

City & Town

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THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



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Arkansas Municipal League



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ON THE COVER—The square in Magnolia, photographed on a recent jaunt through southwest Arkansas, glows with Christmas cheer, lit by the thousands of lights on the historic Columbia County Courthouse at its center. As we celebrate the holiday season, we also prepare for the new year, and the League invites you to join us at January's 2013 Winter Conference. See inside for registration information and an expanded tentative agenda. Read also inside about Stephens Mayor and League 2012-2013 District 4 vice president Harry Brown, a revised 2013 street turnback estimate, Arkadelphia's Southwest Arkansas College Preparatory Academy, and more.—atm

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Dear Friends:

December has always been one of my favorite months. As a kid December would never come fast enough. In fact, one of my most over used sayings was "slow as Christmas." Now it seems that December rolls around almost too fast. After having children, it would be December before I even had Christmas paid off from the previous year. Well, my children are out of the house now, and I have gotten better at getting Christmas paid for before the next one hits. But now that I'm mayor, December has taken on an additional meaning—budget time.



This year I managed to present a budget draft to my city council at our November meeting, which was a first for me. We will vote on the final version at this month's meeting. State law requires mayors to present their budgets to the city councils by December 1. City councils are required to adopt a budget no later than February. I hope you have this giant hurdle behind you in your city by the time you are reading this. Although budgeting is not my favorite responsibility as mayor, I understand the importance of it, and I'm always relieved when it's over.

I don't know about you, but I'm not only relieved that budgeting time is behind me, but I'm also relieved that the elections are behind us. This particular election took on historical tones with the election of the first Republican-controlled Legislature since Reconstruction. House and Senate leadership have been elected, committee assignments have been made, and pre-filing of bills is underway for the upcoming session. It should be an interesting session. Gov. Mike Beebe is proposing the removal of the rest of the grocery tax (the 1/8 cent conservation tax and local sales taxes will not be affected) and several Republicans are talking about removing some or all of the income tax as well as the tax on capital gains. Your Municipal League and the Association of Arkansas Counties have asked for an increase in turnback. A shortfall in Medicaid is looming large, schools need additional funding, the prisons need additional funding, government employees are asking for a cost of living increase, and there will be additional demands for more revenue as the session proceeds. Tax cuts and the need for additional revenue mix about as well as oil and water. Regardless, you should know that your Municipal League staff will be on hand to look after the cities' interests.

Executive Director Don Zimmerman and his staff are respected in the halls of the state Capitol, but with a 1/3 turnover of legislators, their job cannot be accomplished without the help of all of us elected local officials. We are the ones who know our legislators by name, work with them, go to church with them, and socialize with them. When important issues arise during the legislative session that will impact cities, Don will send out blast emails asking us to contact our representatives and senators. When we get these calls to action, we can do our part by contacting our legislators and personally asking them for their support. It not only makes Don's job easier, it will help each one of us in the long run.

I look forward to seeing you at the Winter Conference Jan. 16-18, 2013, in Little Rock. Until then, Merry Christmas and Happy New Year.

Chris Claybaker
Mayor, Camden
President, Arkansas Municipal League

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Hometown pride drives District 4 VP

By Andrew Morgan, League staff

Small steps forward are a big deal in a small city like Stephens, and Mayor Harry Brown, the League's 2012-2013 District 4 vice president, knows this as well as anyone. With a population of just 896—it may now be a little higher, Brown believes—it makes a big difference when just a few families return to their hometown to retire, or when three or four new houses are built in a year. And Brown can't say enough about the love the citizens have for their community.

The youngest of four children, Brown was born and raised in Stephens. After his parents passed, his brothers and sisters moved away, but he stayed in his hometown to live and make his career.



Brown's involvement with city business actually goes back to his youth when, before the city had a garbage truck they would contract with individuals to collect trash, and he would run collecting routes with his father.

He had dual careers for many years. He spent 23 years working at a local oil refinery, and he served in local law enforcement during that time as well. In fact, in 1978 he became Stephen's first black police officer. He also served with the local Sheriff's Department and spent 16 years with the U.S. Marshal Service. He has also served on the Quorum Court since 2001.

Becoming mayor wasn't on his list of personal goals initially. Several folks first approached Brown about running for mayor in 2008, but at the time he wasn't yet ready to make that move, and since the position is part time, Brown wasn't sure he could afford to pursue the position. Then, in 2010, the circumstances changed. He was diagnosed with congestive heart failure and was able to draw disability, which meant he could pursue the position of mayor. Around the same time the former mayor resigned. The city council appointed Brown to finish out his term, and he accepted. He then ran unopposed and began his first official term in January 2011.

Having a personal connection to your city makes all the difference in leadership, Brown believes.

"This is my home," Brown says. "A man will take care of his home better than he will somebody else's. And whenever something goes wrong with this town, it's gone wrong with me. This is a personal thing."

When you have such a personal connection to your community, it's sometimes like a problem child, he says.

"Everybody else might see your child as bad, but you can see the good."

That mentality applies to what Stephens has been able to accomplish over the years.

“People can talk about this little town and say we don’t have this, we don’t have that, and we don’t have the other, but I can see so many things that we do have, and that’s a blessing in itself.”

It’s because of this spirit in the community that Stephens has been able to accomplish what it has, Brown says.

“In this town, you won’t go hungry. People just will not allow it. In this town, you will not be homeless, because somebody’s going to figure out a way for you to have something over your head.”

The old bridge over the railroad tracks is a good example of what the people of the community have accomplished together with very limited resources. It remained closed even to pedestrians for years after the highway department built a new overpass more than a decade ago. It was a mess and unusable. Then they came up with the idea to turn it into a pedestrian bridge, and it became Brown’s first project as mayor. The city and local groups cleaned it up, raised money for lights and plants, and transformed an eyesore in the heart of the city into an amenity.

“Now people come up and take pictures on it all the time,” Brown says. “It happened because of the love people have for their town.”

The city was also recently able to secure a grant to build a walking track at the city park.

One of Stephens’ newest additions is their Economic and Entrepreneurial Training Center, which held its grand opening in November (see page 8). The center will offer adult education opportunities, GED classes and testing, keyboarding and computer classes, CDL classes, and more to help area residents prepare to get good jobs. Brown also hopes to align the center with the Governor’s WAGE (Workforce Alliance for Growth in the Economy) program. Many of the industries in the area participate in the program, he says.

“That certification really gives you a leg up. Without it, they won’t even accept the application at some places, so it’s very important.”

The city is also looking to build a new city hall and is starting the process of designing one that meets their needs and seeking funding.

The biggest project coming up for Stephens is a \$3 million complete overhaul of the city’s aging water system with pre-construction set to begin this month. The city will also extend its new lines to a small, unincorporated community just west of town that has been trying for 20 years to get water service, Brown says.

NLC elects Witcher, Zimmerman to Board of Directors

BOSTON—The National League of Cities (NLC) membership named North Little Rock Alderman and past League President Murray Witcher and League Executive Director Don Zimmerman to the organization’s board of directors. The election came at the NLC’s Annual Business Meeting, which took place on Dec. 1 in Boston.

Witcher and Zimmerman will serve two-year terms beginning immediately. They will work with the officers in shaping NLC’s priorities and directing the organization’s advocacy, research and membership activities for the coming year.

The National League of Cities is dedicated to helping city leaders build better communities. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans.



Witcher



Zimmerman



Stephens welcomes new training center

Stephens Mayor Harry Brown, the League's 2012-2013 District 4 vice president, center, cuts the ribbon at the dedication of the city's new Economic and Entrepreneurial Training Center on Nov. 5. Job training, adult education courses, job readiness classes, and more will be offered at the center, all with the goal of helping residents get the skills they need to find careers and stimulate the local economy. The center was paid for with a \$217,000 grant from the Arkansas Economic Development Commission.



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STREET TURNBACK ESTIMATE REVISED DUE TO PASSAGE OF ISSUE 1

By: Don A. Zimmerman, Executive Director

November's enactment of Issue 1 by the voters of Arkansas will have a positive effect on your street revenues. We are revising our 2013 street turnback estimate to \$50 per capita from our previous estimate of \$44.85. The half-cent temporary state sales tax increase is effective July 1, 2013, and will not likely increase your turnback until September. Other components of your street turnback have been either stagnant or declining so the additional sales tax will be the reason for this increased estimate.

Another very good feature of Issue 1 was the transfer of one cent of existing fuel tax to the Street Aid Program. This program will provide 90 or 100 percent grants to municipalities for street projects. This part of the amendment goes into effect immediately and

should provide approximately \$13 million in projects during the current state fiscal year. The next full fiscal year will provide over \$20 million in projects with similar amounts in each of the following years as this provision is now written into our state's constitution.

I recently invited the Director of the Arkansas Highway and Transportation Department to discuss this new program at our Winter Conference in January. This will provide you with information to assist with the implementation of this program early next year.

Thanks to all who have worked for years to achieve the success that was realized on Nov. 6.

Most of all, thanks and congratulations to the voters of Arkansas for passing Issue 1.

Municipal Budget Q&A

Q Must a city adopt a budget and, if so, how does that occur?

A Yes. Before December 1 of each year, mayors of all cities and incorporated towns with a mayor-council form of government must submit to the governing body of those cities a proposed budget. That proposed budget should be for January 1 through December 31 of the following year. See Ark. Code Ann. § 14-58-201.

Further, it is mandatory for the governing body of the municipality to adopt a budget for the operation of the city on or before February 1 of each year. See Ark. Code Ann. § 14-58-202.

The statutes contemplate that the mayor will present the council with a proposed budget as noted above before December 1 of each year. This will enable the council to study the document, make any proposed changes and get the budget adopted before February 1 of the following year.

Q Can the budget be altered periodically?

A Yes. Under Ark. Code Ann. § 14-58-203, the governing body of the city, from time to time, may alter or revise the budget to better suit city governmental needs. There are two exceptions: Taxes that are levied for specific purposes may not be diverted for other purposes and creditors may not be prejudiced by the diversion of funds.

Q Must our budget be in the form of an ordinance?

A No. The budget may be adopted by an ordinance or resolution of the city council. See Ark. Code Ann. 14-58-201 (as amended by Act 622 § 1, of 2011.) The Arkansas Municipal League recommends using a resolution for ease of adoption and amendment.

Cities that issue building permits for new building construction must adopt Arkansas Energy Code by December 31, 2012

In 2004, the Arkansas Energy Office, a subdivision of the Arkansas Economic Development Commission, developed the Arkansas Energy Code in order to establish minimum standards for the design of energy-efficient buildings. The 2004 version of the Arkansas Energy Code relied almost exclusively on the International Energy Conservation Code (IECC), 2003 Edition.

In 2009, the Arkansas Legislature passed Act 1196, which provided the Arkansas Energy Office with the authority to promulgate rules and regulations that require cities and counties issuing building permits for new building construction to adopt the 2004 version of the Arkansas Energy Code by ordinance. At the last legislative session, Act 1196 was amended by Act 802, which no longer required cities to comply with the 2004 version of the Arkansas Energy Code, but by the current version of the Arkansas Energy Code. *See Ark. Code Ann. § 15-10-205.*

New rules and regulations promulgated by the Arkansas Energy Office, including new versions of the Arkansas Energy Code, were to be enacted in compliance with the Arkansas Administrative Procedures Act. *See Ark. Code Ann. § 25-15-204 (describing the procedure for adopting, amending, or repealing a state agency's rules or regulations).*

The Arkansas Energy Office retooled the Arkansas Energy Code in 2011. For residential purposes, the 2003 edition of the IECC remains in effect. *See Ark. Energy Code for New Bldg. Constr. Supplements & Amendments*, Ark. Energy Office, available online at arkansasenergy.org/residential/builders/energy-code.aspx.

However, for commercial and high-rise residential construction projects, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2001 will govern until the end of the year. In 2013, ASHRAE 90.1-2007 will govern, with Chapter 8 of the 2003 IECC being replaced with Chapter 5 of the 2009 IECC.

The 2011 edition of the Arkansas Energy Code places certain requirements on cities and counties in order

to bring all cities and counties in compliance with the Code. Specifically, cities and counties that issue building permits for new building construction are required to adopt the Arkansas Energy Code as amended.

The Arkansas Energy Code shall be adopted by ordinance in all applicable cities and counties by Dec. 31, 2012. Once adopted, applicable cities and counties are required to submit a copy of the ordinance to the Arkansas Energy Office. However, if an applicable city and county has not adopted the Code by Dec. 31, 2012, a mayor or county judge is required to submit a letter describing why the city or county is not in compliance with the Code no later than 60 days after the deadline.

Cities or towns enacting the Code should follow the procedures for adopting a technical code by reference. *See Ark. Code Ann. § 14-55-207.* The law requires publication in a newspaper of general circulation in the city giving notice that three copies of the Arkansas Energy Code have been filed either electronically or by hard copy with the clerk or recorder of the municipality in order to ensure the public has the opportunity to inspect the new standards before the passage of the ordinance. Note that in order to have the entire code you must have copies of (1) the Arkansas Energy Code for New Building Construction Supplements, (2) the 2003 version of the IECC, (3) the 2009 version of the IECC, and (4) the ASHRAE standards.

Copies of the 2003 and 2009 versions of the IECC may be obtained by visiting the International Code Council's website at www.iccsafe.org, or by calling 1-800-786-4452. The ASHRAE standards may be obtained by visiting the ASHRAE website at www.ashrae.org, or by calling 1-800-527-4723. The Arkansas Energy Code for New Building Construction Supplements and Amendments is available at: arkansasenergy.org/residential/builders/energy-code.aspx.

Summary of Arkansas Energy Code

By J.D. Lowery, Project Manager, Arkansas Energy Office

- ◆ The Arkansas Energy Code sets minimum efficiency standards for new construction.
- ◆ Energy codes provide a cost-effective step to mitigating problems associated with growing demand for energy and resources.
- ◆ Energy codes cover:
 - Building envelope
 - Mechanical system
 - Electrical & Lighting Systems
 - Service water heating
- ◆ Arkansas Energy Office promulgates rules, adopts the statewide code and provides education and outreach regarding the code and building practices that can be used to meet the code.
- ◆ While AEO has the authority to enforce the code, this traditionally has fallen to local municipalities with building code enforcement divisions.
- ◆ It is the responsibility of the builders/contractors to meet the code. Failure to comply can be verified by local municipality or AEO. Civil action can be taken by building owner.
- ◆ Municipalities can adopt their own code but cannot be less stringent than the Arkansas Energy Code.

Sample Ordinance -- 2011 ARKANSAS ENERGY CODE

ORDINANCE NO. _____

AN ORDINANCE PROVIDING MINIMUM ENERGY STANDARDS FOR THE DESIGN OF NEW BUILDINGS AND STRUCTURES OR PORTIONS AND ADDITIONS TO EXISTING BUILDINGS THAT PROVIDE FACILITIES OR SHELTER FOR PUBLIC ASSEMBLY, EDUCATION, BUSINESS, MERCANTILE, INSTITUTIONAL, STORAGE, AND RESIDENTIAL OCCUPANCIES, AS WELL AS THOSE PORTIONS OF FACTORY AND INDUSTRIAL OCCUPANCIES DESIGNED PRIMARILY FOR HUMAN OCCUPANCY BY REGULATING THEIR EXTERIOR ENVELOPES AND THE SELECTION OF THEIR HVAC, SERVICE WATER HEATING, ELECTRICAL DISTRIBUTION AND ILLUMINATING SYSTEMS AND EQUIPMENT FOR EFFECTIVE USE OF ENERGY.

Be in enacted by the City Council of _____, Arkansas,

Section 1. ADOPTION OF ENERGY CODE.

There is hereby adopted by the City Council of _____, Arkansas, for the purpose of establishing rules and regulations for energy efficient standards for new building construction, this code known as the 2011 Arkansas Energy Code, being particularly the 2011 Arkansas Energy Code edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of the 2011 Arkansas Energy Code, have been and now are filed in the office of the Clerk or Recorder of the city of _____, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City of _____, Arkansas.

Section 2. INCONSISTENT ORDINANCES REPEALED.

Ordinances or parts thereof in force at the time that this ordinance shall take effect, if inconsistent herewith, are hereby repealed.

Section 3. EMERGENCY CLAUSE.

Whereas it is of the utmost urgency that the city of _____, Arkansas, have an up-to-date Energy Code to protect the citizens of our city, therefore, an Emergency is hereby declared to exist and this ordinance being necessary for the immediate protection of the public shall take effect immediately on its passage and approval.

Signed: _____
Mayor

Attest: _____ (SEAL)
City Clerk or Recorder

Date Passed: _____

League hosts MHBF seminar

Officials and representatives from more than 50 cities and towns discussed health and wellness issues at a Municipal Health Benefit Fund seminar, held Nov. 15 at the League's North Little Rock headquarters. The 116 in attendance heard from League MHBF partner organization representatives and League staff on topics such as changes in the MHBF program for 2013, details on the implementation of the Patient Protection and Affordable Care Act, bariatric and chemical dependency programs, the online services of the eDocAmerica program, the importance of promoting wellness in our cities and towns, and much more.



League's Lipscomb, Sander receive NLC Stutz Award

The National League of Cities (NLC) has honored the League's Sheryll Lipscomb and Lori Sander with the 2012 Stutz Award. Each year since 1981, the NLC has presented the John G. Stutz Award to individuals who have served a total of 25 years or more on the staff of a state municipal league, state league risk pool, and/or the NLC. The award is named in honor of John G. Stutz, who convened representatives of 10 state municipal leagues in 1924 for the first meeting of what was to become the American Municipal Association and, subsequently, the NLC.

Lipscomb and Sander received their awards during a special presentation at the 2012 NLC Congress of Cities held recently in Boston.

From left, Lori Sander, League operations manager, and Sheryll Lipscomb, League Assistant Director, Municipal League Workers' Compensation Trust.



Municipal Property Program



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FIRE CLASS V	—	.0025	X	covered value	=	Premium
FIRE CLASS VI	—	.0026	X	covered value	=	Premium
FIRE CLASS VII	—	.0027	X	covered value	=	Premium
FIRE CLASS VIII	—	.0028	X	covered value	=	Premium
FIRE CLASS IX	—	.0029	X	covered value	=	Premium
FIRE CLASS X	—	.003	X	covered value	=	Premium
FIRE CLASS Unincorporated	—	.003	X	covered value	=	Premium

For more information, call Linda Montgomery at League headquarters, 501-978-6123 or 501-374-3484, Ext. 233.

Keep pets safe, warm in winter

By Larry Rogers

I was on Stadium Boulevard on a recent morning driving to work with Mac, my dog, beside me. The time and temp sign at Stadium Auto Body read 29 degrees as we drove by. I thought about how cold it was outside, and how warm Mac and I were in the truck. Mac, who is a rescue dog, could have been one of those unfortunate animals out freezing in the cold last night without proper shelter or food. However, five years ago when I rescued Mac, I gave him a promise that I would always take care of him. Mac's not my pet; he is my four-legged best buddy and part of my life. As a responsible pet owner or animal caregiver, you make a commitment to your animal that you will provide proper care for him or her. Mac and I want to share some winter tips to help keep your four-legged best friend safe.

Keeping pets safe outdoors

Low temperatures, winds and precipitation can lead to illness, hypothermia, frostbite, and death. Check your pet often for any signs of illness or frostbite, which usually shows up first on the tips of the ears but may also be found on the paws and pads, the flanks, and belly. Provide a shelter properly sized for the animal with a flap to retain the animal's body heat. Use nonporous bedding such as straw or wood or cedar shavings. Blankets get wet and freeze. Never use a space heater in the doghouse. Dogs will chew through the electrical cord, and heaters are a fire risk.

Bales of straw make good, insulated windbreaks around the shelter. Make sure your pet has plenty of fresh water, and don't use metal dishes. Tongues can stick to frozen bowls. It is not necessary to increase calories for your animal in the winter, unless it is a working dog that you are still working. Keep your pets area free from all chemicals; a few licks of anti-freeze can be fatal. Keep your animal groomed and the hair trimmed between their pads.

Indoor pet tips

Young puppies and senior dogs do not do as well outside as young, mature, healthy dogs. Limit their time outside. Brush and groom your dog regularly, but do not clip them in the winter; they need their coat. If you want to put a sweater on FiFi it's fine. Just remember that if it gets wet, she freezes, and just because she has a sweater on does not mean she is warm. Dogs lose body heat through their ears, pads of their feet and respiratory tract.

Keep your pets' I.D. on them at all times. In snow and ice they can get confused if they get out of the house and wander off. They may lose their ability to follow

their nose home. If you go out for a walk after it's been snowing and ice melt or salt has been thrown down, rub Vaseline or spray PAM on the pads of their feet. When coming in from the walk wash and dry their feet to remove any chemical residue.

If your animal is not getting enough exercise in the winter, cut their feed back a little to avoid weight gain. I feed Mac a fatty acid supplement, which helps keep his coat thick and skin healthy during the long winter months.

Safety measures

Never leave your pet alone in a car during cold weather. A car can act as a refrigerator in the winter, holding in the cold. The pet can freeze to death. Cats left outdoors sometimes climb onto car engines or beneath cars to stay warm. Always bang on the hood of your car or honk your horn before starting the motor to warn a cat away. Anti-freeze is like candy to an animal; if you spill some or there is a leak, clean it up immediately. Keep your pets on a leash when around a frozen pond or stream.

If you see a dog in need or being abused, please contact your local animal control. Winter can be as hard on pets as they are on humans. Take your pet in for a winter check-up with your veterinarian to make sure they don't have any health issues.

Remember, dogs are social animals that enjoy living indoors with people. Living outside in a doghouse is a sad life, especially in the winter. Respect yourself and your animals.



Larry Rogers —with his deputy, Mac— is Supervisor, Jonesboro Police Department Animal Control Division.

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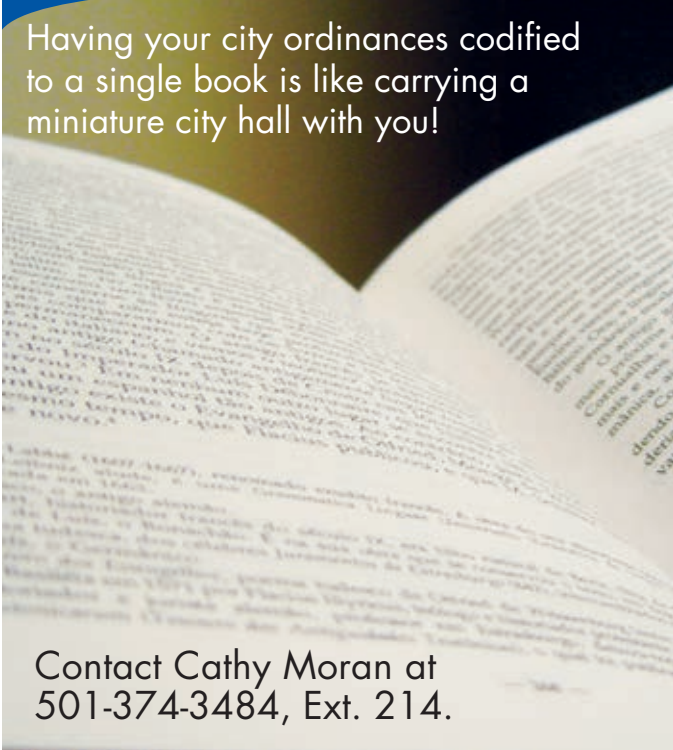
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Strive for moderation during holidays

By David Baxter, League staff

The holiday season is once again upon us. For us Arkansans, we never know if we need to bring a coat and gloves to the Christmas party or wear a t-shirt and shorts. Nevertheless, we enjoy all the sights, sounds, and tastes that the holidays bring us. As we spend time with our family and friends, we focus on the important things in our lives, reflect on our past, and talk about the future. Much of our time is also centered on good, downhome Arkansas cooking. As we enjoy family, friends, and food this season, remember that an ounce of prevention goes a long way in prolonging the time we have with our loved ones.

For most, the average holiday meal means an overconsumption of calories that result in at least five pounds or more of excess bodyweight. Additionally, because of overconsumption of calories, many people feel less inclined to exercise the excess calories off. This tends to create more body fat that is harder to shed once the season is over. Set a goal for yourself this holiday season to create some balance in your holiday schedule, both in calorie consumption and in activity. Begin with calories, because for most people, understanding calories is the first stumbling block to losing unwanted body fat and maintaining a healthy weight.

Calorie balance

To understand calories, first consider a calorie as a unit of energy, because in essence that is all a calorie is. For example, if you let the gas pump overfill your car's tank, you spill gas. Similarly, when we consume too much food, it spills over as body fat.

Most people need around 2,000 calories a day, which is only 14,000 calories a week. Americans generally consume more than that on a daily basis. On average, most Americans consume up to 3,000 calories during one holiday meal. To put this in perspective, you would have to run at a moderate pace for four hours, swim for five hours, or walk 30 miles to burn off this many calories.

The key is balancing your calorie needs with your energy output, and this is a challenge during the holidays. Here are some tips to help you balance the holiday festivities with care for your personal well-being:

- **Control your portions**—By being aware of how much food you are consuming, you start controlling your energy intake. Enjoy the many different foods, but consciously limit how much of each food goes on your plate and in your mouth.



- **Eat slowly**—This really works! When a person eats really fast, the brain does not have time to catch up with the hunger signals being sent as the food enters the stomach. Slow down and you will feel fuller, thus eating fewer calories.
- **Drink lots of low- or no-calorie liquids**—By drinking plenty of water, unsweetened tea, or a low-calorie mix like Crystal Light, the stomach feels fuller, thus helping you control your food intake.
- **Eat more fiber and protein**—When eating holiday meals, eat more fibrous vegetables like green beans, broccoli, and asparagus. These foods are lower in calories, make you feel fuller, and taste great (just watch out for excessive sauces). Additionally, lean cuts of turkey and ham are great for calorie control. They make you feel fuller and are digested slowly.
- **Eat less starch**—Although starchy foods are great tasting, especially during the holidays, eat less of them. Be mindful that the body processes potatoes, pastas, breads, and desserts quickly. Thus your stomach feels empty faster. And they also elevate blood sugar levels, facilitating fat storage.
- **Get moving**—Do not forget that time spent with family and friends can also be active. Play an active video game, walk the mall, get outside and play some sports together. The key is creating a balance between energy consumption and energy output.

So enjoy all that the holidays have to offer, but remember that moderation is the key. That old saying is never outdated and should be applied during the holidays.



David Baxter is the League's Health and Safety Coordinator. Email David at dbaxter@arml.org, or call 501-374-3484 Ext. 110.

Summaries of attorney general opinions

Recent opinions that affect municipal government in Arkansas

From the Office of Attorney General Dustin McDaniel

Public funds for gym membership may be permissible

Opinion: 2012-094

Requestor: Pritchard and Summers—Co-Chairs, Leg. Jt. Auditing Committee

Does the public purpose doctrine cited in Ark. Const. art. 2, sec. 8, or any other law, prohibit expending public funds on athletic facility membership dues and fees for a prosecuting attorney and his or her deputy prosecuting attorneys? Q2) Does the public purpose doctrine cited in Ark. Const. art. 2, sec. 8, or any other law, prohibit expending public funds on athletic facility membership dues and fees for other agencies' law enforcement personnel? **RESPONSE:** Q1) The applicable law does not appear to contemplate using public funds to purchase a private gym membership in the name of a prosecutor or his deputies. I base this opinion upon the public purpose doctrine, the provisions of Ark. Const. art. 12, § 5 and, with respect to payments made from a Drug Control Fund or federal forfeiture revenues, from the provisions of ACA § 5-64-505. Q2) This question cannot be answered categorically; instead, I believe the pertinent analysis in each instance will entail a factual consideration of the extent to which physical conditioning might be described as bearing directly on an officer's ability to perform his official duties. Only a finder of fact could determine whether in any given instance the expenditure of public funds to promote the physical fitness of law enforcement officers would be statutorily or constitutionally permissible. Subject to this proviso, in my opinion, when a particular law enforcement job requires that an officer meet a minimum standard of physical fitness, I believe a reviewing court might consider it constitutionally permissible to expend public funds to purchase a gym membership for that officer. More generally, if a department lacked the physical facilities to conduct its own conditioning program, I believe a reviewing court might approve as constitutionally appropriate a public contract providing qualifying officers access to private athletic facilities. I have found no Arkansas authority directly addressing this issue.

Interlocal Cooperation Act limits AG's mandate

Opinion: 2012-127

Requestor: Hammer, Kim—State Representative

Request for approval of a payment and true-up interlocal cooperation agreement between the City of Benton and the City of Piggott, Arkansas; and approval of a second payment and true-up agreement between the City of Benton, Arkansas, and the City of Maiden, Missouri. **RESPONSE:** The agreements are not "agreements for joint cooperative action" as described in the Interlocal Cooperation Act, ACA 25-20-101 to -108. I therefore have no statutory authority to approve the agreements and must respectfully decline to do so. I also respectfully decline your request for an opinion to the effect that the agreements comply with the entirety of Arkansas law. This office has no authority or mandate to review or approve of contracts (other than agreements for joint cooperative action) between political subdivisions and follows a practice of not doing so. Local counsel is better situated to judge whether a contract complies with law. Additionally, determining whether a contract is in compliance with law necessarily involves the contract's interpretation. In requiring my approval of agreements for joint or cooperative action, the Interlocal Cooperation Act requires me to engage in such interpretation with respect to those contracts only. In other instances, it is my practice to suggest that local counsel is better situated to address questions of contract interpretation

Contractual agreement not subject to AG approval

Opinion: 2012-130

Requestor: Brister, M. Sean—Chester City Attorney

Request for approval of an interlocal agreement for cooperative law enforcement services between Mountainburg, Arkansas, and Chester, Arkansas, and other purposes. **RESPONSE:** Because the proposed agreement is purely contractual in nature, it is not subject to my approval under the Interlocal Cooperation Act, ACA §§ 25-20-101 through -108 (Repl. 2002 & Supp. 2011).

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

Get focused for 2013

By Chad Gallagher

2013 looms large in front of municipal leaders. With one year ending and another beginning it is a natural time to pause and think about your priorities, reflect on work done to date, and make plans for the new year. If you have been an elected official for some time now, it is important to look over 2012 and take a true assessment of successes and failures. Most importantly, look at the “why.” Why did a proposal fail? Why was a project successful? You want to identify and track these important items. If you’re a newly elected official, this is a good time to look over the promises of your campaign and thoughtfully begin to plan the implementation of these promises.

Many people are skeptical of making new year’s resolutions because too often we don’t follow up on them. Don’t throw the baby out with the bath water. I’m a firm believer in planning, making lists, and thinking ahead. Even if you aren’t able to execute every plan on your list, I still contend you’re better off. This is true on so many fronts, including pursuing grant funding.

Here are a few tips and new year’s resolutions you might adopt as a busy elected official:

1. **Make your list and check it twice.** Make a list of the most important projects you’d like to pursue funding for through grant opportunities. For each item identify why it is important, how much it is likely to cost, and what problem the project solves. Your search for grants should be aligned with this list.
2. **Be prepared.** Too many times the busiest among us meet ourselves coming and going and good preparation may be neglected. You may think you don’t have time to prepare, but a failure to do so will eventually catch up with you. Invest the right amount of time and effort on the front end of each project. Study your options, discover solutions, look at best practices elsewhere, and become the expert on your most important projects.
3. **Be focused.** Being a “Jack of all trades and master of none” is not always a good thing. Municipal leaders have a lot on their plates, both in quantity and variety. Municipal officials deal with a broad array of issues. It is important that you learn to delegate

what you can and carefully manage how much time you spend on certain items. Small and seemingly unimportant items will eat up much more time than they deserve. You have to stay focused on the most important things and devote time to them accordingly.

4. **Be involved.** Be involved in the broader picture. With the new year coming, I strongly encourage you to become involved in the Arkansas Municipal League, its conferences, and programs. Arkansas’s General Assembly will convene on January 14. This year’s session is historic in nature and will tackle important issues in our state. As a municipal leader you should be involved in what happens at the Capitol and communicate with your legislators on behalf of your citizens.
5. **Be proactive.** Good things may come to those who wait, but it doesn’t mean you should sit around doing nothing while you wait. Proactively pursue the new businesses, grant funding, and worthwhile projects in 2013. Don’t wait for something to fall in your lap. Go after it with all you’ve got.
6. **Be-COME.** Most importantly on this list is realizing that who you become is more important than what you do. In all your activities of this year be sure not to miss the truly important lessons in life, both formally and informally. Attend workshops and meetings to become a better official, don’t neglect your faith, and use the challenges and successes of public service to help you become a better person. As the new year approaches, take some time to list your priorities and write out your resolutions. Make strong plans and stay focused on these items. Don’t forget to ask for help. We’re just one phone call or email away and look forward to working with you as you set and pursue goals for your community in 2013.



Chad Gallagher is principal of Legacy Consulting and a former mayor of De Queen. Contact him in De Queen at 870-642-8937, 501-246-8842 in Little Rock, or email chad.gallagher@legacyincorporated.com.

NEWSLETTER

DECEMBER 2012

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

The ever-changing trucking industry

Industries are constantly changing—how they work, what they do, the costs of doing business—and the transportation industry is no exception. For both employers and employees alike, it's hard to stay informed about important developments in their industry.

For those with a CDL, there are major changes that are taking effect right now. One development is the creation of a new federal program aimed at improving safety performances. Another new development is the creation of a registry for Medical Examiners (physicians doing DOT physical exams). There are more changes to come.

President Obama recently signed the Safe Road Act, a comprehensive transportation bill. This Act provides \$105 billion to be spent over the next two years on roads, bridges, infrastructure, and on other road safety measures. The Act also creates a national database that will list the names of persons who have had a positive drug test on DOT required drug and alcohol tests. Arkansas also maintains a database of drivers with positive drug or alcohol tests. Getting clearance from this database will continue, at least for the time being.

Safety on the highways is the new emphasis of DOT and the Federal Highways and Safety Administration.

The Commercial Motor Carrier Driver Compliance Act

U.S. Sen. Mark Pryor introduced The Commercial Motor Carrier Driver Compliance Act that requires electronic on-board recorders (EOBRs) in all commercial trucks. Some in the trucking industry were not very receptive to this new requirement and some fought it from the get-go. The Act passed in the House, despite some opposition.

With the passage of the Act, EOBRs are in trucks and will record the time a driver actually operates his/her truck. Another benefit of the EOBRs is that drug-abusing drivers will find it next to impossible to "use" while operating a commercial vehicle on our highways.

These new changes combine to help improve trucking and highway safety. With the drug and alcohol national database and the requirement for EOBRs, we are assured that safety measures are not going to diminish, but more and more stringent measures will be added. You see, trucking as we have known it, is changing and,

if you are unsure of these changes and how they might impact your company, please call our office for guidance. TPAs (Third Party Administrators) such as a'TEST will keep you informed on changes.

Medical certificates and exam form confusion

There seems to be confusion about how to handle DOT medical forms. The exam requires a physician to know what the driver will be doing on his job so any abnormalities that would impact the driver's job performance can be recognized and documented. These things are noted on the DOT Medical Examiners Physical Form. These forms are to be retained by the doctor for three years. The examiner may give the driver a copy of the physical form for his/her own use; however, the employer does not get a copy of this form. These forms contain protected health information and the employer is not supposed to have this information unless the driver specifically and in writing provides it to the employer.

The medical examiner completes a certificate (a wallet sized card), and gives it to the driver. The employer copies this card to keep in the Drivers Qualification File. The driver must carry his/her copy with them at all times.

The DOT is very strict about confidentiality. Your personal medical history is yours—not your employer's. If adverse medical conditions cause an applicant not to be hired, and the medical examination form was the source of that information, a violation of health privacy laws could cause severe penalties for the employer.



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

Is a gluten-free diet for you?

By Cyrus Tamboli, M.D.

Strolling these days down many supermarket aisles, it's hard to avoid reading "gluten-free" on several food products. What isn't in a box of cereal or snack food seems almost as appealing as what is inside.

A gluten-free diet is a treatment primarily for people with celiac disease—those who have an abnormal immune system reaction to gluten in wheat, barley, and rye products. This leads to intestinal damage. Gluten sensitivity on the other hand, does not refer to celiac disease in all cases. More generally, it refers to various symptoms people may feel after ingesting gluten-containing foods. Gluten sensitivity produces some of the same symptoms but without the intestinal damage seen in celiac disease, and is increasingly a concern for some people.

Gluten sensitivity may be associated with feelings of bloating, headache, fatigue, or drowsiness. There are no blood tests for diagnosing it, but if you have those symptoms, talk to your physician. Many people who are sensitive to gluten report feeling better within a few days after going gluten-free.

Making the celiac diagnosis

Celiac disease can hinder the absorption of nutrients because the small bowel isn't working properly. Often it isn't diagnosed until late-stage symptoms such as severe malnutrition or vitamin deficiency develop, in addition to the more common symptom of diarrhea. Physicians now can spot celiac disease earlier because of increased awareness of this disorder. Symptoms as varied as dental enamel defects, osteoporosis, migraine headaches, anemia, neurologic abnormalities, epilepsy, infertility, and digestive complaints may point to a diagnosis of celiac disease.

According to the Celiac Disease Foundation, one in 131 Americans has the disease. That's as much as a four-fold increase over the last several decades. Some research attributes that to modern food processing and new grain types that may have produced gluten that is more toxic to some humans.

After initial evaluation, usually including a blood test, a physician may perform a small-intestine biopsy to make sure it's celiac disease and to determine how much small intestinal damage there may be. Eliminating gluten can allow the bowel to heal, sometimes within days, but it may take up to one to two years in severe cases. Symptoms in people with celiac disease generally go away after adopting a strictly gluten-free diet.

A balanced diet

Whether you have celiac disease or not, as long as you have a well-balanced diet, there's no harm in eliminating gluten. If you don't have celiac disease or gluten sensitivity, then there may be little benefit in adopting a diet without gluten. But for those who do make the change, gluten-free labeling should make it easier to avoid gluten. Many stores even have entire gluten-free food sections to make your shopping easier.

Before you start a gluten-free diet, you should consult a physician or a dietitian to make sure you're not cutting out too much. Drastic dietary habit changes may lead to nutrient deficiencies by eliminating important food groups. A doctor or dietitian can suggest proper substitutes to make sure that doesn't happen.

Some people with celiac disease react more to gluten than others. Although some with the disease may be able to ingest small amounts of gluten without consequence, others will have a severe re-activation of the disease by consuming the same amount. Manufacturers even put gluten in some non-food products like lipstick, toothpaste, and medicine, so eliminating all traces of gluten can be a difficult task indeed.

Along with more awareness of celiac disease, gluten sensitivity and the gluten that's in foods and other products, it's easier than ever to live gluten-free if you need to. With good food selection, you can have celiac disease or be sensitive to gluten and still live a happy, healthy life.



Cyrus Tamboli, M.D., is Associate Professor of Medicine, University of Arkansas for Medical Sciences.



The deadline for enrollment in the Arkansas Municipal League 2013 Municipal Officials and Department Heads Accidental Death and Dismemberment Plan is Dec. 31, 2012.

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

WHO you gonna CALL?

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Call: Sheryll Lipscomb at 501-374-3484, ext. 234, or Andrea Ross, ext. 237.

Protect your loved ones' financial security.

Arkansas Municipal League's Volunteer Firefighters Supplemental Income Program

Advanced search options produce better online results

By Siobhan Bartley

Information is power! Whether you're trying to gather information about local transport usage before creating a new bus route, reviewing a recycling program, or trying to decide on the merits of a new administrative software system, accurate, timely information enhances decision making, and allows you to develop the best, most viable strategy for your community. Today of course, the information revolution has allowed people to have a world of data at their fingertips. But that's where things get complicated.

Often, when we cast those first few simple seeds into a search engine such as Google, we get back a dense, overwhelming forest of data and information. How do you cut through eight million search results to get to the good stuff? And how do you know if the information on a site can even be trusted?

SWF seeks local data...

Before you even get to the stage of assessing the credibility of a website, there is the search itself to contend with. People's searching behavior and methodology have been studied extensively. According to information specialist Jannica Heinström, people can be divided into three main groups of information seeking.

First, there are the broad scanners, who are prepared to invest a certain amount of effort into their searching, and are creative and spontaneous. They tend to review large amounts of material in a fairly unstructured way. Then there are the deep divers, who are extremely focused and systematic in their searching. They drill down through layers of information to find the specific, technical data they seek.

But most of us? We're fast surfers. We want information quickly and easily, and convenience often takes precedence over quality. We search in an impulsive manner, casting keywords into search engines and dropping our head in our hands when we get back those eight million hits from a simple query. We are disinclined to be thorough in our search methodology and our approach to the results we do get. We ignore advanced search features that might aid our progress, instead plugging in keyword after keyword if we don't get what we want immediately, and we tend to prefer overviews to detailed information. One of the biggest factors motivating fast surfers is time, or rather the lack of it, and this

in itself has a huge impact on the search methodology and the results. This kind of fast surfer searching can be frustrating, and sometimes downright anxiety-inducing, and especially prone to happening online.

In her 2012 book *Librarian's Guide to Online Searching*, Suzanne Bell identifies a number of woes the online researcher might expect to suffer; confusion and frustration, uncertainty about the value of the material that has been found, the feeling of being overwhelmed by too much information, and premature balding. OK, I made that last one up, but sometimes we all feel like tearing our hair out having spent fruitless hours searching for elusive bits of information.

There are indeed a number of tips and techniques that can increase the productivity of your searching and improve the quality of the results you gather. As Google Search is currently the most popular search engine in the United States, I'm going to focus exclusively on Google's inbuilt search technology. However, most search engines will have some form of these techniques (known as "search operators"), even if they are entered differently on your keyboard. Details of these search operators can usually be found in a website's "help" or "advanced search" features. Below are a few examples of Google Search operators, which are designed for use with text-based searching (as opposed to using a Google Images search, for example).

Google search operators

Google Search gives you the option to exclude words from your search. So if you have a term that has different meanings depending on its context, this can help to reduce irrelevant results. Inserting a short dash (-) directly before the word you don't want to search for will exclude it. For example, if you were researching "Saturn," the rocket launch vehicles used in the heyday of the space program, but kept getting hits for Saturn the planet, you could perhaps exclude the word "planet" from your search by typing "Saturn -planet."

This can be taken a stage further, and you can block results from a particular site. If, for instance, you wanted to use a reference source other than Wikipedia to research the Saturn launchers, you could enter the following: "Saturn launcher -site:Wikipedia.org." Then no Wikipedia entries would appear in your list of results.

To broaden, rather than filter the results of your search, you can make use of the Google synonyms feature. Add a tilde (~) directly before the word you would like to seek synonyms for. This can enrich your search by saving time, and by including terms that you may not otherwise have thought of, or even been aware of. If you search for forestry Arkansas using the synonym feature (“~forestry Arkansas”), Google will also return results including terms like agriculture, logging, and crops.

If you are looking for fairly specific information, enclose the phrase in which you’re interested in quote marks, and Google will search for that exact phrase and nothing else. If you know there’s a book you’d like to read called *Local Tax Policy* (and who wouldn’t?), but you can’t remember the author, typing the terms in quotes—“local tax policy”— may get you to your desired result much more efficiently.

The good news is that search engines are improving and becoming more sophisticated, preemptive, and responsive. Google, for example, will make alternative suggestions if it thinks you may have made a typo, and Google Instant, a search feature added in 2010, will autocomplete a search query for you, drawing on previous user searches associated with your terms.

Although these suggestions can be extremely helpful, it is worth bearing in mind that they may not be perfect, might lead you down a path you didn’t really intend, and may cause you to overlook material that could actually have been helpful. Next month, in the second part of this series, I’ll discuss how to determine if a website and the information it provides are credible.

Siobhan Bartley is Research Librarian, Institute for Economic Advancement, University of Arkansas at Little Rock. Contact Siobhan at 501-569-8482 or email stbartley@ualr.edu.


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- ✓ No Waiting!

You may now reach the Municipal Health Benefit Fund and the Workers’ Compensation Trust directly, by phone or by fax, 8 a.m. to 5 p.m., Mon.–Fri.

Municipal Health Benefit Fund
501-978-6137
fax 501-537-7252

Municipal League Workers’ Compensation Trust
501-978-6127
fax 501-537-7253



2013 Winter Conference

Peabody Hotel/Statehouse Convention Center
January 16-18, 2013

REGISTRATION

Registration and payment must be received in League office by Friday, December 14, 2012, to qualify for advance registration.

Advance registration for municipal officials	\$150
Registration fee after December 14, 2012 , and on-site registration for municipal officials.	\$175
Spouse/guest registration	\$75
Child registration	\$75
Other registrants	\$200

- Registration will be processed **ONLY** with accompanying payment in full. Make checks payable to the Arkansas Municipal League.
- Registration includes meals, activities and a copy of **Handbook for Arkansas Municipal Officials, 2011-2012 edition**.
- No daily registration is available.
- Registration must come through the League office. No telephone registrations will be accepted.
- **No refunds after December 14, 2012.**
- Cancellation letters must be postmarked by **December 14, 2012**.
- **Peabody guests:** In order to avoid a cancellation penalty of one night's room and tax, reservations must be cancelled at least seven (7) days prior to arrival. **See page 26** for more information.

HOTEL RESERVATION

Hotel Room Rates

SOLD OUT		
Peabody Hotel (headquarters hotel)		
Single/Double	\$129	Check-in 3 p.m.
Capital Hotel		
Single/Double	\$160	Check-in 3 p.m.
Doubletree Hotel		
Single/Double	\$136	Check-in 3 p.m.
Wyndham Hotel		
Single/Double	\$94	Check-in 3 p.m.

- Cut-off date for hotel reservations is **December 14, 2012**.
- Rooms in Little Rock are subject to an 11.5 percent tax.
- Rooms will be held until 6 p.m. and then released unless guaranteed by credit card.
- Contact the hotel directly to make changes or cancellations in hotel accommodations.
- Hotel confirmation number will come directly from the hotel.
- Please check on cancellation policy for your hotel.

TWO WAYS TO REGISTER OR

2

Complete the steps and **mail with payment** to:
ARKANSAS MUNICIPAL LEAGUE
Attn: 2013 Winter Conference
P.O. Box 38
North Little Rock, AR 72115-0038

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

Step 1: Delegate Information

I am a newly elected official.

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
\$150	\$175	\$75	\$75	\$200	\$ _____

• **HOW ARE YOU PAYING?**

Check

Mail payment and form to:
Arkansas Municipal League
2013 Winter Conference
P.O. Box 38
North Little Rock, AR 72115

Credit Card Complete information below and send to address above.

Credit Card: Visa MasterCard

Card Number: _____ Exp. Date: ____/____/20____

Card Holder Name (as it appears on card):

Billing address (as it appears on statement):

City: State: Zip: Telephone:

E-mail address (**required for credit card payment**)

Step 3: Hotel Reservations

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

- ~~**Reebody Hotel**~~ Reservations _____ 800-732-2639 or 501-906-4000 (Jeanna Pearson, lead reservationist)
- Capital Hotel** Reservations _____ 877-637-0037 or 501-374-7474
- Doubletree Hotel** Reservations _____ 800-222-8733 or 501-372-4371
- Wyndham Hotel** Reservations _____ 866-657-4458 or 501-371-9000

Step 4: Hotel Payment

Payment Options: Credit Card or Direct Bill (Note: only two payment options.) To obtain direct billing as a payment option, registered delegates must directly contact hotel accounting offices listed below:

- Capital Hotel** Accounting _____ 501-370-7062
- Doubletree Hotel** Accounting _____ 501-372-4371
- Wyndham Hotel** Accounting _____ 501-371-9000

TENTATIVE 2013 WINTER CONFERENCE

LITTLE ROCK, AR

WEDNESDAY - JANUARY 16

1:00 P.M. – 7:00 P.M.

REGISTRATION Osage & Caddo Rooms, SCC

1:00 P.M. – 7:00 P.M.

VISIT WITH STATE AGENCIES Governor's Hall I & II, SCC

Different state agencies have been invited to set up in this area. Take time to visit with them about how their agencies might best assist your city.

2:30 P.M. – 5:30 P.M.

CITY GOVERNMENT 101: WHO DOES WHAT?Peabody Ballroom

This is the first part of a 5 hour workshop which is part of the Voluntary Certification Program for Mayors, Aldermen, City Managers and City Directors. It will include information on The Basics of Local Government and Who Does What At City Hall, (This session will count for 3 hours of the required 5 hours Certification Class.)

Presiding: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

Speakers: AML staff

3:30 P.M. – 4:15 P.M.

MLWCT Board of Trustees Manning Room, Peabody Hotel

3:30 P.M. – 6:00 P.M.

ARKANSAS CITY CLERKS, RECORDERS,
AND TREASURERS ASSOCIATION Arkansas Room, Peabody Hotel

Presiding: Clerk/Treasurer Johnnie Brigham, President,
Arkansas City Clerks, Recorders, and Treasurers
Association

7:00 P.M.

OPENING NIGHT BANQUET Governor's Hall III, SCC

Constitutional Officers and Legislators have been invited to attend. At the conclusion of tonight's meal we will recognize those city officials who have completed the required 21 hours of course work to become certified municipal officials. We will also recognize two new life time members followed by the presentation of the AML Dean's chair to the retiring senior municipal official who has served their city and the League for the longest period of time.

Presiding: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

8:30 P.M.

PRESIDENT'S POST BANQUET
RECEPTIONGovernor's Hall I & II, SCC

After the opening night banquet ease over to Governors's Hall I & II and enjoy delicious desserts and easy listening music, while visiting with fellow municipal officials.

Sponsored by The Friday Law Firm

*SCC: Statehouse Convention Center

THURSDAY AM - JANUARY 17

7:15 A.M. – 5:00 P.M.

REGISTRATION OPENS Osage & Caddo Rooms, SCC

7:30 A.M. – 8:45 A.M.

HOST CITY BREAKFAST BUFFET Governor's Hall I & II, SCC

Enjoy a traditional Arkansas breakfast before the Opening Session courtesy of our Host City, Little Rock.

7:30 A.M. – 4:30 P.M.

VISIT WITH GOVERNMENTAL AGENCIES Governor's Hall I & II, SCC

9:00 A.M. – 10:30 A.M.

OPENING GENERAL SESSIONPeabody Ballrooms A, B & C

The Winter Conference officially begins with the singing of our National Anthem, followed by welcoming remarks from Little Rock Mayor Mark Stodola. Our opening keynote speech will be given by Dr. Gary McCaleb, former three term Mayor of Abilene, Texas and the 1999 President of the Texas Municipal League. At the conclusion of Dr. McCaleb's speech we will recognize the recipients of this year's Arkansas Business City of Distinction Awards. (This session will count towards 1.5 hours of continuing education credit.)

Presiding: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

National Anthem: Park Hill Baptist Church Quartet

Address of Welcome: Mayor Mark Stodola, Little Rock

Speaker: Dr. Gary McCaleb, Vice President
Abilene Christian University

10:30 A.M. – 11:00 A.M.

BREAK Governor's Hall I, II & Peabody Foyer

Exhibit Hall Breaks: Courtesy of American Fidelity

11:00 A.M. – 12:00 P.M.

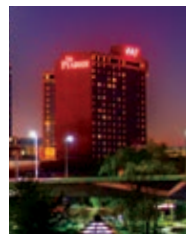
GENERAL SESSION: WORDS OF WISDOM
FROM AML PAST PRESIDENTSPeabody Ballrooms A, B & C

Our past presidents collectively represent decades of institutional experience. They will share with us words of wisdom from their time in office.

Presiding: Mayor Jackie Crabtree, Pea Ridge
First Vice President, Arkansas Municipal League

Attention Winter Conference Peabody Guests:

“Reservations must be made in advance before the Peabody cut-off date of Friday, December 14, 2012. Reservations may be accepted after this date subject to availability. Once reservations are made, in order to avoid a cancellation penalty of one night's room and tax, reservations must be cancelled at least seven (7) days prior to arrival. Reservations canceled after that date will be billed one night's room and tax (\$150.29), to the credit card on file.”



Peabody Hotel

Reservations 800-732-2639 or 501-906-4000

(Jeanna Pearson, lead reservationist)

THURSDAY PM - JANUARY 17

NOON

VOLUNTEER COMMUNITY OF THE YEAR
AWARDS LUNCHEON Governor's Hall I, II & III, SCC

Governor Beebe will address our luncheon. At the conclusion of his remarks the 2012 Volunteer Community of the Year Awards will be announced and the winners recognized.

Presiding: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

Invocation: TBA

Speaker: Honorable Mike Beebe, Governor
State of Arkansas

2:00 P.M. - 3:00 P.M.

THE 89TH GENERAL ASSEMBLY:
WHAT TO EXPECT Peabody Ballrooms A, B & C

Legislative leaders will share with us their perspective on key legislative issues that will be a part of the 89th General Assembly.

Presiding: Mayor Jackie Crabtree, Pea Ridge
First Vice President, Arkansas Municipal League

3:00 P.M. - 3:30 P.M.

BREAK Governor's Hall I, II & Peabody Foyer

Exhibit Hall Breaks: Courtesy of American Fidelity

3:30 P.M. - 5:00 P.M.

DEALING WITH THE MEDIA Peabody Ballrooms A, B & C

Local government's relationship with the media can become contentious and confrontational. What steps can you take to have a cordial and professional relationship with your local media? (This session will count towards 1.5 hours of continuing education credit.)

Presiding: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

Speakers: Tom Larimer, Executive Director
Arkansas Press Association

Byron Tate, Publisher/Editor
Pine Bluff Commercial

Amy Sherrill, Executive Director
Next Stop Day Room, Fort Smith

Tracy Winchell, Economic Development Coordinator
Fort Smith

DINNER ON YOUR OWN

7:30 P.M. - 10:00 P.M.

STEPHENS' RECEPTION Capital Hotel

FRIDAY - JANUARY 18

7:15 A.M. - 12:00 P.M.

REGISTRATION OPENS Osage Room, SCC

7:30 A.M. - 8:45 A.M.

BREAKFAST BUFFET Governor's Hall I & II, SCC

8:00 A.M. - 4:30 P.M.

CITY ATTORNEYS Arkansas Room, Peabody Hotel
City Attorneys will meet for six hours of CLE.

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

UNDERSTANDING THE NEW HIGHWAY
STREET AID PROGRAM Peabody Ballroom A, B & C

Presiding: Mayor Jackie Crabtree, Pea Ridge
First Vice President, Arkansas Municipal League

Speakers: Scott Bennett, Director
Arkansas Highway & Transportation Department
David Mayo, State Aid Division Head
Arkansas Highway & Transportation Department

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

BREAK Governor's Hall I, II & Peabody Foyer

Exhibit Hall Breaks: Courtesy of American Fidelity

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

PREPARING FOR 2013:
GREAT CITIES MAKE A GREAT STATE Peabody Ballroom A, B & C

2013 will be a year of challenges. What might some of these challenges be, and how do we prepare?

- The AML Proposed Legislation and the 89th General Assembly
- The Best Ways to Communicate With Your Legislator
- Utilizing AML Services

Presiding: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

11:30 A.M.

CONCLUDING REMARKS Peabody Ballroom A, B & C

Speaker: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

NOON

LUNCH BUFFET Governor's Hall I & II, SCC

Before you depart, join us for a buffet of Southwest cuisine

Other Friday Meetings:

1:00 P.M.

MHBF Board Meeting Manning Room, Peabody Hotel

1:00 P.M. - 3:00 P.M.

CITY GOVERNMENT 101 Continued:
WHO DOES WHAT AT CITY HALL Peabody Ballrooms A & B

Post Conference Certification: This session is a continuation from Wednesday's session on City Government 101. The afternoon session will focus on conducting your council meeting, proper ways to pass an ordinance, and record maintenance. (This session is the remaining 2 hours of the required 5 hour core Certification Class.)

Presiding: Mayor Chris Claybaker, Camden
President, Arkansas Municipal League

Speakers: Mark Hayes, General Counsel,
Arkansas Municipal League
Ken Wasson, Assistant Director
Arkansas Municipal League

Advertise in the 2013 Directory

The *Arkansas Municipal League Directory* reaches municipal officials and many more.

The *Directory* is a working reference of state and federal agencies, legislators, city and town elected and appointed officials, municipal department heads and others. It is a one-stop information guide to all of Arkansas's 500 incorporated cities and towns.

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- Eighth page—\$250

Advertising deadline is **Dec. 28, 2012.**



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

ACCRTA Scholarships Available

The executive board of the Arkansas City Clerks, Recorders and Treasurers Association (ACCRTA) awards scholarships for tuition to attend the Municipal Clerks' Training Institute, the Academy for Advanced Education and the International Institute of Municipal Clerks' annual conference, all of which will enable Arkansas clerks to further educational training.

A scholarship honoring the memory of Bill S. Bonner will be awarded to a first-year attendee in the certification program at the Municipal Clerks' Institute in September 2013.

Scholarships include: four local \$400 scholarships to attend the Municipal Clerks' Institute, Sept. 15-20, 2013, in Fayetteville; one \$400 scholarship for the Academy for Advanced Education, Sept. 18-19, 2013, in Fayetteville;

and one \$400 scholarship to attend the International Institute of Municipal Clerks (IIMC) annual conference, May 19-23, 2013, in Atlantic City, NJ.

These scholarships are in addition to the 11 regional scholarships awarded by the IIMC.

Fill out the scholarship application below and return it to:

Barbie Curtis, CMC, CAMC
City Clerk / Treasurer
City of Van Buren
1003 Broadway
Van Buren, AR 72596

For more information, contact Scholarship Chairman Barbie Curtis at 479-474-8936, or email bcurtis@vanburencity.org.

2013 APPLICATION FOR SCHOLARSHIP ASSISTANCE

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

Name _____ Title _____

Street Address or P.O. Box _____

City, State, Zip _____

Telephone _____ Date assumed present position _____

Other related experience:

Title	Municipality	Years
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Check one: This application is for a ___ First ___ Second ___ Third year Institute

What are the approximate costs of the institute you plan to attend?

Travel/Transportation _____ Registration Fee/Tuition _____

Lodging and Meal _____ Total Amount _____

How much does your municipality budget your department yearly for education? _____

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

I understand that if a scholarship is awarded to me, it must be used between Jan. 1, 2013, and Dec. 31, 2013, and that I must attend all sessions. Yes. _____

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

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

Signature: _____ Date: _____

CHECK THE SCHOLARSHIP FOR WHICH YOU ARE APPLYING:

- ___ IIMC Conference, Atlantic City, NJ—May 19-23, 2013
- ___ Academy for Advanced Education, Fayetteville—Sept. 18-19, 2013
- ___ Municipal Clerks' Institute, Fayetteville—Sept. 15-20, 2013

DEADLINE: March 2, 2013

DEADLINE: April 2, 2013

DEADLINE: April 2, 2013

DISCLAIMER: ACCRTA will not be responsible for applications that do not reach the chairman by the deadline. Please feel free to call after a few days to be sure your application was received.

Arkadelphia Academy preps students for college success

By Sherman Banks

In October of 2011 *Arkansas Business* magazine named Arkadelphia a City of Distinction for the development and implementation of the Southwest Arkansas College Preparatory Academy, an innovative and collaborative partnership among elected officials, the business community, local schools, and the residents of Clark County and the city of Arkadelphia.

Using the Delta Bridge Plan in Helena-West Helena and Phillips County as a guide, the collaborators about three years ago formed a strategic planning committee to study their local challenges and propose solutions. The 14-month planning process resulted in a plan submitted to the public for approval. The committee focused its plan on six areas: economic development, healthcare, tourism, education, leadership, and housing.

Of those six areas, education stood out as the one that required immediate attention. Thus the concept for the Southwest Arkansas Preparatory Academy was conceived. The Preparatory Academy concept is to prepare students from the 8th grade through high school for college without remediation. State Rep. Johnnie Roebuck of Arkadelphia served on the Arkansas Task Force on Higher Education Remediation, Retention, and Graduation Rates to design and implement policies to reduce remediation rates and increase the number of Arkansans with bachelor's degrees.

All entering first-year students seeking an associate or higher degree from an Arkansas public college or university must meet minimum placement standards

in the disciplines of English, mathematics, and reading. In order to receive a scholarship from the Arkansas Scholarship Lottery a student must also reach those levels. The goal of the Preparatory Academy is to help students reach these levels beginning in the 8th grade. Students accepted to the Academy are required to attend preparatory classes one Saturday a month and two weeks during the summers at Henderson State University or Ouachita University. There they work to achieve the required 19 on the ACT exam and 2.5 grade point average.

The Arkadelphia Promise program, modeled after the El Dorado Promise, is another part of the city's efforts to help students reach their full potential by providing scholarships to local students. Funds for this program have come from various sources, but the organization that has been most critical to the success of both the Preparatory Academy and the Arkadelphia Promise has been Southern Bancorp.



For more information on the Southwest Arkansas College Preparatory Academy contact Arkadelphia City Manager Jimmy Bolt at jimmy@cityofarkadelphia.com. Contact Sherman Banks at 501-374-8493, email sbanks@aristotle.net, or write to P.O. Box 165920, Little Rock, AR 72216.



Two Southwest Arkansas College Preparatory Academy students meet with State Sen. Percy Malone, far left, Rep. Johnnie Roebuck, center, and Gov. Mike Beebe, right. The Academy has been recognized by the Southern Regional Education Board as a model program.



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Email: sales@RiceSigns.com

Web: www.RiceSigns.com

Workshop promotes green space development

By John Slater

The Arkansas Forestry Commission partnered with the Arkansas Urban Forestry Council (AUFC) to hold a recent workshop titled “Environmental Design with Trees” in Fayetteville. The workshop was designed for landscape architects, city planners, and engineers involved with developing green spaces in the urban environment.

The 63 attendees learned about what to consider at the site when selecting tree species, features of native trees, how to protect trees during construction, and correct planting procedures to ensure the trees’ long-term health and benefits. Of the attendees, 33 percent were landscape architects, 16 percent were landscape architecture students, 11 percent were city planners, five percent were engineers, as well as other professionals interested in urban forestry. AUFC had 40 new members join at the workshop, which set a record. The University of Arkansas Division of Agriculture provided meeting space, and McClelland Consulting Engineers sponsored the lunch.

The guest speakers were all outstanding professionals in their field. Speakers and their topics included: Chris Stuhlinger, University of Arkansas Forest System Manager, “Right Tree in the Right Place;” Alison Litchy, University of Arkansas at Fort Smith Urban Forester, “Native Tree Selections;” Kim Hesse, Engineering Design Associates, PA, “Tree Preservation Techniques;” Patti Erwin, Urban Forestry Coordinator, Arkansas Forestry Commission, “Tree Planting Details;” Megan Dale, Urban Forester, City of Fayetteville, “Working with Tree Ordinances;” and Troy Galloway, Bentonville Community Development Planner, Tree City USA, “Working with Tree Ordinances.”

Bentonville committee promotes urban forest

Whenever I get a chance, I like to showcase an outstanding community or project in our state that promotes urban and community forestry.

Troy Galloway, who is mentioned in this column, spoke about their Tree City USA and Bentonville Tree and Landscape Advisory Committee programs and the great things they are doing to improve Bentonville. They receive support from the community, mayor and city council.

The Tree and Landscape Committee was formed in 1998, and according to the National Arbor Day Foundation, Bentonville has been a Tree City USA for 14 years. The committee consists of five board members and two city horticulturists.

Their purpose is to improve Bentonville’s urban forest by designing and implementing landscape plans and improvements, recommending appropriate tree species, and working closely with the city to ensure the landscape ordinance is appropriate and effective. When they first started out, the committee was able to fund some projects through grants and the Parks and Recreation Department budget. Prior to receiving a budget, the Committee worked on many plans, “best case scenario



Bentonville residents line up at a tulip bulb giveaway by the city’s Tree and Landscape Advisory Committee.



New cherry trees beautify this stretch of road in just one of many Bentonville planting projects in recent years.

improvements,” wish lists, made recommendations for tree species in the Tree and Landscape Code and Street Tree Corridor Plan in the Subdivision Ordinance, provided technical assistance to city departments, and participated in the Arbor Day celebration with the Bentonville Garden Club.

Several years later, around 2007 and 2008, the community began showing an interest in street planting, landscaping, and beautification projects. The Committee decided to approach the city council to tell them about the plans they had been working on and how the only way to implement them was to have a budget. As a result the committee was granted a \$50,000 budget in 2009 and has received a budget ever since.

Bentonville Community Programs Coordinator Danielle Shasteen, who supplied me with the history of the Tree and Landscape Committee, said, “The \$50,000 budget coupled with the incredible talent of the new City Horticulturalists has produced amazing results around the City for the community!”

Since 2009 the Committee has purchased and planted about 1,290 trees. Recent projects have included

landscaping enhancements, irrigation installations, and tree plantings at Park Springs Park, Gilmore Park, and the city’s Bark Park; planting annual bulbs on the square; tree plantings along the city’s trails, including 53 new trees along a new trail section; hosting spring and fall tree giveaways and giving out Residential Yard of the Month and Commercial Landscaping of the Month awards.

For more information on Bentonville’s urban forestry efforts, contact Danielle Shasteen at 479-271-6826. I want to thank Danielle for her help with this article and for her photos.

Make a Memory...Plant a Tree



John Slater is urban forestry partnership coordinator with the Arkansas Forestry Commission. Contact him at 501-984-5867, or at john.slater@arkansas.gov.

Jacksonville egg hunt takes plunge

By Dana Rozenski

Got eggs? Got kids? Got an indoor pool? Then you have the concept behind the Underwater Easter Egg Hunt sponsored by the Jacksonville Parks and Recreation Department and the Jacksonville Boys and Girls Club.

The Underwater Easter Egg Hunt was introduced to the department in 2009 by previous Boys and Girls Club Director Lori McClain. Because of the increased participation, it has become a yearly tradition.

The idea behind the Underwater Easter Egg Hunt is simple. Children ages five to 10 are divided into age groups, and a thousand eggs per age group are tossed into the water. Each child is given the opportunity to get as many eggs as possible. Once all of the age groups have completed their “hunt,” the children are allowed to swim in the indoor pool.

The Underwater Easter Egg Hunt was established as a means of providing a fun and exciting twist to a normal Easter egg hunt, and it provides the community of Jacksonville with a great recreational program. The program serves as a fundraiser for the Jacksonville Boys and Girls Club and many community partners are involved in making the Underwater Easter Egg Hunt successful. Some of the community partners involved are Jacksonville Parks and Recreation, Jacksonville Boys and Girls Club board members, Walmart, Pizza Hut, and Western Sizzlin’.

Prizes are raffled off for each age group, and some of the prizes include Splash Zone passes, memberships to the Jacksonville Boys and Girls Club, bikes, towels, Easter baskets, movie passes, and much more. The community needs that are fulfilled through the event include an opportunity to showcase the aquatic program to the community and to provide a way of introducing water programs to children who might not otherwise be involved. The Underwater Easter Egg Hunt provides an avenue for children of all walks of life to be engaged in a recreation program that is not typically offered to all communities.

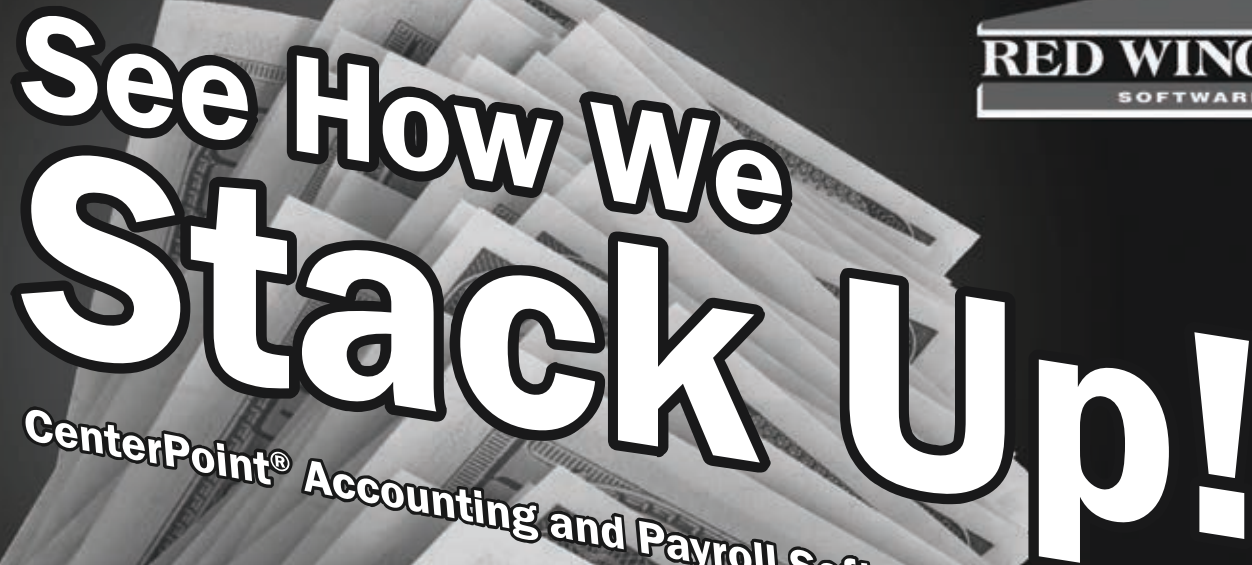
The operating budget for the Underwater Easter Egg Hunt is \$400, which covers the eggs. In 2009 we had 97 participants and the participation over the last two years has increased 30 percent. The Parks and Recreation Department provided 11 paid staff and the Jacksonville Boys and Girls Club provided two paid staff for the program. Two volunteers were also available.

This program can be adapted to any holiday or special occasion. For example, the department held a Pumpkin Patch Plunge in October with orange and black eggs. Happy Hunting!

Dana Rozenski is the Jacksonville Parks and Recreation Department’s recreation coordinator.

Jacksonville’s annual Underwater Easter Egg Hunt has proven a popular way to involve more children in the city’s aquatics program.



A stack of papers, likely invoices or receipts, is shown in a grayscale, slightly blurred perspective. Overlaid on the papers are the logos for 'RED WING SOFTWARE' in the top right and 'CenterPoint Accounting and Payroll Software for Municipals' in a curved banner across the middle. The main headline 'See How We Stack Up!' is written in large, bold, white letters with a black outline, slanted upwards from left to right.

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CLE Offered at League Winter Conference

Six (6) hours of continuing legal education (CLE) will be available for city attorneys who attend the Arkansas Municipal League's 2013 Winter Conference, Jan. 16-18, 2013, at the Peabody Hotel and Statehouse Convention Center in Little Rock. The Arkansas City Attorneys Association (ACAA) sponsors the CLE. All CLE will occur on Friday, Jan. 18 in the Arkansas Room of the Peabody Hotel.

Brian Albright, city attorney for Hot Springs and ACAA president, urges members and non-members to register for the Conference as soon as possible. A registration form is in this issue of *City & Town*. Copies also are being mailed to city attorneys.

CLE topics are selected based on the requests from our city attorney members and will include, among other topics, land use basics and urban blight, basics on drafting and passing ordinances and resolutions, as well as one (1) hour of ethics.

To attend the CLE program, registration is required at the Winter Conference. For registration information, call Whitnee Bullerwell at 501-978-6105. For CLE information, call ACAA secretary/treasurer and League General Counsel Mark Hayes at 501-978-6102, or his assistant, Jamie Adams, at 501-978-6124.

Arkansas Volunteer Communities of the Year announced

Twelve communities have been selected to receive the 2012 Arkansas Volunteer Community of the Year Award, the Arkansas Department of Human Services Division of Community Service and Nonprofit Support has announced. Chosen to receive recognition for their efforts are: Benton, Bentonville, Blytheville, Clarksville, Fayetteville, Fort Smith, Jonesboro, Maumelle, Mountain Home, Norfolk, Van Buren, and Warren.

The awards are sponsored by the Governor's Office, the Arkansas Municipal League, and the Arkansas Department of Human Services Division of Community Service and Nonprofit Support. The Arkansas Highway and Transportation Department provides signs announcing the Arkansas Volunteer Community of the Year designation, which are placed at prominent locations along highways outside of the winning cities.

The award presentations will take place at a noon luncheon, Thursday, Jan. 17, 2013, at the Statehouse Convention Center in Little Rock as part of the League's 2013 Winter Conference.

Murphy Foundation commits \$5 million for El Dorado arts

The El Dorado-based Murphy Foundation has committed \$5 million to support El Dorado Festival and Events, Inc., a nonprofit group founded to create, maintain, and promote a local art collective and district. The El Dorado City Council voted to support the plan and provide \$9 million for the project.

El Dorado Festival and Events will collaborate with the Southern Arkansas Symphony Orchestra and the Southern Arkansas Arts Center. It will also renovate the historic Rialto Theater and transform it into the Southern Theater Festival. The total cost of the project is \$50 million. Once completed, the city expects to host more than 35 events and 250 performances a year.

10 cities receive CDBG funds

Ten cities and three counties will receive funds through the Community Development Block Grant (CDBG) program totaling more than \$2 million, KARK has reported. The funds originate from the U.S. Department of Housing and Urban Development and will be administered by the Arkansas Economic Development Commission's Grants Division. To be eligible for the funds, communities must have a population of less than 50,000 and a majority of households earning low to moderate income.

The 13 projects include:

- De Queen—\$178,090 for wastewater lines
- Elkins—\$203,000 for a senior center
- Haynes—\$142,200 for a youth entrepreneur center
- Monticello—\$203,000 for a senior center
- Peach Orchard—\$122,646 for a safe room
- Plainview—\$190,000 for a childcare center
- Pleasant Plains—\$300,000 for a childcare center
- Siloam Springs—\$203,000 for a senior center
- Stuttgart—\$220,000 for a roof for the community center
- Trumann—\$82,500 for an adult education center
- Boone County—\$203,000 for a senior center
- Sevier County—\$325,000 for a county health unit
- Woodruff County—\$116,160 for a food pantry

Magnolia airport lands \$27K state grant

The municipal airport in Magnolia has received a \$27,000 grant from the Arkansas Department of Aeronautics to repair and replace lighting that was damaged by a thunderstorm earlier this year, the Associated Press reported Nov. 19. A lightning strike damaged the lighting on the runway and taxiway in April. The grant will pay for replacement of the lights and to purchase a new current regulator used to operate the lights. The grant will also pay for repairs to the airport's rotating beacon.

Reminder to All City Councils Regarding First Council Meeting of 2013

ACA § 14-43-501. Organization of city council

- (a)(1) The aldermen elected for each city or town shall annually, at the first council meeting in January, assemble and organize the city council.
- (2)(A) A majority of the whole number of aldermen constitutes a quorum for the transaction of business.
- (B)(i) They shall be judges of the election returns and of the qualifications of their own members.
- (ii) These judgments are not subject to veto by the mayor.
- (C)(i) They shall determine the rules of their proceedings and keep a journal of their proceedings, which shall be open to the inspection and examination of any citizen.
- (ii) They may also compel the attendance of absent members in such a manner and under such penalties as they shall think fit to prescribe.
- (iii) They may consider the passage of rules on the following subjects, including without limitation:
- (a) The agenda for meetings;
 - (b) The filing of resolutions and ordinances; and
 - (c) Citizen commentary.
- (b)(1)(A) The mayor shall be ex officio president of the city council and shall preside at its meetings.
- (B) The mayor shall have a vote to establish a quorum of the city council at any regular meeting of the city council and when his or her vote is needed to pass any ordinance, bylaw, resolution, order, or motion.
- (2) In the absence of the mayor, the city council shall elect a president pro tempore to preside over council meetings.
- (3) If the mayor is unable to perform the duties of office or cannot be located, the city clerk or other elected official of the city if designated by the mayor may perform all functions of a mayor during the disability or absence of the mayor.

Obituaries

ALFRED RAY BOALS, 77, a former mayor and alderman of West Memphis, died Nov. 28.

MARY JEFFERS, a Forrest City alderman since 1993 and a member of the League's Large First Class Cities Advisory Council, died Dec. 4.

JOHN RAYMOND LINGLE, 69, city attorney for Piggott since 1989, died Oct. 13.

GLORIA JEAN SCHINKAL, 67, mayor of Pineville, died Dec. 1.

ROBERT "BOB" STEPHENSON JR., 77, a former member of the Siloam Springs Board of Directors and a Benton County Justice of the Peace, died Oct. 25.

BILL SWAIM, 77, a Van Buren alderman since 1989, died Nov. 22.

How do we evaluate our planning program?

By Jim von Tungeln

Year's end brings, among the joys of holidays and families, a sense of retrospection. Before we launch into a new year, we would do well to ask ourselves: How did we perform during the year now ending? The exercise can bring us comfort or it can cause us concern, depending upon what we find. It can even create confusion if we lack the skills to evaluate our public programs.

What exactly is program evaluation and why is it of value? A current text, *Public Administration in America* by scholars Michael E. Milakovich and George J. Gordon, states that it looks at public programs to:

- Determine success or failure,
- Gain knowledge of program input,
- Establish accountability, and
- Influence continuation or termination [of the program].

Though we deal with the planning function, we also acknowledge that most government programs pose problems in evaluation. For example, an obvious standard in law enforcement is the crime rate. But we find it difficult to compare rates when crime statistics are not reported uniformly. Further, how do we treat the case in which a criminal who lives in one city travels 50 miles to commit a crime in another city?

Returning to planning and the evaluation thereof, we must first face the public administration adage that “where you stand depends on where you sit.” To the city attorney, the planning commission and staff have been effective if they haven’t caused a lawsuit during the last 12 months. To the mayor, they serve well when they haven’t offended the town’s leading banker or his wife. To the chief financial officer (in cities where the planning function has a budget), a year with no audit findings spells success. And—a hint—the staff may regard a raise or promotion as the best evidence of a job well done.

Next, we must deal with the difficulty in defining success in planning. “Well, we made it through another year,” serves as one extreme. A thorough analysis of every building permit to determine how well it conformed to, or promoted, the city’s planning goals represents the other extreme. Then there are external guideposts. For example, the planning profession currently finds itself under great pressure to consider health, particularly health related to obesity, in the design and function of our cities.

With these in mind, following are some suggestions for local officials to use in examining the effectiveness of their planning function during the past year. None require a great deal of money, just some thinking and honesty.

Did the year bring about greater access to government through such tools as geographic information systems (GIS) and social media?

Are public records in general more accessible to the public?

Is the city attorney sleeping well at nights with regard to the planning function?

Was there progress in the ongoing review of plans and regulations?

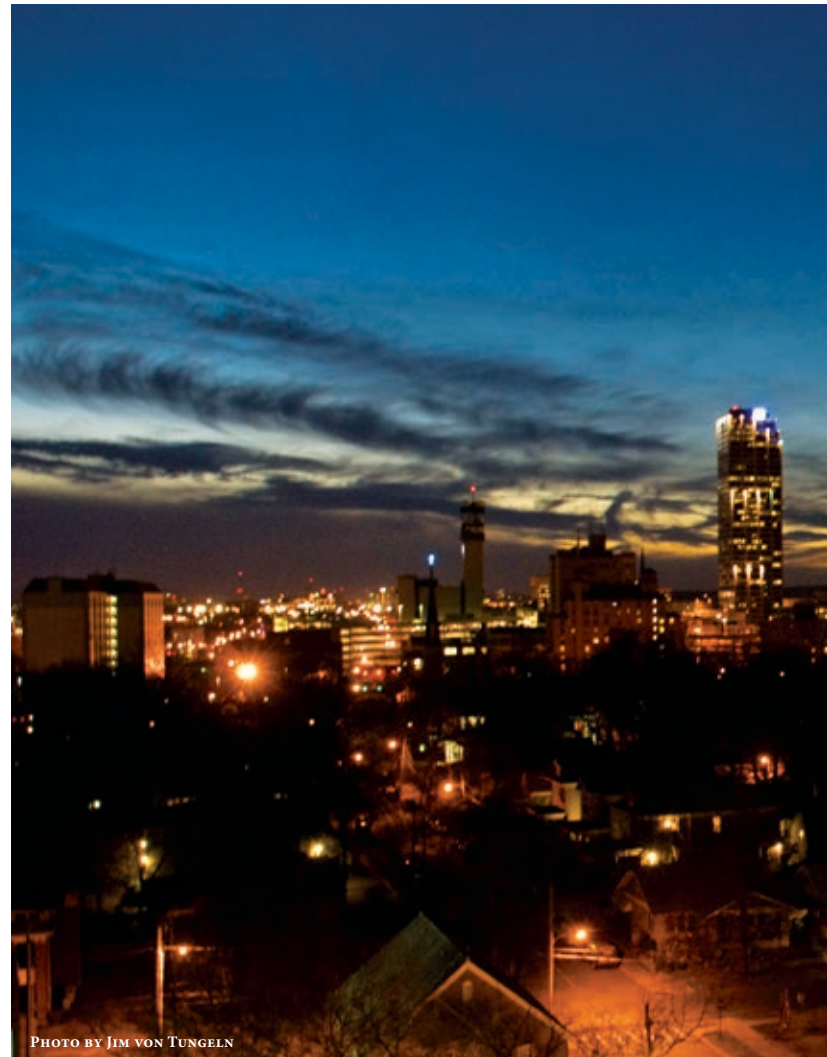


PHOTO BY JIM VON TUNGELN

Are planning commissioners better trained than they were a year ago? If not, contact your state planning association to see about such training.

Did the governing body overturn the planning commission's decision or recommendation more than once or twice? A few times may simply mean that reasonable people can differ in their evaluation of the facts and that the elected officials are paying close attention. A bunch of times means that the goals of the governing body and the goals of the planning commission are out of synch. Constantly—and you know who you are—means that the system is broken and should be fixed.

Did the planning commission spend a reasonable amount of its time and effort doing planning or did it simply meet to consider re-zoning requests and approve

plats? Realizing that planning commissioners are busy folks, one major Arkansas city created a planning and growth subcommittee, led by two commissioners but joined by a collection of staff and key members of the community. It meets monthly to examine specific planning issues in detail and make recommendations to the full commission. It functions well, and for more information feel free to contact me.

Is the public more aware of the positive aspects of the planning commission than it was a year ago? Remember that planning commissioners represent the crème de la crème of public volunteers but are hardly ever represented as such. I long to see a “black-tie” shindig reported in Sunday's paper at which the city recognizes the services of its planning commissioners. That could go a long ways toward taking away the bad taste of boisterous meetings and angry phone calls.

Are the planning commissioners being provided with more state-of-the-art equipment than they were a year ago? A word of caution here: I did observe a planning commission once that had just been given access to real-time computers to use during the meetings. More than one commissioner became so enthralled with the technology that he quit paying attention to what was going on. There are no technical devices that even remotely measure up to our eyes and our ears.

And this brings us to our concluding point. Remember that our planning commissioners and planning staff members are human. As such they deserve equal doses of praise, support, and evaluation. A healthy combination of these can bring about better government, a result that brings about a better life for all our citizens.



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



Great cities don't just happen. They result from long-range efforts that must be evaluated on a regular basis.

2012 Estimated State Turnback Funds

Actual Totals Per Capita						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2011	2012	2011	2012	2011	2012
January	\$3.5720	\$3.4786	\$0.3285	\$0.2859	\$3.3436	\$3.1339
February	\$4.0199	\$3.7795	\$0.2906	\$0.2584	\$1.0700	\$1.0053
March	\$3.2159	\$3.2521	\$0.3725	\$0.4307	\$1.0000	\$1.0055
April	\$3.3681	\$3.4633	\$0.3751	\$0.2705	\$1.0000	\$1.0017
May	\$3.7030	\$3.6848	\$0.3460	\$0.1999	\$0.9900	\$1.0053
June	\$3.6759	\$3.8035	\$0.3406	\$0.2104	\$1.0100	\$1.0056
July	\$3.6615	\$3.7480	\$0.3633	\$0.1996	\$2.9000	\$3.1087
August	\$3.8180	\$3.5350	\$0.4115	\$0.1567	\$1.0100	\$1.0052
September	\$3.7317	\$3.6430	\$0.3947	\$0.1899	\$1.0100	\$1.0056
October	\$3.5307	\$3.4734	\$0.4021	\$0.2654	\$1.0100	\$1.0056
November	\$3.5115	\$3.4269	\$0.3930	\$0.2902	\$0.9200	\$1.0054
December	\$3.2842		\$0.3761		\$1.0100	
Total Year	\$43.0924	\$39.2881	\$4.3940	\$2.7576	\$16.2736	\$15.2878

Actual Totals Per Month						
	STREET		SEVERANCE TAX		GENERAL	
MONTH	2011	2012	2011	2012	2011	2012
January	\$6,297,470.92	\$6,537,582.03	\$578,646.75	\$537,347.01	* \$5,889,430.45	* \$5,889,623.14
February	\$7,080,721.02	\$7,103,104.25	\$511,874.74	\$485,627.91	\$1,889,837.05	\$1,889,245.23
March	\$6,041,952.97	\$6,111,822.72	\$699,895.94	\$809,523.74	\$1,878,361.11	\$1,889,603.23
April	\$6,328,001.75	\$6,508,820.12	\$704,744.69	\$508,320.37	\$1,883,619.31	\$1,882,530.42
May	\$6,957,111.57	\$6,925,015.17	\$650,134.81	\$375,733.12	\$1,860,445.27	\$1,889,362.42
June	\$6,906,168.25	\$7,148,252.90	\$639,925.58	\$395,417.87	\$1,889,921.24	\$1,889,865.20
July	\$6,879,119.02	\$7,043,886.87	\$682,553.18	\$375,173.84	** \$5,443,030.68	** \$5,842,460.26
August	\$7,173,125.80	\$6,643,716.19	\$773,146.02	\$294,503.90	\$1,889,129.92	\$1,889,164.55
September	\$7,011,103.63	\$6,846,853.12	\$741,466.34	\$356,918.13	\$1,890,081.33	\$1,890,041.23
October	\$6,633,476.96	\$6,528,081.50	\$755,415.22	\$498,817.98	\$1,890,081.33	\$1,890,041.23
November	\$6,597,419.28	\$6,440,629.62	\$738,267.62	\$545,491.57	\$1,734,293.45	\$1,889,559.03
December	\$6,170,333.10		\$706,663.00		\$1,890,081.33	
Total Year	\$80,076,004.27	\$73,837,764.49	\$8,182,733.89	\$5,182,875.44	\$30,028,312.47	\$28,731,495.94

* Includes \$4 million appropriation from the Property Tax Relief Fund

** Includes \$3,517,657 supplemental in July

Local Option Sales and Use Tax in Arkansas



- 2012 ELECTIONS**
- PIKE Co.,** Feb. 14
Passed. 3/8% removed
 - CONWAY,** Feb. 14
Passed. 1/4% continued
 - SALESVILLE,** Feb. 14
Passed. 1%
 - STUTTGART,** Feb. 14
Passed. 1% continued
 - BATESVILLE,** Mar. 13
Passed. 1/2% temporary
Passed. 1/2% permanent
 - BLTYHEVILLE,** Mar. 13
Passed. 1%
 - FORT SMITH,** Mar. 13
Passed. 1% continued
 - LINCOLN,** Mar. 13
Passed. 1%
 - TONTITOWN,** Mar. 13
Failed. 1%
 - DEWITT,** April 10
Passed. 1.5%
 - MELBOURNE,** April 10
Passed. 1%
 - TRUMANN,** May 22
Failed. 1%
 - WASHINGTON Co.,** May 22
Failed. 1/4% increase
 - MAGNOLIA,** May 26
Passed. 1/4% increase
 - VAN BUREN,** July 10
Passed. 1/2% increase
Passed. 1/2% increase
 - BRADLEY Co.,** Aug. 14
Failed. 1/2%
 - YELLVILLE,** Aug. 14
Passed. 1%
 - STRONG,** Oct. 9
Passed. 1%
 - BAXTER Co.,** Nov. 6
Failed. 1/4%
 - BRINKLEY,** Nov. 6
Failed. 1%
 - COLT,** Nov. 6
Failed. 1%
 - EUREKA SPRINGS,** Nov. 6
Passed. 1/8%
 - HARRISON,** Nov. 6
Failed. 1%
 - INDEPENDENCE Co.,** Nov. 6
Passed. 1/2%
 - MONROE Co.,** Nov. 6
Failed. 1/2%
 - OAK GROVE HEIGHTS,** Nov. 6
Failed. 3/4%
 - OLA,** Nov. 6
Passed. 1%

KEY: Counties not collecting sales tax

Source: Debbie Rogers, Office of State Treasurer See also: www.dfa.arkansas.gov

Sales and Use Tax Year-to-Date 2012 with 2011 Comparison (shaded gray)								
Month	Municipal Tax		County Tax		Total Tax		Interest	
January	\$37,846,866	\$35,123,247	\$37,289,267	\$35,666,555	\$75,136,134	\$70,789,802	\$12,533	\$27,640
February	\$46,523,853	\$42,235,810	\$44,592,756	\$42,753,266	\$91,116,609	\$84,989,076	\$22,619	\$34,351
March	\$40,360,002	\$33,606,662	\$36,819,087	\$34,174,199	\$77,179,089	\$67,780,861	\$13,222	\$35,321
April	\$41,324,697	\$35,244,719	\$37,882,489	\$35,257,864	\$79,207,186	\$70,502,583	\$27,247	\$23,355
May	\$46,157,943	\$39,976,322	\$41,661,276	\$40,107,935	\$87,819,219	\$80,084,257	\$8,489	\$9,286
June	\$43,883,127	\$37,765,150	\$40,430,123	\$37,056,613	\$84,313,250	\$74,821,762	\$30,892	\$25,409
July	\$44,736,261	\$37,831,729	\$40,688,525	\$36,634,846	\$85,424,786	\$74,466,575	\$11,606	\$14,470
August	\$45,618,216	\$40,620,093	\$41,616,180	\$40,946,986	\$87,234,396	\$81,567,078	\$27,685	\$22,415
September	\$44,215,998	\$39,596,088	\$40,815,883	\$39,895,996	\$85,031,881	\$79,492,083	\$14,110	\$14,702
October	\$45,686,669	\$39,356,921	\$42,353,132	\$40,657,852	\$88,039,801	\$80,014,774	\$28,246	\$24,979
November	\$45,434,409	\$39,576,203	\$41,142,702	\$40,429,029	\$86,577,110	\$80,005,232	\$14,114	\$13,218
Total	\$481,788,041	\$420,932,944	\$445,291,420	\$423,581,141	\$927,079,461	\$844,514,083	\$210,763	\$245,146
Averages	\$43,798,913	\$38,266,631	\$40,481,038	\$38,507,376	\$84,279,951	\$76,774,008	\$19,160	\$22,286

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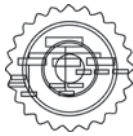
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CHIEF OF POLICE—The City of Morrilton is accepting resumes for the job of chief of police. The city is looking for someone with significant proven leadership experience with at least 15 officers reporting to them in their record. Must be a certified officer in Arkansas. Candidate must be willing to relocate to Morrilton upon taking the job. This is not an office job and the chief is expected to train with the officers in the field and work with our leadership team. The city has a 13-bed temporary holding facility and is currently the 911 operation center for the county in conjunction with the sheriff's office. We have 22 officers for a city of 6,767. The chief is expected to pass every test or do anything that the street officers do. There will be an extensive background check.

Starting date is on or about Jan. 1, 2013. Send resumes to Mayor Stewart Nelson, P.O. Box 583, Morrilton, AR 72110. For more information call 501-354-1556.

CHIEF OF POLICE—Searcy is seeking applications for the position of Chief of Police. Applications may be picked up 8 a.m. to 4:30 p.m. Monday-Friday at Searcy City Hall. To have one mailed to you call 501-268-2483. The deadline for applications to be received at City Hall is 4:30 p.m. Friday, Dec. 21. The position will become available Jan. 1, 2013. Please submit your completed and notarized application to: City of Searcy, Human Resources Director, 401 West Arch St., Searcy, AR 72143. EOE.

CITY ADMINISTRATOR—Jetmore, Kan., seeks a candidate with a Bachelor's in Public Administration or related field for the position of City Administrator. Strong leadership, communication, budgetary, and grant writing skills required. Salary \$45-55K DOQ. Jetmore (pop. 889, \$3.3 million budget, 6 FT employees), located 25 miles north of Dodge City, Kan., is a proud community with a rich history and promising future. For more info visit www.hodgemancountyks.com. Send cover letter, resume, and 3 professional references to LEAPS-Jetmore@lkm.org or LEAPS-Jetmore, 300 SW 8th, Topeka, KS 66603. EOE. Open until filled. Resume review begins Dec. 31.

CITY MANAGER—Russell, Kan. (pop. 4,497; \$20 million budget; 77 FTE), seeks a candidate with a Bachelor's degree in public administration for the position of city manager. Ideal candidate should have 5+ years of local government experience. Responsible leadership, sound judgment, communication, and budgetary skills required. Salary \$80K-85K DOQ. Send cover letter, résumé and 3 professional references to LEAPS-Russell@lkm.org or LEAPS-Russell, 300 SW 8th, Topeka, KS 66603. EOE. Open until filled. Résumé review begins Dec. 3. For additional information visit www.russellcity.org.

FOR SALE—1990 Chevrolet single axel dump truck with 65,985 miles, hydraulic drive, Henderson sand spreader and Model 112 Good Roads snow plow. \$19,000 OBO. Email questions to bbaldwin@vbgis.org or call 479-471-5025, City of Van Buren Public Works.

FOR SALE—Huttig has for sale a 1991 Ford Econoline Van. 54K miles. Used as ambulance. Asking \$3,748. Price negotiable. Call 870-942-2222 or email cohuttig@bayoucable.com.

FOR SALE—The City of Trumann has for sale a 1997 GMC High Ranger bucket truck, 95 ft., 110,000 miles, 9 big compartments, good tires, serviced regularly. Asking \$18,000. Call 870-483-5355 or email citytrumann72472@yahoo.com. Will email picture upon request.

HEALTH FUND CONSULTANT—The Board of Trustees of the Municipal Health Benefit Fund (MHBF) requests submissions of credentials from firms interested in consulting with our staff and Board as continued implementation of the Affordable Care Act by the MHBF takes place. Interested applicants should respond by Dec. 26, 2012, to: Plan Administrator, Municipal Health Benefit Fund, P.O. Box 38, North Little Rock, AR 72115.

POLICE OFFICER—Harrison is seeking qualified applicants for the position of police officer. Requirements: U.S. citizen, at least 21 years of age, possess a valid AR DL; no felony record/arrests; able to pass background check, psychological exam, physical exam and polygraph exam; ability to work rotational shifts; must be fingerprinted; must purchase uniforms and equipment. Reports to Shift Commander and will be under the direction of the Chief of Police. Salary: \$29,353. For detailed duties and for an application, contact Leta Price, Harrison Police Department, 116 S. Spring St., or call 870-741-5463.

WATER & SEWER SUPERINTENDENT—The City of Ashdown is seeking qualified candidates for the position of Water & Sewer Superintendent. Successful candidate will possess knowledge of applicable methods and procedures in the operation, maintenance, and construction of public water supply systems, wastewater collection and treatment. Must meet all licensing requirements of the state of Arkansas. A complete job description is available. Salary DOE. Submit resume and application to Ashdown City Hall, Attn: Mayor, P.O. Box 135, Ashdown, AR 71822. EOE.

WATER UTILITIES GM—El Dorado seeks qualified applicants for the position of Water Utilities General Manager. Degree preferred. Minimum HS degree plus training and job experience. Minimum four years experience in managing water and/or wastewater systems. Must have Class 4 water treatment or distribution license or be capable of obtaining within one year. Must have thorough knowledge of current principles and practices of business admin. Related to water and wastewater management. To submit resume or for more information including complete job description, email Larry Waldrop at larry@eldoradowater.com, or write to 500 N. Washington, El Dorado, AR 71730. No phone calls please.

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