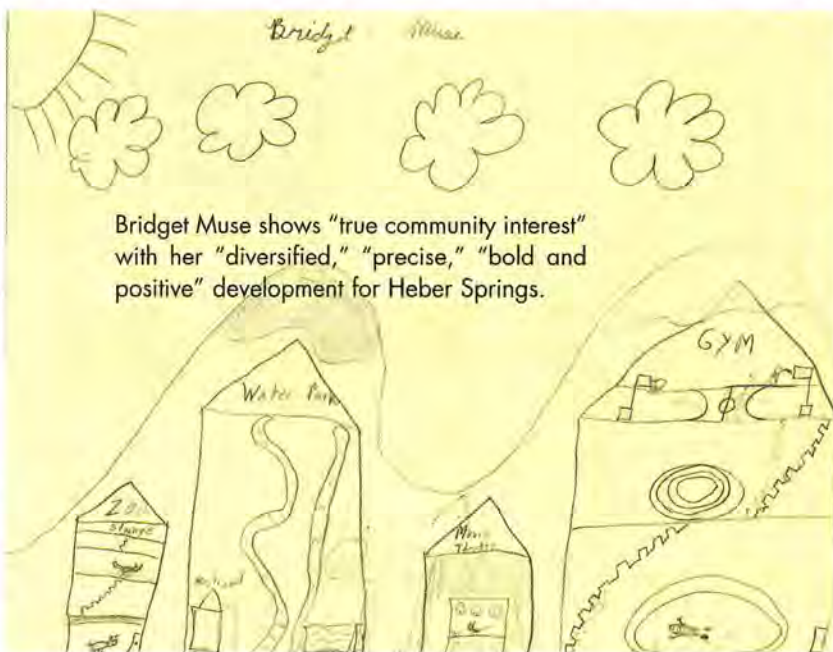
places to accommodate as many people as possible. That sort of flexibility permitted Bridget, who otherwise might have been in school or busy doing her homework, to attend. Apparently it worked for others as well. Reports place attendance at each hearing somewhere between 50 and 100 people.

We can assume that Bridget felt safe in offering her plan among all those people. It's hard to imagine that it would have been met with boos, jeers, or angry

criticism. Apparently those managing the public hearing accepted all ideas and suggestions with neither critique nor condescension. The quality of work that emerges from an atmosphere of acceptance and approval always amazes us.

If Bridget ever becomes a big-time consultant, she might even sell this plan to a dozen other cities for a quarter-million dollars apiece. Actually, it's a bit too refreshing and innovative for that. She must, for now, simply find solace in the satisfaction that once, while many others were busy guarding their own interests, she created something for the ages.

Jim vonTungeln can be reached at 501-372-3232. His Web site is www.planyourcity.com. He is available for consultation as a service of the Arkansas Municipal League. 



Bridget Muse shows "true community interest" with her "diversified," "precise," "bold and positive" development for Heber Springs.

Trail

(Continued from page 7)

The TAC and Policy Committee approved additions of a western route to the Trail thereby establishing a loop. The Partners have conducted a logo design contest. The winning logo, designed by architect and developer Collins Haynes of Rogers, is represented on the signage, which will link the Trail in Northwest Arkansas.

A Web site describes the trail, history, events and board activities. Heritage Trail Partners has successfully conducted two commemorative rides of the Butterfield Stage Coach. Arkansas Parks and Tourism awarded Partners a matching \$25,000 grant to promote the Heritage Trail.

Congressman Zach Wamp of Tennessee's 3rd district recently introduced legislation to have the Bengie and Bell routes included in the national Trail of Tears. Those routes were the ones that went through Northwest Arkansas. Congressman John Boozman's staff is working on legislation to have the Butterfield Trail route designated as a National Historic Trail.

More information about the Heritage Trail can be found on the Web site www.heritagetrailpartners.com.

Marilyn Johnson Heifner is president, Heritage Trail Partners, and is executive director of the Fayetteville Advertising and Promotion Commission; she is a former Fayetteville mayor and a past president of the League. You can reach her at 470-587-9944.

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Jonesboro has long regulated dogs, can cats be far behind?

City studies expanding animal shelter, expanding services and adding cats to its regulations.

By Glenn D. Gossett

The Jonesboro City Animal control building began its present use in the 1960s. Before that, the three-decades-old structure had been used by gravel haulers.

The city added a room to hold dogs when the building began use as an animal shelter. The city ordered by ordinance in the 1960s that dogs were to wear collars or be picked up and brought to the animal shelter.

The city hired Jim Bowman in 1971 as an animal control officer. He was the only one the city had; he picked up dogs as complaints revealed their approximate whereabouts. The shelter operated Monday through Friday, 8 a.m. to 5 p.m. Bowman was on call also for emergencies weekends.

In 1975, Bowman hired a second officer and the shelter opened on Saturdays. With Jonesboro's rapid growth, a third officer was hired in 1995. The shelter began operation seven days a week, rotating their shifts, so one would be available 24 hours a day.

Today, Jonesboro's population is about 60,000. The shelter has six uniformed, animal control officers. The demand for animal control services have exceeded the shelter's size, so the city is looking into building a new and larger shelter. The estimated cost is about \$250,000.

The animal control officers take in 40 to 60 dogs a week. The city has an adoption program for the dogs, charge a fee, and require that adopted dogs be spayed or neutered. The goal is to reduce the over-population of dogs in the city.

The city is considering enactment of a cat-control ordinance. We have many complaints daily about cats. People let their cats roam free. People complain that cats use their flower beds for bathrooms, jump on vehicles and scratch the paint, and that cats keep having little ones. An adoption program for cats would work the same way as it does for dogs. Cats would have to be spayed or neutered. The hope is that the new regulations would reduce the feline population in the city.

The over-population of cats is enormous. A new cat ordinance would increase the demand for more animal control services, so the city plans to add at least two more animal control officers in the next two to four years. Cats in a new shelter would be housed as dogs are now.

Plans also include hiring, if possible, a full-time veterinarian when the new shelter is built. The city now has a veterinarian on call.

Jack Jones, the city veterinarian, will handle the spay and neuter program. Jones also assists when injured dogs and cats are brought in.

The new shelter would have also a quarantine area for sick animals—those that show signs of owners; dogs would need a quarantine area also when they have bitten other animals or people. The new shelter would have a surgery room.

We look forward to the much-needed space of the new animal control shelter, especially as the city keeps growing at a fast rate.

Our spay and neuter program is administered through a veterinarian's office. We are not set-up at the shelter to have a veterinarian work out of the current shelter. Once we are equipped, Jack Jones will perform the spay and neuter procedures.


Currently, Jonesboro does not have a licensing program for pet. That is another goal we hope to accomplish. An ad hoc committee is reviewing how to bring about a licensing program. A discount in licensing would be offered to pet owners who have spayed or neutered their pets.

The Jonesboro pet adoption program is publicized by word of mouth. The shelter does not advertise that it has pets available for adoption. However, the *Jonesboro Sun* one Friday a month takes a picture of a dog at the shelter and notes that the dog is available for adoption.

So far, each of those pictured dogs has been given a home. We at the shelter hope that when the new shelter is built that the city can begin an expanded adoption program.

We have many dogs that are loving and need a good home for someone to love them. And Jonesboro residents do show that they care about animals in their city.

When the city took over that old gravel haulers, building for an animal shelter and modified it to accommodate the animals brought it, many of the materials and labor were donated to make the expansion possible.

Glenn D. Gossett is assistant director of Jonesboro Animal Control and has worked there for six years. 

Fairs & Festivals

Lightings and other events begin on date listed; most continue through December.

Nov. 19-Jan. 1, **FAYETTEVILLE**, 12th Lights of the Ozarks, 479-521-1710, info@fayetteville.com, www.fayettevillear.com

Nov. 23-Dec. 27, **BLYTHEVILLE**, 10th Lights of the Delta, 870-763-2525, ghubb@arkansas.net, www.LightsOfTheDelta.com

Nov. 25, **EUREKA SPRINGS**, Santa in the Park, 800-638-7352, jan@eurekaspringschamber.com, www.eurekaspringschamber.com

Nov. 26, **CORNING**, 9th Christmas in the Park, 870-857-3874, cacoc@neark.net; **PARIS**, Lighting Ceremony and Parade, 479-963-2244,

parischamber@centurytel.net, www.paris-ar.com; **NASHVILLE**, 4th Holiday Lights, 870-845-7405, nashpark@sbcglobal.net

Nov. 27-Dec. 24, **BENTONVILLE**, 5th Christmas Rides, 479-271-9207, lkues@earthlink.net

Nov. 29, **WEST MEMPHIS**, Dickens of a Christmas, 877-732-7598, SChristian@citywm.com, www.westmemphis.org

Nov. 15-Dec. 31, **PINE BLUFF**, 9th Enchanted Land of Lights and Legends, 800-536-7660, ggustek@pinebluff.com, http://pinebluffonline.com

Dec. 1, **MOUNTAIN VIEW**, Courthouse and Tree Lighting, 870-269-8068, mvchamber@mvtel.net, www.YourPlaceintheMountains.com;

McGehee has a variety of illuminated holiday ornaments, decorations, as these poinsettias, around downtown. For a festive time, see them and other cities and towns to brighten your holidays.

Photo by John K. Woodruff, League Staff

STAMPS, Lights in Stamps, 870-533-4236, jmo46@sbcglobal.net; **HAMBURG**, 5th Hamburg Holidays, 870-853-8345, hchamber@seark.net; **OSCEOLA**, 28th Winter Festival, 870-563-2281, oscsms@arkansas.net, www.osceolachamber.net; **NORTH LITTLE ROCK**, Holiday Lights in Burns Park, 501-758-1424, eparten@northlittlerock.org, www.northlittlerock.org; **SHERWOOD**, 5th Enchanted Forest and Holiday Trails of Lights, 501-835-8909

Dec. 2, **MARIANNA**, Lights, 870-295-2469, chamcom@cablelynx.com, www.mariannaarkansas.org; **MENA**, Downtown Celebration, 479-394-8355, info@gomenaarkansas.com, www.gomenaarkansas.com

Dec. 3, **LITTLE ROCK**, State Capitol Lighting Ceremony, 501-682-3042, jonathon.runnells@sos.arkansas.gov, www.sos.arkansas.gov; **PIGGOTT**, 10th Christmas Fest, 870-598-3167, pchamber@piggott.net

Dec. 5, **TEXARKANA**, 21st The Twice As Bright Festival Of Lights, 870-774-2120, downtowntxk@aol.com, www.godowntown.org; **SALEM**, Lights on the Square, 870-895-5165, Chamber@SalemAR.com, www.SalemAR.com

Dec. 9-18, **ROGERS**, 3rd Santa in the Park, 479-936-5487, info@mainstreetrogers.com, www.mainstreetrogers.com

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What, me worry? Self help can reduce stress

Resilience and coping can be learned, then practiced for less than an hour a day to accrue benefits.

By Teresa Kramer, Ph.D.



Kramer

Whether you're taking the fourth stab at next year's annual budget or trying to meet expectations for a perfect holiday season, nerves are bound to be jangled.

Stress is a normal part of life, and isn't necessarily bad. Without it we wouldn't work, accomplish projects, or do all the things that we must to survive.

Stress tends to become a problem when people shoulder multiple burdens that last for a long time. Such stress threatens a person's psychological, physical and spiritual well-being.

How stress works

When severely stressed, the body prepares for the reaction known as fight or flight. Heart rate and breathing increase, while other bodily functions shut down. Stress can cause the fight or flight scenario to recur, keeping the body in that very ready state.

Over time, such physiological changes may result in high blood pressure, heart disease, diminished immune response, digestive problems and sleep disorders.

Unhealthy levels of stress can affect anyone, but typical candidates are people in leadership positions with high responsibility, such as yourselves, whose jobs involve responding to and juggling the requests of others on a daily basis.

The good news for those burdened by stress is that resilience and coping can be learned, even though we may feel there is not enough time in the day to do so.

Simple steps

Start by taking these simple steps toward coping, which require an hour or less each day:

- **Exercise.** Even 15 minutes of physical activity allows the muscles to relax, improves immune system function and releases endorphins, the body's natural chemical that reduces pain.

- **Organize.** One study showed that executives spend an average of six weeks a year searching for misplaced information in files or on their desks. Take 15 minutes at the end of each day to organize your work space, even if

you are only tackling one pile at a time. Doing so will help you become more efficient.

- **Set realistic daily goals.** Oftentimes what stresses us most is setting unrealistic goals, which makes us resentful because by day's end we've usually failed to meet everybody else's expectations, and we haven't done anything that's pleasing to ourselves. Use a 10-minute quiet period as your day begins—on the way to work, if possible—to think about your expectations for the day. Ask yourself, how will I feel if

something gets in the way of my being able to do that, and how can I on the ride home feel good about what I have accomplished?

- **Take five.** Spend 5-10 minutes each day by yourself in a quiet place in your home, on your porch, or outdoors. Rest and practice letting go of goals.

- **Have fun.** Spend 15 minutes each day doing something that gives you joy, whether it's playing with your children or your dog,

planting flowers, or watching a funny video.

Coaching can help

Also critical to controlling stress is finding ways to cope without caffeine, alcohol, cigarettes and high sugar foods. All are popular choices for the stressed, but each causes mood swings and dependence on external options for relief. In the long run they can result in fluctuations in a person's physiology and biochemistry and can contribute to chronic illnesses, such as cancer, heart disease and depression.

If your self-help efforts aren't working, coaching is available from professionals who can help you get organized, set goals and establish priorities. Executives in companies across the country have sought the expertise of coaches. Although we often hear the message, "You should be able to handle this," we can all benefit from additional support during times of high stress.

Teresa Kramer, Ph.D., is Associate Professor and Chief Psychologist, Department of Psychiatry, College of Medicine Assistant Professor, Fay W. Boozman College of Public Health, University of Arkansas for Medical Sciences.

“The good news for those burdened by stress is that resilience and coping can be learned ...”



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OUT-OF-STATE ADDITIONS							
BRAY, PSYD	STACY	ADVANCED PAIN CENTER	35 DOCTORS PARK	CAPE GIRARDEAU	MO	63703	573-335-4422
BRAY, PSYD	STACY	ADVANCED PAIN CENTER	1207 MAPLE ST	FARMINGTON	MO	63640	573-756-3000
BRAY, PSYD	STACY	ADVANCED PAIN CENTER	2153 N WESTWOOD	POPLAR BLUFF	MO	63901	573-776-1100
BREUER, PSYD	NANCY	SPRINGFIELD PSYCHOLOGICAL ASSOC	2030 S NATIONAL #105	SPRINGFIELD	MO	65804	417-820-9590
BROTHER, MD	MICHELE	FAMILY PRACTICE	1235 E CHEROKEE	SPRINGFIELD	MO	65804	417-820-2600
FORSYTH, PSYD	PAMELA	SPRINGFIELD PSYCHOLOGICAL ASSOC	2030 S NATIONAL #105	SPRINGFIELD	MO	65804	417-820-9590
GALLIGOS, DO	SCOTT	FAMILY PRACTICE	2212 W KEARNEY	SPRINGFIELD	MO	65804	417-831-8074
HAMRIC, MD	RANDAL	URGENT CARE	2120 W KEARNEY	SPRINGFIELD	MO	65803	417-869-6191
HIMES, MD	JOE	EMERGENCY MED.	1235 E CHEROKEE	SPRINGFIELD	MO	65804	417-885-2000
LEWIS, MD	STEPHANIE	EMERGENCY MED.	1235 E CHEROKEE	SPRINGFIELD	MO	65804	417-820-2115
MORGAN, DO	HEATH	URGENT CARE	3231 S NATIONAL	SPRINGFIELD	MO	65807	417-888-5666
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ROLFE, LCSW	ELIZABETH	PSYCHOLOGY	1235 E CHEROKEE	SPRINGFIELD	MO	65804	417-820-2914
ST JOHNS HOME HEALTH		HOME HEALTH & HOSPICE	531 S UNION	SPRINGFIELD	MO	65802	417-886-4374
WETZEL, DO	RICHARD	RADIOLOGY	1900 S NATIONAL	SPRINGFIELD	MO	65804	417-820-3505
ANDREWS, MD	SHERIF	DELTA PHYSICIANS PRACTICE	1400 E UNION	GREENVILLE	MS	38701	662-378-3783
WATTANASUWAN, MD	NORRAPOL	CARDIOLOGY, CARDIOVASCULAR	1513 E UNION	GREENVILLE	MS	38703	662-378-9191
RENFROE, MD	DOYLE	UROLOGY ASSOC. OF OXFORD	2301 S LAMAR BLVD #120	OXFORD	MS	38655	662-234-1443
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GRAHAM, MD	MARCIA	FAMILY PRACTICE	3231 S NATIONAL	SPRINGFIELD	MO	65807	417-888-5666
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Newsletter

DECEMBER 2005

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

JOYS OF THE SEASON MAY HIDE UNWANTED SIDE-EFFECTS It's no ho-ho if the flu bug nails you; try preventive measures.

By Mike Messenger, Vice President,
a'TEST consultants, Inc.

It's that time of year. The air is (occasionally) cooler, football games are on TV and preparations are underway for what we hope will be a wonderful holiday season for you and your family. Another potentiality happens this time of year: flu! It's time for the fever, chills, runny nose, nausea and body aches. Let's look at preventing this unpleasant experience.

Get Immunized!—Get a flu shot! Immunization helps develop antibodies that will protect you from catching the flu. It can protect also those around you because it prevents the virus from spreading.

Timing is critical. Although October and November are the best times to get vaccinated, getting the immunization in December or later can be beneficial. Flu season can last into May.

The Centers for Disease Control at Atlanta recommends that these groups receive flu shots:

- people 65 years and older
- residents of long-term care facilities
- people aged 2–64 years with chronic health conditions
- children aged 6–23 months
- pregnant women
- health-care personnel who provide direct patient care
- household contacts and out-of-home caregivers of children less than 6 months of age.

Hygiene is Fundamental—Wash your hands thoroughly and often, using lots of soap and hot water. Wash your hands for about 30 seconds each time. To prevent re-infection, use a paper towel or your elbow to turn off the faucet. At a minimum, wash your hands three times each day (more frequently during peak flu season).

Rest is Essential—Get plenty of sleep to boost your immune system. Eating plenty of fruits and vegetables, which are rich in disease-fighting nutrients, is a great way to fight the flu.

Stay home if you do get the flu! You pass the flu on to others otherwise. Sufficient rest after the symptoms show, aids quicker recovery.

Hand Sanitizers and Disinfectants—Using hand sanitizers when soap and water aren't available is a great tool in fighting the flu. Regularly disinfect shared objects and surfaces such as telephone receivers and computer keyboards. The more often they are cleaned, the greater the likelihood of minimizing the flu's spread.

Cover Your Nose and Mouth—Cough or sneeze into a tissue and then throw it away. Cover your cough or sneeze if you do not have a tissue. Then, clean your hands each time. Avoid touching your eyes, nose, and mouth. Germs are often spread when a person touches something that is contaminated with germs and then touches the eyes, nose, or mouth. Germs can live for a long time (some live for 2 hours or more) on surfaces like doorknobs, desks and tables.

Use Common Sense—Use common sense and protect yourself and your family. Dress warmly, stay out of drafts and avoid crowds, especially in January and February, the height of flu season. Avoid close contact with people who are sick. If you aren't feeling well, minimize your contact with others.

By taking preventive actions and acting quickly at the first indication of the flu, you can reduce your chances of getting and spreading the infection.

FLU VACCINATIONS AVAILABLE

The medical staff at a'TEST is providing flu shots this year. If interested in immunizing your employees, contact a'TEST. The vaccine will be available on a first-come, first-serve basis. For additional information, call Tameka Duckworth at 501-376-9776.



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 required drug testing for all holders of commercial drivers' licenses.

Local Option Sales and Use Tax in Arkansas



Source: Debbie Rogers, Office of State Treasurer
See also: www.state.ar.us/revenue/eta/sales/taxrates.html

Sales and Use Tax Year-to-Date 2005

Month	Municipal Tax	County Tax	Total Tax	Interest
January	\$29,743,479	\$31,399,930	\$61,143,410	\$26,022
February	\$35,409,849	\$36,460,184	\$71,870,033	\$67,041
March	\$28,227,748	\$30,270,548	\$58,498,296	\$28,905
April	\$29,312,091	\$31,468,136	\$60,780,227	\$122,149
May	\$31,526,209	\$33,148,164	\$64,674,373	\$30,300
June	\$30,619,446	\$32,122,168	\$62,741,614	\$116,126
July	\$31,325,348	\$33,130,715	\$64,456,063	\$55,218
August	\$32,479,261	\$34,368,901	\$66,848,162	\$134,011
September	\$31,455,286	\$33,576,918	\$65,032,204	\$123,698
October	\$32,184,982	\$34,509,662	\$66,694,644	\$58,358
November	\$31,397,075	\$33,545,664	\$64,942,739	\$178,114
Total	\$343,680,774	\$364,000,990	\$707,681,764	\$939,942
Averages	\$31,243,707	\$33,090,999	\$64,334,706	\$85,449

2005 Elections

- FORT SMITH**, May 10.
Passed. Continue 1¢.
- LAWRENCE CO.**, May 10.
Passed. Continue. 5¢.
- NORTH LITTLE ROCK**, Aug. 9.
Passed. 1¢.
- VILONIA**, Oct. 11.
Passed. Remove 1/2¢.
- CAMDEN**, Nov. 8.
Defeated. 1/4¢.
- UNION CO.**, Nov. 8.
Defeated. 7/8¢.

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ENGINEERING TECHNICIAN II—Jacksonville. Wastewater Utility seeks applicants with min. 60 hrs college credits who'll complete bachelor's in eng. tech., construction mgmt., GIS/spatial systems or related in 3 1/2 yrs from hire. Construction, engineering, surveying or mapping exp. a plus. Must have Ark. driver's license. Full time with benefits; 501-982-0581 or 248 Cloverdale Rd., Jacksonville. EOE.

PROJECT ENGINEER—Rogers Planning and Transportation Dept seeks Project Engineer; \$50,000-\$60,000/yr with competitive benefit pkg; Duties: coordination and expedite projects from concept to completion. Work with city staff, consultants and public daily to facilitate design and construction of projects; work on other engineering related issues, incl subdivision and large scale development plan review as well as construction and hydrology review as it relates to development. Exp. w/ computer aided drafting, engineering design programs, ability to compute quantities and prepare construction estimates for eng. projects. Must deal with a variety of issues. Requires strong personal/ interpersonal skills w/ ability to work in a team environment. Requisites: College degree in Civil Engineering pref. Ideal candidate has min 4 yrs exp as civil engineer. Extraordinary features: Reg. Prof Engineer in the State of Arkansas pref, but not req'd. Application at www.rogersarkansas.com or call Gina Kinoy, Human Resources Director; Mail application and resume to Kinoy at 300 W. Poplar, Rogers, AR 72756.

FINANCE DIRECTOR—Pine Bluff seeks person with strong leadership skills for Finance Director, a position vacated by a retirement. Ideal candidate: comprehensive background in finance, significant management exp., excellent interpersonal communication skills. Finance Director reports to Mayor, is city's chief financial officer and responsible for planning, managing City's financial activities, a \$30M + annual budget. Sal range: \$60,000-\$70,000 subject to qualifications. Benefits incl medical, dental, life insurance, paid vacation, sick leave, outstanding defined benefit retirement plan. B.S. in Accounting, Finance, or a Business degree w/ emphasis in Accounting. Master's, CPA or Certified Public Finance Officer is preferred. Send resumes to the City of Pine Bluff, Dept of Human Resources, 200 E. 8th Ave., Room 104, Pine Bluff, AR 71601; or fax, 870-850-2449. Applications accepted until position filled.

FIREFIGHTERS—Russellville seeks cert. paramedic/firefighters and entry level firefighters. For info, visit www.russellvillearkansas.org, or contact 479-968-2332.

PLANNING, DEVELOPMENT DIRECTOR—Hot Springs (pop. 35,750) seeks qualified Planning and Development Director. Prefer college degree or equiv in planning or related with at least 5 yrs exp w/ senior level planning and mgmt responsibilities. Capable of directing 17-person staff responsible for comprehensive planning, code enforcement, building, addressing and CDBG program. City has 2 million tourists a yr. Sal open, comprehensive benefits. Send resume and completed application form by Friday, **Jan. 20, 2006** to: City of Hot Springs HR Department, 133 Convention Blvd., Hot Springs, Arkansas 71901, 501-321-6841. Application forms, general information, demographics are available at the above address or apply online at www.cityhs.net/jobs.html, EOE.

SENIOR PLANNER—Jonesboro seeks exp. Senior Planner to assist in administering planning and development. Employee processes applications for developments; reviews subdivision plats; processes applications for conditional use and variances; inspects projects under construction; drafts reports for Planning Commission; assists in correction and update of maps, records; collects, organizes data; conducts analysis; performs research, interprets and presents findings, and responds to citizen requests in a courteous

and timely manner. Bachelor's degree in planning or related and 1-2 yrs. Exp. Salary negotiable DOE & Q. Send resumes to City Hall, Attn: Human Resources Director, 515 W. Washington, P.O. Box 1845, Jonesboro, AR 72403 or email to shackney@jonesboro.org. EOE.

POLICE CHIEF—Pine Bluff seeks a person with strong leadership skills to fill the position of Chief of Police. Ideal candidate must have comprehensive background in law enforcement and be certifiable as a Law Enforcement Officer by the Law Enforcement Standards Commission as established by ACA 12-9-204. Applicants must be U.S. citizens, possess valid driver's license and have a Bachelor's degree in Criminal Justice, Public Ad., or related, plus 15 yrs law enforce. exp. or related, including 5 yrs supervisory & managerial exp. Salary commensurate w/ exp. Send resumes: Civil Service Commission, c/o Archie Sanders, Chair, Civil Service Commission, P.O. Box 5493, Pine Bluff, AR 71611-5493 no later than **Dec. 31**.

POLICE OFFICER—Kensett's taking applications for full time certified police officer. Compensation includes salary, uniforms, vacation, health insurance, retirement. Send resume to Charles A. Yaeger, Chief of Police; 101 North-east First St.; Kensett, AR 72082 or fax to 501-742-5156. Starting date is **Jan. 1, 2006**.

POLICE OFFICER—Haskell (Saline County) seeks full-time officer. Good salary, benefits inc. paid holidays, vacation, health, LOPFI. Cert. applicants only. Send resume and certs. to: Haskell City Hall, 2520 Hwy. 229 Haskell, AR 72015. Attn: Mayor.

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

POLICE OFFICER—Marmaduke (Greene County) is taking applications for police officer. Certified applicants only requested. Marmaduke City Hall, 870-597-2753, for information, or mail resume to Marmaduke Police Dept., P.O. Box 208, Marmaduke AR 72443, ATT: Chief Steve Franks

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

POLICE OFFICER—Texarkana seeks certified law enforcement officers. Persons hired under this vacancy will be employed under Texarkana Arkansas Civil Service Commission's "Emergency Hiring Clause." Applicants must be 21, U.S. citizen, hold valid driver's license, have at least 30 college semester hours and no felony convictions. Applicants must meet requirements for certification established by the Arkansas Commission on Law Enforcement Standards and Training and be able to pass physical agility test and thorough background investigation. Ann. starting salary \$31,106 includes benefits. For applications, contact the Personnel and Training Office at 903-798-3328, E-mail Tateson@btkusa.org or visit www.btkusa.org/arkpolice.

POLICE OFFICER—Wilmot (Ashley County) is taking applications for police officer; certified applicants only requested. Wilmot City Hall, 870-473-2603 for information; or mail resume or copies of certification to P.O. Box 67, Wilmot, AR 71676, ATTN: Mayor Harris.

CERTIFIED POLICE OFFICER—Pea Ridge seeks cert. police officer. Entry sal. \$28,692, benefits: paid holiday, health, dental, eye insurance, 3 wks paid vacation, LOPFI. Call 479-451-1122 or send resume, certification copies to Pea Ridge Police Dept., P.O. Box 29, Pea Ridge, AR 72751. EOE.

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

WATER/WASTEWATER OPERATOR—England seeks licensed operator to supervise water/wastewater facilities, distribution. Submit resume, references and past 5-year annual salary to attn: Amanda Reynolds, P.O. Box 37, England, AR 72046. Apps. available at 110 N.W. 2nd St.

WATER/WASTEWATER OPERATOR—Brinkley Municipal

Waterworks seeks a water/wastewater operator. Min req: HS diploma or GED, class II wastewater and Class II treatment and class II distribution water license, or ability to attain required licenses within 2 yrs. Send resume to Bill Boozer Brinkley Municipal Waterworks P.O. Box 746 Brinkley, AR 72021.

WATER/WASTEWATER OPERATOR—Amity seeks a licensed water and wastewater operator with 3+ yrs exp. Min. requirements: Class III or above water distribution, production, and Class III wastewater. Qualifications: ability to prepare and analyze reports/records, knowledge of state and fed regs, ability to operate backhoe, willing to relocate. Salary commensurate with exp, licensure. Send resume, salary expectations, references to City of Amity, Attn. Chester Clark, P.O. Box 197, Amity, AR 71921 or amitymayor@alltel.net.

WATER/WASTEWATER FOREMAN—Gravette Water Utilities seeks water/wastewater operations foreman with 3-5 yrs exp installing, repairing and maintaining water distribution mains, service lines and related appurtenances. Qualifications: ability to operate backhoe, organize, coordinate/supervise general operations, prepare/analyze reports/records and knowledge of state and federal regulations. Must have Ark. driver's license, Ark. Grade II or above water distrib. and Class II or above wastewater operator license. Salary DOE. Send resume, salary req., references to City of Gravette, Attn: Rodger Terrell, 119 Main St. SE, Gravette, AR 72736, or gravettedocs@cox.net.

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

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

VEHICLE FOR SALE—Newark is selling '97 Ford Crown Victoria, loaded w/light bar, 110K miles, \$3,000. Call Phyllis at 870-799-2663.

PUMPER TRUCK FOR SALE—1982 International, 750-gal; mil., 31,000-plus;\$4,000. Casa City Hall, 501-233-6210.

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

PUMPER TRUCK—Salem is selling 1979 Ford Hahn pumper truck with 1,000 GPM pump and 1,000 gallon tank with on-board generator and some equipment for \$8,500. Call Fire Chief Heath Everett, 870-895-3478.

FOR SALE—Mariana is selling: 1979 S-1900 International truck tractor, 6 cyl. diesel, 13-speed Road Ranger trans. with wet kit; 1991 8200 International truck tractor, 6 cyl. Cummins diesel, 9-speed trans. with wet kit; 1979 F-800 Ford 370-V8 with auto. trans., 17-yard Leach garbage body; 1978 F-600 391-V8 with auto. trans., 20-yard Leach Garbage body; 1988 L-8000 Ford 6 cyl. diesel MT-653 with auto. trans., 25-yard Leach Garbage body, cart tippers, container; and 1987 Peerless 48-ft. trailer with walking floor. Call 870-295-6089.

PUMPER TRUCKS—Plumerville Fire Dept. selling 1973 Ford F700, 750 GPM and 1979 Ford, 1000 GPM. Equipment negotiable. Call 501-354-3936 or 501-354-4353.

FIRE PUMPER/TANKER TRUCK—Kensett has for sale, '62 GMC 1,500-gal. Fire pumper/tanker truck; good condition; likenew tires; some equip; 1,500; call 501-742-3191, Mayor Don Fuller.

VEHICLES FOR SALE—Damascus is selling '88 Ford Utility Truck \$1,750, '95 Ford Crown Victoria, \$2,000 w/ light bar, 2000 Ford Crown Victoria \$3,000. Call Laura Holloway at 501-335-8035.



Municipal Property Program

Your Municipal Property Program offers broad coverage for your municipal property. The limits of coverage are \$50 million per occurrence per member for damages from fire, windstorm and other incidents in excess of \$5,000.



Coverage is \$5 million per occurrence per member for losses exceeding \$100,000 on earthquakes and flooding.

The Municipal League Property Program participants at their 2004 annual meeting approved recommended rates according to the following scale.

The rates are:

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

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



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