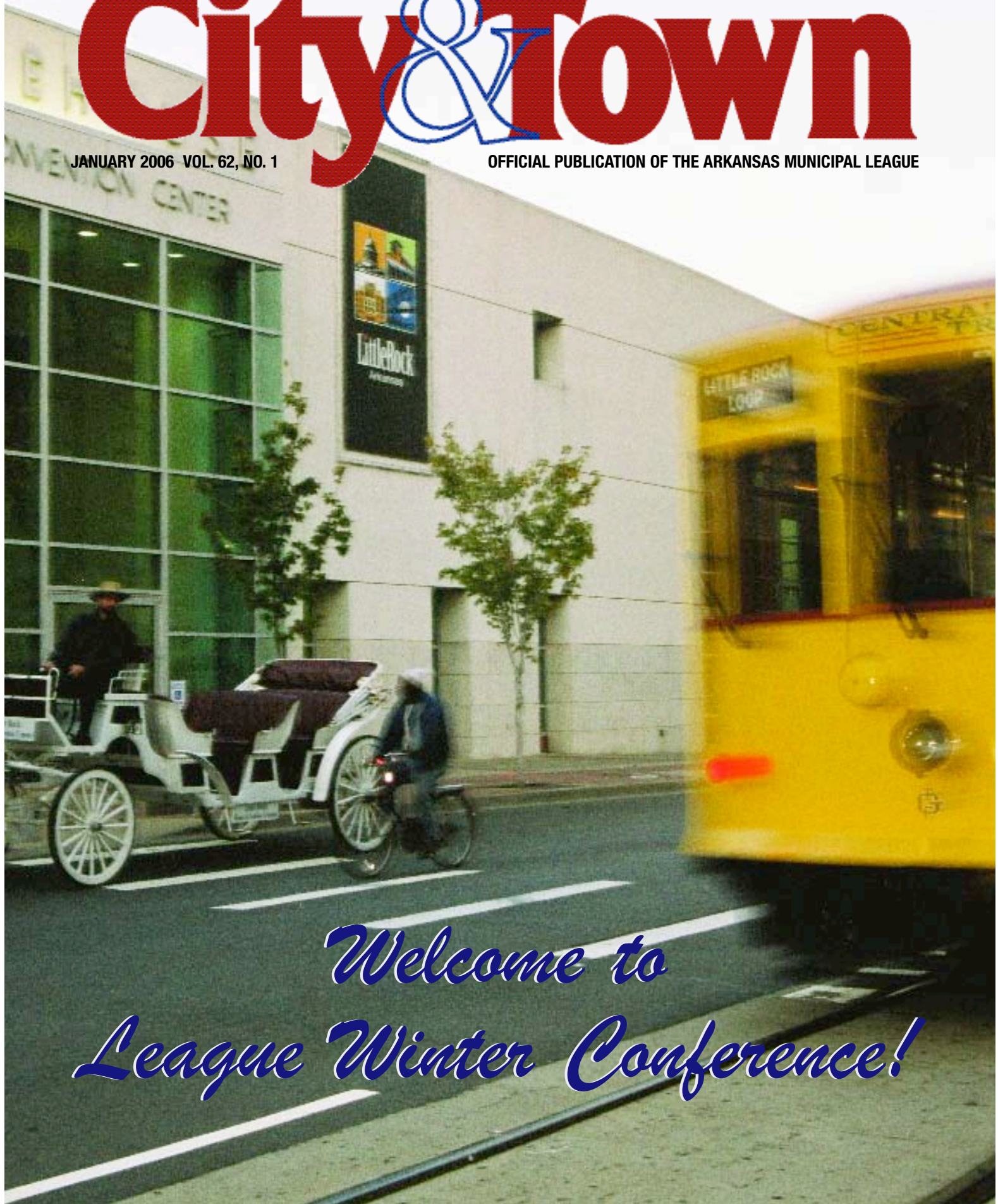


City & Town

JANUARY 2006 VOL. 62, NO. 1

OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



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JANUARY 2006 VOL. 62 No. 1 OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE

FEATURES

- 6 Emergency readiness major NLC focus**
More than 30 Arkansas city officials gathered with more than 3,000 colleagues from around the county to discuss current hot topics during the National League of Cities Congress of Cities at Charlotte, N.C.
- 10 Volunteer communities honored at Winter Conference**
Twelve communities will receive awards for their winning this year's Volunteer Community of the Year honor. The Municipal League is one of the sponsors to help show the great appreciation for volunteers helping their hometowns make this a "great state."
- 12 State legislator spots open in House, Senate**
Besides the usual re-election time in the State Legislature this year, term limits will grab 29 state representatives, alone. Senate positions are open or up for re-election. Is this your time to move from a municipality to service in the state House or Senate? Others have done it.
- 30 Municipal financial forms must be published**
To make it fairly simple, these forms can be copied (the small size conserves publication space and rates), filled out and published as is. Or, in tiny towns without a newspaper, just post them around town. These are the first of the twice-a-year publishing of them.
- 34 Municipal election laws have a few changes**
Since the last city and town elections two years ago, the legislature has modified the laws a bit affecting municipal elections. Here are the laws for ALL municipal forms of government.

Central Arkansas Transit's trolley may look speedy here as it traverses Markham Street in Little Rock. Instead, it travels the Little Rock and North Little Rock downtown streets at a slow, steady and delightful pace—even over the Arkansas River—clanging its bell here and there. Try it while at the League Winter Conference. You'll like it!

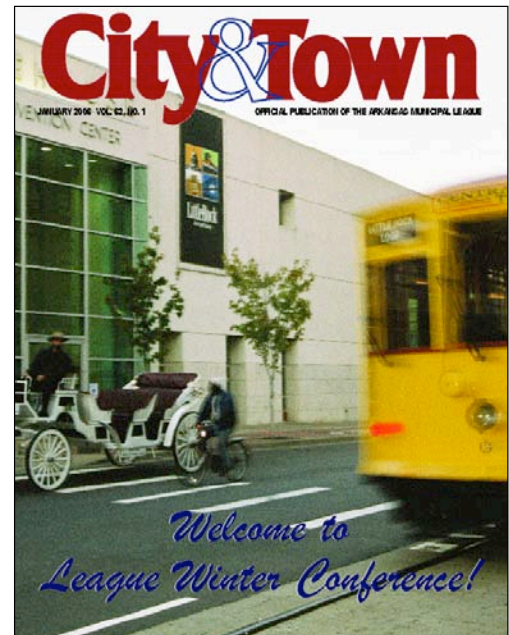
City & Town

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ON THE COVER: —Take a bike, horse, trolley car or drive or walk to the Municipal League's Winter Conference at the Statehouse and Convention Center, background, and Peabody Hotel in Little Rock, but just get there!. Tentative program topics are inside, but perhaps the most important topic is what you need to discuss with your colleagues: Learn from each other. See you Jan. 11-13 at the conference!—jkw

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Cover Photo by John K. Woodruff, League staff

Dear Colleagues:

The New Year presents a welcome opportunity to reflect on the many things that we have accomplished and to look forward to our goals for the future. Exciting things are happening in communities throughout this great State.



As always, the Arkansas Municipal League has worked to serve its members in a variety of ways, through legislative advocacy, optional benefits programs, training and educational opportunities, and multiple publications. I look forward to seeing everyone at the Arkansas Municipal League Winter Conference on Jan. 11-13, 2006, at the Peabody Hotel in Little Rock. A variety of important municipal topics are slated for discussion, including growth issues, tips for communicating effectively with legislators, and information about obtaining funds from governmental agencies.

I was pleased to attend the National League of Cities Congress of Cities Conference in Charlotte, N.C., in December where the hospitality was wonderful, and I had the opportunity to learn from many worthwhile seminars and network with people from all over the country.

I encourage everyone to attend the 2006 Annual Congressional City Conference in Washington, D.C., on March 11-15. This year, the Congress and the President will focus on a range of issues that matter to America's cities and towns. From emergency preparedness to protecting local programs in the federal budget process, city and town leaders need to be well informed and well-positioned to ensure the best outcomes for their communities on critical issues. National League of Cities provides the collective power to help city leaders present a united voice and have an impact on Capitol Hill.

I look forward to working with you in 2006. May the year ahead bring you and your community happiness, prosperity and joy.

Sincerely,

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

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

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Arkansas city leaders join National League of Cities' Congress of Cities

Among a plethora of topics, annual meeting focuses on emergency preparedness, including warnings about Northeast Arkansas's own New Madrid Fault.

By John K. Woodruff, League staff

CHARLOTTE, N.C. — Arkansas municipal officials, led by Bentonville Mayor Terry Coberly, League president, joined more than 3,000 other city leaders here to discuss emergency preparedness, economic development decisions, leadership skills and even to build housing for Katrina victims at the annual Congress of Cities Conference.

While Charlotte is home of NASCAR, with such slogans as "Racing was built here, racing belongs here," to promote a proposed NASCAR Hall of Fame in this city of more than 650,000, city officials seemed more willing for the time being to swap a race car's steering wheel for a hammer.

Little Rock Mayor Jim Dailey was among city officials from around the country who signed up to build two Habitat for Humanity houses, then was bused to a

construction site, and hammered away for 1 1/2 to two hours at a shift to frame up walls for the houses. After the five-day conference concluded Dec. 10, the walls were trucked to St. Charles, La., for finishing up for homes for families that Katrina Hurricane displaced.



New NLC President Jim Hunt, a Clarksburg, W.Va., councilmember, promotes "inclusive communities." Outgoing NLC President Anthony Williams, mayor of Washington, D.C., right, unveiled a major legacy: the NLC National City Network to help municipalities communicate and find answers.

Jim Hunt, as president, who said later he hoped to travel to visit the Arkansas League. Osceola Alderman Tommy Baker, Arkansas Municipal League president, 1999-2000, remains to serve his second and final year on the NLC Board of Directors.

Arkansas's Baker remains on NLC Board

The delegates chose new leaders for 2006, including Clarksburg, W.Va., Councilmember

Hunt, a resident of a city of 16,743, called for municipalities to be inclusive. "It is a place where all children laugh and play. It is a place where poor is not a person, but a condition that is fixed by a job. It is a place where the quality of education is not a result of your zip code or skin color. It is a place that never stops working towards inclusion." Saying he believes in "the power of WE," Hunt asked city officials to "change your vocabulary from us and them to WE."



New Orleans Mayor Ray Nagin said plans were not carried out.

With nightmares of real and potential natural and manmade disasters on city officials' agenda, discussions steered frequently to emergency preparedness. In a spirited general session discussion, New Orleans Mayor Ray Nagin reiterated his nationally publicized disappointment at the federal government's response before and after Hurricane Katrina; and Nagin insisted that indecision continues on the part of the Federal Emergency Management Agency (FEMA), both

in Louisiana and in Washington.

"The nation does not have a process on dealing with disasters," he said. Obviously frustrated, Nagin said that cities need to pressure Washington to act. "There is a certain amount of constipation in Washington. We need to be the Ex-Lax." His remark prompted applause when he said the [federal] government's No. 1 priority should be "restoring American lives" rather than rebuilding Iraq.

Nagin said emergency preparedness and evacuation plans had been approved and were in place before Katrina's Aug. 29 landfall, "but the cavalry never came." (Later, his reference was to the federal government, he said.)

Charleston, S.C., Mayor Joe Riley, who has been honored for his leadership in the recovery from the city's being devastated by Hurricane Hugo in 1989, said all the resources of the federal government need to assist when a major catastrophe overwhelms local resources. He said it was "ridiculous" in Louisiana that the governor and mayor were on their own for four or five days without federal help.

Nagin and Riley stressed the importance of intergovernmental cooperation. Riley said FEMA was "dimin-



Framing of the walls for two Habitat for Humanity Houses were built by city officials at the NLC Congress of Cities Conference at Charlotte, N.C., for Hurricane Katrina victims in Lake Charles, La. At left and above the wall frames were carried, loaded on a truck.

ished” when it became a part of Homeland Security and was no longer a cabinet-level agency.

Michael Louder, FEMA deputy director of Response in Washington, agreed that improvements were needed in disaster planning and response and he concurred with Riley that improved cooperation is needed between all government levels. “A lot more needs to be done.” Louder added, however, that emergency preparedness should extend all the way to individuals.

Disaster may loom for Arkansas

Further discussions of emergency planning extended from this panel discussion at a general session to leadership classes and breakout sessions. More than once the threat was mentioned of a potential catastrophic earthquake along the New Madrid Fault, which extends from Northeast Arkansas north to Missouri, Tennessee, Illinois and western Kentucky.

Local officials will be held accountable for preparation, said engineering consultant Eric Tolbert of Charlotte.

“Disaster preparation begins at home. All disasters are local,” he said. Ultimately it is up to local official to take care of their constituents “from start to finish,” he said. “Make sure you are comfortable with your level of preparedness.”

Tolbert noted that the New Madrid earthquake, between 1811 and 1812, was worse than Katrina. (Sparse

population in the area minimized casualties.) He warned of the disaster potential that the New Madrid Fault poses. Tolbert, in reference to federal help to local disasters, as Mayor Riley of Charleston had stressed, urged that FEMA should once more be a separate agency. Homeland Security, Tolbert said, “should be concerned with keeping terrorists from me and my family.”

In this same session, *What to do when disaster strikes? Lessons Learned*, Major Frank Monaco of the Pennsylvania State Police, stressed the importance of practice. Monaco was part of the response team when the hijacked United Airlines Flight 93 crashed Sept. 11, 2001, in rural Shanksville, Penn.

“We drill all the time,” he said, to prepare for natural and manmade disasters. Drills, he said, uncover unforeseen problems. Simple procedures like the need to establish perimeters “right away” to protect a disaster scene are learned. He said a major challenge is when onlookers and the media converge on a disaster. “People were taking pictures, picking up papers,” he said. “We stopped that.” Backup command centers should be in place if the planned control center is damaged. Communities should approve “pre-position” contracts, such as for debris removal, providing tarps for damaged homes, hauling in water and ice. Contracts can be signed at no cost, but be ready when disaster strikes, he said. Contracts signed before a disaster can be less costly than one signed after



No wonder the ride was bumpy, someone muttered as Santa (AKA Morrilton Mayor Stewart Nelson) emerged through the tiny pilot's cockpit door with his 6 foot 6 frame, knocking off his cap. OK, so US Air posed him at the controls AFTER the landing. Still that was a too-close encounter.

the fact, he said.

How does a community grow? Invest in people.

Economist and former Labor Secretary Robert Reich steered delegates to rely on high standards—taking the “high road”—when making economic decisions in their local communities. “If you take the low road by trying to attract economic development with low rents, low taxes, and low environmental requirements, and you rely exclusively on this, there will

always be someone who can do it cheaper,” said Reich in reference to the global economy. “The more we invest in cities, the more productive we become, the more prosperous we grow as a nation.”

With investments in quality education, training, research, development and in people, communities can attract growth and businesses with this high road, he said. Communities then can assert, “Your investment will get high return that you can’t get anywhere in the world.”

Tax breaks for companies don’t work, he argued, speaking against the “trickle down” economic theory.

“What trickled down? Nothing,” he said. “Trickle down,” he said, has become “trickle out to where they get the highest return.” He urged more investment in training, education, healthcare. “The more we invest in people, the faster we grow.”



Peter Yarrow of Peter, Paul and Mary fame, upper right, urged city officials to help children and themselves be more tolerant of the less fortunate. His “Don’t Laugh at Me” program, distributed free by McGraw-Hill publishing shows how. It’s on the Web.



Mayor Coberly, left, visits with Little Rock Mayor Jim Dailey, Pine Bluff Mayor Carl Redus and League Executive Director Don Zimmerman as the Arkansas crew met for an evening League-sponsored get-together.

At right, Osceola Alderman Tommy Baker, an NLC Board member, and Hot Springs Director Elaine Jones and Osceola resident Elizabeth McCollum received a warm welcome from Coberly, standing.



ARKANSAS



At left, the Arkansas delegation at the business meeting helped enact policy for 2006 and elect new officers. Below, clockwise, Nikki Giovanni, poet, essayist, Distinguished Professor, Virginia Tech, spoke of hope despite hardships at the National Black Caucus/Local Elected Officials luncheon; Coberly talks business with North Little Rock Alderman Martin Gipson and Sarah; Arkansas delegates and friends enjoyed the networking and socializing at Conference events.



12 communities honored for volunteerism

Municipal League is among sponsors.

By John K. Woodruff, League staff

Consider this partial list: Katrina refugees, overseas military, the hungry, poor and elderly who need hot meals and medical transportation, abused women, library patrons, puppy mill victims, abandoned pets, recipients of donated blood, foster children, hospice patients, mentally and physically challenged, music lovers.

The list could go on for pages. They are all among a much longer list of recipients of volunteers working busily in their cities, towns and communities throughout Arkansas.

The list also could go on and on naming volunteers who have been busy this past year serving their neighbors through civic, scout, church, medical, professional, non-profit, municipal, health and other organizations and groups.

"Some people have hobbies. I volunteer," Van Buren Alderman Donna Parker said of her commitment to volunteerism.

Volunteers throughout the state could give similar reasons for helping out the less fortunate or participating in just making their community a better place to live. Van Buren teacher Madeline Marquette put it simply, "volunteering is a fun way to help others."

While volunteers abound in the state, many communities kept track of who was doing what the last year in those non-paid positions. They came up with millions of donated hours of freely offered help and goods and services to help their cities, towns and communities reap millions of dollars in donated time, goods and services for the benefit of all.

Twelve communities that kept track of their volunteers' donated hours will be honored at a luncheon Jan. 12 during the Arkansas Municipal League Winter Conference, Jan. 11-13 at the Statehouse Convention Center and Peabody Hotel. The Volunteer Community of the Year Awards are sponsored by the Municipal League and the Arkansas Department of Human Services, Volunteerism Division, and the Governor's Office.

These municipalities will share in the honor of being selected as a Volunteer Community of the Year:

- **BEEBE**, with its new organization, Beebe KARES, responded to providing housing, food, clothing and other basic necessities for refugees from Hurricane Katrina. Its *Wheels That Care* service to transport persons to medical appointments likely saved the life of one of its clients when they arrived and got help after she had just had a stroke. In all, more than 2,000 volunteers provided almost 92,000 hours of service in the year, not counting the spin-off benefits of indirect service, advocacy and volunteered time on boards and commissions.

- **CLARKSVILLE**, a winner for the fifth time in as many years, is noted for its Senior Companion Program,

which was recognized in 2004 with *The President's Call to Service Award*. The other end of the age spectrum benefited, too, with its Reading One-to-One, Youth Initiative and classroom volunteers programs. The "Teacup Auction for the Kids" raises money for schools and children. Just everyone benefits as the city and Johnson County boasted being Arkansas Community of Excellence (ACE)-certified. Put it all in dollar amounts, the yearlong volunteer output totaled almost \$1.3 million in estimated value.

- **FORT SMITH**, for the seventh time since 1990, is recognized for the time spent by volunteers—accumulating this past year to 1,586,864 hours by 19,472 folks who offered their services for free to their community. Compassionate programs included daily temporary housing for the homeless is one of the busier programs and the Community Clearinghouse sent 820 nutrition-needy students home on week ends with backpacks filled with enough food for seven meals.

- **HEBER SPRINGS** is at the edge of beautiful Greers Ferry Lake but didn't let the inviting waters pull residents from donating more than 151,000 documented hours of time in community service, "not to mention the numerous undocumented hours," Etta Turner said in her nomination form for the award for the city. The unique, but uninvited call to service went out when a devastating fire destroyed the Community School of Cleburne County, where 70 developmentally delayed children received childcare, education and therapeutic services. The community responded: First United Methodist Church offered its facilities at no cost until portable buildings were installed in about four months and donors gave to the cause of keeping the operation going. Heber Springs is wealthy: in volunteers who provide many, many services such as Cleburne County Cares, which houses up to 10 families at a time and is staffed 100 percent by volunteers.

- **MAUMELLE** wins for the fifth time in as many years with its volunteers. The city this year logged 250,482 hours with work valued at \$4.49 million. New services were added this time: Maumelle Relief Effort for hurricane victims; FIA-Counting on Each Other helps the elderly and disabled, Maumelle Veterans is building a memorial, the Maumelle Football Association, which has created a youth football league and Maumelle Friends of the Animals. The latter fosters shelter animals, promotes adoption and raises money for animal services.

- **MOUNTAIN HOME** volunteers are legion, so for the 18th (!) time since 1982 the city of 11,000 has won the award. With what? By doing just about anything a volunteer could do, like providing clothing for the young to collecting toys for the Christmas Wish program. Vol-

unteers put on a roof for a disabled person's house and yards and yards of reflective tape for 303 second-graders; 39 volunteers working almost 1,800 hours saw their way to assisting more than 200 needy persons needing eye exams, glasses and other optical needs.

• **MOUNTAINVIEW**'s world famous Ozark Folk Festival and other festivals happen on ly with the massive volunteer efforts of the residents, who are rewarded when upw ards of 40,000 to 50,000 visitors show up for a single event. It's not all show biz: Volunteer efforts led to a \$7.5 million renovation of the Stone County Medical Center.

• **STUTTGART** proved to be a real winner with such programs as its Retired Senior Volunteer Program, which had in the last year 415 volunteers with over 126,350 hours of community service. That was just part of the 186,178 hours of total community service by 1,799 volunteers in the past year. A nice library operates at the Easter Seals Grand Prairie Child Development Center because of volunteers and the annual Rice-n-Roll fundraiser for the Center. A No. 1 stop for "history-hungry travels" is the Museum of the Arkansas Grand Prairies that offers its historical exhibits and programs, thanks to 168 volunteers who put in 5,211 volunteer hours of service.

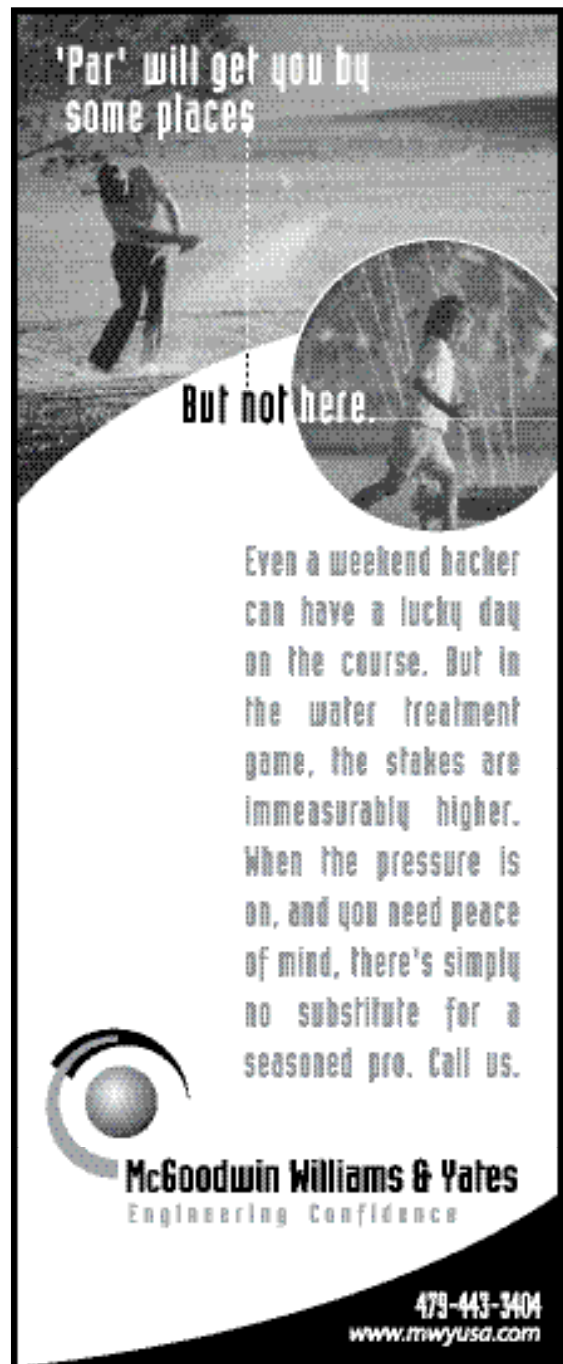
• **SMACKOVER** volunteers performed makeovers by donating their time to paint a couple of layers on five sub-standard houses and then installed new windows, entrance steps and caulked, weather stripped and otherwise fixed up three houses and installed 15 window fans. They were all part of the Smackover Initiative, which in five years has grown from 15 volunteers to more than 60 in 2004. That was just one of the many projects in which 871 volunteers donated 20,088 hours of community service overall, including time at the fascinating Arkansas Museum of Natural Resources.

• **TYRONZA** in Poinsett County has only 918 residents, but that town-size didn't stop things from happening like the creation of CERT (Citizens Emergency Response Team) and gathering up 24 volunteers to help clear storm debris from the city with 276 hours of picking up-fixing up efforts. Volunteers took a bite out of mosquito attacks when four volunteers put in 90 hours of spraying around town with a fogger and other equipment. Hamburgers were served with joy to celebrate volunteers putting together a playground structure for the park.

• **VAN BUREN** has won 13 times since 1987. Maybe the most unusual was this year. Volunteers sent Mayor John Riggs on his way by raising money for a trip to China and surgery in Riggs' battle with Lou Gehrig's disease, or amyotrophic lateral sclerosis (ALS). You read about or saw on TV this one: the complete makeover of the 3,700-square-foot home for Coleene Nick, whose daughter, Morgan, was kidnapped 10 years ago. The city's widespread beautification included volunteers donating 5,142 hours of installing planters, planting trees and landscaping the

down town Depot Park. Scores of other community projects were completed in the year, thanks to 11,002 volunteers working time that was valued at \$193,102.


• **CLARKRIDGE**, the only non-incorporated community in the winners' circle, was a winner for the fifth time in as many years with scores of projects, but also new ones that included adopting 150 foster children over Christmas holidays, providing sewing supplies for Iraqi women, supporting Twin Lakes Literacy Council and sending volunteers over to the Baxter County Medical Center, the library and two thrift stores. ●



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Alderman seeks state House; many doors are open in '06

Municipal officials continue to seek legislative office to continue public service; term limits opens many seats.

Osceola Alderman Tommy Baker is looking to the state Legislature to continue his longtime public service, and is taking a step that other municipal leaders occasionally have taken.

Baker, an alderman for 22 years and Municipal League president 1999-2000, is seeking the Dist. 55 seat in the state House of Representatives.

Rep. Kevin Goss of Wilson is leaving the position as a result of term limits. That's the same reason that state Rep. Arnell Willis of West Helena is leaving the Dist. 13 seat in the House. He has indicated that he will seek a seat in the state Senate.

It is not uncommon for local government officials to move to the state legislature. They carry with them a wealth of knowledge about the needs of municipalities.

Two other former League presidents, George Overbey Jr. of Lamar and Gregg Reep of Warren, are serving their first terms in the House. Several other former municipal officials serving in the state legislature are Sens. Jim Luker of Wynne and Jerry Taylor of Pine Bluff and Reps. David Evans of Searcy and J. R. Rogers of Walnut Ridge.

City officials who are considering runs for the state legislature have some open opportunities. Term limits in 2006 are ending the terms of state Sens. Jerry Bookout of Jonesboro in Dist. 14 and Jim Wooldridge of Paragould in Dist. 11, so those two seats will be open for the 2006 General Election.

Sen. Steve Higginbotham of Marianna is up for reelection in Dist. 16, but has announced that he will not seek another term. State Sen. Jim Holt of Springdale and in Dist. 35, is running for lieutenant governor. In all, 16 state senators are up for reelection.

The state House, however, has 29 positions that will be vacated at the end of 2006 as a result of term limits.

In addition to that slot of Rep.

Willis of West Helena these positions are being vacated in the House as a result of term limits and listed by rank in seniority:

- Jeremy Hutchinson of Little Rock, Dist. 31;
- Wayne Nichols of Marked Tree, Dist. 56;
- Charles Ormand of Morrilton, Dist. 60;
- Joyce Elliott of Little Rock, Dist. 33;
- Preston Scroggin of Vilonia, Dist. 47;
- Bob Adams of Sheridan, Dist. 19;
- Dewayne Mack of Kirby, Dist. 23;
- Dwight Fite of Benton, Dist. 28;
- Tommy G. Roebuck of Arkadelphia, Dist. 20;
- Stephens D. Bright of Maumelle, Dist. 41;
- Bill Pritchard of Elkins, Dist. 89;
- Bob Mathis of Hot Springs, Dist. 25;
- Sam Ledbetter of Little Rock, Dist. 37;
- Jay Bradford of Pine Bluff, Dist. 18;
- LeRoy Dangeau of Wynne, Dist. 57;
- Ken Cowling of Foreman, Dist. 2;
- Johnnie Bolin of Crossett, Dist. 9;
- Shirley Borhauer of Bella Vista, Dist. 98;
- Travis Boyd of Piggott, Dist. 79;
- John Paul Verkamp of Greenwood, Dist. 67;
- Kevin Goss of Wilson, Dist. 55;
- Bill H. Stovall III of Quitman, Dist. 59;
- Phillip Jackson of Berryville, Dist. 91;
- Randy Rankin of Eudora, Dist. 12;
- Booker T. Clemons of Pine Bluff, Dist. 16
- Marvin Childers of Blytheville, Dist. 77;
- Jodie Mahony of El Dorado, Dist. 6; and
- Buddy Blair of Fort Smith, Dist. 65.



Baker, left, and Pine Bluff Mayor Carl Redus took a few moments out during the NLC Conference. Baker seeks a House seat.

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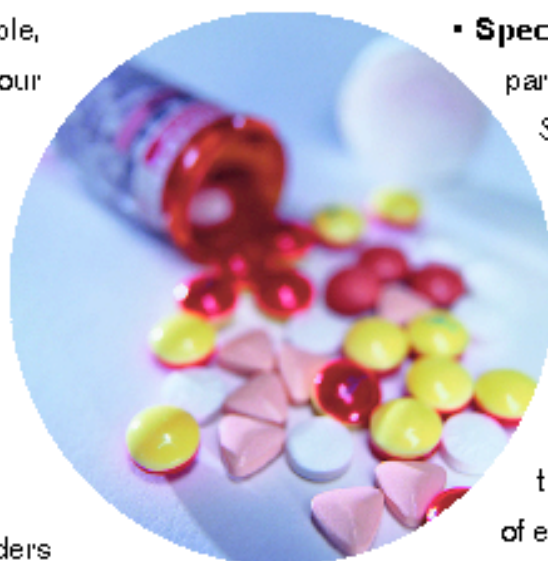


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Municipal Notes

Fairs & Festivals

- Jan. 16, **FORT SMITH**, Mayor's Annual Martin Luther King Jr. Breakfast, 479-783-8888
- Feb. 1-28, **BULL SHOALS**, Mardi Gras Month, 870-445-4302
- Feb. 4, **HOT SPRINGS**, 9th Annual Black History Month Celebration and Benefit, 501-624-9400, info@theuzuriproject.org, www.theuzuriproject.org
- Feb. 18, **HOPE**, 5th Winter Bluegrass Festival, 870-777-3640, hopeark@arkansas.net, www.hopemelonfest.com; **BULL SHOALS**, Mardi Gras Parade, 870-445-4443
- Feb. 25, **FAYETTEVILLE**, Fat Saturday Parade of Fools, 479-846-4794, dementedkrewe@yahoo.com



Obituaries

William J. (Billy Joe) Cook, 80, a former mayor and alderman of Camden, Dec. 16.

Ted C. Parker, 83, a former Forrest City alderman who served on the city council 22 years, died Dec. 17.

J.D. Smith, 84, longtime Gentry alderman and former Gentry mayor and a current member of the Arkansas Municipal League First Class Cities Advisory Council, died Dec. 20. Smith was active in the League, seldom missed a meeting and in more than 30 years on the Gentry Council, never missed a meeting until he had quintuple heart bypass surgery a few days ago.



Summaries of attorney general opinions

Recent opinions that affect municipal government in Arkansas.

From the Office of Attorney General Mike Beebe

Mandatory: Keep retirement interest rate

Opinion: 2005-216
 Requestor: Clark, David B.—Exec. Dir.
 AR Fire and Police Pension Review Board
 Is a local pension fund permitted to allow their members to waive the six percent (6%) actuarial assumed rate for an interest award for members that participate in the Deferred Retirement Option Plan (DROP)? **RESPONSE:** No. The statute, ACA 24-11-434(e)(2)(A), is unambiguous in providing that participants in DROP “shall earn interest” at a rate “no less than the actuarial assumed rate.” The word “shall” indicates mandatory compliance. Consequently, there is no discretion in the local pension and relief board to include a DROP provision that requires a waiver of the statutorily specified interest rate. Compare ACA 24-11-434.

Probationer has no appeal right

Opinion: 2005-266
 Requestor: Clemons, Booker T.—State Representative
 Pursuant to civil service laws, does a police or fire department probationer have a right to appeal after discharge, i.e., before the probationary period is complete? **RESPONSE:** No. The right of appeal is only available to those who have completed the probation period. See ACA 14-51-301(b)(7). This is also true in the case of promotion. See also 14-51-308 and civil service commission rules and regulations.

CALENDAR

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

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

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



Volunteer Communities awards



Political candidates for statewide offices



CLE credit for city attorneys



Harlem Globetrotters

STATEHOUSE
Convention
Center



Main Street Arkansas awards



Legislative outlook

Winter Conference

Arkansas Municipal League

Jan. 11-13, 2006





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Mayor

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Little Rock, Arkansas 72201
Phone: (501) 371-4510 Fax: (501) 371-4498
Website: www.littlerock.org

January 2006



Dear Friends:

I am pleased to welcome you to Arkansas' capitol city during the Arkansas Municipal League's Winter Conference! We are thrilled to have you here and know you will enjoy the energy of Little Rock with so many exciting things to see and do.

Depending on when you last visited, you may find several new shops, restaurants, and tourist attractions. I would certainly recommend the William Jefferson Clinton Park and Library for starters...this is a magnificent structure you will not want to miss. In addition to the Park, you will want to visit our River Market area where shopping and eating opportunities are endless! For those who wish to partake in the nightlife, the River Market has several restaurants and bars with live music, dancing, pool, darts and shuffle board...something for everyone!

Little Rock is not only a great place to do business, but a wonderful place to live. Our low cost of living, coupled with a large number of cultural and recreational activities, makes your capitol city the best place to play, live and work! We are home to a thriving visual and performing arts community, including the Arkansas Arts Center, the Arkansas Symphony Orchestra, the Arkansas Repertory Theater and Ballet Arkansas.

In 1819 when Arkansas became a territory, Little Rock was a small wilderness town in a remote part of the country. Today, its regions boasts a population of nearly one million people who are proud of their heritage and place in history and are avidly devoted to the area's abundant natural beauty. Thank you for visiting Little Rock...I hope you enjoy your stay as well as the conference.

Sincerely,

Jim Dailey
Mayor

2006 WINTER CONFERENCE

Tentative Program

Wednesday, January 11

9:30 A.M. **CITY CLERKS, RECORDERS, TREASURERS** Riverview Room,
to 2:15 P.M. Peabody Hotel

1:30 P.M.
to 6:15 P.M. **REGISTRATION** Osage Room,
Statehouse Convention Center (SCC)

1:30 P.M. **VISIT WITH STATE AGENCIES** Governor's Hall II, SCC
to 6:15 P.M. *State agencies are set up in this area. Take time to visit with them about how they might best assist your city.*

2:30 P.M. **IMPORTANT ISSUES CONCERNING WORKERS'**
to 4 P.M. **COMPENSATION REPORTING** Governor's Hall I, SCC
Presiding: Mayor Lane Jean, Magnolia
Group Manager, Workers' Compensation Trust
Speakers: Richard Lucy, Information Officer
Workers' Compensation Commission
Cary Ross, Program Manager
Workers' Compensation Commission
Sheryll Lipscomb, Assistant Director
Arkansas Municipal League

4:30 P.M. **GENERAL SESSION** Governor's Hall I, SCC
to 6:30 P.M. **Governmental Agencies: How They Can Help?**
A panel of governmental agencies explains funding sources and assistance programs available to municipalities.

Presiding: Mayor Terry Coberly, Bentonville
President, Arkansas Municipal League
Speakers: Mark Bradley, Ark. Highway and Transportation Department
Lucy Thompson, Ark. Department of Rural Services
Patti Erwin, Ark. Urban Forestry Council
Steve Edwards, Ark. Department of Correctional Industries
Richard Mills, Ark. Department of Aeronautics
Larry Walther, Ark. Department of Economic Development
Chad Gallagher, Governor's Office

6:30 P.M. **WELCOME RECEPTION** Governor's Hall II, SCC
to 7:15 P.M. *Enjoy snacks and beverages before the evening Banquet.*

7:15 P.M. **MAIN STREET AWARDS BANQUET** Peabody Ballroom
Presiding: Mayor Terry Coberly, Bentonville
President, Arkansas Municipal League
Invocation: Mayor Stanley Morris, Menifee

Thursday, January 12

7:15 A.M. **REGISTRATION** Osage Room, SCC
to 5 P.M.

7:30 A.M. **VISIT WITH STATE AGENCIES** Governor's Hall II, SCC
to 4:30 P.M. *State agencies will set up in this area. Take time to visit with them about how they might best assist your city.*

7:30 A.M. **HOST CITY BREAKFAST BUFFET** Governor's Hall II, SCC
to 8:45 A.M. Sponsored by Host City of Little Rock

9 A.M. **GENERAL SESSION** Governor's Hall I, SCC
to 10:30 A.M. **My Vision for Arkansas**
We have invited the announced gubernatorial candidates to speak about their vision for Arkansas.

Presiding: Mayor Terry Coberly, Bentonville
President, Arkansas Municipal League
Welcome Address: Mayor Jim Dailey, Little Rock
Speakers: Asa Hutchinson (R)
Former Undersecretary of Homeland Security
Arkansas Attorney General Mike Beebe (D)

10:30 A.M. **BREAK** Governor's Hall II, SCC
to 10:45 A.M.

10:45 A.M. **GENERAL SESSION CONTINUED**
to Noon **Municipal Issues on the Legislative Horizon**
Eminent domain, pension benefits and streamline sales tax are municipal issues. Speakers inform us about these topics.
Moderator: Mayor Terry Coberly, Bentonville
President, Arkansas Municipal League

Speakers: John DiPippa, William H. Bowen School of Law
University of Arkansas at Little Rock (invited)
David Clark, Executive Director
Arkansas Local Police and Fire Retirement System
Tim Leathers, Deputy Director
Arkansas Department of Finance and Administration

12:15 P.M. **VOLUNTEER COMMUNITY OF THE YEAR AWARDS LUNCHEON** Peabody Ballroom
The 2005 Volunteer Community of the Year Awards are announced and the winners recognized.

Presiding: Mayor Terry Coberly, Bentonville
President, Arkansas Municipal League
Invocation: Mayor Tommy Swaim, Jacksonville

Speaker: Chief Justice Jim Hannah (invited)
Arkansas Supreme Court



Friday, January 13

2 P.M. to 5 P.M. **GENERAL SESSION**Governor's Hall I, SCC
A visit with the Attorney General and Lieutenant Governor Candidates

The announced candidates for the offices of Attorney General and Lieutenant Governor have been invited to share with us the reasons that they want to serve as Attorney General and Lieutenant Governor.

Presiding: Mayor Stewart Nelson, Morrilton
First Vice President, Arkansas Municipal League

Speakers: Attorney General:
Robert Herzfeld (D)
Dustin McDaniel (D)
Paul Suskie (D)

Lieutenant Governor:
Tim Wooldridge (D)
Doug Mateo (R)
Mike Hathorn (D)
Drew Pritt (D)
Jay Martin (D)
Charles Banks (R)

5 P.M. to 6:30 P.M. **RECEPTION**Atrium and East Ballroom Foyer, SCC
After a busy day of meetings, attend this reception sponsored by the Municipal League investment managers:

*Morgan Keegan & Co., Inc.
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Simmons First Trust Company
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Metropolitan National Bank*

7 P.M. **HARLEM GLOBETROTTERS**Alltel Arena
Get ready for an evening of fun and laughter. Shuttle buses depart from Scott Street in front of the Statehouse Convention Center beginning at 5 p.m.

7:15 A.M. **REGISTRATION**Osage Room, SCC

7:30 A.M. to 8:45 A.M. **BREAKFAST BUFFET**Governor's Hall II, SCC

8:30 A.M. to 4:30 P.M. **CITY ATTORNEYS**Riverview Room, Peabody Hotel
City attorneys meet for six hours of continuing legal education.

8:45 A.M. to 10:30 A.M. **GENERAL SESSION**Governor's Hall I, SCC
Issues of Interest to Arkansas Municipal League Members

Throughout the year, municipal issues of interest continue to occur. At this session, speakers discuss these issues:

- *The newly re-designed League Web site*
- *The new MHBFB Drug Card—What it means to you*
- *What is a Municipal Captive Re-Insurance Company?*
- *Rural and municipal growth issues-Where are we?*
- *The continuing saga of jails, prisoner fees and court costs*
- *Are you ready for Reverse Internet Auctions?*

Moderator: Mayor Terry Coberly, Bentonville
President, Arkansas Municipal League

10:30 A.M. to 10:45 A.M. **BREAK**Governor's Hall I, SCC

10:45 A.M. to 11:45 A.M. **GENERAL SESSION CONTINUED**Governor's Hall I, SCC
Effectively Communicating with Your Legislator

It is critical that city officials effectively communicate with legislators—and not just during legislative sessions. A panel discusses their ideas of how to better communicate.

Moderator: Mayor Stewart Nelson, Morrilton
First Vice President, Arkansas Municipal League
Speakers: Mayor Jimmy Wallace, England
Mayor M.L. VanPoucke Jr., Siloam Springs
Don Zimmerman, Executive Director
Arkansas Municipal League

11:45 A.M. **CLOSING REMARKS**
Speaker: Mayor Terry Coberly, Bentonville
President, Arkansas Municipal League

Noon **LUNCH BUFFET**Peabody Ballroom

North Little Rock Welcomes You To The Natural Stop

We have a movie star, the photogenic Old Mill seen in "Gone With The Wind"



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Welcome to North Little Rock. Our city offers delightful diversions, points of interest and plenty of hospitality to make your stay enjoyable.

- You'll find great outdoors in our 1,575-acre Burnis Park, one of the largest city parks in the nation.
 - Burns Park Funland.
 - The River Rail Streetcar Project featuring Trolley Cars and the Trolley Barn.
 - Arkansas Inland Maritime Museum featuring the USS Razorback.
 - Coming Attractions: Arkansas Sports Hall of Fame and The Shoppes at North Hills featuring Bass Pro Shops.
- Wild River Country, a 26-acre water theme park.
- ALLTEL Arena hums with the excitement of concerts and big-name entertainment, plus UALR Trojans and Arkansas RimRockers basketball, Arkansas Twisters arena football, and other sports and big events.
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Arkansas Municipal League Winter Conference
January 11-13, 2006
Little Rock, Arkansas

Welcome!

As Mayor, I want to welcome you to Central Arkansas for the Winter Conference. During your stay, I hope that you have an opportunity to visit our community as it offers delightful diversions and points of interest.

Located in downtown North Little Rock is the Alltel Arena, a beautiful state-of-the-art multi-purpose facility which has all the amenities to make it a point of pride for everyone in the State. Also located in our downtown area is our Northshore Riverwalk which not only provides a panoramic view of Little Rock, but enables visitors to take a leisure stroll along the bank of the Arkansas River.

Take a step back in time and come aboard the River Rail, an electric street car trolley which operates between downtown North Little Rock and downtown Little Rock. It's a great way to see the sites offered by both communities.

A new addition to our North shore is the submarine, USS Razorback. Commissioned in 1944, she was the last operational submarine that was present at the Japanese surrender in Tokyo Bay. The City of North Little Rock took possession of the Razorback from the Nation of Turkey and after an exciting 7,000 mile journey, our community welcomed the USS Razorback to the North shore on August 29, 2004. The USS Razorback is a key component of the Arkansas Inland Maritime Museum. We hope that you will take the time to tour this historic vessel. For tour hours and prices, you can call the Museum at 371-8320 or visit the City's website: www.northlittlerock.ar.gov.

Naturally, we want to show you our beautiful Burns Park. At 1,575 acres, it's one of the largest city parks in the nation. Located a short distance from Burns Park, you'll find Wild River Country, the state's largest water theme park (26 acres), a place for the whole family to enjoy during the summer months.

If you're a *Gone with the Wind* fan, your eyes will glow when you visit our Old Mill Park. The photogenic Old Mill, a replica of the old grist mills seen throughout the Old South, is shown in the opening scenes of the 1939 movie classic. It's one of our most popular tourist attractions.

For non-stop shopping, visit McCain Mall, the largest shopping center (56.6 acres) in Central Arkansas and Lakewood Village, McCain's glitzy neighbor. Other shopping opportunities are located in close proximity.

We believe North Little Rock has it all and we hope you have the opportunity to sample a little or all of what our community has to offer.

On behalf of the City of North Little Rock, I send to you our best wishes and again, welcome.

Sincerely,

Patrick H. Hays
Mayor

PHH:bt

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Arkansas has role in the international market—Part II

Sister Cities helps open doors in Pacific Rim and East for Arkansas cities and businesses.

By Sherman Banks

In my last column I wrote about business development with Canada, Mexico and Western Europe. I'd like to extend that theme and discuss how the Pacific Rim has played a vital role in shaping both domestic and international business trends in the United States.

The Pacific Rim offers an abundance of business opportunities to an agricultural and natural resource state like Arkansas. Although the direct marketing infrastructure is still developing, the industry continues to expand as more Arkansas firms begin to capitalize on the growth of the region. The countries with which Arkansas firms have the most direct relations are China, South Korea, Taiwan and Japan.

Many Pacific Rim countries have demonstrated unprecedented economic growth over the past four decades and particularly in the last decade. A third of the world's construction cranes are in China use in building mega-complexes. After rebuilding from world wars and regional conflicts, the nations of the Pacific Rim have begun to dominate international trade and finance.

While surveying a map in 1803, Napoleon pointed to China and said, "There lies a sleeping giant. Let him sleep. For when he wakes he will move the world." That time seems to have come for the People's Republic of China. In 2003, the economy of the People's Republic of China's was second only to the United States purchasing power and growth. Students of history may not find this surprising.

Today China is the latest and greatest investment frontier for growth-oriented investors. The combination of China's massive size and rapid modernization is creating one of the greatest investment opportunities of the 21st Century. Wal-Mart and Acxiom have taken the lead for Arkansas firms with their investments in China. Acxiom chose Changchun in 2004 to locate a corporate branch because of the sister city relationship that Little Rock has with that city.

The Chinese government is increasingly encouraging entrepreneurship among its 1.3 billion people, with promising initial results. Numerous startups and high growth companies like Wal-Mart and Acxiom have hit the ground running contributing to China's rapid GDP growth. And it is a two-way street: Baby Star, a company that specializes in snack foods from Japan, had a major promotional meeting at the Clinton Library grand ballroom last Octo-

ber to launch the idea of locating a plant in Arkansas.

According to the *Growth Report*, investment capital has begun flowing into Chinese enterprises, ranging from auto manufacturers to textile plants to Internet and technology companies. The author of the report further states that while this trend has been emerging over the course of the past few years, they believe the equity markets are just beginning to warm up to Chinese stocks and that the market is at an inflection point after several years of rollercoaster returns.

All Arkansas companies that are on the Internet or in technology should begin seriously reviewing investment opportunities that will provide exposure to the seemingly never ending growth trend underway in the East today. Technology in China remains at a relatively low percentage of distribution throughout the population, but the usage is growing at a rapid pace as consumers with additional disposable income purchase personal computers and other technical equipment for home and work.

With a significant middle class totaling 300 million people and a growing base of university-level educated individuals (3 million graduated university in 2004 alone, versus 1.9 million in the United States), it is clear that the middle class will expand in the coming years. There is also a growing base of educated individuals to be employed by Chinese and international companies based in China.

According the Arkansas News Bureau (A Stephens Media Group Company) Arkansas is next to last in percentage of college graduates. The census data released for 2003 shows that 17.4 percent of Arkansans age 25 and over had at least a bachelor's degree. Only West Virginia, at 15.3 percent, was lower. The national average for that year is 27 percent. These statistics make it clear that we in Arkansas must place an effort on education for us to be able to provide qualified graduates to compete in the growing market in China and the United States.

Arkansas has a track record of more than 20 years in working closely with the East or Pacific Rim. Through the University of Arkansas of Medical Sciences Campus, Arkansas has with its sister city in Taiwan, trained and exchanged doctors and professors of medicine. As men-



Banks

See **Sister Cities**, page 27

Mayors and Aldermen of the Year Awards competition opens

Two mayors and two aldermen (or city directors) of the year will be chosen for 2005. Awards will be presented at the League's Annual Convention and repeated yearly. The League Executive Committee in 2005 approved this new event.

One mayor and one alderman or city director will be chosen from incorporated and second class cities. One mayor and one alderman or city director will be chosen from first class cities and large first class cities.

Supplemental materials may be submitted in support of nominees. This material may include letters, newspaper clippings and other supporting documents. An independent selection committee made up of three people not associated with the Municipal League will decide the award recipients.

Send all materials for your candidate to: Mayor Robert Patrick, P.O. Box 305, St. Charles, AR 72140

Do not submit the packet to the Arkansas Municipal League.

Eligibility

Mayor and alderman or city director must be serving in office in the year nominated.

Criteria

1. Completed nomination form. Nomination can be made by any person.

2. Written statement:

Attach a typed statement not exceeding three double-spaced pages containing but not limited to, the following information:

(A) Leadership to local government served.

(B) Involvement in community affairs.

(C) Involvement in related organizations that benefit local government, i.e. Arkansas Municipal League, elected representatives (state and national), local chambers of commerce, tourism groups and others.

NOMINATION FORM

For mayor and alderman or city director of the year awards

Name (nominee) _____

City or Town _____

Nominated by _____

Criteria (additional pages may be attached)

1. Accomplishments

2. Leadership to local government:

3. Involvement in community activities:

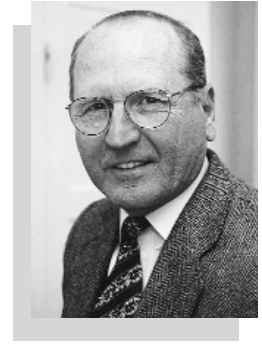
4. Involvement in community affairs and organization, i.e., Arkansas Municipal League, tourism, state and local affairs.

Attach Additional information to support nominee: i.e. awards, support letters, news clippings and other documents.

Transportation plans need widespread comment

The public, other governments, databases, maps, local leaders and other resources help establish the best plan, even though it may not be perfect.

By A.E. (Al) Johnson Jr.



Johnson

Proper planning for fulfilling transportation needs in today's complex world takes a lot of resources. The planner must have access to good databases, well-prepared maps, have the ability to gain public input, be a visionary and most importantly, be a diplomat.

For cities, good planning begins with identifying community goals and objectives. Then, developing a comprehensive land use plan to meet those goals and objectives is required.

This comprehensive land use plan must be supported by a comprehensive transportation plan. As these plans are redefined, a zoning map will be developed along with identified transportation deficiencies. All of this occurs in the continuing cooperative comprehensive planning process.

So long as there is no change in the zoning plans and the transportation deficiencies are addressed on schedule, we have the perfect plan.

This type of planning cannot be done in isolation. All entities must be involved. The State Highway Department must have input, as the county and public utilities. For a comprehensive plan to be developed, it must cross over jurisdictional boundaries. Consequently, the planning process is never easy and often painful.

In my providing engineering services to municipalities in Arkansas, I notice that more and more small cities need a plan. The plan does not have to be the continuing cooperative comprehensive plan previously described. Most of these cities have less money that is available for public works projects than is needed to develop a reasonable plan.

These cities may have one major focus that is causing the leadership to recognize their needs to be a redirection of the future. The focus might be a deteriorated

bridge, the potential impact of the first subdivision or a highway bypass—as examples.

Community leaders may know what needs to be done, but they just don't know how to get there. This is when the saying, "Any plan is better than no plan at all," comes into play. Buy a city map from the Arkansas Highway and Transportation Department and get a topographical map from the Arkansas Geological Commission.

Make as many copies as are necessary to provide the members of the council and other interested citizens. Ask them to identify barriers to development. Your flood plain administrator can take care of the floodway and flood plains. Next, using the topo map, identify rugged terrain and possible marshlands or wetlands.

Locate on the map the government facilities, railroads, cemeteries and controlled access highways. What is left is the land that you have to work with.

If it is a new street or new bridge, pencil it in. If there is a change in land use, color it in.

Now that you have a sketch plan, prepare a resolution to address the details such as street widths, rights-of-way, sidewalk requirements and so on. Adopt the sketch plan along with the accompanying specifications

This is certainly not the perfect plan, but it will have an impact on the future. Post it where it is clearly visible in city hall.

The power of a line on a map or color-coded land uses can be awesome. They can literally move mountains. As funds become available, this plan can be revised and become much more comprehensive.

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

“Community leaders may know what needs to be done, but they just don't know how to get there.”



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Tired of high power bills? Tree power in all seasons can help lower them.

Buildings with snuggling evergreens are easier to heat in the winter. Summer? "The net cooling effect of a young, healthy tree is equivalent to 10 room-size air conditioners operating 20 hours a day."

By John Slater

You may have noticed: our energy costs have skyrocketed. Even though it looks like our gasoline prices are going to go down a little, it's not enough. Communities will also struggle with record high heating costs this winter. Utility expenses seem to always be on the increase, and every year it gets harder to offset those increases.

There is a way to save money on utility bills that comes more naturally—plant trees! According to the U.S. Department of Energy, the strategic placement of just three trees can save an average household between \$100 and \$250 annually in energy costs. Savings, too, can accrue on our public building.

The key is to position your trees so they can act as a windbreak. Properly planted, windbreaks channel winds away from or over a house or office. Even the downward fall of rain, sleet and hail can be absorbed or deflected by trees.

What kind of tree should the average community or homeowner consider for windbreaks? Evergreens, which keep their leaves/needles all year, are a good choice. Plant them to screen the southwest and the northwest areas of your property, since snow and wind generally come from these directions. Trees intended as windbreaks should be positioned two to five times the mature height of the tree away from your home or the public building. If you

are uncertain, get professional assistance to assure correct placement and selection of species.

You can rely on your local urban forester, professional landscapers, nurseries, county extension offices, or urban representative with the Arkansas Forestry Commission to help you plan for mature tree growth and to suggest trees that will thrive in your area.

If you're still skeptical that a few trees can save money on energy usage, consider that dew and frost are less likely to occur under trees. This is because less radiant energy is released from the soil in treed areas at night. Bottom line—trees help keep the air near your homes and offices warmer.

And if too much warmth around your home or office is a problem in the summer—again, a minimum of three large trees can dramatically reduce air conditioning costs. The net cooling effect of a young, healthy tree is equivalent to 10 room-size air conditioners operating 20 hours a day, says the U.S. Department of Agriculture.

Many local urban foresters work to plant trees to moderate the heat island effect caused by pavement and buildings in our cities.

As for shading your home or office, what kinds of trees yield the best results? Deciduous trees with high, spreading

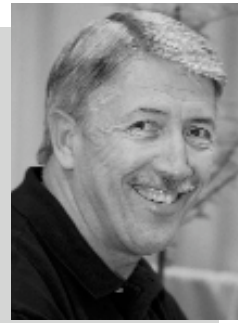
leaves and branches are great. They provide shade and block the sun's heat during the hotter months.

By dropping their leaves in the fall, they allow sunlight to filter through in the cooler months. To maximize summertime roof shading, place trees on the south side of your home or office. To minimize lower afternoon sun angles, plant trees with lower branches positioned to the west.

Shading all hard surfaces such as driveways, patios, sidewalks and the road is also a good idea. This decreases heat radiation and helps cool air before it reaches your building's walls and windows.

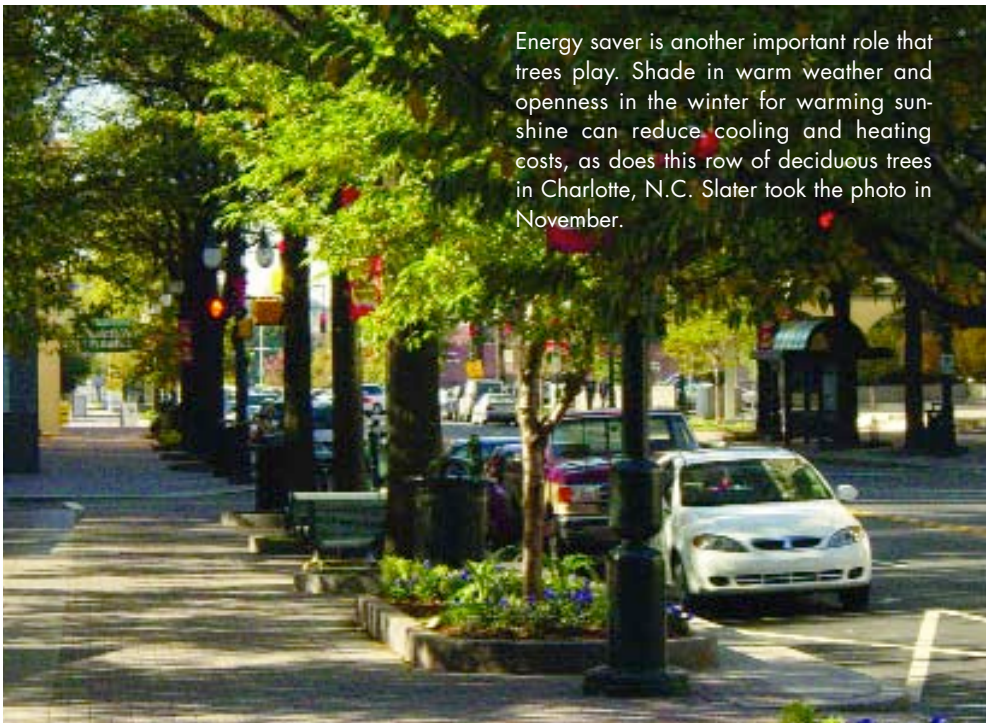
Trees can save you or your city or town money on utility bills all year

See **Urban Forestry**, page 27



Slater

Energy saver is another important role that trees play. Shade in warm weather and openness in the winter for warming sunshine can reduce cooling and heating costs, as does this row of deciduous trees in Charlotte, N.C. Slater took the photo in November.



Urban Forestry

(Continued from page 27)

long. When embarking on a tree-planting project to improve your home or office energy efficiency, consider:

- Your building's orientation to the sun.
- The amount of shade needed.
- The intensity and direction of wind around your building

Next time you're enjoying the beauty and color of your neighborhood trees, remember they can help you stay warmer in the winter and cooler in summer, while you reap the benefits of lower energy costs.

This is one of six articles that were distributed along with other educational material developed in cooperation with several urban and community forestry partners: Mid-Atlantic Center for Community Forestry, Urban and Community Forestry Coordinators in Delaware, District of Columbia, Maryland, New Jersey, Ohio, Pennsylvania, and West Virginia. I want to thank this group for its hard work and dedication to helping build awareness of the benefits of community trees. I will be submitting the other five articles in future issues.

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.

Sister Cities

(Continued from page 22)

tioned, Wal-Mart has a large presence in China, and Acxiom has its branch office in Changchun, China. Companies like International Paper, Riceland Foods, Dillards, Arkansas Systems, and Alltel have taken the opportunity to benefit from the significant market growth in the East and China in particular.

The People's Republic of China for Relations in a Foreign Country is primed to help with economic ties between China and U.S. cities. I met with the head of this organization last November when they emphasized the importance of developing sister cities with the United States and/or utilizing existing sister cities to foster economic development. This concept was reiterated at Sister Cities International Conference in July in Spokane, Wash., when SCI hosted the second SINO/U.S. Conference to promote economic development and education exchange. The East and China represent a huge opportunity for those who want to take advantage of this open window for significant economic growth.

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

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New year may be time for new ideas, even over utility lines

Or your city may want to rethink old ones and reconsider long-held policies and positions.

By Jim vonTungeln

Some municipal officials with whom I talk are wondering if it isn't time to revisit policies concerning the extension of utility lines. The policy, prevalent for years, is that municipalities don't do it. They provide treatment and assume ownership of lines after developers put them in place. Otherwise, municipalities limit their participation to paying a pro-rated share of oversized lines.

Supporters of this policy say it is fair and equitable. They say that those who stand to profit by development must bear all costs of development. That is simple enough.

Those who are intelligent, educated and experienced tell me, however, that nothing is simple in municipal government, particularly in growth and development. Consider a few complicating factors.

The policy descends from a time before the local-option sales tax. Cities then derived funds from a variety of sources, including property taxes, fees, utility revenues, state turn-back funds and federal assistance. (Remember Revenue Sharing?) Take out federal assistance for urban development, which hardly exists any more, and there wasn't much money.

What revenue there was could be leveraged for capital improvements by general obligation and revenue bonds. There were things called improvement districts back in those days. Neighborhoods assessed themselves to provide improvements, but citizens became spoiled: see "federal assistance" above. In all, there wasn't much money and there weren't that many services.

Jump to the present and municipalities in our state live and die by sales tax revenue. This means that, they must have businesses that produce sales. Unless a city is served by massive amounts of external traffic or is a major retail trade center, it needs rooftops. Rooftops need utilities. Sometimes the utilities are available at a reasonable cost and sometimes they aren't.

See where I am going? Some cities might profit from selective participation in the expansion of utility trunk lines. Take the case of Searcy, for example.

Although already enjoying a healthy growth rate, this north-central Arkansas city saw an opportunity. The city's utility department extended a wastewater trunk line along Deener Creek in the western portion of the city. This required an "out-of-pocket" cost of about a half-million

dollars. The line runs north of nearly 100 ac res of vacant land.

Within five years, two major subdivisions produced about 200 new homes served by this line. The utility will not recover the half-million in rate fees. Nor does the city impose impact fees. It was just an investment. Consider the velocity of money involved in constructing 200 residential lots and 200 new homes and decide for yourself if the investment paid off.

It's interesting that the new development created by this investment didn't seem to slow the rate of construction in subdivisions that didn't benefit from the utility extension. This responds to a common criticism of public involvement in utility expansion: it benefits one group at the expense of others. It may turn out that growth in one part of a city actually spurs growth in other parts. Who knows?

Another criticism arises from the "public-private" partnerships. Some folks just don't cotton to the public sector's sharing costs with the private sector.

What if we viewed it another way? Suppose a mayor was approached by a federal agency with an offer of a grant to build 200 new single-family homes in her city. The city's cash share would be only \$500,000. What elected official could show up for work after it became public that the grant was refused, not because of lack of money, but on principle?

Are we recommending that every city suddenly start running utility lines everywhere for private development? No. It still depends on the planning process. But if a city has carefully analyzed its existing conditions and future opportunities, this might be worth exploring. If new development is badly needed, why discard a workable and efficient approach because, "We've never done that before?"

A final benefit to consider is that when municipal government builds utility lines, it can have some say in which direction their city grows. Take a look sometime at the configuration and growth patterns of cities that rely totally on developers' decisions regarding where utilities will go. It's not always a pretty sight.

Jim vonTungeln is League staff planning consultant; American Institute of Certified Planners. Comments or questions? Reach him at 501-372-3232 or visit www.planyourcity.com. He is available for consultation as a service of the League.



vonTungeln



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Municipalities must publish semiannual financial statements

The time is rapidly arriving for the semiannual reporting of each city's financial statement. Refer to the *Handbook for Arkansas Municipal Officials*, 2005-'06 ed. Section 14-59-116, pg. 598, and Section 14-237-113, pg. 845.

The first reference provides that the governing body of each municipality shall publish semiannually in a legal newspaper of general circulation in the municipality a **FINANCIAL STATEMENT OF THE MUNICIPALITY** by March 1 covering the final six months (July through the end of December) of the last calendar year.

The financial statements should include the receipts and expenditures for the six-month period and also a statement of the indebtedness and financial condition of the municipality.

The latter law, 14-237-113, provides a similar publication requirement for the operating authority of the **WATER and SEWER DEPARTMENTS**. Water and sewer departments administered by one or two commissions must comply with the law. If the water and sewer departments are administered by the city council, then it is the responsibility of the city council to comply with Section 14-237-113.

Suggested Forms A, B and C follow. For additional information, call the League at 501-374-3484.

Form A		
City of _____		
(first or second class)		
Financial Statement July 1, 2005-Dec. 31, 2005		
GENERAL FUND		
Balance July 1, 2005		\$ _____
Cash Receipts		
General Turnback	\$ _____	
5-Mill Tax	\$ _____	
Franchise Tax	\$ _____	
Occupation Tax	\$ _____	
Liquor and Beer Tax	\$ _____	
Local Sales Taxes	\$ _____	
Other City Taxes	\$ _____	
Court Fines and Fees	\$ _____	
Sanitation Charges	\$ _____	
Other Permits and Charges	\$ _____	
Total Receipts		\$ _____
Total General Fund Available		\$ _____
Expenditures		
Administrative Expense	\$ _____	
Salaries	\$ _____	
Social Security	\$ _____	
Utilities	\$ _____	
Supplies	\$ _____	
Fixed Assets	\$ _____	
Other	\$ _____	
Total Expenditures		\$ _____
Balance General Fund Dec. 31, 2005		\$ _____
STREET FUND		
Balance July 1, 2005		\$ _____
State Highway Revenue	\$ _____	
County Road Tax	\$ _____	
Other Street Revenues	\$ _____	
Total Street Revenues		\$ _____
Total Available Street Fund		\$ _____
Expenditures		
Salaries	\$ _____	
Supplies	\$ _____	
Other	\$ _____	
Total Expenditures		\$ _____
Balance Street Fund Dec. 31, 2005		\$ _____
In the event a municipality maintains a police, fire, parks or other department, the city should publish financial statements for these departments in the same manner as they separate those departments on their Cash Receipts and Disbursements Journals.		
BONDED INDEBTEDNESS		
Type of Debt	Amount	Date Last Payment Due
General Obligation	\$ _____	
Water Revenue		
Sewer Revenue		
Other		Date Free of Debt
Total	\$ _____	
All financial records for the City of _____ are public records and are open for public inspection during regular business hours of ____ A.M. to ____ P.M., Monday through Friday, at City Hall in _____, Arkansas.		
If the record is in active use or in storage and, therefore, not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three (3) days at which time the record will be available for inspection and copying.		

The suggested **FORM A** is for use by cities of the first class and second class to comply with 14-59-116.

The suggested **FORM B** is for use by incorporated towns to comply with 14-59-116. It may be posted in five (5) public places rather than published in towns where no newspaper is published.

Form B		
Incorporated Town of _____		
(incorporated town)		
Financial Statement July 1, 2005-Dec. 31, 2005		
GENERAL FUND		
Balance July 1, 2005		\$ _____
Cash Receipts		
State General Turnback	\$ _____	
Local Sales Taxes	\$ _____	
City General Taxes	\$ _____	
Other Receipts	\$ _____	
Total Receipts		\$ _____
Total General Fund Available		\$ _____
Expenditures		
Salaries	\$ _____	
Utilities	\$ _____	
Supplies	\$ _____	
Fixed Assets	\$ _____	
Other	\$ _____	
Total Expenditures		\$ _____
Balance General Fund Dec. 31, 2005		\$ _____
STREET FUND		
Balance July 1, 2005		\$ _____
State Highway Revenue	\$ _____	
County Road Tax	\$ _____	
Other Street Revenues	\$ _____	
Total Street Revenues		\$ _____
Total Available Street Fund		\$ _____
Expenditures		
Salaries	\$ _____	
Supplies	\$ _____	
Other	\$ _____	
Total Expenditures		\$ _____
Balance Street Fund Dec. 31, 2005		\$ _____
BONDED INDEBTEDNESS		
Type of Debt	Amount	Date Last Payment Due
Water Revenue	\$ _____	
Sewer Revenue		
Other		Date Free of Debt
Total	\$ _____	
All financial records for the Town of _____ are public records and are open for public inspection during regular business hours of ____ A.M. to ____ P.M., Monday through Friday, at Town Hall in _____, Arkansas.		
If the record is in active use or in storage and, therefore, not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three (3) days at which time the record will be available for inspection and copying.		

The suggested FORM C is for use by Water and Sewer Departments to comply with 14-237-113.

Form C

City or Town of _____
Financial Statement July 1, 2005—Dec. 31, 2005

WATER AND SEWER DEPARTMENTS

Balance July 1, 2005		\$ _____
Cash Receipts		
Water Payments	\$ _____	
Sewer Payments	\$ _____	
Sanitation Funds	\$ _____	
Other	\$ _____	
Total Receipts		\$ _____
Total Funds Available		\$ _____
Expenditures		
Salaries	\$ _____	
Social Security	\$ _____	
Supplies	\$ _____	
Fixed Assets	\$ _____	
Other	\$ _____	
Total Expenditures		\$ _____
Balance Water and Sewer Fund Dec. 31, 2005		\$ _____

BONDED INDEBTEDNESS

Type of Debt	Amount	Date Last Payment Due
General Obligation	\$ _____	
(Water or Sewer)		
Water Revenue		
Sewer Revenue		
Other		Date Free of Debt
Total	\$ _____	

All financial records of the Water and Sewer Department of (City or Town) of _____ are public records and are open for public inspection during regular business hours of ___ A.M. to ___ P.M., Monday through Friday, at the Water Department in _____, Arkansas.

If the record is in active use or in storage and, therefore, not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three (3) days at which time the record will be available for inspection and copying.

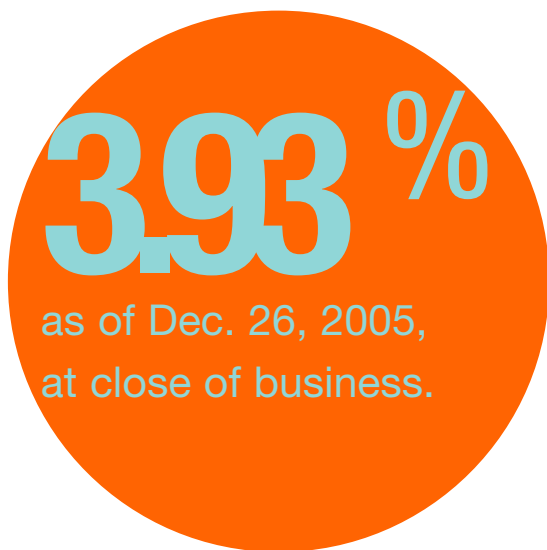
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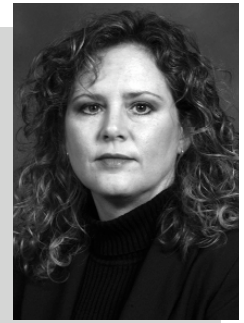
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Kicking the Tobacco habit: First, make a plan

“Quitting tobacco is difficult, but in Arkansas you can improve your chances of success by using the state’s tobacco cessation programs.”

By Christine E. Sheffer



Sheffer

When people decide to quit tobacco, they are likely to go cold turkey without much help. Research tells us that those folks are not likely to be quit a year later. Only 3 percent to 5 percent who try it alone will stay quit compared to the 25 percent who take advantage of evidence-based, intensive professional assistance. The difference is dramatic.

That’s why I would urge tobacco users to take advantage of assistance provided by the University of Arkansas (UAMS) College of Public Health in conjunction with the Arkansas Department of Health and Human Services Division of Health, using funds from the tobacco settlement agreement. Programs are offered at no cost to participants.

Whether alone or with assistance, the most important tool for quitting tobacco is a having a solid plan. Your plan might include some of the following:

1) **Set a quit date and stick to it.** This is an important day. Make this date meaningful for you.

2) **Prepare psychologically and emotionally.** Do you use tobacco at stressful or emotional moments? If so, what do you plan to do instead? What worked for you in the past?

3) **Talk to your physician** about cessation medications and support. Using nicotine replacement in the form of patches, gum, lozenges, inhaler or nasal spray and/or bupropion SR, which most people know as Zyban, can be a very important part of your plan. Zyban is started one to two weeks before your quit date while nicotine replacement is started on your quit date. It is important that you not use tobacco while using nicotine replacement!

4) **Prepare yourself physiologically** by reducing the amount of tobacco you use leading up to your quit date. If accomplished over a few weeks, this process will get your body conditioned to having less nicotine, and it’s good practice for becoming a non-tobacco user! Try to schedule your tobacco use. Scheduled gradual reduction has been very successful in helping people quit tobacco.

5) **Prepare your environment**, including your social environment. Make your home and your car smoke free. Arrange to get support and encouragement from friends, family and coworkers.

6) **Before your quit date arrives**, start avoiding or escaping from situations or settings that make tobacco use hard to resist, and begin limiting the places and times you use tobacco.

7) **Be ready when cravings hit**, and practice ways that help you cope with cravings. Successful quitters manage

cravings in many ways and some of their strategies may help you, including deep-breathing exercises, self-talk and changing the way you think. Some people write a list of reasons for quitting and refer to the list when cravings arrive. For many smokers, the act of holding something in their hands—not an unlit cigarette—helps with cravings. Low calorie snacks also are helpful.

8) **Take up activities that are not compatible** with smoking, dipping or chewing and avoid alcohol and excess caffeine.

9) **If you slip, don’t panic.** Slips are common and don’t need to lead to relapse. So rather than getting down on yourself, remember how well you did up to that point, and use it as a learning experience. Think about tools that worked for you in the past, such as calling a friend or going to a movie. Get rid of all tobacco again and move forward!

Quitting tobacco is difficult, but in Arkansas you can improve your chances of success by using the state’s tobacco cessation programs. No matter where you may live in the state, master’s degree-level counselors are available to help by phone or face-to-face. Call the SOS Quitline toll-free number 866-669-7848 or 866-NOW-QUIT.

Christine E. Sheffer, Ph.D., is assistant professor, Health Behavior and Health Education, College of Public Health, University of Arkansas for Medical Sciences, Principal Investigator, Tobacco Cessation Programs.

“Successful quitters manage cravings in many ways and some of their strategies may help you, including deep-breathing exercises, self-talk and changing the way you think.”



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DEADLINES FOR FILING AND OTHER IMPORTANT DATES

- **Primary election:** from Noon, Tuesday, March 21, 2006 until Noon, Tuesday, April 4, 2006. ACA 7-7-203(c)(1)
- **General election:** July 20, 2006 until Noon Wednesday, August 9, 2006 (Independents) ACA 14-42-206(b)(1); ACA 7-6-102(a)(3)
- **OR, by city ordinance:** May 3, 2006 until Noon on Monday, May 22, 2006. ACA 14-42-206(e) (Act 542 of 2003)

- **Preferential primary election:** Tuesday, May 23, 2006. ACA 7-7-203(b)
- **General primary election (runoff):** Tuesday, June 13, 2006. ACA 7-7-203(a)
- **General election:** Tuesday, November 7, 2006. ACA 14-42-101
- **General election (runoff):** Tuesday, November 28, 2006. ACA 7-5-106

- **Political practice pledge**
For candidates in preferential primary election: Noon on April 4, 2006. ACA 7-6-102.
For independent candidates: August 9, 2006. ACA 7-6-102. (60 days provision of 14-42-206 is impliedly repealed by Act 542 of 2003 (7-6-102), which requires filing 90 days prior to election).

- **Financial disclosure statement**
For candidates in preferential primary election: May 4, 2006.
For independent candidates: September 8, 2006 (unless as an incumbent you filed on or before Jan. 31, 2006) ACA 21-8-701(c).

- **Officials elected take office: Jan. 1, 2007**

These dates may be confirmed with the Secretary of State's office via the Internet, www.sosweb.state.ar.us.

Mayor-Council Form of Government

• Important Statutes

14-42-206. Municipal primary elections—
Nominating petitions.

- (a) The city or town council of any city or town with the mayor-council form of government, by resolution passed before January 1 of the year of the election, may request the county party committees of recognized political parties under the laws of the state to conduct party primaries for municipal offices for the forthcoming year.
 - (2) The resolution shall remain in effect for the subsequent elections unless revoked by the city or town council.
- (3) When the resolution has been adopted, the clerk or recorder shall mail a certified copy of the resolution to the chairs of the county party committees and to the chairs of the state party committees.
 - (4) Candidates nominated for municipal office by political primaries under this section shall be certified by the county party committees to the county board of election commissioners and shall be placed on the ballot at the general election ballot.
 - (b)(1) Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government shall file

not more than one hundred ten (110) days nor less than ninety (90) days prior to the general election by 12:00 noon with the county clerk the petition of nomination in substantially the following forms:

(A) For all candidates except aldermen in cities of the first class and cities of the second class:

“PETITION OF NOMINATION—We, the undersigned qualified electors of the city (town) of, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of be placed on the ballot for the office of at the next election of municipal officials in [2006].

Printed Name, Signature, Street Address, Date of Birth, Date of Signing

(B) For candidates for alderman elected by ward in cities of the first class and cities of the second class, the nominating petitions shall be signed only by qualified electors of the ward in the following manner:

“PETITION OF NOMINATION—We, the undersigned qualified electors of Ward of the city of, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of be placed on the ballot for the office of Alderman, Ward, position, of the next election of municipal officials in [2006].

Printed Name, Signature, Street Address, Date of Birth, Date of Signing

(C) For at-large candidates for alderman of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by any qualified elector of the city in the following manner: “PETITION OF NOMINATION—We, the undersigned qualified electors of the city of, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of be placed on the ballot for the office of Alderman, Ward, position, of the next election of municipal officials in [2006].

Printed Name, Signature, Street Address, Date of Birth, Date of Signing

(2) The county clerk shall determine whether the petition contains a sufficient number of qualified electors.

(3) Independent candidates for municipal office shall file a political practices pledge no later than sixty (60) days prior to the date of the general election by 12 noon.

(c)(1)(A) If no candidate receives a majority of the votes cast in the general election, the two (2) candidates

receiving the highest number of votes cast for the office to be filled shall be the nominees for the respective offices, to be voted upon in a runoff election pursuant to 7-5-106.

(B) In any case, except for the office of mayor, in which only one (1) candidate shall have filed and qualified for the office, the candidate shall be declared elected and the name of the person shall be certified as elected without the necessity of putting the person’s name on the general election ballot for the office.

(2) If the office of mayor is unopposed, then the candidate for mayor shall be printed on the general election ballot and the votes for mayor shall be tabulated as in all contested races.

(d) Special elections for mayors in cities of the first class and other special elections of officials required by law in cities and towns shall use the procedure in this section.

(e) (1) (A) The governing body of any city of the first class, city of the second class, or incorporated town may enact an ordinance requiring independent candidates for municipal office to file petitions for nomination as independent candidates with the county clerk:

(i) No earlier than twenty (20) days prior to the preferential primary election; and

(ii) No later than noon on the day before the preferential primary election.

(B) The governing body may establish this filing deadline for municipal offices even if the municipal offices are all independent or otherwise nonpartisan.

(2) (A) The ordinance shall be enacted no later than ninety (90) days prior to the filing deadline.

(B) The ordinance shall be published at least one time a week for two (2) consecutive weeks immediately following adoption of the ordinance in a newspaper having a general circulation in the city.

(f) Nothing in this section shall repeal any law pertaining to the city administrator form of government or the city manager form of government.

(g) This section does not apply in any respect to the election of district judges.

History. Acts 1991, No. 59, secs. 2, 3; 1991, No. 430, secs. 2, 3; 1995, No. 82, sec. 1; 1995, No. 665, sec. 1; 1997, No. 645, sec. 3; 1999, No. 752, sec. 1; 2001, No. 1789, sec. 8; 2003, No. 542, sec. 3; 2003, No. 1104, sec. 1; 2003, No. 1165, sec. 10; 2003, No. 1185, sec. 24.

Publisher’s Notes. Former section 14-42-206 was held unconstitutional in *Jeffers v. Clinton*, 740 F. Supp. 585 (E.D. Ark. 1990). Former section 14-42-206, concerning nominating petitions for municipal primary elections, was repealed by Acts 1991, Nos. 59 and 430, sec. 1. The former section was derived from Acts 1989, No. 905, secs. 1-5, 8.

Amendments. The 1995 amendment by No. 82 made minor stylistic changes in the petition forms in (b)(1). The 1995 amendment by No. 665 added the subdivision designations in (b)(1); inserted “by twelve o’clock noon” in the introductory paragraph in (b)(1) and in (b)(2); and made minor stylistic changes in the petition forms in (b)(1). The 1997 amendment, in (b)(1) substituted “clerk” for “board of election commissioners” and “the” for “their”; rewrote the petition form; added present (b)(2); redesignated (b)(2) as (b)(3); rewrote (e); redesignated (e)(2) as present (f). The 1999

amendment rewrote (b)(1)(A) and (b)(1)(B); added (b)(1)(C); and made stylistic changes. The 2001 amendment added (g). The 2003 amendment by Act No. 542 substituted “one hundred ten (110) days nor less than ninety (90) days” for “eighty (80) days nor less than sixty (60) days” in (b)(1)(A); and added the petition column headings in (b)(1)(A)-(C). The 2003 amendment by No. 1104 added the subdivision designations in (e)(1) and (2); and inserted present (e)(1)(A)(i) and (e)(1)(B). The 2003 amendment by No. 1165 inserted the subdivision designations in (a); inserted (a)(2); in (b)(1)(A)-(C), added “Date of Signing” to the column headings and substituted “20...” for “19...”; and made stylistic changes.

The 2003 amendment by No. 1185 repealed (c)(3).

7-5-106. Runoff elections for county and municipal officers.

- (a) Whenever there are more than two (2) candidates for election to any county elected office, including the office of justice of the peace, or for any municipal office at any general election held in this state and no candidate for the municipal or county office receives a majority of the votes cast for the office, there shall be a runoff general election held in that county or municipality three (3) weeks following the date of the general election at which the names of the two (2) candidates receiving the highest number of votes, but not a majority, shall be placed on the ballot to be voted upon by the qualified electors of the county or the municipality, as the case may be.
- (b) In the event that two (2) candidates receive the highest number of votes and receive the same number of votes, a tie shall be deemed to exist and the names of the two (2) candidates shall be placed on the ballot to be voted upon by the qualified electors of the county or the municipality, as the case may be.
- (c)(1) If there is one (1) candidate who receives the highest number of votes, but not a majority of the votes, and two (2) other candidates receive the same number of votes for the next highest number of votes cast, a tie shall be deemed to exist between the two (2) candidates.
- (2) The county board of election commissioners shall determine the runoff candidate by lot at a public meeting and in the presence of the two (2) candidates.
- (d)(1) The person receiving the majority of the votes cast for the office at the runoff general election shall be declared elected.
- (2) However, in the event that the two (2) candidates seeking election to the same county or municipal office shall receive the same number of votes in the runoff election, a tie shall be deemed to exist, and the county board of election commissioners shall determine the winner by lot at an open public meeting and in the presence of the two (2) candidates.
- (e)(1) For the purposes of this section, the term “municipal officers” shall include officers of cities of the first and second class and incorporated towns and shall include aldermen, members of boards of managers, or other elective municipal offices elected by the voters of the entire municipality or from wards or dis-

tricts within a municipality.

- (2) The term “municipal officers” shall not include officers of cities having a city manager form of government.
- (3) The provisions of this section shall not be applicable to election of members of the boards of directors and other officials of cities having a city manager form of government.
- (f) The provisions of this section are intended to be in addition to and supplemental to the laws of this state pertaining to the election of county and municipal officers at general elections.

History. Acts 1983, No. 909, secs. 1, 2; A.S.A. 1947, 3-616, 3-617; Acts 1991, No. 53, sec. 1; 1997, No. 451, sec. 3; 1999, No. 554, sec. 1; 2003, No. 1165, sec. 3.

Amendments. The 1997 amendment, in (a), substituted “three (3) weeks following” for “two (2) weeks following” and deleted “unless one of the candidates requests a runoff election, in which case a runoff election shall be conducted as provided by this section” from the end of the last sentence. The 1999 amendment rewrote (a) and made stylistic changes. The 2003 amendment redesignated former (a)(1)(A)-(C), (a)(2), (b), and (c) as present (a)-(f), respectively; inserted “runoff general election” in present (b); added the subdivision designations in present (c)-(e); and made a stylistic change in (e)(1).

Applicability. This section refers specifically to “general elections,” not “special elections,” and if the General Assembly intended for the runoff provisions to apply to all elections, general and special, it could have so stated instead of using limiting language. *Allen v. Lincoln County Election Comm’n*, 789 F. Supp. 976 (E.D. Ark. 1992).

• Officials to be elected in 2006, other pertinent information

Incorporated town

Mayor—for a four (4)-year term. ACA 14-44-105.

City Attorney—for four (4)-year term if it is not established by ordinance that the office of the city attorney will be appointed. ACA 14-42-112(e).

Recorder/Treasurer—elected for four (4)-year term. ACA 14-45-108.

Aldermen—five (5) elected for two (2)-year terms if there has been no approval of a four-year election procedure Aldermen run by Position Nos. 1, 2, 3, 4 or 5. ACA 7-7-304(d). Voted on by all electors of the town. ACA 14-45-102. If the voters have approved a four-year election cycle then initially, positions one (1), three (3), and five (5) shall have four (4)-year terms with aldermen representing positions numbered two (2) and four (4) to have two-year terms and thereafter four (4)-year terms.

Marshal—(if elected) two (2)-year term. Council may provide by ordinance for appointment or election of city marshal or may create police department. ACA 14-45-109; 14-52-102 and 14-52-103.

Cities of the second class

Each Ward shall have at least one (1) voting precinct; provided, however, cities electing their aldermen city wide may have only one (1) voting precinct. ACA 14-44-103(a)(2)(B) and (d), 14-43-307 (a)(2)(B)(ii).

Mayor—for a four (4) year term. ACA 14-44-105

Aldermen—two (2) from each Ward elected for two (2) year term, must reside in Ward. File by Position Number (1) or (2), and elected city wide unless otherwise provided by ordinance. ACA 14-44-103 (b)(1)(A) and (B) and (C)(1)(A) and (B). Note: Aldermen may, by ordinance referred to the voters, be elected to four-year staggered terms. ACA 14-44-103(a)(3). Some alderman will initially be elected to two year terms in order to create the staggered terms.

City Attorney—for four (4) year term if it is not established by ordinance that the office of the city attorney will be appointed. ACA 14-42-112(e).

Marshal—(if elected)-two (2) year term. Council may provide by ordinance for appointment or election of city marshal or may create police department. ACA 14-44-111, 14-52-102 and 14-52-103.

Collector (optional)—Two (2) year term. ACA 14-44-117. ACA 14-43-303 and 14-43-307.

City of first class with less than 50,000 population

Mayor—in cities of first class with less than 50,000 population. ACA 14-43-305.

City Attorney—in cities of first class with less than 50,000 population. ACA 14-43-315.

City Clerk—in cities of first class with less than 50,000 population. ACA 14-43-316.

Aldermen—two (2) from each Ward elected for two (2) year term; must reside in ward; file by Position No. 1 or No. 2 and elected city wide unless otherwise provided by ordinance. ACA 14-43-312, 14-43-307. However, any first class city may, by ordinance referred to the voters, elect its aldermen to four-year staggered terms as provided in ACA 14-43-312. Note that this will mean some alderman will initially be elected to two year terms in order to create the staggered terms.

City of first class with more than 50,000 population

Aldermen—one (1) from each ward for four (4) year term, must reside in the ward, elected city wide unless City Council passes ordinance to provide otherwise. ACA 14-43-303 and 14-43-307.

Election of Aldermen

Aldermen in cities of the first and second class are elected city wide if the City Council has not adopted one of the following two options:

Option 1. All the aldermen can be elected by wards.

Option 2. One alderman from each ward can be elected city wide and one alderman from each ward can be elected by ward. ACA 14-43-307, 14-44-103.

No Election in 2006 of following offices

Mayor—Cities over 50,000 population. ACA 14-43-303.

City Clerk—Cities over 50,000 population. ACA 14-43-303.

Recorder—elected for four (4) year term. ACA 14-44-115.

Treasurer—in cities of the second class, if separate from recorder, elected for four (4) year term. ACA 14-44-115. (this became a four-year term starting with the 2004 election, see ACA 14-44-115 (as amended by Act 364, sec. 3, of 2001)).

District court judges—four year term. Ark. Const. amend. 80 secs. 16, 19.

City Attorney elected for four (4) year term in cities of first class with more than 50,000 population. ACA 14-43-303.

One (1) **alderman** from each ward in cities with more than 50,000 population. ACA 14-43-303.

City Treasurer—(if elected) in cities of the First Class with more than 50,000 population. ACA 14-43-303, 14-43-405.

• Independent Candidates

Deadline for Filing

Filing deadline for independent candidate (provided that no ordinance was passed pursuant to ACA 14-42-206(e)(1) to shorten the filing period to noon of the day before the preferential primary election) is not more than 110 days, nor less than 90 days before the general election. According to the Secretary of State's office, this translates to July 20, 2006 until Noon, Wednesday, August 9, 2006 (Independents) ACA 14-42-206(b)(1); ACA 7-6-102(a)(3)

City Council may fix filing deadline for independent candidates for municipal office:

(i) No earlier than twenty (20) days prior to the preferential primary election; and

(ii) No later than noon on the day before the preferential primary election (May 22, 2006). See ACA 14-42-206(e).

The council must enact this ordinance 90 days prior to the filing deadline and publish it for two weeks in a newspaper of general circulation in the city. The deadline may be established even if all offices are independent or otherwise nonpartisan.

Petition signed by not less than ten (10) electors for incorporated towns and cities of the second class and not less than thirty (30) electors for cities of the first class filed with the county clerk. ACA 14-42-206. The county clerk shall determine whether the petition contains a sufficient number of qualified electors. For City Administrator and City manager cities, petitions must have at least 50 signatures. ACA 14-48-109(a)(5) and ACA 14-47-110(a)(3)(A)(i).

Political Practice Pledge—Filed with County Clerk not less than ninety (90) days, not sixty (60) days, but ninety (90) days before the General Election, by twelve noon, a pledge in writing stating that candidate is familiar with the requirements of ACA 7-1-103, 7-1-104, 7-3-108 and 7-6-101 through 7-6-104 and will in good faith comply with their terms. See ACA 7-6-102.

Financial Disclosure Statement—A candidate for municipal office must file a financial disclosure statement with the City Clerk or Recorder within thirty (30) days after the deadline for filing for office for which he seeks election. Any incumbent office holder who has filed the statement for the year 2006 prior to January 31st of that year shall not be required to file an additional statement. ACA 21-8-701(c)(2).

Miscellaneous election information defeated candidates in primary

A person who has been defeated in a party primary shall not be an independent candidate in the general election for the office for which he or she was defeated in the party primary. ACA 7-7-103(e).

No write-in votes

In all general elections held in cities of the first class, second class cities and incorporated towns for the election of officials of these municipalities, no ballots shall be counted for any person whose name is written in thereon. Only votes cast for the regularly nominated, or otherwise qualified candidates whose names are printed on the ballot as candidates in the election, shall be counted by the judges and clerks. ACA 14-43-202.

Who may seek municipal office

- 1) Must be a U.S. citizen.
- 2) Must be a resident of municipality or ward represented. Ark. Const. Art. 19 sec. 3; ACA 14-42-201(c).
- 3) Be at least 18 years of age (Amendment 26, U.S. Constitution).
- 4) Qualified and eligible at time of filing. Ark. Code Ann. 7-5-207(b).
- 5) Free from felony conviction, be pardoned by governor. In case of conviction, a person may not run for office unless the conviction has been expunged. The following circumstances may lead to a conviction being expunged: a first-time offender who fulfills the terms and conditions of court-imposed probation (Ark. Code Ann. § 16-93-303) (except for some sexual offenses); a minor convicted of a felony while under 16 years of age who subsequently receives a pardon (Ark. Code Ann. § 16-90-601); a person convicted of a nonviolent felony while under 18 (Ark. Code Ann. §16-90-602); and an offender pardoned by the Governor (Ark. Code Ann. § 16-90-605).
- 6) Appear personally before Registrar to register.

Appointed municipal officials may seek election

Officials who have been appointed to their office may run for the office to which they were appointed. Amendment 29 to the Arkansas Constitution prohibits this for federal, state, district, circuit, county and township offices, but Amendment 29 does not apply to municipal offices.

City Administrator Form of Government

DEADLINES FOR FILING AND OTHER IMPORTANT DATES

Thurs., June 29, at 12 p.m.—Deadline for filing statement of candidacy and petition, no more than 60 days (June 9, 2006) or less than 40 days (June 29, 2006) before a municipal primary election, which is August 8, ACA 14-48-109(a)(3).

Thurs., June 29, at 12 p.m.—Deadline for election proclamation to be signed by mayor, and published in a paper with bonafide circulation in the municipality 60 days before municipal primary election which is Aug. 8, 2006. ACA 14-48-109(a)(1)(B)(ii).

Tue., Aug. 8—Primary Election for Directors and Mayor when two or more are seeking the office (second Tuesday in August preceeding the municipal general election, which is Nov. 7). ACA 14-48-109(a)(1)(B)(i) and (a)(8)(B).

Tues., July 4—Deadline for clerk to certify name of candidate on the petition and election proclamation to county board of election commissions (35 days before municipal primary election which is August 8). ACA 14-48-109(a)(6)(B).

These dates may be confirmed with the Secretary of State's office via the Internet, www.sosweb.state.ar.us.

• Important Statutes

14-48-109. Election of directors and mayor—Oath.

- (a) Candidates for the office of director and mayor shall be nominated and elected as follows:
- 1)(A)(i) A special election for the election of the initial membership of the board of directors and mayor shall be called by the Secretary of State as provided in § 14-48-108.
 - (ii) The proclamation shall be published through one (1) insertion in some newspaper having a bona fide circulation in the municipality. The publication shall be not less than sixty (60) days before the date of the primary election.
 - (iii) For the initial election of directors and mayor, any person desiring to become a candidate shall file within twenty (20) days following the date of the proclamation by the Secretary of State with the city clerk or recorder a statement of candidacy in the form and with the supporting signatures as provided in this section. In all other respects, the initial elections shall be governed by the provisions of this chapter for holding municipal elections.
- (B)(i) Special elections to fill any vacancy under § 14-48-115 shall be called through a resolution of the board.
- (ii) A proclamation of the election shall be signed by the mayor and published not less than sixty (60) days prior to the date of the election in some newspaper having a bona fide circulation in the municipality;

- (2)(A) Candidates to be voted on at all elections to be held under the provisions of this chapter shall be nominated by primary election, and no names shall be placed upon the general election ballot except those selected in the manner prescribed in this chapter.
- (B)(i) The primary elections, other than the initial primary, for those nominations for offices to be filled at the municipal general election shall be held on the second Tuesday of August preceding the municipal general election.
- (ii)(a) The elections shall be under the supervision of the county board of election commissioners, and the election judges and clerks appointed for the general election shall be the judges and clerks of the primary elections.
- (b) Primary elections shall be held in the same places as are designated for the general election, so far as possible, and shall, so far as practicable, be conducted in the same manner as other elections under the laws of this state;
- (3) Any person desiring to become a candidate for mayor or director shall file with the city clerk not less than forty (40) days nor more than sixty (60) days prior to the primary election by twelve o'clock noon a statement of his or her candidacy in substantially the following form:
- "STATE OF ARKANSAS COUNTY OF.
I,, being first duly sworn, state that I reside at. Street, City of."

... , County and State aforesaid; that I am a qualified elector of said city and the ward in which I reside; that I am a candidate for nomination to the office of, to be voted upon at (Mayor) (Director) the primary election to be held on the. day of, 20. . . , and I hereby request that my name be placed upon the official primary election ballot for nomination by such primary election for such office and I herewith deposit the sum of ten dollars (\$10.00), the fee prescribed by law.”;

- (4) The statement of candidacy and the petition for nomination supporting the candidacy of each candidate to be voted upon at any general or special election shall be filed with the city clerk or recorder not less than forty (40) days nor more than sixty (60) days before the election by twelve o'clock noon;
- (5) The name of each candidate shall be supported by a petition for nomination signed by at least fifty (50) qualified electors of the municipality requesting the candidacy of the candidate. The petition shall show the residence address of each signer and carry an affidavit signed by one (1) or more persons in which the affiant or affiants shall vouch for the eligibility of each signer of the petition. Each petition shall be substantially in the following form:

“The undersigned, duly qualified electors of the City of, Arkansas, each signer hereof residing at the address set opposite his or her signature, hereby requests that the name of, be placed on the ballot as a candidate for election to Position No. on the Board of Directors (or Mayor) of said City of, at the election to be held in such city on the. day of, 20. We further state that we know said person to be a qualified elector of said city and a person of good moral character and qualified in our judgment for the duties of such office”;

- (6)(A) A petition for nomination shall not show the name of more than one (1) candidate.
- (B) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than thirty-five (35) days before the election unless the clerk or recorder finds that the petition fails to meet with the requirements of this chapter.
- (C)(i) Whether the names of the candidates so certified to the county board of election commissioners are to be submitted at a biennial general election or at a special election held on a different date, the county board of election commissioners shall have general supervision over the holding of each municipal election.
- (ii)(a) In this connection, the election board shall post the nominations, print the ballots, establish the voting

precincts, appoint the election judges and clerks, determine and certify the results of the election, and determine the election expense chargeable to the city, all in the manner prescribed by law in respect to general elections; it is the intention of this chapter that the general election machinery of this state shall be utilized in the holding of all general and special elections authorized under this chapter.

- (b) The result of the election shall be certified by the election board to the city clerk or recorder;
- (7) The names of all candidates at the election shall be printed upon the ballot in an order determined by draw. If more than two (2) candidates qualify for an office, the names of all candidates shall appear on the ballot at the primary election;
- (8)(A) If no candidate receives a majority of the votes cast in the primary, the two (2) candidates receiving the highest number of votes for mayor and for each director position to be filled shall be the nominees for those respective offices to be voted upon in the general election.
- (B) If no more than two (2) persons qualify as candidates for the office of mayor or for any director position to be filled, no municipal primary election shall be held for these positions, and the names of the two (2) qualifying candidates for each office or position shall be placed upon the ballot at the municipal general election as the nominees for the respective positions. Primary elections shall be omitted in wards in which no primary contest is required.
- (C) In any case in which only one (1) candidate shall have filed and qualified for the office of mayor or any director position, or if a candidate receives a clear majority of the votes cast in a primary election, that candidate shall be declared elected. The name of the person shall be certified as elected without the necessity of putting the person's name on the general municipal election ballot for the office;
- (9) Any candidate defeated at any municipal primary election or municipal general election may contest it in the manner provided by law for contesting other elections.
- (b) Each member of the board of directors, before entering upon the discharge of his duties, shall take the oath of office required by Arkansas Constitution, Article 19, Section 20.

History. Acts 1967, No. 36, §§ 5, 9; 1971, No. 439, § 1; A.S.A. 1947, §§ 19-805, 19-809; Acts 1989, No. 347, §§ 2, 3; 1989, No. 905, § 7; 1997, No. 879, §§ 1, 2; 2005, No. 67, §§ 27, 28; 2005, No. 489, §§ 1, 2.

Amendments. The 1997 amendment inserted “by twelve o'clock noon” in the form in (a)(3) and (a)(5).

The 2005 amendment by No. 67 substituted “20 ...” for “19 ...” in the form in (a)(3) and (a)(5).

The 2005 amendment by No. 489 substituted “second Tuesday of August” for “fourth Tuesday” in (a)(2)(B)(i); and substituted “not less than forty (40) days nor more than sixty (60) days” for “not less than sixty (60) days” in (a)(3) and (a)(4).

City Manager Form of Government

DEADLINES FOR FILING; OTHER DATES

Friday, Sept. 8—12 p.m. deadline for all candidates for office for petitions of nomination and political practice pledges not more than 80 (August 19, 2006) nor less than 60 (September 8, 2006) days before general election which is Nov. 7,

ACA 14-47-110(a)(2). Petitions must have at least 50 signatures. ACA 14-47-110(a)(3)(A)(i).

Friday, September 8—Deadline for mayor to publish, in a newspaper having bonafide circulation in the city, a signed proclamation for election of city directors (60) days before election which is Nov. 7, ACA 14-47-110 (a)(1)(B)(ii).

Tuesday, October 3—Deadline for city clerk to certify names of candidates for director and election proclamation to county board of election commissioners, unless petition fails to meet standards. (35 days before general election, which is November 5, ACA 14-47-110(a)(3)(D).

Dates may be confirmed at the Secretary of State's web site: www.sosweb.state.ar.us.

• Important Statutes

14-47-110. Election of directors.

(a) Candidates for the office of director shall be nominated and elected as follows:

(1)(A)(i) A special election to elect the initial membership of the board shall be called by the mayor as provided in § 14-47-106.

(ii) The mayor's proclamation shall be published through one (1) insertion in some newspaper having a bona fide circulation in the municipality not less than sixty (60) days before the date of the election.

(B)(i) A special election to fill any vacancy under § 14-47-113 shall be called through a resolution of the board of directors.

(ii) A proclamation announcing the holding of the election shall be signed by the mayor and published not less than sixty (60) days prior to the date of the election in some newspaper having a bona fide circulation in the municipality.

(C)(i) The special election shall occur on the second Tuesday of any month, except as provided in subdivision (a)(1)(C)(ii)-(v) of this section.

(ii) Special elections held in months in which a presidential preferential primary election, preferential primary election, general primary election, or general election is scheduled to occur shall be held on the date of the presidential preferential primary election, preferential primary election, general primary election, or general election.

(iii) If a special election is held on the date of the presidential preferential primary election, preferential primary election, or general primary election, the issue or issues to be voted upon at the special election shall be included on the ballot of each political party. However, separate ballots containing only the issue or issues to be voted upon at the special election shall be prepared and made available to voters requesting a separate ballot.

(iv) No voter shall be required to vote in a political party's presidential preferential primary, preferential primary, or general primary in order to be able to vote in the special election.

(v) Special elections scheduled to occur in a month in which the second Tuesday is a legal holiday shall be held on the third Tuesday of the month.

(2) The petition mentioned in subdivision (a)(3) of this section supporting the candidacy of each candidate to be voted upon at any

general or special election shall be filed with the city clerk or recorder not more than eighty (80) days nor fewer than sixty (60) days before the election by twelve o'clock noon.

(3)(A)(i) In respect to both special and general elections, the name of each candidate shall be supported by a petition, signed by at least fifty (50) qualified electors of the municipality, requesting the candidacy of the candidate.

(ii) The petition shall show the residence address of each signer and shall carry an affidavit signed by one (1) or more persons, in which the affiant or affiants shall vouch for the eligibility of each signer of the petition.

(B) Each petition shall be substantially in the following form: "The undersigned, duly qualified electors of the City of . . . , Arkansas, each signer hereof residing at the address set opposite his or her signature, hereby request that the name . . . be placed on the ballot as a candidate for election to Position No. . . . on the Board of Directors of said City of . . . at the election to be held in such City on the . . . day of . . . , 20 . . . We further state that we know said person to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office."

(C) A petition for nomination shall not show the name of more than one (1) candidate.

(D)(i) The name of the candidate mentioned in each petition, together with a copy of the election proclamation if the election is a special election, shall be certified by the city clerk or recorder to the county board of election commissioners not less than thirty-five (35) days before the election unless the clerk or recorder finds that the petition fails to meet the requirements of this chapter.

(ii)(a) Whether the names of the candidates so certified to the county board of election commissioners are to be submitted at a biennial general election or at a special election held on a different date, the election board shall have general supervision over the holding of each municipal election.

(b) In this connection, the board shall post the nominations, print the ballots, establish the voting precincts, appoint the election judges and clerks, determine and certify the result of the election, and determine the election expense chargeable to the city, all in the manner prescribed by law in respect to general elections. It is the intention of this chapter that the general election machinery of this state shall be utilized in the holding of all general and special elections authorized under this chapter.

(c) The result of the election shall be certified by the election board to the city clerk or recorder.

(4) The candidate for any designated position on the board of directors who, in any general or special election, shall receive votes greater in number than those cast in favor of any other candidate for the position shall be deemed to be elected.

(b) Each director, before entering upon the discharge of his duties, shall take the oath of office required by the Arkansas Constitution, Article 19, § 20.

History. Acts 1921, No. 99, §§ 5, 8; Pope's Dig., §§ 10093, 10096; Acts 1957, No. 8, §§ 5, 6; 1965, No. 6, § 1; A.S.A. 1947, §§ 19-705, 19-708; Acts 1989, No. 347, § 1; 1993, No. 541, § 1; 2001, No. 552, § 1; 2005, No. 2145, § 33.

Amendments. The 1993 amendment, in (a)(2), substituted "subdivision (a)(2) of this section" for "subdivision (3) of the subsection", and added "by twelve o'clock noon" at the end; inserted "or her" preceding "signature" and substituted "request" for "requests" in the form in (a)(3)(B); and made other minor punctuation changes.

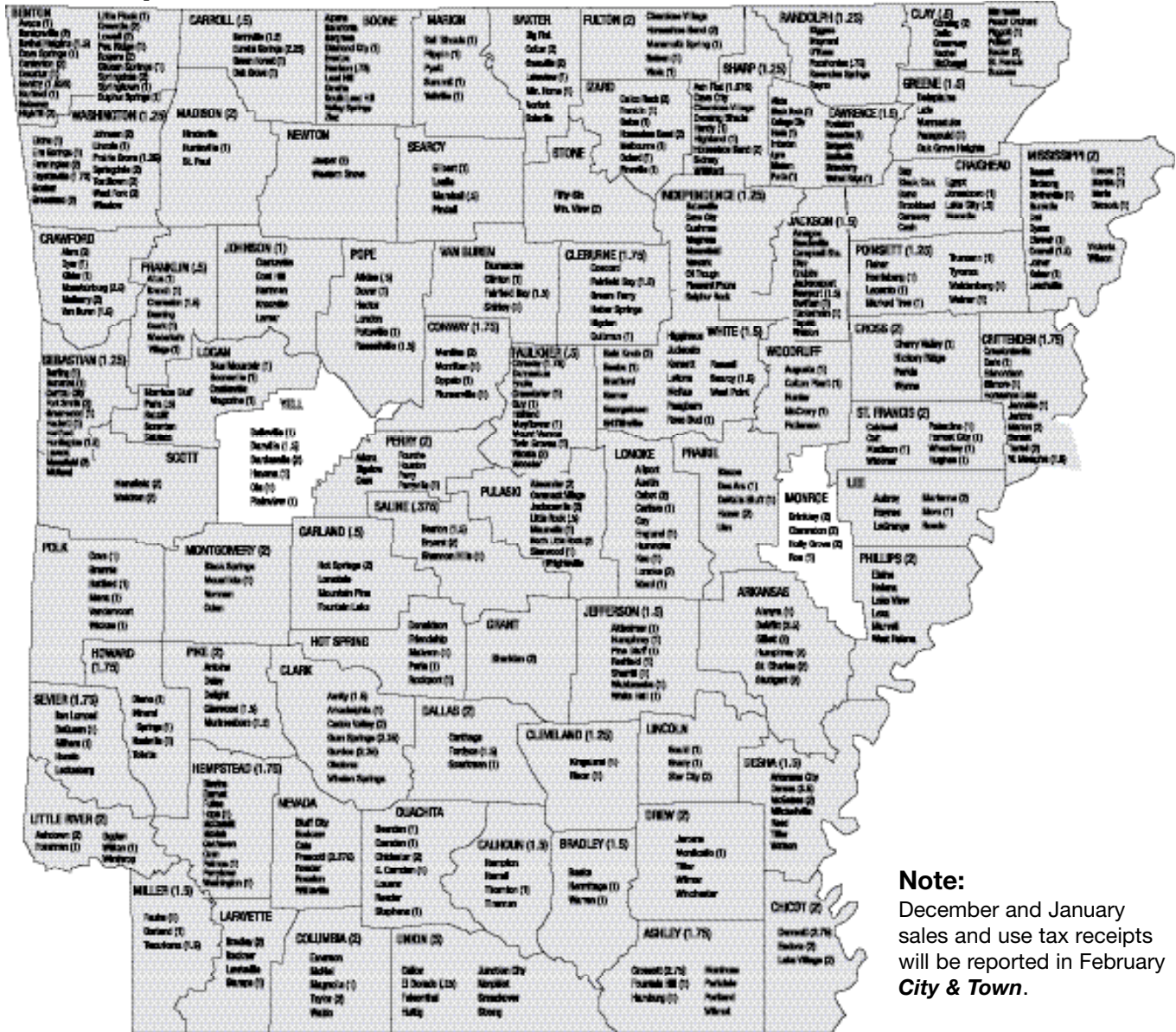
The 2001 amendment substituted "not more than eighty (80) days nor fewer than" for "not less than" in (a)(2).

The 2005 amendment added (a)(1)(C).

A political practice pledge is not required of the candidates for board of directors in cities operating under the city manager form of government, since all such candidates run without political affiliation. *Williams v. Pulaski County Election Commission*, 249 Ark. 309, 459 S.W.2d 52 (1970).

Cited: *Mears v. City of Little Rock*, 256 Ark. 359, 508 S.W.2d 750 (1974); *Knoop v. City of Little Rock*, 277 Ark. 13, 638 S.W.2d 670 (1982).

Local Option Sales and Use Tax in Arkansas



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

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

Sales and Use Tax Year-to-Date 2005

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

Note: December and January sales and use tax receipts will be reported in February *City & Town*.

2005 Elections

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

Newsletter

JANUARY 2006

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

ADULTERATION, DILUTION AND SUBSTITUTION CHALLENGE TESTING Some people will go to great lengths in trying to beat a drug test

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

Information about drug use and drug testing is everywhere. You see it on the news, in the newspapers and on the Internet. Whether it is the issue of testing for steroids in professional sports, school districts establishing drug-screening programs for students, or our law enforcement officers encountering

methamphetamine labs in our communities, information is everywhere.

As we continue drug screening programs, it is critical that we ensure that employers and administrators of drug screening programs understand the methods used to thwart drug-testing.

By understanding the commercial substances, devices and methods that are available to beat a drug screen, screening administrators are better equipped to ensure their program's effectiveness.

To understand how someone can beat a drug test, we must have a basic understanding of how the test works. After an individual uses a substance, his or her body breaks it down into compounds that are processed through the blood stream and into the urine. The compounds associated with drug usage are generally referred to as metabolites. An initial drug screen is generally an immunoassay test that determines if a certain group of metabolites associated with a specific drug are present in the urine at a concentration above an established cut-off level.

Attempts to beat a drug test generally are trying to get the concentration of drug metabolites to appear lower to the test than they really are, getting a "clean" specimen used for the test rather than the drug using individual's "dirty" specimen, or getting a substance into the specimen to clean it or to invalidate the test. These attempts are typically dilution, substitution and adulteration.

Dilution is an attempt to consume enough liquids to dilute the concentration of drug metabolite in the specimen below the established cut-off levels. Individuals who are trying to dilute the specimen will consume large quantities of water or other liquids in the hours before the test to reduce the concentration of metabolites. These specimens can generally be identified because they look like water! Commercially available screening devices can assist the person who is administering a drug test in identifying dilute samples. Laboratory processes can also identify attempts to dilute a specimen.

Substitution attempt to replace a drug user's specimen with a "clean specimen." Attempts range from commercial devices to household items such as re-sealable bags and pill bottles. These devices can be elaborate and include warming packs to ensure the specimen provides at least a rudimentary temperature reading on a collection cup.

Adulteration is getting something into the specimen which will interfere or alter the test results. This can again be very intricate or rudimentary. Commercially available substances are designed to mask drug use or interfere with the screening results. Others will try to get bleach, household cleaners or anything they think might interfere with a test into the collection container.

Regardless of the method used to try to beat a drug test, the first step in protecting the integrity of your drug-screening program is the establishment and adherence to proper collection procedures. From preparing the collection site to hand washing to toilet bluing to checking the temperature strip, the first line of defense is the collection. Even perfect collections cannot stop all attempts to beat a drug test, but they reduce the likelihood of successfully getting away with it.

In Arkansas, it is a Class B misdemeanor to ATTEMPT to defraud a drug test. The methods, devices and substances used to try to hide drug use during a test are everywhere. To learn more about trying to beat drug tests, search the Internet, consult with law enforcement personnel or ask experts. If you need assistance in reviewing your collection site procedures or want to establish written policies and train collectors to minimize the potential for someone to beat a test, a'TEST can help.



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

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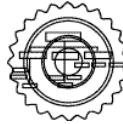
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CHIEF BUILDING OFFICIAL—Texarkana, Ark., is taking applications for a Chief Building Official. Salary is DOE. Performs administrative supervision, oversees new and existing construction, enforces conformance to building codes, approves plans, specifications and standards. Requires HS dip or GED. Certified Building Inspector preferred. Min. 3 yrs. relatd wrk exp w/ International Codes, Ark Fire Preventn Codes, zoning enforcement and floodplain mngmnt. Strong oral/written communication skills req'd. Send resumes: City of Texarkana, AR, C/O Chief Building Official, P.O. Box 2711, Texarkana, AR 75504. Fax: 870-774-3170. Closing date **Jan. 3, 2006** at 5 p.m. EOE.

BUILDING INSPECTOR I—Sal. Range: \$31,908 - \$46,998. Siloam Springs is accepting applications for a Building Inspector I to work in Community Development dept. Performs routine, complex and technical duties in enforcing building, gas, heating and air, and plumbing related codes and ordinances. Responsible for inspecting building construction activity in city and areas connected to city utilities; maintains inspection records; reports to Building Official. Applicants must possess a **HS dip, or GED, 4 yrs related exp and/or training, or an equiv comb. of ed and exp.**; valid driver's license or ability to obtain one. Generous benefit package include. Med., dental, vision, long-term disability, life insurance, 457 Deferred Comp, vacation and sick leave. Applications available at City Hall, 400 N. Broadway, Siloam Springs, Arkansas, or downloaded from www.siloamsprings.com. Further info, call 479-524-5136 or email pwwoody@siloamsprings.com. EOE.

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

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

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

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

PRINCIPAL PLANNER—Fort Smith is accepting resumes for Principal Planner. Position under direction of development and construction director and is responsible for managing, coordinating and directing major planning in current and long-range projects, assisting dept. director in organizing,

integrating and administering dept. operations, supervises professional and technical dept. staff and related work as assigned. Requirements: Graduate of four yr. College w/planning, public admin., law or related degree; min. six yrs. exp. Advanced degree and prior municipal planning exp. Desired. More info. At www.fsark.com under Department of Human Resources-Employment Opportunities. Sal. \$42,982-\$67,600 cons. w/ exp. Submit resumes to humanresources@fsark.com, City of Fort Smith, Office of Human Resources, P.O. Box 1908, Fort Smith, AR, 72902, or Human Resources Office, 623 Garrison, Room 310. Deadline **Jan. 13, 2006**.

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

SENIOR PLANNER—Jonesboro seeks exp. Senior Planner to assist in administering planning and development. Employee processes applications for developments; reviews subdivision plats; processes applications for conditional use and variances; inspects projects under construction; drafts reports for Planning Commission; assists in correction and update of maps, records; collects, organizes data; conducts analysis; performs research, interprets and presents findings, and responds to citizen requests in a courteous and timely manner. Bachelor's degree in planning or related and 1-2 yrs. Exp. Salary negotiable DOE & Q. Send resumes to City Hall, Attn: Human Resources Director, 515 W. Washington, P.O. Box 1845, Jonesboro, AR 72403 or email to shackney@jonesboro.org. EOE.

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

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

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

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

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

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

CERTIFIED POLICE OFFICER—Pea Ridge seeks cert. police officer. Entry sal. \$28,692, benefits: paid holiday,

health, dental, eye insurance, 3 wks paid vacation, LOPFI. Call 479-451-1122 or send resume, certification copies to Pea Ridge Police Dept., P.O. Box 29, Pea Ridge, AR 72751. EOE.

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

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

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

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

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

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

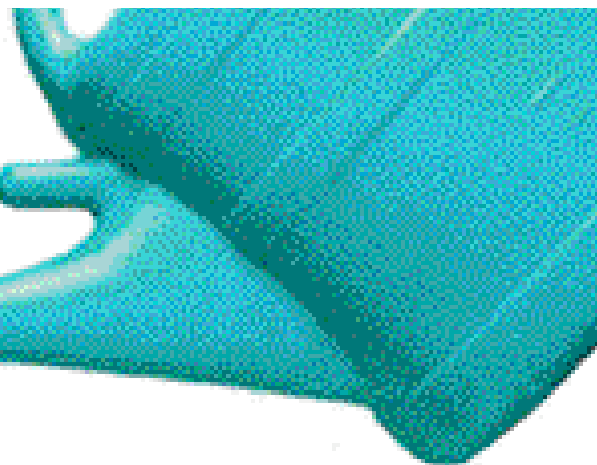
WASTEWATER OPERATIONS FOREMAN—Bentonville is taking applications for a Wastewater Operations Foreman. Sal range: \$18.73/hr-\$28.09/hr. Responsibilities include direct supervision of 7-10 employees and the efficient maintenance, operations; management of equipment, vehicles, bldgs and grounds of the Wastewater Treatment Plant. Must hold Arkansas Class 3 Wastewater License (or equivalent) and have experience with activated sludge nitrate/nitrite and phosphorus removal. Must have instrumentation knowledge, good computer skills. Applications on-line: (www.bentonville.com) <<http://www.bentonville.com>> or just inside the front door of City Hall. Mail resume to City of Bentonville, Attn HR Dept, 117 West Central, Bentonville, AR 72712 or fax completed application/resume to 479-271-3105. EOE

FOR SALE—Alamo side mount 7' hydraulic sickle mower. Contact Atkins City Hall, 479-641-2900.

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

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

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



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