Morgan Keegan is the Leading Municipal Underwriter in the South Central United States for the Eleventh Consecutive Year

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South Central Region: Arkansas, Alabama, Kentucky, Louisiana, Mississippi and Tennessee
Source: Thomson Financial Securities Data Company
Full Credit to Book Manager, 2004

Experience -
Arkansas’ Municipal Finance Group

Bob Snider
26 Years Experience

Jim Alexander
25 Years Experience

Jim Fowler
22 Years Experience

Paul Young
22 Years Experience

Patricia Quinn
19 Years Experience

Nick Papan
16 Years Experience

Stan Russ
16 Years Experience

Kent Douglas
3 Years Experience

Jason Thomas
2 Years Experience

Morgan Keegan & Company, Inc.
Members New York Stock Exchange, SIPC
A Regions Company

Morgan Keegan & Company, Inc.
Municipal Finance Group
100 Morgan Keegan Drive, Suite 400
Little Rock, Arkansas 72202
800-758-4155  501-666-1566

Not FDIC Insured | May Lose Value | No Bank Guarantee
Arkansans, Latinos learn about each other
As Latinos fill job vacancies around the state and become permanent residents, city government helps smooth the transition—as is done in Rogers.

Municipalities fared well in 2005 Legislature
The League’s legislative package was largely enacted, along with other laws positive for cities. Here is an overview of the new laws.

Earth Day showed Conway’s inclination for fun
Day-long festival included Mayor Tab Townsell’s call for sustainable development and more bike trails.

Keep Arkansas Beautiful honors 11 cities
Cover story: From recycling to beautification and anti-litter programs, municipalities help Keep Arkansas Beautiful fulfill its mission.

Careless decisions can prompt discrimination charges
March 30 U.S. Supreme Court interpretation of Age Discrimination in Employment Act underscores paying attention to discrimination claims.

ON THE COVER:
Kip Davis, assistant planner at McCrory, vacuums leaves and twigs left by residents for pickup at curbside. Hands-on McCrory Mayor Doyle Fowler drives the truck pulling the machine, which chews up the debris into free mulch used by residents. The process is one of the reasons that McCrory was a recycling winner in the Keep Arkansas Beautiful competition. Read about the awards beginning on page 12. Lots more is inside, too. Enjoy!—jkw
Greetings:

I hope that everyone is enjoying the beautiful spring weather that we are having. I know that we have been very busy in our city catching up on beautifying for the summer.

The 2005 legislative session is over and everything went well. Our Municipal League bills passed. A very special thanks to all of our mayors and county judges across the state who helped get our bills passed and defeat the bad bills.

I encourage all cities and towns in Arkansas to be a member of the Municipal League. The cities and towns that were not League members in 2004 were McCaskill and Oakhaven in Hempstead County, Nimmons in Clay County, Powhatten in Lawrence County, Victoria in Mississippi County and Winslow in Washington County. Winslow and Victoria have since joined the League family. I encourage you to join our League team, too.

Our goal is to have 1,500 city officials and others from our League-member municipalities attend the 71st Municipal League Convention at Hot Springs, June 15-17. I hope you will come early and stay late. Be sure that your town or city is well represented.

Please mark your calendar for Saturday, May 21, in Little Rock, to honor all of our troops who have returned from Iraq.

See you in Hot Springs!

Sincerely,

Gene Yarbrough, Mayor, City of Star City
President, Arkansas Municipal League
EXECUTIVE COMMITTEE: Mayor Bobbie Bailey, Alpena; Clerk/Treasurer Shirley Sutton, Ashdown; Councilmember Larry Hall, Bay; Mayor Tim McKinney, Berryville; Mayor Chris Claybaker, Camden; Clerk/Treasurer Billie Hasty, Clarendon; Mayor Tab Townsell, Conway; Mayor Scott Cormick, Crossett; Mayor Jimmy Wallace, England; Mayor Larry Bryant, Forrest City; City Director Gary Campbell, Fort Smith; Mayor Robert Reynolds, Harrison; Mayor JoAnne Bush, Lake Village; Mayor Steve Northcutt, Malvern; Mayor Robert Taylor, Mariana; Councilmember Murry Witcher, North Little Rock; Mayor Mike Gaskill, Paragould; Mayor Howard Taylor, Prescott; Mayor Belinda LaForce, Searcy; Mayor Bill Harmon, Sherwood; Mayor M.L. VanPoucke Jr., Siloam Springs; Recorder/Treasurer Carolyn Willett, Smackover; Mayor Horace Prescott, Springdale; Mayor Paul Nichols, Chair, Menifee; Recorder/Treasurer Bob Sullivan, McRae; Councilmember Don Sappington, Norfolk; Mayor Jerry Duvall, Pottsville; Councilmember David McCoy, Star City; Mayor Levenis Penix, Thornton; Mayor Art Brooke, Councilmembers Ginger Turno, Glenn Walden, Ward; Mayor Curly Jackson, Wilmar; Mayor Lorraine Smith, Wrightsville.

ADVISORY COUNCILS
PAST PRESIDENTS: Councilmember Larry Combs, El Dorado; Mayor Tommy Swaim, Jacksonville; Councilmember Martin Gipson, North Little Rock; Mayor Patrick Henry Hays, North Little Rock; Mayor Robert Patrick, Arkadelphia; Mayor Paul Halley, Bryant; Mayor Mick Mullins, Mountain Home; Councilmember Cecil Community, North Little Rock; Finance Officer Jane Jackson, Stuttgart.

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

FIRST CLASS CITIES: Mayor Stewart Nelson, Chair, Morrilton; Councilmember Shirley Jackson, Ashdown; Clerk/Treasurer Paul Hill, Beebe; Mayor L.M. Duncan, Clerk/Treasurer Joan Richey, Councilmember Ralph Lee, Bono; Clerk/Treasurer Susan Maynard, Cherokee Village; Mayor Billy Heins, Clarksville; Mayor J.H. Ermert, Corning; Mayor Aubrey McGehee, DeWitt; Councilmember Dwayne Snyder, Dumas; Councilmembers Jimmie Barham, Ann Pickering, Earle; Mayor Kathy Harrison, Eureka Springs; Councilmember J.D. Smith, Gentry; Councilmember Danny Mays, Hamburg; Mayor Paul Muse, Heber Springs; Councilmember Alice Baker White, Helena; City Clerk Billie Uzzell, Lonoke; Mayor Doyle Fowler, McCrory; Mayor Jerry Montgomery, Clerk/Treasurer Regina Walker, Mena; Mayor Mike Reese, Councilmembers Jackie Hartwell, Vivian Wright, Nashville; Clerk/Treasurer Linda Treadway, Newport; Mayor C.L. Coley, Ozark; Mayor Sonny Hudson, Prairie Grove; Mayor Glenn Murphy, Walnut Ridge; Councilmember Dorothy Henderson, Warren; Clerk/Treasurer Paula Caule, West Fork; Mayor James (Jitter) Morgan, White Hall.

SECOND CLASS CITIES: Mayor Veronica Post, Chair, Altus; Recorder/Treasurer Charlotte Goodwin, Ash Flat; Councilmember Kathleen Mason, Briarciff; Recorder/Treasurer Sarah Roberts, Caddo Valley; Mayor Thekla Walls, Cave Springs; Councilmembers Danny Armstrong, Richard Harris, Cedarville; Mayor Chip Ellis, Clinton; Mayor Bill Jennings, Cotter; Recorder/Treasurer Sandy Beaver, Diamond City; Mayor William K. Duncan, Fairfield Bay; Recorder/Treasurer Mike Cranford, Foreman; Recorder/Treasurer Marla Wallace, Gillett; Mayor Melba Fox-Hoobs, Hartford; Recorder/Treasurer Rose Marie Wilkinson, Haskell; Administrative Asst. T.A. Cowan, Hazen; Mayor David Stackelford, Highland; Mayor Lloyd Travis, Councilmember Joe Gies, Lakeview; Mayor James Lee Brooks, Madison; Mayor Clark Hall, Marvell; Mayor Frank Pearce, Mayflower; Recorder/Treasurer Bobby Brown, McDougall; Mayor Bob Sullivan, McRae; Councilmember Don Sappington, Norfolk; Mayor Jerry Duvall, Pottsville; Councilmember David McCoy, Star City; Mayor Levenis Penix, Thornton; Mayor Art Brooke, Councilmembers Ginger Turno, Glenn Walden, Ward; Mayor Curly Jackson, Wilmar; Mayor Lorraine Smith, Wrightsville.

Arkansas Municipal League Officers

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<th>Position</th>
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<tr>
<td>President</td>
<td>Gene Yarbrough</td>
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<td>Vice President, District No. 1</td>
<td>Terry Coberly</td>
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INCORPORATED TOWNS: Mayor Stanley Morris, Chair, Menifee; Mayor George Hallman, Ben Lomond; Mayor Charlie Lee Tyson, Buckner; Mayor Joe Mullins, Emerson; Mayor Rick Qualls, Fountain Lake; Mayor Marilyn Blackwell, Recorder/Treasurer Karen Stags, Higgins; Mayor L.A. (Sandy) Sanfratello, Horseshoe Lake; Mayor Annelise Armstrong, Mt. Vernon; Recorder/Treasurer Naomi Mitchell, St. Charles; Mayor Merle Jackson, Winchester.

PUBLIC SAFETY: Mayor Paul Nichols, Chair, Wynne; Public Works Director Jimmy Bolt, Arkadelphia; Mayor Rick Holland, Benjion; Personnel Director Marilyn Payne, Bryant; Councilmember Jim Stevens, Mountain Home; Councilmember Robert Wiley, Russellville; Councilmember Dan Sedman, Sherwood.

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

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

CASH/PENSION MANAGEMENT TRUST BOARD: Mayor Jim Dailey, Little Rock; Mayor Bill Harmon, Sherwood; Finance Director Bob Sisson, North Little Rock; Mayor Larance Davis, Shannon Hills; Captain Glenn Greenwell, Texarkana; Finance Officer Ed Bogy, Pine Bluff; Clerk/Treasurer Susan Maynard, Cherokee Village; Lee Harrod, Little Rock.

MAY 2005
Arkansas and Latinos adjust in cities, towns
Municipal governments can hasten the assimilation of different cultures.

By Dacus Thompson, League staff

Cesar Aguilar, an El Salvadorian, was 17 years old when he was sent away from his parents and country to find work. It was 1985, and El Salvador was in the midst of a civil war that would claim an estimated 75,000 lives before it ended in 1992.

With the help of extended family, Aguilar traversed Latin America to northwest Arkansas, where he got a job in the poultry industry and learned to dismember chickens; he knew three English words: one, two and three.

In the 1980s and '90s, many Latinos followed a similar path as Aguilar. The poultry industry's high-turnover rate coupled with the explosion of new jobs created by northwest Arkansas's rapid growth opened the door for immigrants such as Aguilar to find employment.

"There were a lot of jobs up here that weren't being filled because of low unemployment, job availability and other types of work," said John Sampier, Rogers's mayor from 1982-'98. "The difference is that the Hispanics who moved here were not migrant workers. The migrant worker phenomenon occurred in many parts of the country, but that's not what we experienced here; we experienced people who were moving here permanently, because they found a steady job."

The Latino migration into northwest Arkansas is the largest ethnic movement in the state since Anglos populated the area in the 1800s. At DeQueen, in southwest Arkansas, the Hispanic population skyrocketed from 506 (10.2 percent of the city's population) to 2,225 (38.6 percent) between the 1990 and 2000 censuses.

Obvious and subtle cultural differences surface.

Challenges towns and cities encounter during this shift range from the obvious language and cultural differences to the more subtle, such as Latinos traditional distrust of law enforcement. "In many poor Latin countries, police are corrupt, and you can't trust them," Rogers Mayor Steve Womack said. "But we've been trying to convince newcomers that law enforcement is on their side, and that they're not to be paid off." Womack added that in recent years the city has overcome many of these deep-seated social barriers.

"Morally you should make it a good transition," Sampier said about the shift from a predominately Anglo community to a mixed one. "If not, then you have to do it pragmatically because it's happening and you really have no choice but to do something."

Aguilar hopes to continue to help the transition in Rogers, his hometown for the past 20 years. "There are always going to be challenges when two cultures meld together," Aguilar said. "But I think the cultures can enrich each other."

After years of studying English as a second language (ESL) and working in the community, Aguilar was hired as the executive director of Rogers Community Support Center, a position initiated by Womack in 2000. As executive director, Aguilar, who is now fluent in English, mentors Latinos new to the area. He is also the city's cultural liaison, smoothing over differences—which has become easier over the years. Frequent cultural clashes of the past now are rare or non-existent.

Bilingual text has laws, procedures, history.

One of the more famous incidents occurred over a 1995 quinceanera—a Mexican girl's 15th-birthday celebration in which the girl is said to attain womanhood—and a goat. A few non-Latino residents in a Rogers neighborhood were alarmed when they saw a butchered goat dangling from a tree by its hooves and several Latino men in blood-soaked clothes carrying on joyously with knives in hand. It's a tradition that is common in Latin countries, especially for a girl's quinceanera.

"It's not some barbaric ritual," Sampier explained.
“It’s a barbecue. If that had been some native Ozarkian in camouflage overalls skinning a deer, nobody would have paid any attention to it.” He added that many of the cultural frays seem comical in hindsight, and can be attributed to basic misunderstandings. “None of these [clashes] seem like great issues on a big scale,” Sampier said. “Hispanics need to understand that people laughing out-front and speaking another language and parking cars outside in the yard is a little intimidating to their neighbors, and Anglos need to understand that that’s part of Hispanic culture. It’s an educational process on both sides.”

For the past five years, Rogers has published a booklet, *Friendly Facts for Living in the Rogers Area*, which explains city ordinances, laws uncommon to Latinos and a few dos and don’ts for Latinos trying to assimilate to Arkansas’s ways. Aguilar, the booklet’s author, said it has helped squelch flare-ups among Rogers’s natives and Latinos; a distinction that he said is becoming less and less apparent.

The booklet is written in side-by-side columns of English and Spanish and is distributed free-of-charge to the community, Latino or not. Aguilar wrote the booklet because of the struggles he encountered when arriving in Arkansas. “It took me years when I first got here to figure out what was going on in this community, mostly because I didn’t speak the language,” Aguilar said. The book contains information for new arrivals, such as telephone numbers and addresses for emergency personnel and utilities, how to obtain building and driver’s licenses, public activities and a brief history of Rogers. “I often get calls and questions about what to do,” Aguilar said, “but normally everything is answered by the book.”

A Wal-Mart grant in 2000 financed the book’s first edition. Since then, Aguilar’s program has received other grants, notably from the Tyson Foundation. The fourth edition of *Friendly Facts* was recently published with 10,000 copies. Aguilar and Rogers did not copyright the book because they hope other communities confronting similar challenges will use it.

**Door open to bilingual professionals.**

Other programs the city organized that have had a positive effect are Cops in Soccer, a one-day soccer tournament to enhance relationships with Latinos and local law enforcement officers, and the annual Rogers International Festival, which is held every May to promote cultural diversity. “Our theme is,’Come out and get to know your neighbor,’” said Aguilar, “because we are afraid of what we don’t know.”

Conversational Spanish classes are held through the Rogers Community Support Center for native English speakers, as well as Family ESL classes for Spanish-speaking parents (often Latino children speak impeccable English) to accustom themselves with English so they can help with their children’s homework.

Aguilar, who has two sons, called himself a “native with an accent” and added that his sons, both of whom were born in Rogers, have no accent. “It’s not easy to learn another language—it took me more than a couple of years to learn to start a conversation,” Aguilar said. “But Latinos know that if they want to succeed in this country, they have to pick up the language.”

Sampier said that Latinos know English is the language of business, and re-emphasized that Latinos in northwest Arkansas are here long-term. “Something like 60 percent of the Hispanics who live here are homeowners, so they have a stake in the community,” Sampier said. He lives in a neighborhood with several Latino families. “And oftentimes they increase the property value of their neighborhoods dramatically.”

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Cesar Aguilar, the executive director of Rogers Community Support Center, authored *Friendly Facts for Living in Rogers Area*, right, to help Latinos adjust to life in Arkansas. The booklet includes phone numbers, ordinances and tips in English and Spanish.

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**WELCOME! Friendly Facts for Living in Rogers Area ¡BIENVENIDO! Información Básica para Vivir en el Área de Rogers**

**Communiy Support Center**

*Established 2000*

*An community partnership*

**4th Edition**

MAY 2005
More Hispanics increasing their buying power.

Although Latinos initially migrated to Arkansas for blue-collar service jobs, such as the assembly lines at the chicken plants, the booming population has opened the door for bilingual and bicultural professionals in the medical, legal and other white-collar jobs. Latino professionals who are naturalized are moving to Arkansas from elsewhere in the United States, particularly the Southwest. “As you have a growing Hispanic population, it’s important to have people who can cater to those folks as they move around the business community,” Sampier said.

And as the largest minority group in the United States, the potential impact of Latino buying power in Arkansas is colossal. “Latinos are soon going to have over a trillion dollars in spending power,” R. Shawn McGrew, state director for the League of United Latin American Citizens (LULAC) Arkansas, said. “Businesses are starting to see the possibilities, starting to advertise bilingually, reaching out to Hispanics.” Cross-marketing to English and Spanish speakers isn’t uncommon, said McGrew, but Latinos are becoming more visible in traditionally English-speaking markets. “Years ago, there weren’t any Hispanic real-estate agents,” McGrew continued, “but now there are real-estate ads and agents all over.”

Municipal government “sped up assimilation.”

When asked what the Latino community brings to Rogers, Aguilar said: “I think we are influencing it a lot. We bring a strong work ethic and strong family values. Before the Latinos came in, people weren’t used to seeing whole families in Wal-Mart. But when we go shopping, we all go together.”

Aguilar said the cultures are embracing each other through activities such as sports; Latino kids are now playing football and basketball, when they traditionally only play soccer. “I think that helps meld the cultures together,” Aguilar said of the activities. “My son plays basketball, and I’m cheering for him and the rest of his teammates, no matter their ethnicity. And I think that helps bring the community together.”

Womack said he believes this community togetherness is a work in progress. “Whenever cultural pressures are brought onto a community, you do the very best you can to put it all together to kind of weave a common thread and to get everyone on the same page,” he said. “I think we’ve done a very good job of it here in Rogers. I think we must continue to work on the language barriers and educate people, both people.”

When Aguilar arrived in Arkansas he was a foreigner, but now he is as much of a local as any Arkansan; and he believes that with Rogers’s help, other Latinos can do the same. “The Rogers municipal government starting this program has really sped up the assimilation,” said Aguilar. “I think it is really helping people come into our community.”

The 2000 census reports Arkansas’s Hispanic population is 3.2 percent, far below the 12.5 percent nationwide, but the population is growing rapidly. There was a 337 percent jump in Arkansas’s Hispanic population between 1990 and 2000. The above map shows the percentage of Hispanics in each county, with Sevier County having the largest percentage at 19.7 percent. Source: 2000 U.S. Census.
Arkansas cities and towns fared well in the 85th General Assembly

By Don Zimmerman, Executive Director, Arkansas Municipal League

The 85th General Assembly of the State of Arkansas recessed on April 13 with sine die adjournment scheduled for May 13. Unless need is found to reconvene in the meantime, the session will conclude on that day.

The Arkansas Municipal League’s legislative package was largely enacted with more than 20 new laws coming from the bills you proposed and only four failing enactment. Numerous other positive bills were enacted and few if any bad bills affecting municipalities passed.

The League tracked 414 proposals this session out of the 3,176 that were filed. The total of 3,176 was an increase from the 2,885 filed in 2003.

League-initiated bills become state law

League proposals enacted were:

- Act 46 by Representative George Overbey Jr. of Lamar to authorize four-year terms for town aldermen.
- Act 1294 by Senator Jimmy Jeffress of Crossett to increase the provision of Department of Finance and Administration (DFA) information on local sales tax collections through additional DFA Web site postings.
- Act 2189 by Representative David Johnson of Little Rock to allow the temporary use of abandoned vehicles prior to public sale.
- Act 1252 by Overbey to allow for a reduction in the time municipal records shall be retained.
- Act 44 by Overbey to clarify that the recorder becomes the city clerk upon changing from a second class to a first class city.
- Act 133 by Overbey to clarify that the term of office for a city attorney in a town or a city of the second class is four years.
- Act 169 by Overbey to clarify that contractors must comply with local laws, ordinances, rules and regulations as a condition of being bonded.
- Act 190 by Representative Beverly Pyle of Cedarville to specify items that may be considered at the organizational meeting of city or town councils held in each January.
- Act 2171 by Overbey to allow for additional services to be procured based on qualifications rather than by competitive bidding after designation by two-thirds vote of the governing body.
- Act 436 by Overbey to clarify municipal authority to execute real estate and personal property transactions.
- Act 1957 by Representative Gregg Reep of Warren to authorize the procurement of goods and services by using reverse Internet auctions.
- Act 424 by Representative Tommy Roebuck of Arkadelphia and Act 499 by Senator Henry Wilkins IV of Pine Bluff to simplify municipal accounting laws and provide alternatives to Government Accounting Standards Board (GASB) 34 by establishing a regulatory basis of accounting.
- Act 45 by Overbey to repeal an antiquated police judge statute.
- Act 1435 by Pyle to raise competitive bidding requirements from $10,000 to $20,000 for municipalities and municipal sewer committees.
- Act 1819 by Senator Sue Madison of Fayetteville to establish a procedure for the annexation of property by passage of an ordinance if two or more municipalities surround the unincorporated area.
- Act 1222 by Pyle to shorten the notice requirements on the disposal of discarded items.
- Act 943 by Overbey to clarify that a building official is a department head subject to appointment or removal as any other department head.
- Act 2136 by Wilkins to clarify and maintain consistency between the state’s racial profiling laws and other constitutional and criminal procedures.
- Act 279 by Overbey to grant municipalities powers previously delegated to municipal boards of health.
- Act 75 by Representative Shirley Borhauer of Bella Vista gives additional authority on illegal dump-

(Continued on next page)
ing or littering.

- **Act 2094** by Senator Steve Faris of Malvern allows police or fire pension systems with $100,000 or more assets to hire professional management with fee limitations and reporting requirements.

- Other bills of interest include the municipal aid turnback that was appropriated by **Act 1384**. It appropriated $27,506,526 for municipalities each year of the next biennium. This is the same amount that was appropriated and funded last session. Also of interest in appropriations was the General Improvement Fund, which this session allocated $52 million toward local projects, a large portion of which would go into municipalities. The legislature seems to be saying that municipalities should be able to survive on local sales taxes, general improvement fund grants and the same turnback as has been received for the last approximately 20 years.

- **Act 1373** by Madison clarifies that $5 can be assessed on each charge coming through local courts for jail expense purposes.

- **Act 1205** by Representative Robert Jeffrey of Camden requires that all expenses for a special election be paid by the entity that calls for the special election.

- **Act 387** by Senator Ed Wilkinson of Greenwood authorizes municipalities of less than 5,000 population to have the authority to appoint rather than elect their city attorney.

- **Act 444** by Representative Preston Scruggin of Vilonia establishes January 27 of each year as Firefighter Recognition Day.

- **Act 1237** by Borhauer establishes an election procedure as an alternative for the incorporation of new municipalities having a population of at least 4,000.

- **Act 1286** by Senator Jerry Bookout of Jonesboro increased the multiplier for Local Police and Fire Retirement System (LOPFI) retirement systems from 2.5 percent to 2.7 percent of final average pay if the position is not covered by social security with corresponding increases for those covered by social security.

- **Act 2084** by Jeffress and Faris provides for a contributory alternative for participants in the Arkansas Public Employees Retirement System (APERS). A 5 percent contribution will be required of new hires effective July 1, 2005.

- **Act 1828** by Senator Shawn Womack of Mountain Home increases the definition of workday for a firefighter to a minimum of 12 rather than eight hours for sick leave purposes.

- **Act 1849** by Representative Marvin Childers of Blytheville creates a legislative task force on district courts to study the transition of district judges to state employment status and the funding and role of district courts.

- **Act 1924** by Representative Phil Jackson of Berryville prohibits a person from simultaneously holding a position on a county quorum court and city council.

- **Act 2133** by Madison provides that effective Jan. 1, 2006, upon receipt of a written request signed by a full-time municipal employee who is represented by a union or professional association, the municipality shall withhold membership dues of the union or professional association from the salary of the employee.

- **Act 2145** by Madison provides for special elections to be held on the second Tuesday of a month unless the second Tuesday falls on a holiday, in which case the special election shall be held on the third Tuesday of the month.

- **Act 2008** by Senator Jim Hill of Nashville postpones the effective date of Arkansas's compliance with the streamlined sales tax agreement to July 1, 2007, from July 1, 2005.

- **Act 2212** by Representative Mark Pate of Searcy reestablishes a cost of living adjustment for city and county administration of justice funds beginning in 2006.

- **Act 2231** by Representative Dustin McDaniel of Jonesboro provides that the State of Arkansas is a taxing unit for tax increment financing purposes.

- **Act 2275** by Senator Tracy Steele of North Little Rock authorizes regional mobility authorities.

**Thank you for the assistance in the state legislature**

On behalf of the League staff, we would like to thank those members of the General Assembly who helped make this session a productive one for Arkansas's cities and towns.

Also, we would like to thank the members and municipal officials who stayed in contact with their legislators to advise them of the impact of pending legislation.

We feel as a result of the collective efforts of the state and local officials, Arkansas is poised to have better cities and towns over the coming years.

The **Legislative Bulletin** on the League Web site further summarizes the bills that were tracked by the League. See www.arml.org and Legislative Advocacy and Comprehensive **Legislative Bulletin**. At the Convention in June a book of Acts affecting municipalities will be available to all delegates, and further explanation and discussion of the new laws will be a major part of the program. Please be sure your city or town is represented and updated on the new laws prior to most of the new acts effective date.
Conway mayor says city needs sustainable development, bike trails

By Dacus Thompson, League Staff
Conway Mayor Tab Townsell has called for sustainable development in the city and bike trails that meander through Conway, one of the fastest growing cities in the state.

Townsell spoke April 23 at the second annual Conway Earth Day celebration at the Faulkner County Fairgrounds. “We need to start building an environment that is human-centered, not car-centered,” Townsell said during an afternoon speech at the festival. “We have to pay more attention to wetlands and drainage areas, create more public common space. We need to build a community that people feel comfortable in.”

Townsell discussed Conway’s growth from a small railroad town; he predicted the city’s 26,481 population in 1990 will double by 2010. The 2000 population was 43,167. “We have to ask ourselves if we’re building a city that we will like in 100 years,” the mayor said. “And if we’re not, what do we need to do to change that?”

Townsell earlier said the city lacks proper bicycle signage, trails and marked biking lanes on city streets. The city is seeking money to create a bike-friendly community. Townsell envisions bike trails and designated bike lanes on streets that connect schools, the library and downtown.

Conway Earth Day (CED), a nonprofit organization that coordinated the event, is supported through the National Heritage Foundation. The CED Web site says the event promotes “public awareness of environmental issues and organizations through annual Earth Day events and activities.”

The day-long festival featured interactive booths. Participants could learn tai chi, drum making and fire building, have a craniosacral healing session and soak Earth Day volunteers in a gray-water dunking booth.

“I feel like this is something that wanted to happen and I just helped it happen,” said April Ambrose, the event’s coordinator. Conway’s Earth Day had more than 100 booths, speakers and performers and concluded with a silent auction, poetry reading and concert.

For more information on Conway’s city planning, visit www.conwayplanning.org. For more information on CED, visit www.conwayearthday.org.
Enhancements to Ed Leamon Park, foreground, and light pole banners, as at upper left, were among Fairfield Bay's community improvements that helped the city win the Community of the Year Award of Excellence.
Fairfield Bay received the Keep America Beautiful Community of the Year Award of Excellence April 28 at the annual Keep Arkansas Beautiful awards luncheon.

Seven other cities received separate awards and three other cities shared honors.

In addition to Fairfield Bay, awards went to Cherokee Village, Eureka Springs, Fayetteville, McCrory, Morrilton, Pine Bluff and Prescott.

Morrilton, Plumerville, Menifee and Oppelo shared with Conway County the Meritorious Achievement Award in litter prevention and control in the government and business classification.

The Fairfield Bay Beautification Committee also received the Arkansas State Highway and Transportation Department (AHTD) Award of Excellence in the litter prevention and control category in the community-support organization classification. The award was for its Keep Fairfield Bay Beautiful efforts. Fairfield Bay also received the Distinguished Service Award in the beautification and community improvement category in the community-support organization classification for its Seasons of Beauty at the Bay project.

The Fairfield Bay Hippe Recycle Center received the Cricket Communications Awards of Excellence in the recycling and waste reduction category in the community-support organization classification for its electronics and white goods recycling project.

And the Van Buren County Master Gardeners received the Meritorious Achievement Award in the beautification and community improvement category in the community-support organization classification for its works on Ed Leamon Park.

Fairfield Bay in the last year created volunteer programs in litter prevention and control, recycling and waste reduction, and beautification and community improvement to improve its natural scenic beauty, serenity and quality environment. The Fairfield Bay Beautification Committee yearly participates in the Great Arkansas Cleanup. In 2004, 135 volunteers, ages 5 to 90+, collected more than 135 bags of litter and debris.

The Fairfield Bay Hippe Recycle Center hosted an electronics and white goods recycling project that took 3,542 hours of volunteer service. More than 10,000 pounds of electronics were collected, and 11,000 pounds of white goods were recycled. In total, the project resulted in 458,832 total pounds of various materials being recycled.

The Fairfield Bay Beautification Committee hosted the Seasons of Beauty at the Bay, which promoted seasonal beautification projects and created seasonal displays and hung seasonal banners. The Van Buren County Master Gardeners enhanced Fairfield Bay’s Ed Leamon Park by planting butterfly and hummingbird, rose and herb gardens featuring native Arkansas plants, and installing walking paths, wind chimes and a gazebo.

Eureka Springs named a Community of the Year

Eureka Springs received the Keep America Beautiful Community of the Year Meritorious Achievement Award. Eureka Springs also received the Delta Plastics of the South Award of Excellence in the recycling and waste reduction category in the government and business classification, and two Distinguished Service Awards, one each in the categories of litter prevention and control and beautification and community improvement, also in the government and business classification.

Eureka Springs was recognized for the successes of three projects, the Holler Cleanup, Lodging Goes Green and Eureka Blooms. Using city employees and volunteers, Eureka Springs’ efforts involved public and private partnerships to accomplish its goals in litter prevention and control, recycling and waste reduction, and beautification and community improvement.

The Holler Cleanup involved the Community Development Partnership and Carroll County Solid Waste Authority and 10 volunteers to clean up illegal dumps in 20 mountain hollows around the community. Using an innovative lift system, 2,480 pounds of litter and debris...
were pulled up and removed. The Carroll County Solid Waste Authority and the Best Western Inn of the Ozarks developed a recycling project at the hotel. Through the Lodging Goes Green initiative, the hotel recycles guests’ aluminum cans and paper goods, has installed low-flush toilets, and is reducing water and bleach usage in laundering.

The Eureka Blooms! project was a partnership of volunteer citizens, business owners and the city. They planted wildflower and formal gardens at the courthouse, Trolley Depot and at entrances to Eureka Springs.

Fayetteville wins Award for ‘Pay as You Throw’
The City of Fayetteville received the Distinguished Service Award for its Pay As You Throw program in the recycling and waste reduction category in the government and business classification.

“Pay As You Throw,” involves 17,000 households and has a 75 percent participation rate. In 2004, just over 5 tons of paper, metal, plastic and glass materials were recycled and almost 6 tons of leaves, grass and brush were composted. The Pay As You Throw program limits the amount of trash households can leave for curbside pickup, diverting a significant amount of material from scarce landfill space around Fayetteville.

Fayetteville also received a Certificate of Appreciation for entering the litter prevention and control and beautification and community improvement categories, both in the government and business classification. The Washington County Master Gardeners received a Certificate of Appreciation for entering the beautification and community improvement category in the community-support organization classification.

McCrory wins Recycling Award
The City of McCrory received the Meritorious Achievement Award for its Recycling’s Good for the Neighborhood program in the recycling and waste reduction category in the government and business classification.

McCrory initiated a recycling program amidst much public “naysaying.” With grant funding, the city purchased a mobile recycling unit, allowing citizens to drop-off their plastic, metal, paper and glass recyclables. The city partnered with the local Cub Scout troop to promote good recycling habits, and since acquiring the mobile unit, has diverted a significant amount of materials from the landfill.

McCrory also received a Certificate of Appreciation for entering the beautification and community improvement category in the government and business classification.

Conway County, its cities receive litter control honor
Conway County and its municipalities—Morrilton, Plumerville, Menifee and Oppelo—received the Meritorious Achievement Award in the category of litter prevention and control in the government and business classification.

Conway County also received a Certificate of Appreciation for entering the recycling and waste reduction category in the government and business classification.

Last year, the county hosted Great Conway County Cleanup campaigns. Ten county employees and hundreds of citizen volunteers collected almost 2,000 tons of litter and debris, along with 237 tons of paper products and 140 tons of metal material for recycling. Additionally, 8,126 tires were collected and recycled. The value of volunteer labor and donated materials was estimated at $35,000.

Conway County has focused on litter prevention and control over the past four years after it lost 1,000 industrial jobs. When an industrial plant location consultant told officials that Morrilton, the county seat, did not “show well” to industrial prospects, a coalition was formed to positively impact economic development and put into action some of the consultant’s recommendations. Among the activities put into place were countywide litter pickup events in conjunction with Keep Arkansas Beautiful’s Great Arkansas Cleanup in the fall.

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Prescott Mayor Howard Taylor and Mary Godwin, president of the Prescott/Nevada County Chamber of Commerce, take a moment to show the artwork and other improvements in the downtown Sterling Park that helped the city and chamber win the Award of Excellence in beautification and community improvement in the government and business classification.
Arkansas welcomes home veterans, honors fallen, living

May is when war veterans will be honored and remembered in municipalities across Arkansas.

Memorial Day is May 30 and a special event, Welcome Home Arkansas' Heroes, May 21, at War Memorial Stadium in Little Rock, will honor soldiers, sailors, air personnel and marines who have been deployed to Iraq, Afghanistan and elsewhere in the fight against terrorism.

Many cities and towns have been welcoming home the troops. Some gather at their veterans' memorials to remember the fallen and honor the living. One of the latest veterans memorials, still on the drawing boards, is being developed at Ash Flat.

The May 21 Welcome Home event is being coordinated through the office of Arkansas National Guard Major General Don Morrow, with assistance from the Arkansas Department of Veterans Affairs, Veterans of Foreign Wars, and the Marine Corps League.

The Arkansas National Guard will coordinate transportation for Arkansas National Guard and Reservists being honored at the event.

Meals are free for the troops and their immediate families. Concession stands will be open for the general public.

This is a statewide function, which includes every community in the state that has had units deployed. The event begins at 8 a.m. is free and open to the public. The gates open at 8:30 a.m. Gov. Mike Huckabee is among the speakers. For more information, contact Fred Steube at 501-370-3820.

The planned Ash Flat Memorial is 145 feet by 80 feet. It will display statues of female and male soldiers and a dog; it will have a Purple Heart Memorial and a history wall, fountain, Civil War cannon and eventually a Howitzer Cannon, helicopter, a tank, a missile system and a Walk of Faith sidewalk.

Donations are being accepted—$50 for a brick and $500 for a section 10 feet by 10 feet. Order forms are at Ash Flat City Hall or call 870-994-7324. Forms may be duplicated.

Corporate and business bricks are available as well and start at $100 and up. The tentative date for the dedication of the memorial is Veterans Day, Nov. 11, 2005.
Age discrimination charges can easily result from careless decisions made by a top executive, manager or supervisor prior to a layoff or termination. They can come up any time older workers think they are being treated differently (usually less favorably) than younger employees.

The March 30 Supreme Court verdict interpreting the Age Discrimination in Employment Act (ADEA) highlights exactly this issue. In Smith v. City of Jackson, No. 03-1160, the Court determined that employers can be liable for policy decisions that adversely affect older workers even if the decisions were based on neutral, nondiscriminatory rationale.

This case underscores that you need to pay more attention to potential age discrimination claims. A good place to start is with an overview of the ADEA’s protections. Plus, you’ll learn three steps you can take to help prevent age-related claims.

The ADEA in a brief “The ADEA, codified at 29 U.S.C. §§621 et seq.,” prohibits employers with 20 or more employees from discriminating in employment against individuals who are age 40 and older. Thus, as an obvious example, you generally may not fire or refuse to hire someone in the protected group simply because of the individual’s age.

In addition, as the Supreme Court in Smith v. City of Jackson demonstrated, if your employment decisions have a “disparate impact” on older workers, the decisions may be discriminatory even if not directly based on age. However, the Court also recognized that if you can show that a decision is based on a “reasonable factor other than age,” you will not be liable for age discrimination.

However, the ADEA generally does not prohibit employment decisions based upon several factors, including:

1) Good cause. For example, you can discipline or terminate an employee who is 40 or older for performance problems or for violating your conduct policies as long as you are treating them consistently. (29 U.S.C. §623(f).)

2) Reasonable factors other than age. The ADEA allows you to differentiate between employees based on factors other than age. (29 U.S.C. §623(f).) So, for example, in Smith v. City of Jackson, the Supreme Court determined that the employer’s pay practice of giving employees with less seniority (who were typically under 40) larger raises was lawful even though workers with more seniority (typically over 40) got smaller raises. The pay plan was based on a reasonable factor other than age—the reasonable business purpose of raising lower echelon employees’ salaries to make them comparable to the salaries of surrounding police forces.

3) A bona fide occupational qualification. The ADEA allows you to impose age restrictions if they are bona fide occupational qualifications (BFOQs) reasonably necessary to the normal operation of the business. (29 U.S.C. §623(f).) The Equal Employment Opportunity Commission’s (EEOC) regulations require employers that assert a BFOQ defense to show that the age limit is reasonably necessary to the essence of the business, and either (a) that all or substantially all individuals excluded from the job involved are in fact disqualified, or (b) that some of the individuals so
excluded possess a disqualifying trait that cannot be ascertained except by reference to age. (29 C.F.R. §1625.6.) Accordingly, the BFOQ exception to the ADEA is limited in scope and is narrowly interpreted. As a result, few employers have been successful in defending age restrictions using the BFOQ exemption.

4) The terms of a bona fide seniority system or a bona fide employee benefit plan. You may apply the terms of a bona fide seniority system or bona fide employee benefit plan if the system or plan is not a subterfuge to evade the ADEA and it does not require or permit the involuntary retirement of individuals age 40 or older. (29 U.S.C. §§623(f)(2) and 631(c)(1)) Thus, generally you may offer early retirement benefits that differentiate between older and younger employees under certain, limited conditions.

**Mandatory retirement for high-ranking employees**

The ADEA generally prohibits mandatory retirements based on age, although increased pension benefits may be offered as a voluntary retirement incentive. (29 U.S.C. §623(f).) However, an exemption to the ADEA allows you to require mandatory retirement for certain high-ranking executives. The exemption applies to any employee who is:

1) At least 65 years of age;
2) Employed in a bona fide executive or high policymaking position for the two-year period immediately before retirement; and
3) Entitled to an immediate non-forfeitable annual retirement benefit from an employer pension, profit-sharing, savings or deferred compensation plan, or any combination of those plans, which equals in the aggregate at least $44,000 per year. (29 U.S.C. §631(c)(1))

In addition, the ADEA allows state and local governments to impose age limits for police and firefighters. (29 U.S.C. §623(j)).

**State age discrimination laws**

Most state employment discrimination laws mirror the ADEA and also prohibit discrimination against individuals who are age 40 or older. However, a few states protect employees who are under the age of 40. For example, the Michigan Civil Rights Act defines "age" to mean chronological age. The Minnesota Human Rights Act prohibits using a person's age as a basis for an employment decision if the person is over the age of majority. Similarly, in New York, employers may not discriminate against individuals who are 18 or older. So make sure to check state law for additional protections.

**Take action to prevent age claims**

You may be surprised to learn that EEOC statistics indicate that of all the discrimination charges filed with it in 2004, age discrimination accounted for 22.5 percent of the total. This percentage is likely to increase since the average age of the U.S. population is on the rise. So you need to be prepared to support every decision that adversely affects older workers. The following three steps can help you prevent age, as well as other, discrimination claims:

1) Analyze your policies, particularly those dealing with pay and benefits, to determine if any have an adverse impact on older employers.
2) Follow your policies, particularly your progressive discipline policy, and have a business-related reason to justify any deviations. Be consistent in how you treat employees.
3) Document the reasons for discipline and termination and include in the employee's personnel file records that accurately support that reason, such as performance appraisals and counseling memos.

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Patterson replaces tornado-destroyed city hall

Patterson, a city of 467 in Woodruff County, celebrated its new city hall March 31, almost three years after a May 4, 2002, tornado destroyed the old city hall and part of the Patterson Fire Station; no one was injured in the storm.

“Tornadoes are a fact of life,” said Charles Dallas, Patterson’s mayor since 1987.

“Patterson was really fortunate to have all of the support to get this put together,” Dallas said.

The Federal Emergency Management Agency (FEMA) gave the city $58,000 for rebuilding and the U.S. Department of Agriculture (USDA) provided $80,000; the city raised the remainder.

Patterson Recorder/Treasurer Peggy King and Mayor Charles Dallas are pleased with the spaciousness of the new city hall. The former city hall was destroyed by a tornado in 2002.
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MAY 2005
CLE offered at League convention

Twelve hours of continuing legal education (CLE) will be available for city attorneys who attend the 71st Arkansas Municipal League Convention, June 15-17, at the Hot Springs Convention Center. The Arkansas City Attorneys Association (ACAA) sponsors the CLE.

James Hamilton, Crossett city attorney, ACAA president, urges members to register for the convention as soon as possible. A registration form is in this City & Town; copies also are being mailed to city attorneys.

CLE topics, offered June 16 and 17, include litigating billboard cases, first amendment and related issues by William D. Brinton and Rogers Towers of Jacksonville, Fla.; other topics include legislative and employment updates, DWI/DUI case law, land use, frequently asked questions and others.

To attend the CLE program, registration is required at the League Convention. For registration information, call Whitnee Bullerwell at the League, 501-1374-3484, ext. 206. For CLE information, call Mark Hayes, ACAA secretary/treasurer and League general counsel, 501-374-3484, ext. 222.

NOTICE

Municipal League Annual Vehicle Program Meeting: June 17

The Arkansas Municipal League Annual Vehicle Program Meeting will be 10:30 a.m., Friday, June 17, 2005, during the Annual Business Meeting at the 71st Municipal League Convention, Hot Springs Convention Center, Hot Springs, Arkansas.

Ethics Commission says who files financial statement

The Arkansas Ethics Commission has issued an advisory opinion addressing whether members of municipal and county boards and commissions must file a Statement of Financial Interest (SFI).

Required filing the SFI depends on whether the members fall within one of the categories in Ark. Code Ann. § 21-8-701(a). (See Advisory Opinion Nos. 2003-EC-001, 2002-EC-003 and 2000-EC-004.)

Pursuant to that ACA subsection, the following types of board and commission members are required to file a SFI:

1) A public official, as defined in § 21-8-402(17);
2) A candidate for elective office;
3) A municipal judge or city attorney, whether elected or appointed;
4) Any agency head, department director, or division director of state government;
5) Any public appointee to any state board or commission who is authorized or charged by law with the exercise of regulatory authority or is authorized to receive or disburse state or federal funds; (Note: Act 1284 of 2005 amends this provision to eliminate the requirement of filing a SFI when the appointee is appointed to a state board or commission which is not charged by law with the exercise of regulatory authority and which receives or disburses state or federal funds only in the form of mileage reimbursement for members attending meetings of the board or commission.)
6) All persons who are elected members of a school board or who are candidates for a position on a school board;
7) All public and charter school superintendents;
8) Directors of educational cooperatives; and
Any person appointed to one (1) of the following types of regional, municipal, or county boards or commissions:

(A) A planning board or commission;
(B) An airport board or commission;
(C) A water or sewer board or commission;
(D) A utility board or commission; or
(E) A civil service commission.

If a person is elected to serve on a municipal or county board or commission, then he or she is required to file a SFI pursuant to Ark. Code Ann. § 21-8-701(a)1 as a “public official.” That term is defined in Ark. Code Ann. § 21-8-402(17) to mean: a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office.

The term “governmental body” is defined in Ark. Code Ann. § 21-8-402(6) as: any office, department, commission, council, board committee, legislative body, agency, or other establishment of the executive, judicial,

See Ethics Commission, page 31
Municipal Clerk of the Year 2005
Policy Guidelines

The Municipal Clerk of the Year award is to recognize a member of the Arkansas City Clerks, Recorders, Treasurers Association who has made significant contributions to the objectives of the municipal clerks’ profession and to the improvement of municipal government in Arkansas and the clerk’s own community.

Qualities are length of service, good relationship with other clerks, interest in education, furthering of the association, attendance at national and regional conferences, community service and furthering the municipal clerks’ association.

Any municipal official or ACCRTA member may nominate a candidate for Municipal Clerk of the Year for 2005. Nominations received after May 31, 2005, will be disqualified. The finalist will be honored at the 71st Arkansas Municipal League Convention, June 15-17.

Requirements for nominees:
1) A municipal clerk who has been an active ACCRTA member at least five years.
2) Provided service to other municipal clerks in the state as the opportunity existed.
3) Exhibited leadership.
4) A certified municipal clerk.
5) Holds a city clerk/recorder/treasurer or deputy position.

Send nomination forms to: Peggy Woody
P.O. Box 80
Siloam Springs, AR 72761

Municipal Clerk of the Year 2005
Nominee’s Full Name .................................................................
Number of Years as Municipal Clerk ........................................
Date of Certification ...................................................................
Number years member ACCRTA ..............................................
Date of Recertification ..............................................................
Municipal clerk of what city ....................................................
Date of Membership ...............................................................  
City .........................................................................................
Appointed/Elected Yr. ............................................................
Address ...................................................................................
Zip ..........................................................................................
Business Phone ........................................................................
ACCRTA Offices held ..............................................................
Committee service ....................................................................
Other activities IMIC participation ............................................
Education program participation (instructor, panel member, moderator): .................................................................
Individually submitting nomination
Name ......................................................................................
Address ...................................................................................
Signature ................................................................. Phone.................. Date ......................................
Nominee: I attest to all facts contained on this form and give my permission for the facts to be used for publication. With agreement to accept the Municipal Clerk of the Year Award, I understand that, barring extreme circumstances, a nominee must be present at the Arkansas Municipal League Convention.
(Signature of nominee) ...........................................................
Nominator: Please briefly summarize the reasons why you believe your nominee should be selected as the 2005 Municipal Clerk of the Year. (Attach separate pages as needed.)

The initiative generated a 33 percent increase in the U.S. communities building sister city relations in the Middle East, including two in Afghanistan: San Diego signed a 2004 Sister City agreement with Jalalabad after two years of exchange activities and humanitarian projects; the community of Scottsbluff /Gering, Neb., entered into a 2003 agreement with Bamiyan.

Some persons contend that we live in the most difficult time in human history, arguing that we are regressing instead of progressing. But far from representing regression and tragic meaninglessness, the present tensions might represent pains that typically accompany birth and new beginnings.

Long ago the Greek philosopher Heraclitus argued that justice emerges from the strife of opposites. The German philosopher Hegel taught a doctrine of growth through struggle. Tensions we witness in the world today hopefully indicate that a better world is coming.

With his vision of Sister Cities and people-to-people communications, President Eisenhower saw the promise in Afghanistan and the role it might play in U.S. relations to the Islamic world. With Sister Cities, a new concept in world relations, a U.S. president took a diplomatic mission to promote peace and to open the door for economic relations.

During the many years of war in Afghanistan, the economy was crippled. For years the Talibin government was only recognized by Pakistan, Saudi Arabia and the United Arab Emirates. Since the removal of the Talibin in 2001 and the creation of its internationally recognized government, foreign advisors, investors, aid agencies and Afghan officials have begun to build a modern economy. The first customers are slowly going to Afghanistan's newest private bank, Afghanistan International Bank, where officials say they hope to install the country's first automated teller machine (ATM). Already the bank is dispensing small agricultural loans for the U.S. Agency for International Development (USAID) and working with the international financial giant ING on credit letters to jumpstart international trade, said John W. Haye, the bank's chief executive officer.

Through its network, SCI is encouraging U.S. cities to begin research on how to make low-risk, sound investments in an Islamic country that is rich in natural resources. Because Arkansas has an advanced agricultural infrastructure, it has a lot to offer to a country such as Afghanistan.

Grain production is Afghanistan's traditional agricultural mainstay. Overall agricultural production dramatically declined following four years of severe drought and sustained fighting, which resulted in unstable rural areas and deteriorated infrastructures. Soviet efforts to disrupt production in resistance-dominated areas also contributed to this decline, as did the disruption to transportation resulting from on-going armed conflict.

The easing of the drought, which had affected more than half of the population into late 2002, and the end of civil war produced the largest wheat harvest in 25 years in 2003. Wheat production was an estimated 58 percent higher than in 2002. However, the country still needed to import an estimated 1 million tons of wheat to meet its requirements for the year. Millions of Afghans, particularly in rural areas, remained dependent on food aid.

Arkansas is in a prime position to help the development of sweat/hot houses through piped-in irrigation that would provide for year-round crops. Arkansas also has the right products for exporting, such as cotton, rice and soybeans.

Arkansas developers can accelerate reconstruction by investing in the projects to build hotels, roads and schools. All the efforts are investments in the future and are money-making ventures.

Contact USAID at www.usaid.gov for assistance in developing programs in Afghanistan. Companies, regardless of size, interested in developing and investing in an Islamic country, contact Sherman Banks, president, Sister Cities International, 501-376-0480, Fax 501-372-6564, e-mail sbanks@aristotle.net or write P.O. Box 165920, Little Rock, AR 72216.
Test before deciding on employee’s limits; don’t make assumptions

Shirley Hoffman was a whiz at her indexing job at Caterpillar Inc. She moved faster than almost anyone, even though she was born without a left arm below the elbow. Several accommodations, including rearranging some items in her workspace, allowed her to do the job.

But when Hoffman asked to be trained on the department’s high-speed scanner, her supervisor declined. He didn’t think Hoffman could possibly perform that key position fast enough to meet production demands, particularly because the operator frequently needs to clear paper jams.

Hoffman sued under the Americans with Disabilities Act (ADA), claiming she was denied training. A lower court tossed out her case, but the 7th U.S. Circuit Court of Appeals sent the case to trial.

Its reasoning: The ADA specifically prohibits discrimination in regard to “job training,” and the supervisor’s comments showed a discriminatory intent.

(Hoffman v. Caterpillar Inc., No. 99-3023, 7th Cir.)

Advice: You can deny training to an employee as long as you have a legitimate, nondiscriminatory business reason. Test the worker in the job first, document your efforts and then decide. In this case, Caterpillar didn’t have to train Hoffman on the high-speed scanner if she wasn’t capable of running it. A test—not an assumption—is the legal way to decide.

(Note: Reprinted with permission from You & the Law, a publication of the National Institute of Business Management of McLean, VA.) Although this article is about a business, it applies as well to municipalities. —Editor.)

Obituaries—

Marvin (Benny) Baker, 62, a former mayor and city council member of Vandervoort, died April 27.

Edward Meehan Bartholomew, 70, a former DeQueen City Council member who has been living in Conway, died April 12.

Wallace Daniels, 53, a Jasper alderman for almost 12 years, died April 10.

Rudolph (Rudy) W. Johnston, 81, a former Flippin City Council member who served for more than 30 years and a retired Flippin firefighter, died April 18.

Vernon Bateman (Dugan) Simpson, 72, a former Clarendon alderman, died May 6.

www.arml.org

MAY 2005
Donated buildings may be hiding unsolicited problems

Investigate hidden costs before accepting building gifts.

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

At least once a year, a city official calls to ask that I look at a building that has been donated to his or her city. An air of excitement is in the caller’s voice as my answer is awaited.

A long pause ensues as I ponder how best to respond. Usually before I formulate a reply, the caller continues: “It’s an old two-story building, been abandoned for years, right in the heart of town. The last sale fell through when the buyer couldn’t get financing. After that, the trustee for the estate decided to give it to the city. We got a good deal.”

Finally, I respond, “Have you taken title to the property yet?”

The caller replies, “Yes, at last night’s council meeting.”

The drama continues to unfold. No one at the city thought about having an environmental site assessment performed on the building before taking ownership. And, as a matter of fact, an old service station was there at one time, and those tanks probably still are in the ground, but they’re not very big.

The caller continues: “There are some bulk storage bins at the rear of the building, and it looks like some type of fertilizer in two of them, but it’s gotten rock-hard.”

Next, we get around to discussing asbestos. No asbestos survey was performed because the building was built in the 1920s, but it was remodeled in the 1960s when it changed from a gas station to a hardware and feed store. Yes, there is a bunch of blown ceiling on the first floor, but not on the second. The second floor has exposed wood beams and an asbestos tile floor. Plus, the roof has three or four layers of “no telling what.” And, lead based paint! That’s all they used in the early 1900s.

What about contents? The caller says, “The building had been gutted by the owners. The only thing that was left was a few cans of paint solvent and some liquid in unlabeled containers.”

By now the caller begins to understand that the city didn’t get a very good deal. The caller usually concludes that the city just needs to tear it down. It has been a haven for vagrants for the last couple of years. But it’s not that easy. The building has a common wall with the building next to it that’s being used for a warehouse, and all of the environmental issues must be addressed before it can be demolished or renovated.

The building is the city’s responsibility. It’s no longer on the tax rolls, and the estate has a big tax write-off.

Renovating an old structure is exciting. It is almost always more expensive than constructing a new, more energy efficient and functional building. After addressing the environmental issues, reinforcing the structure, performing retrofits and finding the necessary parking, the cost of making a donated building functional soars.

There are always exceptions. The exception to this rule is property that is contiguous to a city facility where expansion at that location is absolutely necessary. The environmental problems could be the same, but the solutions are always better negotiated before you are the owner.

Before taking title to a donated building, give me a call. A.E. (Al) Johnson’s office is 501-374-7492.
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he International Society of Arboriculture (ISA) is a worldwide professional organization dedicated to fostering a greater appreciation for trees and promoting research, technology and the professional practice of arboriculture, which is the planting and care of woody plants, especially trees. The ISA has been around for more than 70 years and has more than 16,000 members.

The ISA conducts conferences throughout the year. I recently attended the Southern Chapter of the International Society of Arboriculture Annual Conference, March 5-8 in Savannah, Georgia, which had classes on: “Why Landscapes Fail: Too Much, Too Late,” “Pruning Crape Myrtles” and “Trees in Natural and Manmade Settings.” These conferences are good because there are always innovations in arboriculture.

The Arkansas Forestry Commission wants communities to be aware of professional organizations that provide technical expertise in tree management. It would be wonderful for communities to hire an urban forester or a certified arborist to manage the community’s trees and assist it in becoming a Tree City USA. Another option is for a community to have a contract with an arborist.

For an arborist to maintain certification, he or she must earn 30 hours of continuing educational units (CEU) every three years. These units can be earned at the Arkansas Urban Forestry Council’s various workshops and yearly conference, as well as at arboriculture conferences such as the one in Savannah.

Everything you may have heard about Savannah’s beauty is true. If ever there were an original Tree City USA, it’s Savannah. My first thought while walking in Savannah was that it was like a park, and in this park, a city was built full of homes and businesses. Savannahians can step outside their homes and feel that they live in a forest. Live oaks with Spanish moss draped across their limbs were planted along the streets to form a tunnel of green. Savannah has been around for 270 years, and one of its biggest attractions is its trees.

Savannah’s original charter was issued June 8, 1732. The building plans for the community were drawn in England. The original design was to build a colony around town squares where residents would gather for social and civic events. These squares are the same as having a neighborhood park every few blocks with benches, trees and open grassy spots where one can visit with a neighbor, something we do not do often enough these days.

Twenty-two of Savannah’s original 24 squares remain today as a legacy to its forefathers. The city lost its second square to a parking deck, which finally made the residents aware of how important these squares are to their beautiful city. An ordinance was created that forever protects the squares from development. It’s a lesson to all of us that a community can be built with trees in its design.

Last weekend, I went to my grandkid’s birthday party at a neighborhood park and was amazed by the number of people using the park for picnics and outdoor activities. Even today, parks can be places people can meet and visit for social events or just to get to know neighbors. As your towns and communities grow, keep in mind that green spaces such as neighborhood parks need to be incorporated into your communities.

Applications for an Urban and Community Forestry Grant to attend conferences like the one in Savannah are available. Contact John Slater at john.slater@arkansas.gov or 501-374-8733 for more information.

Make a memory—Plant a tree.
or legislative branch of the state, municipality, county, school district, improvement district, or any political district or subdivision thereof.

Based upon the foregoing, a person holding an elective position on any type of board or commission meets the definition of “public official” and is thereby required to file a SFI. When positions on a board or commission are not elective positions, the fact that a person serves on the board does not cause such person to meet the definition of “public official.”

The Commission clarifies that to hold an elective office does not require that one be elected on a written ballot at a public polling location on an election day. One can hold an “elective” office if elected by a show of hands or voice vote in a meeting of interested persons. A review of the particular board or commission’s enabling legislation is required to determine whether a person who serves on that board meets the definition of public official and thus is required to file a SFI.

In the event a person is appointed to serve on a municipal or county board or commission, then he or she is required to file a SFI only if the board or commission is one of the five types of boards or commissions enumerated in § 21-8-701(a)(9). Those types of boards or commissions are as follows: (1) planning boards or commissions, (2) airport boards or commissions, (3) water or sewer boards or commissions, (4) utility boards or commissions, and (5) civil service commissions. If a person holds an appointive position on a type of municipal or county board or commission not listed in § 21-8-701(a)(9), then he or she would not be required to file a SFI.

The Ethics Commission issued the advisory opinion pursuant to Ark. Code Ann. § 7-6-217(g)(2); Rita S. Looney, chief counsel to the Commission, wrote the opinion.
A frequent question that municipal officials ask me as I travel the state concerns whether or not to require sidewalks in new subdivisions. It is a question, I believe, that deserves a studied answer.

When I was younger and more concerned with my future or more, as Tennessee Williams put it: "... dependent upon the kindness of strangers," I was apt to equivocate. I would hem and haw and mumble something about its being a local decision and move on to the next topic.

Now that I am older and more independent I am more likely to ask, "How in the world can you not want sidewalks in your community?" I mean really. After all, we have been walking for about four million years and driving automobiles for about a hundred. Wouldn't you agree that something has gotten a little out of balance?

So, yes. By all means require sidewalks, if for no other reason than the health and well-being of your residents. With nearly 65 percent of Americans overweight and more than 30 percent obese, I can't believe we are even still having debates about sidewalks.

Before someone starts braying about cost, here's my advice: economize somewhere else. One might start by reducing the width of residential streets. Why not let motorists have to get out of one another's way for a change? Maybe we could get rid of excessive front-yard setbacks. Or, allow—as some cities do—developers to forego installing sidewalks until the home is built thus passing the cost directly to the homeowner. This also reduces some of the problems with sidewalks being damaged during the home's construction.

And while you are doing sidewalks, do them correctly. If you want to make absolutely sure that no one ever uses them (to save on wear and tear, I guess), build them narrow and next to the curb, highway department-style. No sensible person is going to walk along a four-foot strip of concrete six inches from a speeding line of motorists.

Conversely, if you want them to be popular, a minimum width of 60 inches with a 48 to 60 inch green space between sidewalk and curb seems to provide a better starting point. Pedestrians tend to use the center of a sidewalk and avoid the so-called "shy areas" along each edge. Walks with two-way traffic should be at least 72 inches in width.

Remember that one out of five Americans possesses some form of physical disability. So sidewalk standards should also look at grades. Abrupt changes of grade and cross-slope—for example, where sidewalks meet driveways—can be particularly hard on wheelchair users.

Also—and this is becoming increasingly important to me—don't forget the particular needs of the "mature" segment of society when designing sidewalk standards. Experts have identified characteristics of older adults ranging from vision problems to reduced endurance to slower reflexes. They also, as children often do, seem to exhibit excessive trust in their fellow residents who might to be driving in the vicinity. Don't neglect crosswalk markings. Finally, older pedestrians are more apt to be victims of crime in areas with no sidewalks, or with sidewalks on only one side of the street. Lighted walks are also better.

Physical considerations alone would overwhelmingly support sidewalks. Let us not, however, overlook the aesthetic and social benefits. Sidewalks seem to communicate connections between the homes in a neighborhood. They say, "Look, we are neighbors and friends—see how we are connected."

To me, sidewalks are justified simply for the joy they bring. Although you might not know it to look at me, I am quite fond of morning walks. I generally trek from my home in downtown Little Rock to the marvelous Clinton Center Park and then down "Statue Promenade" in our Riverfront Park. There, a statue named "Fiesta" offers two dancers with joined arms framing the fast-food sign across the river, then a statue of Harriet Tubman escorts one more young man to freedom, and next a son and grandfather eternally walk toward the Arkansas River on a magic fishing trip.

As I walk, I never fail to thank the leaders of my city for such wisdom and foresight. Why not give future generations of your city a good reason to thank you?

Remember, sidewalks rule! Persons having comments or questions may reach Jim von Tungeln at 501-372-3232. His Web site is www.planyourcity.com. He is available for consultation as a service of the Arkansas Municipal League.
Architect selected for replacing burned Searcy fire station

The Searcy City Council April 12 selected Jackson-Brown-King Architects of Little Rock to develop plans for a fire station that would replace the central station lost to fire Jan. 27. The district court and probation office also went up in smoke.

Searcy Mayor Belinda LaForce said the architect also would help select a site. The central station has relocated temporarily to a former electrical contractor’s building on Booth Road.

Slight renovations made the contractor’s building adequate “for the time being” for the fire trucks, sleeping quarters and office space, she said.

“It’s a pretty nice facility,” LaForce said. “It’s just not located in the right area.” The district court was relocated to Carmichael Community Center on South Elm Street.

The council is considering a six-month, 1-cent sales tax to pay for the new station, but LaForce is considering using current revenues and insurance proceeds to pay off outstanding debts and financing the new building on a five-year bank loan, paid with resources allotted for the old debts. LaForce said she hopes construction for the new station will begin this year.

Clerks group honors Nashville city clerk/treasurer

Nashville City Clerk/Treasurer Linda M. Henrite was awarded the International Institute of Municipal Clerk (IIMC) Certified Municipal Clerk (CMC) designation.

Henrite had fulfilled the IIMC’s educational, experience and service requirements and completed the IIMC-approved Municipal Clerks Institute Program of the University of Arkansas Division of Continuing Education at Fayetteville.

An IIMC member and an employee of this Howard County city since 2001, Henrite joins 49 active municipal clerks in Arkansas with CMC designation.
Animal control is not always only about animals

Animal control officers ideally remain aware of the emotional attachment we humans have toward our pets.

By Dan Bugg, Hot Springs Animal Services

Animal control programs exist because of fundamental reasons. Primarily, we in animal control provide services to the people who cause or experience animal problems.

Animal problems we hear about are usually complaints about dogs running loose or barking, cats trespassing onto unwelcome properties, or problems with wild animals—skunks, raccoons, opossums, and other small mammal wildlife.

So from the basic inception point it appears we are all about animals. We seem to be viewed with a singleness of purpose. In truth, what we do, what we provide and how we provide it is far more complex than what meets the eye.

We are advocates for a society that is responsible for its actions, not only those that deal with animals, but those other of life’s episodes that one would not normally associate with what we do.

History has taught us in animal control many lessons; it has taught us that there is a direct link between a person who is abusive to animals and one who is abusive with people.

We have learned that taking the time to console a resident who has lost his or her beloved family pet is something we will gladly do because it is not only part of what we do, but also part of who we are. We care about the things that affect the people we serve.

We have learned that there is a balance to some problems that we encounter. We have learned that stray cats in some number are actually healthy for any given area. We have learned that cats, in a sense, can be a barrier to disease.

Consider the third-century story about how the Catholic Church found that in struggling with witchcraft in Europe and the cleansing of the continent from witchcraft also meant removing the assumed partners of the local witches—the cat.

After much effort and time Europeans generally succeeded in reaching the goal of eradicating witches and cats from most of Europe. Shortly after, Europe was afflicted with the plague.

The carrier of the plague to the human population was the rat. The rat population had grown to great numbers because the Europeans had removed the rat’s natural predator, the cat. The balance had shifted.

People from all walks of life want pets, have pets, love pets, sell pets and will continue to gravitate toward animals because they accept us without bias, without rules and without social demand.

Animal control personnel ideally are folks who are compassionate about people, about animals and the commitment to their jobs.

They, ideally, are public employees who keep abreast of their job skills, the needs of the public, the requirements of law and the emotional attachment we humans tend to have toward animals.

Next time you see your local animal control officer at the shelter or out on the street, remember he or she may be there for more reasons than you can imagine. A smile and a friendly wave would be more than appreciated. It’s a people thing!
Municipal audit dilemma:
Is GASB 34 optional?

The Governmental Accounting Standards Board’s Statement 34, issued June 1999, established a new financial reporting model for local government audits in the United States.

The new reporting model requires a more complex presentation for audited financial statements and a lengthy management discussion and analysis by management.

In addition to the issues raised by GASB 34’s implementation, the American Institute of Certified Public Accountants and the U.S. Government Accountability Office have mandated new guidelines for auditors.

These guidelines pertain to maintaining independence with respect to the local governments that they audit. The new independence rules prohibit auditors from providing most of the accounting assistance to which municipalities have become accustomed because this assistance is now deemed instead a function and responsibility of management.

Since the majority of municipalities do not employ individuals with the expertise or background needed to implement GASB 34 or to address complex accounting issues, and since their auditor can no longer assist them with most accounting issues, many are probably asking: Is there an option to implementing GASB 34 for Arkansas municipalities?

Act 499 of the 2005 Legislative session provides an option by prescribing a financial statement presentation on a regulatory basis for audits of Arkansas municipalities. The financial statements are required to be presented on a fund basis format with—as a minimum—the general and street funds presented separately, and all other funds that are included in the audit presented in the aggregate.

The financial statements required by the Act are:

a) a balance sheet;
b) a statement of revenues (receipts), expenditure (disbursements) and changes in fund equity (balances); and
c) a comparison of the final adopted budget to the actual expenditures for the general and street funds.

The Act, however, allows a municipality’s governing body, through the adoption of an annual resolution, to require its audit to be performed in accordance with the GASB-prescribed guidelines.

The entire text of Act 499 may be downloaded from the Internet Web site:
Children need protection from household dangers

Pesticide poisonings and exposures are constant threats from within our residences.

Alesia Ferguson, Ph.D.

The threat of residential exposure to pesticides or other substances that can be harmful is a quality of life issue of which municipal officials should be aware—particularly where it might affect children.

Studies show these exposures are not uncommon. City officials have both federal laws and numerous resources to gain an understanding of the threat posed and learn how they can be empowered to act or advocate action on behalf of their community.

Of the 2.1 million human exposures reported nationally in 1998, about 92 percent occurred at a residence, according to the Toxic Exposure Surveillance System, which is managed by the American Association of Poison Control Centers. Furthermore, 71,813 exposures to pesticides occurred with children younger than six.

Children are of particular concern for several reasons. On a per body weight basis, they breathe more air, drink more water and eat more food than adults.

Children’s activities, such as playing close to floors, carpets, lawns and soils, as well as an increase in frequency of hand-to-mouth contacts, can increase exposure to toxic substances in homes and schools. Also, children’s bodies are still developing, making them less able to metabolize and detoxify toxic substances than adults.

The 1994 federal Food Quality Protection Act (FQPA) emphasized the importance of determining adults’ and children’s aggregate exposure through skin absorption, inhalation or ingestion to pesticides and contaminants used in and around the home. Several initiatives stemming from the FQPA and the 1993 National Research Council’s report, Pesticides in the Diets of Infants and Children, have been implemented to protect children, including establishment of the Centers for Children’s Environmental Health and Disease Prevention Research by the Environmental Protection Agency (EPA), Centers for Disease Control and Prevention (CDC) and the National Institute of Environmental Health Sciences (NIEHS).

The School Environment Protection Act (SEPA) of 2001 protects children from pesticides and promotes safer pest management practices in schools. The law also provides safety information to parents and school staff when pesticides are used in the schools, encourages good record keeping and posting of signs and focuses on strategies for the non-chemical control of pests.

While some states have adopted tougher standards than some of the provisions in SEPA, other state laws across the country are uneven and inadequate, especially in enforcement. Education of locally applicable laws is important for government officials in attacking any problem.

Pesticides are not the only household threats we need to protect our children from. Children also swallow common substances found around the home. These include prescription drugs, nonprescription painkillers, vitamins, cosmetics and personal care products, cleaning products, tobacco products and alcohol.

The Consumer Product Safety Commission (CPSC) is also concerned about arsenic-treated lumber routinely used in outdoor play sets that can potentially cause cancer. Public officials can encourage and educate school administrators, parents and residents about the need to protect children from the dangers within. Here are some Web site resources to help:

- www.ewg.org/issues/arsenic/index.php to order a home kit for testing arsenic levels and for more information on pressure-treated lumber;
- www.epa.gov/pesticides/regulating/storage.htm to learn how to store and dispose of household products;
- www.epa.gov/oppfed1/ch/10_tips/index.html for 10 tips on protecting children from pesticide and lead poisonings;
- www.epa.gov/opptintr/labeling/rtlf/kids.pdf to learn how to read product label instructions and precautions on pesticides and household cleaners;
- www.epa.gov/ncepihom/index.htm to learn how to lock household products away from children;
- www.epa.gov/kidshometour to learn about household products that may contain harmful products; and
- http://poisonprevention.org to learn more about the poisons around us.

Ferguson is an assistant professor at the University of Arkansas for Medical Sciences’s College of Public Health in the Department of Environmental and Occupational Health.
Cocaine-Induced Excited Delirium discussed at conference

P. Michael Murphy, the coroner in Clark County, Nevada, last month gave some insight into the causes of death that he sees in his jurisdiction, which includes Las Vegas.

Arkansas participants in the Substance Abuse Program Administrators Association (SAPAA) conference, where Murphy spoke, said the death cases cited by the coroner had similarities to drug-related deaths in Arkansas.

Murphy said about 85 percent of the cases he reviews are classified as natural deaths. Additionally, are homicides, suicides, accidental and undetermined deaths. Drugs account for 14 percent of suicide-related deaths, he said.

Murphy discussed Cocaine Induced Excited Delirium, in which the person has a very high level of cocaine in his or her system. This causes excitement, psychotic and paranoid behaviors and elevated temperature of 103 degrees or greater. The user might remove his or her clothes and use ice to try to cool off.

He cited an individual walking nude on a Las Vegas street. The police were called. It was evident that the person was under the influence of drugs. A very combative fight broke out between the user and the police.

The user was very strong and aggressive. After a few minutes, the user began to comply with the officers' orders; they took him to jail.

The officers didn't realize that the user was suffering from a poor oxygen exchange due to the high level of cocaine in his body; the change in behavior indicated that he was dying. The man died almost immediately.

Similar cocaine-related deaths have happened across the country, Murphy said.

Designated Employer Rep training begins online

The Substance Abuse Program Administrators Association (SAPAA) this month will begin an online Designated Employer Representative (DER) training course.

The SAPAA announced the training and certification course at its April 8 spring conference in Las Vegas.

The training and certification testing can be taken at the SAPAA Web site, www.sapaa.com. Participants must attain 90 percent or better on their tests to obtain SAPAA DER certification. The course begins in May.

KAB

(Continued from page 14)

and Keep America Beautiful’s Great American Cleanup in the spring.

Pine Bluff/Jefferson County Clean and Beautiful Wins

Pine Bluff/Jefferson County Clean and Beautiful received a Certificate of Appreciation for beautification. The organization entered the beautification and community improvement category in the government and business classification for its fall Great Arkansas Cleanup event. More than 900 volunteers donated 2,700 hours of service.

Prescott/Nevada County Chamber of Commerce wins

The Prescott/Nevada County Chamber Commerce received the Electric Cooperatives of Arkansas Award of Excellence for its Together We Can project in the category of beautification and community improvement in the government and business classification.

Several years ago after a slide show of unsightly areas around the town was presented to the Chamber, the City of Prescott and the Prescott/Nevada County Chamber of Commerce formed a Beautification Committee. With grants and money allocated from the city, sidewalks, parking lots and streets in downtown Prescott have been repaired or repaved, trees have been planted and the train depot has been renovated. A fountain, clock, new landscaping and an original mural have been installed on Sterling Square.

The Chamber also received a Certificate of Appreciation for entering the litter prevention and control category in the government and business classification.

The Keep Arkansas Beautiful awards program recognizes businesses and government agencies, community support organizations, and school and youth groups that foster environmental stewardship, improving community waste-handling practices, protecting the state’s environmental quality or preserving the natural scenic beauty of the state. The Community of the Year award recognizes communities demonstrating continued excellence with sustainable programs that actively incorporate the three areas of Keep Arkansas Beautiful’s mission—litter prevention and control, recycling and waste reduction, and beautification and community improvement.

The Award of Excellence honors exemplary accomplishments in the Keep Arkansas Beautiful’s mission areas within the classifications of government and business, community-support organization and school/youth group. Additionally, the Meritorious Achievement Award and the Distinguished Service Continued on next page
Award recognize significant successes in litter prevention, recycling or beautification within the three group classifications.

Each Award of Excellence recipient received a cash prize from Nucor Corp., the parent company of two steel mills in Mississippi County, to stimulate further environmental improvements in the recipient's community.

Keep Arkansas Beautiful received 50 entries in this year's program. Entries were evaluated and ranked by each judge against a uniform standard of performance based on a program or project's need, execution, community involvement, resource utilization and impact. Each category was judged by a four-person panel consisting of Keep Arkansas Beautiful commissioners and individuals with experience and interest in the mission category. Awards designation was determined by the total score each entry received when all judges' scores were added together.

This year's awards program sponsors are the
Arkansas REALTORS® Association, AHTD, Cricket Communications, Delta Plastics of the South, the Electric Cooperatives of Arkansas, Keep America Beautiful Inc., the Keep Arkansas Beautiful Foundation, Mangan Holcomb Rainwater Culpepper, Nucor Corp. and the Weyerhaeuser Corporation Foundation.

Keep Arkansas Beautiful works to engage volunteers to enhance local communities to reduce litter, encourage recycling and promote scenic beautification. KAB is a division of the Arkansas Department of Parks and Tourism and is overseen by a nine-member commission appointed by the governor. The Keep Arkansas Beautiful Commission is funded by 1 percent of the one-eighth-cent conservation tax, and by utilizing volunteers, returns to the state a cost-benefit of more than $5 in cost-avoidance community services for each program dollar spent.

For more information about Keep Arkansas Beautiful, call 1-888-742-8701 or visit KeepArkansasBeautiful.com.

AGOs
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Sales tax only for designated purpose
Opinion: 2005-071
Requestor: Rainey, David—State Representative
Can the City of Dumas lawfully enter into an interlocal agreement to share sales taxes with another city when the sales taxes were passed by the voters of the City of Dumas for certain specific purposes? Q2) Can the City of Dumas lawfully enter into an interlocal agreement to share sales taxes with another city when the sales taxes have been pledged as security for bonds which have been sold to various bondholders? ANSWER: "No" to both questions. A tax levied for one purpose may not be used for any other purpose without violating Article 16, Section 11 of the Arkansas Constitution. See Attorney General Opinion No. 2005-044 for the legal analysis.

Open worker rosters, not performance records
Opinion: 2005-085
Requestor: Rogers, Reginald
Legal Counsel, Ark. Dept. of Health
Is the decision of the custodian of the records to release the names of certain employees, which may lead to the identification of reassigned personnel, consistent with the Freedom of Information Act (FOIA)? ANSWER: Yes, with the understanding that the custodian applied the test identified in Attorney General Opinion 2005-074, made the requisite factual determinations, and decided that releasing the employee rosters did not equate to releasing job performance records. These records of the employees' names are thus properly classified as personnel records, and are open under the applicable test.

Rural Development Conference set for May 24-26
The Department of Rural Services and the Arkansas Rural Development Commission will sponsor a conference May 24-26 at Hot Springs to assist communities with planning, development and revitalization.

Among topics are planning a rural festival, recruiting firefighters, telecommunications, the 85th General Assembly and grants. The conference fee is $100 each. Spouses and children are $50 each. The conference will be at the Austin Hotel, 305 Malvern Ave. Call the hotel, 501-623-6600 or 1-877-623-6697. Conference checks should be made payable to: ARDC, 101 E. Capitol, Ste. 202, Little Rock, AR 72201.
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
- (2¢cc) 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

<table>
<thead>
<tr>
<th>Month</th>
<th>Municipal Tax</th>
<th>County Tax</th>
<th>Total Tax</th>
<th>Interest</th>
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### 2005 Elections
- **FORT SMITH, May 10.**
  - Passed. Continue 1c.
  - For: 7,043 Against: 8,138

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

Continue 1¢.
### April 2005 Municipal Levy Receipts

<table>
<thead>
<tr>
<th>County</th>
<th>Revenue</th>
<th>County</th>
<th>Revenue</th>
<th>County</th>
<th>Revenue</th>
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### April 2005 County/Levy Receipts

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### County Sales and Use Tax Receipts

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</table>
FREE space is provided to municipalities with job opportunities or products to buy or sell. Fax: 501-374-0541; E-mail: CityTown@arml.org

MUNICIPAL MART

DIRECTOR OF INFORMATION TECHNOLOGY—The City of Little Rock is seeking a Director of IT, $131,717, depending on exp. Experience as a Senior IT Manager is req. Apply online at www.accesslittlerock.org. Submit resume and cover letter by May 31. City of Little Rock Human Resources Dept., 500 W. Markham 130W, LR, AR 72201-1428, Office 501-371-4900, Fax 501-371-4405.

POLICE OFFICER—Marmaduke (Greene County) is taking applications for police officer. Certified applicants only requested. Marmaduke City Hall, 1-800-587-2753, for information, or mail resume to Marmaduke Police Dept., P.O. Box 208, Marmaduke, AR 72443, ATT: Chief Steve Franks.

CERTIFIED POLICE OFFICERS—Fortress City Police Dept. seeks certified officers. Good salary, benefits inc. paid holiday, health, dental, eye insurance, retirement, 3 wks paid vacation and sick leave, paid holidays, and veterans strongly urged to apply. Call 970-633-3434 for more info or send resume and copies of certificate to Chief’s Office, c/o Fortress City Police Dept., 225 No. Roosevelt St., Fortress City, AR 72335, EOE.

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

PLANNING TECHNICIAN—Bentonville is taking applications for entry level Planning Technician. Hiring salary: range $18.75/hr-$19.62/hr DOE. Performs professional planning work on variety of assignments, include, research, assisting with coordination and implementation of development programs, plan review, site inspections, report writing, comprehensive plan prep. Requires Bachelor’s degree in Planning or related or 3 yrs directly related work exp.; strong oral and written communication skills, and computer skills in Word and Excel. ACAD exp. helpful. Applications just inside City Hall front door and City website (www.bentonville-are.com). Completed application or resume can be faxed to 479-271-3105 or mailed to City of Bentonville, Attn: HR, 117 West Central, Bentonville, AR 72712, EOE.

WASTEWATER OPERATOR—Silphur Springs is accepting applications for a wastewater operator. Qualifications include: Class II Waste Water license, supervisory, administrative and general operations of city wastewater facilities. Exp. pref., not req. Benefits include health, dental, paid vacation, sick leave and holiday pay. Send resume to City of Silphur Springs P.O. Box 145, Silphur Springs, AR 72776 or fax 479-508-3315.

ENGINEER—Jonesboro is accepting resumes for Civil Eng. Responsibilities: analyzes reports; maps, drawings, tests and related photos on soil comp., terrain, hydrological characteristics and other topo and geologic data to plan, design projects; calculate project costs, prepare or direct prep of reports, specs, plans, environmental studies and designs for projects. Exp. req. in construction projects such as sewer, streets and drainage with emphasis on hydrology. Bachelor’s degree in CE or related 8-10 yrs. exp. req. Registered Prof. Eng., in Ark. or able to acquire registration. Send resume with sal. history to City of Jonesboro, Human Resources Director, 515 W. Washington, Jonesboro, AR 72401 or e-mail strockney@jonesboro.org. Resumes accepted until position filled. EOE.

DIRECTOR OF WASTEWATER SYSTEMS—Springfield, Mo., sal. range: $37,365-$84,370, performance pay to $111,511; plan, direct, coordinate, plan, activities of Info., Systems Dept.; min qualifications: Bachelor’s deg. in Bus. or Pub. Admin., or related, 5 yrs prof. exp. Submit cover letter, resume by May 20, to Sheila Mates, Director of Human Resources, Attn: Director of Information Systems, City of Springfield, 840 W. Chestnut, Springfield, MO 65802, Fax resume to 417-884-1186, on line, or email, employment@cityofspringfield.mo.us. Incl. SSN on resumes, www.springfieldmo.org, EOE/AA M/F/VWD.

CITY MANAGER—Arkadelphia operates 10 municipal departments, has more than 100 full-time employees and annual budget of approx. $15.6 million. Degree in Public Admin., or related plan, min. 3 yrs exp. as city manager (or elected mayor) of comparably sized city or assistant city mg. in larger city, Sal., $56,000-$60,000, D.O.C. Selected candidate req. to live in Arkadelphia. Visit www.cityofarkadelphia.com for more info. Closing, May 31.

POLICE OFFICER—Mountain Pine (Garland County) is accepting applications for a police officer. Certified applicants are requested. Contact Chief Robert C. Jester for info., 501-964-1393.

FLIGHT OPERATIONS SPECIALIST—Silsoem Springs is accepting applications for a Flight Operations Specialist at its municipal airport. Applicants should have a working knowledge of aviation and federal aviation regulations, be computer savvy, competent with mechanical equipment, high school grad., or equiv.; 2 yrs related exp. or equiv.; valid driver’s license; be people friendly. Preferred to degree/certification in aviation related field. Generous benefit package. App. available at www.silosemsprings.com or City Hall, P.O. Box 50, 400 N. Broadway, Silsoem Springs, AR 72776. Resumes only accepted if accompanied by completed application. Salary range: $23,168-$34,753. For info., call 479-524-5136 or e-mail mrcollars@silsoemsprings.com, EOE.

POLICE ENSRANCE EXAM—Texarkana Police Dept. police officer entrance exam will be held Saturday, April 23. App. at Personnel and Training Office, Police Dept., 3rd Floor, Bi-State Justice Center, 100 N. Stateline Ave., and must be returned by 5 p.m., April 20. Annual sal., $31,106. Benefits incl.: insurance, vacation, sick leave, paid holidays, paid vacations, longevity pay, uniforms and equip. furnished. Min. req.: (1) 21 yrs of age, (2) 30+ hours of college; partial membership available for those with law enforcement or military exp., (3) meet all other min. requirements. The City of Texarkana has issue under current civil service law, EOE. For info., call 903-798-3328.

POLICE OFFICERS—The Texarkana, Ark. Police Department has openings for police officers. See above for sal., benefits.

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

WASTEWATER FOREMAN—Bentonville is accepting applications for operations foreman, Wastewater Treatment Plant. Sal., $30,410-$37,253 DOE. Responsibilities: the supervision of 7 employees in plant op. and management of associated equip., vehicles, 13 MPs. App. must hold current Ark. Class 3 Wastewater license or equiv. Previous exp. with Activated Sludge, Nitrate-Nitrite and Phosphorus removal required. Must have instrumentation knowledge, good computer skills. App. available at www.bentonvillear.gov, or City Hall. Completed app. or resumes faxed to 479-271-3105 or mailed: City of Bentonville, Attn: Human Resources, 117 West Central, Bentonville, AR 72712, EOE.

POLICE OFFICER—Fordyce seeks cert. apps. for police officer. Good sal. and benefits inc. paid holidays, health, dental, eye insurance, 9 hrs, paid vac. and APERS ref. Call 870-352-2173 for app. or send resume to Fordyce Police Dept., 101 S. Main St., Fordyce, AR 71742, or email cityfordyce@att.net.

POLICE OFFICER—Atchafalaya is accepting applications for full or part time police officers. Certif. is preferred but not req. Sal. $50,000-60,000. Contact Chief Owen at 870-462-3220.

STREET SWEEPER—Diamond City offers for sale a Tennant Street Sweeper, 1993 Model 830 with 1,739 miles, four-wheel steering, dust control, vacuum and variable sweeping brush. Call Howard Lohman at 870-422-1777, 8:30-5:30 p.m.

SALE—High Trust US Electric Motor, Frame 325 TP WIP 50 HP, Type R, 1770 rpm; ID#: 6223-06-06. 3232 2480. Also Debilo + Wall Suction Pipe. Call City Lonoke, 501-678-2422 or 501-266-0018.

SALE—1989 Cheve utility/sciss. truck. Body extra condition, tires fair, drive excellent, $8,975; 35,000 mi.; Tuckerman Fire Dept. on Main St., Mayor Gerald Jackson at 870-349-5313; P.O. Box 1117 Tyler, AR 72473.

AMBULANCE FOR SALE—Huntington (Sebastian County) has a 1994 van-type ambulance for sale. Beds may be sent to P.O. Box 27, Huntington, AR 72434, or contact Gary Lawrence, fire chief, huntington@web.net.

SALE—Cave City selling tri-axle trailer, $900; 1990 white, 6 cyl. Dodge, P.U. automatic, $2,000; 250 gal. diesel tank w/pump, $250; and 3-phase well pump. Call 870-233-5435.

PUMPER FOR SALE—Bids requested for 74 Ford Derynosky F-70, 6-speed, 381 extra duty engine, engine new in '91. Some equiv., $8,000. Nick McDowell or Betty Jackson, Marmaduke city hall, 870-597-2763.

FOR SALE—Two three-phase deep well pumps; in good working order; best offer. Eudora Mayor Charlie Lee Tyson, 870-533-2260, or PO. Box 190, Eudora, AR 72437.

EXTRACTION EQUIPMENT—Bryant fire department is selling a Power Plant w/Honda motor, Marvinick spreader/cutter, large cutter, large spreader, ram tool, junction box, hose reel w/100 ft. hose and nozzle, reworked and ready 20-30 ft. extra hoses and chain packs for $10,000. Equip. is about 3 yrs. old, Contact Chief Cox at 501-947-0485.

BUILDING ARKANSAS COMMUNITIES

There's a lot to consider as you plan the future of your community. Crews & Associates can help by providing you with the financial solutions that set you on the right path toward your goal. We provide funding through bonds and leases for projects related to water and sewer, healthcare, education, housing, industrial development, utilities and much more. Contact Crews & Associates today and let our team of builders help construct your community.
Continuing to lead by example.

Since 1933, Stephens' guidance in the public finance area has helped finance municipal facilities throughout Arkansas too numerous to mention. From utility improvements, libraries, jails and hospitals, our professionals understand the important role these facilities play in building strong communities.

As your trusted advisor, our ideas and concepts can move financings from the drawing board to implementation.

Can we be of assistance on your next project?

Stephens Public Finance
A Division of Stephens Inc.

BACK ROW: Chris Angulo, Mark McBryde - Executive Vice President and Manager, James Rouse, Kevin Faught and Jack Truemper
FRONT ROW: Bobbie Nichols, Dennis Hunt and Carey Smith

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