

City & Town

JULY 2020 VOL. 76, NO. 07

THE OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



How do you think new money becomes old money?



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ON THE COVER—Russellville is among nine Arkansas cities and towns for which 2020 marks either 150 or 100 years of incorporation. In a difficult year, let’s take a moment to celebrate our sesquicentennial and centennial cities and towns and their unique histories, beginning on page 12. Read also inside about the census “showdown” in Lonoke County and the state’s latest guidance for cities and towns during the COVID-19 pandemic. To help ensure the safety of all of our members, the League has shifted the 86th Annual Virtual Convention from an in-person meeting to an online event. Check out the registration information and the tentative agenda beginning on page 30.—atm

Features

12 Cities and towns celebrate milestone birthdays

For nine cities and towns in Arkansas, 2020 marks either 150 or 100 years of incorporation, and even though the coronavirus has made large gatherings and events difficult, they are finding ways to safely celebrate the historic occasion.

16 A census showdown in Lonoke County

With the coronavirus slowing down in-person efforts to get out the count for the 2020 census, the cities of Cabot, Ward and Austin in Lonoke County are engaged in a friendly competition to see who can get creative and achieve the highest response rate by the deadline.

20 COVID resources for cities and towns: Phase 2 guidance

As the state heads into Phase 2 of the governor’s reopening plan, the League’s legal team has assessed the directives and offers guidance for cities and towns.

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Dear friends and fellow public servants,
As we prepare for the first ever virtual Arkansas Municipal League Convention, the thought occurs to me that we are entering one of those periods in history that creates not only temporary changes, but some that we will find are permanent. Most of which, I pray, will be for the better.

While COVID-19 is a scourge that has affected our entire planet and taken loved ones from so many, it continues to teach us new best practices that I suspect will become habits for years to come. And hopefully, when the next pandemic strikes, whether it's soon or in the distant future, our world will be better prepared.

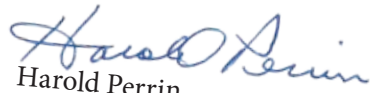
We have seen movements that transcend the coronavirus, from Black Lives Matter to the efficacy of militarized police forces to resources for mental health and how we go about our daily lives. I believe that municipal government will enact new norms that serve us better in the future. I am proud that Arkansas has leadership and citizens who have been responsible, largely, in the face of all the turmoil of 2020. It seems like we keep taking one body blow after the next, and it is seriously time for that to stop. But we know we cannot just will away COVID-19. We know we cannot pretend change doesn't need to take place in many sectors of our community.

To that end, I am extremely proud of the various departments in Jonesboro for their leadership and professionalism in handling whatever has been thrown at them. They are dealing with tragedies, the consequences of unforeseeable events, and the possibilities of unpredictable outcomes. I suspect you have that same pride in so many of your department heads and dedicated staff. Their sense of calm, resilience and adaptability has been a point of pride that comforts me when the world spins fast and furious.

I have never lived in fear of the unknown and refuse to do so now. But I acknowledge we are dealing with an unprecedented quantity of unknowns as we plunge forward into the dog days of summer. I don't pretend to know what lies ahead. But I know we can get through it, and better than most, because we always work together. We always take care of a neighbor in need. We always put our love for Arkansas and Arkansans first.

I look forward to seeing you at the 86th Annual Virtual Convention. Online.

Regards,



Harold Perrin
Mayor, Jonesboro
President, Arkansas Municipal League



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From the Desk of the Executive Director



Fun: Yes, it stills exists!

We are now over halfway through the year 2020. For me it seems the days have either flown by with one running into another with little other than a sunset to separate them—how many times have I said, what day of the week is it?—or, the days have dragged by so slowly that time almost stands still. Is it 3 o'clock yet? Please let it be 3. And yet when I look at the clock it's only 12:30 p.m. Ugh. I can't decide which is worse, the speedy version or the tortoise. Maybe I should ask myself which is better. Try to think of the upside, the positive. Admittedly that's not always my practice. My local controller¹ often notes that I have a need to find what's "broken" not what's working. I prefer to think of it as mechanical thinking. Fix the broken, etc. When I tell her that I usually get an eye roll. Lots can be said with a top-notch eye roll and she has Olympic-level talent in eye rolling. I digress, sort of. The local controller told me it was time to write something lighter, something fun. It is after all summer, albeit the summer of a pandemic. Right. There I go again with the negative. Stay positive she says. So here it goes. Here's what I've witnessed and heard about during this pandemic summer.²

- Baking. I was surprised to learn that so many folks are baking for themselves and their neighbors. Family, too. My next-door neighbor is a really nice guy from Louisiana. And yes, I did say nice and Louisiana in the same sentence. To be fair he's from New Orleans and really, have you ever met anyone from NOLA that you didn't instantly like?! He's a computer data guy and has long worked from home. Now, however, is much different he tells me. He got so bored he learned to bake bread. Sourdough, rye, wheat...he's only just begun. A dear friend from Texas, yes, I said Texas (but it gets worse—she went to Alabama), has begun to bake. Setting aside football for a moment she describes a banana bread that is easily made and delicious. She and her young son made it together.³ Another neighbor dropped off brownies at my house the other night. Oh my. Fantastic. I guess baking is one of the best ways to get to know your neighborhood!
- Cooking. My sons Franz and Colin have been cooking for years. Franz took to it early, as in age 10 or 11. Colin a bit later in his college years. They are both very talented. Franz recently whipped up, from scratch, a Vietnamese fish and rice dish that was off the charts! He also makes one of the best steak sauces I've ever tasted. Colin does a wicked chicken parm and is awesome on the grill. Franz is great on the grill, too. As for the daughter and the local controller...let's not go there.⁴ One of Colin's best friends, Conor "Maverick" Herget, made a chicken pot pie that he swears is restaurant quality. Mav, as we call him, is like family so I guess he'll be bringing me one of his famous pot pies in short order!⁵
 - I cannot believe how many city officials responded to my Facebook post about cooking in general. A dear friend has been putting off working with her mother to learn various Persian recipes. She's doing so now and apparently doing quite well.
 - Another friend has started cooking with only fresh ingredients mostly from his garden.

¹ The allegedly 5'4" brunette is the top dog at Casa Hayes. Although I'm convinced she's nowhere near 5'4" tall. And if I wanted her to know I said that, I'd tell her myself! Mums the word!

² Full disclosure: I asked my Facebook pals what they are doing to relieve the stress of the dreaded COVID-lockdown-face masking-social distancing-hand sanitizing nightmare. Much of what's in this column comes from them. Fine, it all does but man oh man they are some interesting people!

³ Banana Bread

3 ripe bananas, mashed
1 cup white sugar
1 egg
1/4 cup melted butter
1 1/2 cups all-purpose flour
1 teaspoon baking soda
1 teaspoon salt

Directions

* Prep 15 m
* Cook 1 h
* Ready In 1 h 15 m
* Preheat oven to 325 degrees F (165 degrees C).
* Grease a 9x5-inch loaf pan.
* Combine bananas, sugar, egg and butter together in a bowl. Mix flour and baking

soda together in a separate bowl; stir into banana mixture until batter is just mixed. Stir salt into batter. Pour batter into the prepared loaf pan.

* Bake in the preheated oven until a toothpick inserted in the center of the bread comes out clean, about 1 hour.

⁴ Formal apology to Bliss and Alison. Hugs and kisses.

⁵ Yep, you guessed it. Mav is a pilot. A really good one. We like him at Casa Hayes—he's a smart aleck just like the rest of us!

- ◻ Several folks are not only gardening at all-time highs, but their vegetable gardens are producing so much they are donating to various homeless shelters and food banks in their cities and towns. Way to go folks!!!
- Charitable giving. Wow, I have heard from dozens of folks, including many city officials, noting efforts to give and collect food, clothing, housing and health care for those less fortunate. I've so enjoyed hearing the particulars from all over the country. Humanity does have a habit of doing the right thing during the most trying of times.
- Electronic communications such as text groups, friends on Facebook etc. I've been told these smaller groups of close friends regularly communicate with positive messages only. Occasional venting but mostly upbeat stuff. Memes that are funny. Stories of the adventures of toddlers and Zoom calls. And pets and Zoom calls. And spouses and Zoom calls. You get the idea. Personally, I've totally enjoyed learning so much about my friends on social media. I really thought I knew a great deal about them. Turns out there's a whole lot more than meets the eye.
- Yard work and décor. This is great. A friend sent me a picture of her lighted tree (white Christmas lights) with a sign reading "Stay Strong Neighbors, Be Merry!" How cool is that?! She put it up in March and tells me her neighbors LOVE it! Now that's a positive message. I wonder if my local controller would let me put out some Christmas lights. You'll recall from a previous column that she has some serious rules when it comes to holiday decorations. I'll tell her it's required by city ordinance. That should clear the way. Lots of folks are gardening, too. Vegetable and flower gardens seem to be at the top of the list, but I've also been told of folks trimming hedges into various shapes and sizes. Sounds pretty hard to me.
- Boating of all kinds. A friend of mine says she's taken up kayaking. On the Arkansas River! That sounds kinda dangerous, but she assures me she's been perfectly safe. I do love to go boating but my motor is a 200-horsepower Yamaha not my hands, arms and shoulders! I just talked to a very large boat dealer (the local controller does not need to know that) and he told me he's sold 800 boats in the past eight weeks! Since folks aren't vacationing boating seems to be the next logical step.⁶
- Parks, ponds and neighborhoods. From bike and walking trails to parks with room to roam, cities and towns are seeing high levels of exercise and usage.
 - ◻ Families are biking, walking and cooking out in record numbers at various municipal facilities. Properly social distancing of course!
 - ◻ I've heard from so many folks that walk once or twice a day with family members and of course their dogs. Interestingly most of them have noted how much better they now know their neighbors. That's awesome! Lots of people visiting from front porches and yards. Does it get any better?!
 - ◻ Beebe is completing its community pond and it'll soon be stocked by Game and Fish. Let's go fishing!
 - ◻ Speaking of fishing, there are a lot of city officials that love to fish. One of them responded he's spending his extra time: fishing, fishing and fishing some more!
- Household projects, building and remodeling. Based on what I've seen and been told it's no wonder that sales tax revenue, at least from hardware and lumber stores, seems to be running high. The projects have included new decks, house and porch painting, new utility buildings, garage floor epoxy, shelving, bins, pools, upgrades to campers and so forth and so on. I'm sure everybody got a building permit from their local city hall! It's pretty amazing what people have done to fill their time.
- Grandchildren. From FaceTime and Zoom calls to bike rides, swimming and camping, the largest set of comments surrounded spending time with Grands. What a wonderful gift for them and for you grandparents. Our cities and towns will see great benefit from this as city officials will be able to tell their Grands precisely what they do. Every kid loves grandparent stories. I have fond memories of Papa telling me tales of his youth and talking about his professional life. Nana was great fun as well. I do miss them greatly.

I hope y'all feel better reading this. I do. The local controller is right: Let's stay positive. As Mother Hayes says, "put a smile on your faces, it helps."

Until next month, Peace.

Mark R. Hayes

Executive Director

Arkansas Municipal League

⁶ I've always loved to boat. I learned to sail on Lake Michigan on a 24 footer and a 32 footer. From there to Lake Norfolk where the majority of my time was spent on speed boats skiing and goofing off with high school and college buddies. And a lot of time with my parents and brother. Great memories.

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Four Arkansas cities and towns receive USDA funds for water/wastewater projects

The cities of Cotter and Flippin and the towns of Franklin and Sulphur Rock have been awarded funding for water/wastewater projects through USDA Rural Development's Water and Waste Disposal Loan and Grant Program, the agency announced May 27. The projects are among 106 across the country receiving \$281 million in funding. The Arkansas recipients, amounts and projects funded are:

- City of Cotter—\$1,551,000 loan, \$619,000 grant. This investment will be used to rehabilitate the existing wastewater collection and treatment system. The city of Cotter and the city of Gassville jointly own and operate the existing wastewater system. The primary purpose of the project is to make improvements to the joint wastewater system and to address health and sanitary standards.
- City of Flippin—\$775,000 loan, \$3,579,000 grant. This investment will be used to rehabilitate the wastewater collection system. The rehabilitation will consist of replacing existing wastewater lines and manholes. The project will also include wastewater extensions within the city limits, which will serve an estimated 51 new users.
- Town of Franklin—\$174,000 loan, \$534,000 grant. This investment will be used to construct a new water well and chlorination facility for the town of Franklin. Currently it only has one water well. This project will provide the city with a second well and new chlorination facility and will prevent the city from potentially running out of water if the existing well were to be out of service.
- Town of Sulphur Rock—\$52,000 loan. This investment will be used to complete rehabilitation of the city's wastewater treatment system. Completion of this rehabilitation project will provide area rural residents with a public wastewater system that meets health and sanitary standards.

AHPP announces County Courthouse and Historic Preservation Restoration grants

The Arkansas Historic Preservation Program (AHPP) will award more than \$2.5 million in fiscal year 2021 through its County Courthouse Restoration and Historic Preservation Restoration grant programs, the agency announced June 17.

The County Courthouse Restoration Grant is an annual grant that is funded primarily by an annual grant to the AHPP by the Arkansas Natural and Cultural Resources Council using Real Estate Transfer Tax funds. The purpose of the County Courthouse Restoration Grant program is to encourage and promote the preservation and continued use of Arkansas' historic courthouses by providing financial assistance for restoration, selected maintenance and accessibility projects. Sixteen projects will receive \$1,671,349 in grant funding. The courthouse recipients, the proposed projects and award amounts are:

- Arkansas County, Stuttgart, ADA ramp installation, \$61,664
- Bradley County, Warren, clock tower roof/cupola restoration, \$85,000
- Carroll County, Berryville, condition assessment report, \$13,750
- Chicot County, Lake Village, water drainage system exploration, \$22,150
- Clay County, Piggott, roof replacement, \$222,660
- Conway County, Morrilton, replace entry doors, \$67,318
- Dallas County, Fordyce, cornice repair, \$80,250
- Franklin County, Ozark, masonry pointing and repairs (parapet courses), \$175,000
- Hot Spring County, Malvern, 100-percent repoint masonry, \$222,900
- Lee County, Marianna, roof replacement, \$108,000
- Miller County, Texarkana, roof phase 2, \$216,653
- Ouachita County, Camden, clock tower restoration, \$90,500
- Poinsett County, Harrisburg, masonry cornice repairs, \$70,686
- Polk County, Mena, HVAC and steel window restoration, \$142,310

- Prairie County, DeValls Bluff, roof replacement and soffit repairs, \$60,113
- Woodruff County, Augusta, repair lobby floor over abandoned staircase, \$32,395

The Historic Preservation and Restoration Grant program provides financial assistance for restoration of historic properties. The program is financed through proceeds of the Real Estate Transfer Tax. Twenty-two projects, seven of which are for city owned properties, will receive \$796,460 in grant funding. The city recipients, the proposed projects and award amounts are:

- Arkadelphia, Clark County, replace tile roof of depot, \$70,700
- Hazen, Prairie County, masonry pointing, wood repair and painting, Rock Island Depot, \$44,897
- Mena, Polk County, ADA restroom, Mena Depot, \$13,487
- Monticello, Drew County, capstone repair and masonry pointing, Monticello Post Office, \$63,317
- Osceola, Mississippi County, fire damage repairs, Old Post Office/City Hall, \$22,000
- Searcy, White County, replace roof, American Legion Hut #106, \$60,000
- Springdale, Washington County, replace roof and repair soffits, Rabbits Foot Lodge, \$62,238

For more information about Courthouse and Historic Preservation Restoration Grants, please contact Joia Burton, joia.burton@arkansas.gov, 501-324-9880.

Amid ongoing COVID-19 fears, absentee voting officially an option for Nov. election

Secretary of State John Thurston released a statement on June 26 regarding absentee voting for Arkansans amid the coronavirus pandemic.

"As Secretary of State and Chief Election Officer for the State of Arkansas, I have been receiving many questions and have listened to the many concerns of the citizens of Arkansas as to the upcoming November election. We are fortunate in Arkansas that we have in place the means by which registered voters may request an absentee ballot. According to Ark. Code Ann. §§ 7-5-402 and 7-5-404, a voter

may request an absentee ballot due to one of the following reasons:

- You will be unavoidably absent from your polling site on Election Day, OR
- You will be unable to attend your polling site on election day due to illness or physical disability, OR
- You are a member of the Uniformed Services, merchant marines or the spouse or a dependent family member and are away from your polling location due to the member's active duty status, OR
- A U.S. citizen whose residence is in Arkansas but is temporarily living outside the territorial limits of the United States.

Those provisions, as provided by state law, allow the voters of the state to contact their local county clerk and request an absentee ballot for one of the stated reasons. I understand many of our citizens may be assisting loved ones or are fearful of exposing a vulnerable family member to the virus. I understand that many are fearful of contacting or passing along the virus to others in the community. While my office continues to work with county officials to prepare polling locations, we are also anticipating and preparing for an increase in absentee ballot requests due to the COVID-19 virus.

It is my opinion and belief, that our current laws are sufficient to allow the registered voters of Arkansas the choice of going to their local polling location or requesting an absentee ballot from their local county clerk. We are fortunate that our lawmakers had the foresight in crafting our election laws to allow for times of being unavoidably absent whether by natural disaster, war, or global pandemic."

For information on how to contact your county clerk, to download an absentee ballot application, or to review all deadlines and questions, please visit www.sos.arkansas.gov/elections/voter-information/absentee-voting. 🗳️

Obituaries

ZACHARY RYNE BARTON, 28 of Walnut Ridge, an officer with the Jonesboro Police Department, died June 21, 2020.

ANTHONY PINKSTON, 56, a Walnut Ridge council member, died March 21.

Arkansas communities celebrate milestones in uncommon year

By Andrew Morgan, League staff

Nine Arkansas cities and towns celebrate significant milestones this year, with Dover, El Dorado, Fayetteville, Forrest City and Russellville celebrating 150 years of incorporation, while Calion, McCaskill, Ogden and Wabbaseka have each reached the 100-year mark.

In a typical year, these communities would have grand plans to celebrate the occasion, with cookouts, music and other special events. This is, of course, not a typical year, with cities and towns cancelling or delaying large gatherings as we battle the ongoing COVID-19 pandemic. In Forrest City, they'd planned "a whole calendar full of events," said administrative assistant Kinyuana Smith, including weekends filled with bands playing, farmers markets, historical walks, a community wide cleanup and more. Instead the city has taken to social media and spots on local radio station KXKA

to share news and celebrate the anniversary. In Dover, the city was hoping to stage a huge recognition during its annual Ozark Memories Day the last Saturday in September. That's up in the air right now, said Pat Johnson, president of the local chamber of commerce. He's hoping when the time comes they can host a smaller, modified event with social distancing and other safety measures. It's a similar tale in the town of Ogden, where Mayor Sandra Furlow hopes to be able to celebrate their centennial during the annual fall festival in October. Russellville devised a way to celebrate its 150th anniversary on June 7 by holding an air show and firework display while asking citizens to watch from their cars or in lawn chairs with social distancing guidelines in place.

Let's take a brief look at the histories of each of these unique Arkansas communities.

150

Dover

Dover spent a brief period in the mid-1800s as the seat of Pope County, but when the Little Rock and Fort Smith Railroad bypassed the city in 1872, not long after its official incorporation, the seat was transferred to nearby Russellville. These days, the small city of just over 1,300 has its own school system, a diverse local economy for its size, and easy access to the Illinois Bayou and Lake Dardanelle, popular spots for fishing and camping.

El Dorado

The Union County seat of El Dorado was a modestly successful agricultural community and trade center at the time of its 1870 incorporation. Its history would change forever with the discovery of oil in 1921. The city has ridden the oil boom-bust cycle over the years, and its population reached a high of nearly 30,000 in 1925. It now has a population under 19,000 but boasts a vibrant and historic downtown and arts district that make it a popular south Arkansas destination.



Dover City Hall

PHOTO BY MARK POTTER



Downtown El Dorado

PHOTO BY DEBO SANFORD FOR THE CITY OF EL DORADO

Fayetteville

The state's third largest city (as of the last decennial census) and seat of Washington County in northwest Arkansas is not actually celebrating its sesquicentennial this year. First established as the town of Washington Courthouse and renamed Fayetteville in 1829 when the post office was established, the community was first officially incorporated as a city in 1841. After the tumultuous Civil War years and several local political upheavals, the dissatisfied citizens petitioned the legislature to dissolve the city's charter. The city was reincorporated in 1870 and remains so to this day, 150 years later. Fayetteville is a cultural and educational hub and home of the University of Arkansas, which is currently planning for the sesquicentennial of its establishment in 1871 under the Morrill Act as the Arkansas Industrial College. Visit 150planning.uark.edu to learn more about what the school and its home city have in store for the momentous occasion.



The Fayetteville square in 1935 and today.



Forrest City



The depot at Forrest City, circa 1960.

Located on Crowley's Ridge, what is now Forrest City was a strategic spot for Native American inhabitants and trade well before white colonists arrived. Its status as a key trade stop between Memphis and Little Rock was solidified with the construction of rail lines and the Military Road between the two southern cities in the 19th century. The city's early years brought growth and a diverse population, but Forrest City (named after Confederate General Nathan Bedford Forrest) also suffered from racial violence, a destructive fire event and an outbreak of yellow fever. During the great flood of 1927, Forrest City was established as the high ground and hosted the largest refugee camp in the state. Today, agriculture and industry continue to be Forrest City's economic drivers, and its population has steadily ticked up over the years to more than 15,000.

Russellville

Like many cities and towns, geography and existing trails determined the location of the Pope County seat of Russellville, which was established at the intersection of the east-west road between Little Rock and Fort Smith and a north-south trail to a ford on the Arkansas River. When the railroad was built, it brought steady growth to the city, which became a hub for timber, coal mining and other industry. The city also became an educational center with the establishment of the Second District Agricultural School, which became Arkansas Polytechnic College in 1925 and then Arkansas Tech University in 1976. Another Russellville landmark is Nuclear One, the state's only nuclear power plant.



BUTLER CENTER FOR ARKANSAS

Downtown Russellville, early 20th century and today.



PHOTO BY MARK POTTER



PHOTO COURTESY RUSSELLVILLE TOURISM AND VISITORS CENTER

Planes line up for an air parade as part of Russellville's 150th celebration.

100

Calion

The small Union County city of Calion is located on what was a 19th-century steamboat stop on the Ouachita River near El Dorado. In the early 20th century, trade moved from the river to the rail, and the U.S. Army Corps of Engineers built Ouachita River Lock and Dam Number Eight at Calion. A sawmill was established, and the community grew around it and the dam. Timber and timber products continue to drive the local economy.



LIBRARY OF CONGRESS

Dam Number Eight at Calion, circa 1983.

McCaskill

The town of McCaskill in northern Hempstead County is another Arkansas community that was built upon the lumber industry and connected by the railroad at the turn of the 20th century. For a time, with the diversification of its agricultural offerings, the small, remote community did well. The Great Depression hit the area hard, and the eventual decline and removal of the railroad limited its economic viability. After reaching a high of 236 in 1940, the population has remained near or below 100 since.

Ogden

Located near the Red River on old Highway 71 between Ashdown to the north and Texarkana to the south, the



PHOTO COURTESY TOWN OF OGDEN

town of Ogden started life as an agricultural center. In 1915, with the passage of the Alexander Road Improvement Act by the state legislature, the community was one of the first to benefit. The road through the area eventually became U.S. 71, and the increased traffic meant increased business. That business slowed after a new bypass was built in 1970, and today the town of less than 200 is largely a bedroom community.

Wabaseka

An anglicization of a Quapaw description of the land as Black Clay Bayou, the farming town of Wabaseka in northern Jefferson County grew up around its railroad depot in the late 1800s and was incorporated in 1920. Its population reached a high of more than 600 in the early 1970s but has since dropped off by more than half. It remains a small agricultural community and is a popular destination for duck hunters.

Information for this article comes from the Encyclopedia of Arkansas History and Culture (encyclopediaofarkansas.net).



Wabaseka Town Hall in the late 1980s and today.



ARKANSAS MUNICIPAL LEAGUE

PHOTO BY ANDREW MORGAN

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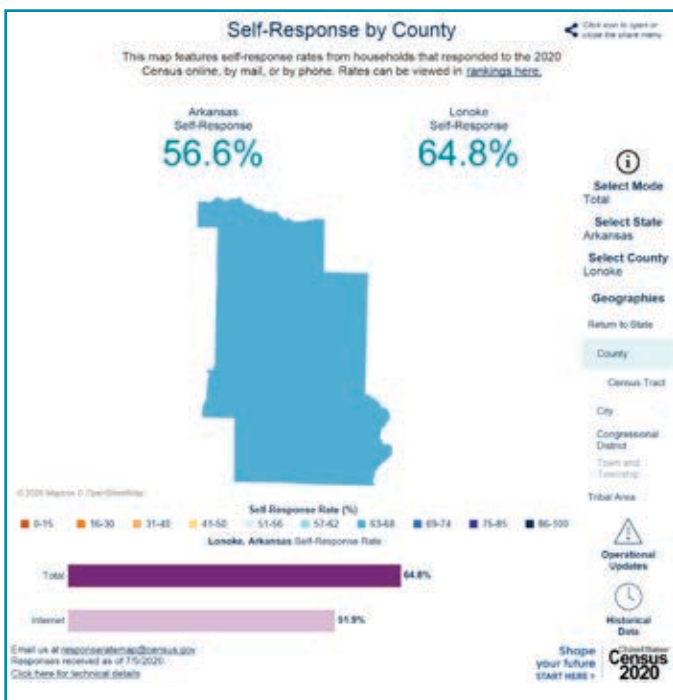
Wastewater Treatment Facility / Batesville, Arkansas

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Lonoke County census showdown

By Ben Cline, League staff

While COVID-19 has affected all aspects of our lives, the novel virus has added an unexpected challenge for the 2020 census. With door-to-door operations suspended, cities across the country have had to come up with creative ways to raise awareness. In Lonoke County, one creative alternative has three mayors wagering against one another on who can get the highest turnout percentage for their city. The prize? The winning community gets their municipal vehicles washed by the losing cities' mayors. The cities of Cabot, Ward and Austin have joined in the challenge and are turning to social media to ask their citizens for help.



“I need your help,” Cabot Mayor Ken Kincade said on a video on his Facebook page on May 27. “Austin is in the lead and here’s the deal—I don’t want to wash Austin’s vehicles—I don’t think you want to see your mayor lose to Austin’s mayor. Please, fill out your census.” The post garnered nearly 9,000 views and 73 shares and jump-started a bet that was made a few months prior. “The contest didn’t become official until I made my Facebook post to let everyone know of the challenge and its benefits,” Kincade said. He hopes a good turnout on the 2020 census will help his city become one of the most populous in Arkansas and address some salary shortfalls for their first responders. “The census could change Cabot for the better. An increased population could give us the funds we need to address the salaries

of our police and fire and other departments that have not been marketable when compared with other cities. I hope Cabot wins and has a census growth of 30 percent from 2010, which would make us a top 15 city in Arkansas.” Cabot currently sits just a few spots behind Austin in the statewide rankings, and Austin leads the three cities with a 72.3 percent response rate. Kincade says he’s confident in Cabot’s chances of winning the contest. “I will have joy in my heart if I win this contest with the help from the people of Cabot. This win will further prove why Cabot is the best place to live in Arkansas. Cabot people take care of Cabot.”

Mayor Charles Gastineau of Ward says the challenge was conceived at a meeting earlier this year. “Mayor Kincade, Mayor Chamberlin and myself were at a Metroplan meeting (prior to COVID-19 restrictions) and I just came up with the idea and mentioned it to them. They were all on board but the challenge kind of died when COVID-19 hit and we were all trying to deal with the crisis. We never really solidified the wager.” Then, Kincade’s Facebook post reignited the competition. Gastineau said the main goal is to emphasize just how important the census is to cities and towns. “Ward is the second largest city in the county and second fastest growing city in the Metroplan area. Because we are predominantly a bedroom community with a small sales tax base, we—like other similar cities—rely on turnback funds to help provide the necessary services.” The competition aspect does add some fun, Gastineau said. “The bottom line, however, is...I want to see them wash our vehicles.”

The 2010 census showed Ward’s population as 4,067. Their estimated population is higher today. “Metroplan’s 2019 population estimate shows us at 5,406 which is a 32.9 percent increase,” Gastineau said. “I would like to see us hit the 6,000 mark.” While currently in third among the participating cities, Gastineau is still confident Ward can make a comeback. “The Big City of Ward is THE BEST city in Lonoke County and at the end of this contest, we will have the cleanest vehicles too,” he said. “How will it feel to win? Like Tony the Tiger always said...‘Grrrrreat!’”

Austin is currently ranked fifth in the state for self-response rate, and first in the friendly wager. Mayor Bernie Chamberlain says the results will be important to Austin’s growth, and she’s proud that her citizens have showed up in the contest. “It feels good that the citizens are coming forward and they realize how important the census is,” she said. The secret to their success? Chamberlain says that they’ve been stressing

the importance of the census for several years now. “We did a special census to see where our population was at in 2016, so I’ve been talking about the census since then. I went door to door, talking to people. So, we’ve been pushing this for several years, and people know how important it is. Every time I see someone in the community, that’s the first thing I ask them: Have you filled out your census yet?” She says they’ve learned what challenges an undercount can bring. “The more people you get, and the bigger the population is, the more needs you have. It’s vitally important to have an accurate count when you grow quickly. We learned the hard way about not getting a good count from the 2010 census. We’ve been growing fast ever since, and it’s been a challenge.”

Being in first does have its bragging rights, however. “It would be an honor to know our citizens acknowledge the benefits that the census provides for their community,” Chamberlain said, adding, “My smack talk would be...ladies first.”

While the contest may be all in fun, what’s at stake in the 2020 census is very real. Over the next decade, lawmakers, business owners and many others will use 2020 census data to make critical decisions. The results of the census are used for a wide range of decisions, from

representation at the national level to critical local funding. It will be used to inform how hundreds of billions of dollars in federal funding are allocated to more than 100 programs, including Medicaid, Head Start, block grants for community mental health services, the Supplemental Nutrition Assistance Program, and turnback funds for infrastructure, according to the U.S. Census Bureau. The results will also help highlight where communities need new schools, new clinics, new streets and more services for families, older adults and children.

Each Arkansan is worth \$2,542 a year, so a single missed resident could cost a city more than \$25,000 over the 10-year life of the census, according to the Arkansas Economic Development Institute. The AEDI states that a one-percent undercount of Arkansans could result in \$750 million in lost funds over 10 years. The League puts out a weekly ranking of the top 30 cities in the state via response rate. Austin, Ward and Cabot are all in the top 30. Follow the League on social media at @ARMuniLeague for rankings updates as well as a winner in the Lonoke County Census battle. Residents can be counted by either mailing in forms sent to their residence or by going online to 2020census.gov. 🗳️



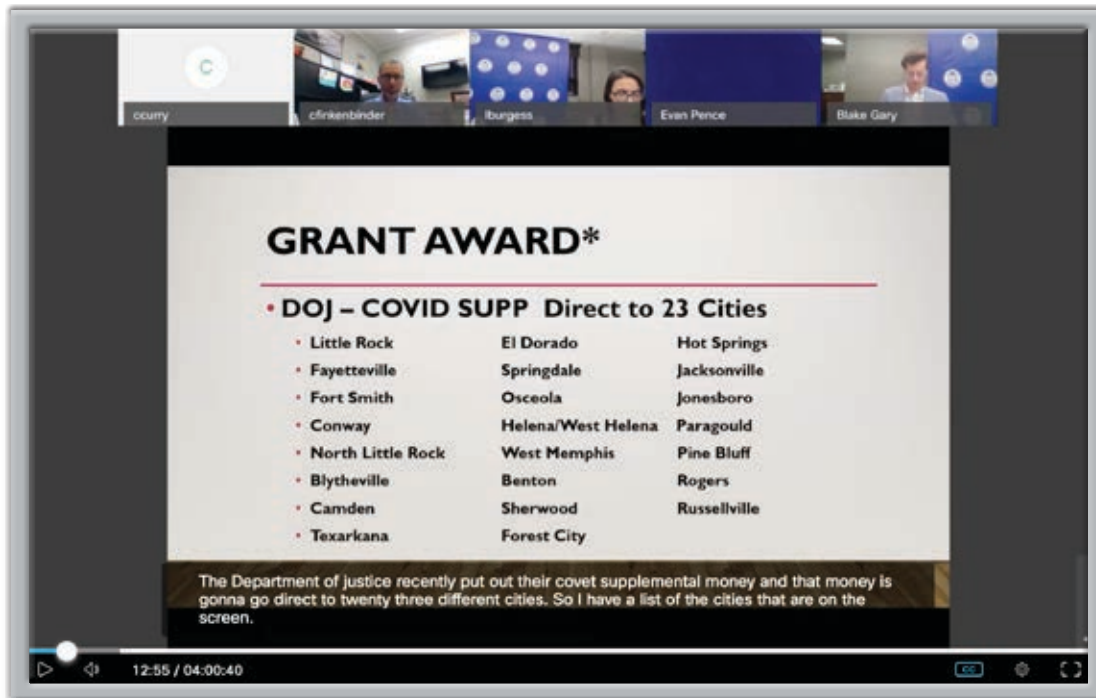
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Batesville Community Center

Crisis response guides ACAA CLE agenda



The Arkansas City Attorneys Association (ACAA) continuing legal education (CLE) was held virtually via the League's online meeting platform.

The Arkansas City Attorneys Association (ACAA) hosted four hours of continuing legal education (CLE) June 5, covering an array of topics important to Arkansas' cities and towns and the attorneys who serve them. The ACAA's summer CLE session is typically offered in conjunction with the League's Annual Convention, but with the postponement of the 86th Summer Convention, the CLE was held virtually via the League's online meeting platform.

Caran Curry, the League's new grants attorney, kicked off the CLE with her presentation "All You Ever Wanted to Know About Grants and Then Some." As local governments are forced to deal with the fallout of the coronavirus pandemic and its negative effects on the economy, being aware and taking advantage of federal assistance is essential, Curry said. She shared historic examples of the federal government pushing out grant money as a way of combating financial crises, from the Great Depression at the turn of the 1930s, to the post-WWII slump, to the Great Recession of 2008. "When the feds pump out the grant money, then it does stimulate the economy," Curry said. "Heretofore, it has always gotten us back on track and assisted greatly with pulling the economy out of the ditch."

The Department of Justice has released COVID-19 relief funding for local governments, and it has gone

directly to 23 of Arkansas' largest cities, Curry said. For the rest of the state's cities and towns, they will need to apply through the state. The Arkansas CARES Act Steering Committee has reserved \$150 million in pandemic relief funding for cities, towns and counties and is currently working on eligibility requirements and a reimbursement timeline. For updates on this process and other guidance, visit the League's COVID-19 Resources for Municipalities online at www.arml.org/resources/covid-19 or email the League's COVID-19 Response Team at covid-19@arml.org.

The CLE continued its focus on today's most pressing topics surrounding cities' ability to respond to the pandemic with the session "Communities in Crisis: Statutory and Constitutional Powers During an Emergency," which was presented by several members of the League's legal team led by General Counsel John Wilkerson. During the crisis, things are moving and changing quickly, he said, and cities' efforts touch nearly every aspect of local governance, from employment law, to police power, to commerce. The ACAA CLE also included one hour of ethics training with a session on the use of social media by public officials presented by Sarah Sparkman, deputy city attorney of Springdale. 🏛️

Broadband webinar provides ARC update

The effort to expand the availability of broadband internet across Arkansas, particularly in underserved rural areas of the state, has become a priority for leaders at all levels of government and enjoys wide bipartisan support. That makes it a great time for our cities and towns to focus on this important aspect of our infrastructure, said League General Counsel John Wilkerson, who welcomed city, county and state leaders to a broadband webinar on June 3. “It’s not just us interested in broadband across Arkansas,” Wilkerson said. “It’s the governor, it’s the state senators and state representatives, it’s congressional leaders. Everybody’s really focused on broadband.”

The COVID-19 crisis has highlighted the need further, he added. “Now is a perfect time to show how important it is to have internet service across Arkansas. We’re in the middle of a pandemic, and it’s very important for students to be able to have school online. It’s very important for tele-health capabilities. It’s very important for employers to be able to allow their employees to telework.” Without broadband, it’s an uphill battle facing pandemics like this one, Wilkerson said.

With the passage of Act 198 of 2019 by the Arkansas legislature, cities and towns now have the ability to work directly with internet service providers to bring broadband to residents. There are numerous federal funding sources through agencies like the USDA and FCC for grants and loans largely targeted at small, underserved communities, and eligibility requirements vary. To bridge the gap in our state, the governor in 2019 launched the Arkansas Rural Connect (ARC) program. Dr. Nathan Smith, the state’s broadband manager, joined the webinar to provide an update on the program.

After a year of preparation, Round 1 of ARC funding is now getting underway. The application deadline for this round closes August 15 with grant awards announced no later than November 1. Visit the ARC website at broadband.arkansas.gov for statewide coverage maps for eligibility, ARC program fact sheets and rules, Round 1 grant applications, and a list of internet service providers that have expressed interest in participating in the program. 🏠



WHAT CITIES AND TOWNS SHOULD KNOW DURING THE

COVID-19

PANDEMIC

League legal team offers in-depth reopening guidance for cities and towns as state moves into Phase Two

Governor Asa Hutchinson announced on June 10 that the state of Arkansas will enter Phase Two reopening effective Monday June 15. Phase Two will apply to all regions of the state. On June 18, the governor signed Executive Order 20-37 to renew the state's emergency order for an additional 60 days.

As Arkansas cities and towns begin to reopen following the relaxation of certain COVID-19 guidelines, multiple questions have arisen in regard to topics such as the regulation of various events/activities, the effect upon various types of businesses, the return to employment and potential reimbursement of COVID-related expenses.

We realize that every city and town is unique due to factors such as location, industry, population and the financial impact of COVID-19. As such, what may work for one city may not work well for another. Cities and towns should feel no pressure to implement measures which have been implemented in other communities. Each city should do what their particular city needs.

The Arkansas Municipal League's Legal Department has created an in-depth reopening guidance document. The entire document, which is updated as new developments occur, is available on the League's COVID-19 Resources page at www.arml.org/resources/covid-19. Following are excerpts from the reopening document, including the latest guidance on Phase Two reopening plans.

All Arkansas Department of Health directives and executive orders from the governor can also be found on the League's COVID Resources page.

GENERAL INFORMATION

Authority

What measures may municipalities use to enforce various directives and executive orders? At times enforcement may be achieved through a simple request. However, if faced with a situation that cannot be successfully resolved at the local level, municipalities may contact the Arkansas Department of Health at 1-800-462-0599 (main number), 1-800-651-3493 (ADH Emergency Communication Center), or 501-661-2136 (after-hours reporting). Municipalities may also contact Brian Bowen of the Arkansas Attorney General's Office at 501-831-2241 or at brian.bowen@arkansas.gov.

Every ADH directive and executive order from the governor can be found on the League's COVID-19 Resources page.

Self-Quarantine

Per the ADH (May 8, 2020):

- A 14-day self-quarantine is required for travelers entering Arkansas who have visited an international location or an area of high community transmission within the U.S. in the previous 14 days.
- The 14-day quarantine begins from the date of departure.
- Those returning should notify the ADH of their return by contacting the ADH Coronavirus Hotline at 1-800-803-7847 or ADH.Covid19.EP12@arkansas.gov.

Per the ADH (May 22, 2020):

- “ADH requires a person exposed to COVID-19 to complete a 14-day quarantine period, even though they may have a negative test result during the quarantine period.”
- An exemption may be permitted for exposed critical infrastructure workers. Please see the ADH notice on quarantine.

Self-Quarantine, Phase Two

Per the ADH (June 15, 2020):

- “There is now no quarantine requirement for travelers entering Arkansas based on the location they traveled from. This includes both domestic and international travel.”

Local Health Unit COVID-19 Testing Locations

For a statewide listing of testing locations and associated contact information, please visit <https://www.healthy.arkansas.gov/programs-services/topics/COVID-19-guidance-for-getting-tested>.

Homeless Or Displaced Individuals

Per the ADH, for the immediate quarantine and isolation sheltering needs for homeless or displaced individuals, please call 501-661-2136.

EVENTS & ACTIVITIES

Large Outdoor Venues, Phase Two (Effective June 15, 2020)

- Large outdoor venues enter Phase Two for commercial, community, or civic events and activities where an audience, spectators or a gathering of people are present.
- Examples include: organized events such as concerts, weddings, plays, sporting events, rodeos, races, fundraisers, parades, fairs, livestock shows, auctions, carnivals, festivals, theatres, arenas, sports venues, race tracks, stadiums, auction houses, amusement centers and car shows.

Requirements include, but are not limited to:

- A venue may accommodate one hundred (100) or fewer people without the requirement to submit a plan.
- A venue may increase the number of attendees at events up to 66 percent of capacity with a Secretary of Health approved plan. Submit plans to adh.ehs@Arkansas.gov.

- Placing appropriate signage regarding who should not enter based upon COVID-19 symptoms or exposure and which vulnerable populations may wish to refrain from entry.
- Providing hand sanitizer stations at all entrances and exits.
- Maintaining social distancing of 6 feet in areas such as various types of lines and seating.
- Seating must be arranged to maintain 10-foot physical distancing between tables so occupied seats are 6 feet from seats at adjacent tables.
- Maintaining social distancing of 12 feet between spectators and players/performers.
- Requiring facemasks for those 10 and older.
- Disinfection of high traffic surfaces.

Large Indoor Venues, Phase Two (Effective June 15, 2020)

- Large indoor venues enter Phase Two for commercial, community, or civic events and activities where an audience, spectators or a gathering of people are present.
- Examples include: organized events such as car shows, concerts, weddings, plays, presentations, conferences, fundraisers, trade shows, festivals, auditoriums, lecture halls, movie theatres, other theatres, museums, arenas, sports venues, race tracks, stadiums, gymnasiums, auction houses, amusement centers, barns, exhibit halls, conventions centers, funeral homes and recreational facilities, such as bowling alleys and trampoline parks.

Per the ADH, “This revision for Phase Two increases the capacity allowed in the venue, as long as physical distancing of 6 feet can be achieved.”

Requirements include, but are not limited to:

- A venue may accommodate one hundred (100) or fewer people without the requirement to submit a plan.
- A venue may increase the number of attendees up to 66 percent of capacity with a Secretary of Health approved plan. Submit plans to adh.ehs@Arkansas.gov.
- Placing appropriate signage regarding who should not enter based upon COVID-19 symptoms or exposure and which vulnerable populations may wish to refrain from entry.

- Providing hand sanitizer stations at all entrances and exits.
- Maintaining social distancing of 6 feet in areas such as various types of lines and seating.
- Maintaining social distancing of 12 feet between spectators and players/performers.
- Seating to be arranged so that occupied seats are at least 6 feet from seats at adjacent tables.
- Requiring facemasks for those 10 and older, and disinfection of high-traffic surfaces.

Per the ADH, “This directive is not intended to address the following, which are addressed under separate directives or guidance: Places of worship, community or school sponsored team sports, and casinos.”

Fireworks

Per the ADH: Local firework displays in the cities and counties in Arkansas are not required to submit plans for a large outdoor event provided that:

- The fireworks display is the only attraction.
- Signage about COVID-19 symptoms and exclusions are posted at the entrances of the venue.
- No food vending is present.
- Seating for viewers is physically spaced by 6 feet between family groups.
- Masks are required when physical distancing of viewers of 6 feet is not possible.
- If available, restrooms are sanitized prior to the event and as needed.
- If the display does not meet the above guidelines, please submit a plan here.
- The organizer of such an event is responsible for ensuring that the requirements for social distancing, signage, proper sanitation and other directive requirements are met.

Garage/Yard/Rummage Sales

- The ADH has not released guidance on this topic as of this time.
- Municipalities in which the issuance of a permit is required for such an event may choose not to issue permits.
- Sales held in locations other than private homes may fall under the ADH’s large outdoor or large indoor directives, and as such would be subject to the related requirements.

Libraries

- Municipalities may reopen their libraries to the extent that they are able to maintain the 6-foot social distancing requirement.
- Special events held within a library may require implementation of the large indoor venue directive.

Masks

- Per ADH guidance, most individuals should wear a face covering in public. Exceptions include children under 2 years of age, those with breathing problems, incapacitated individuals and those who are unable to remove their own mask.
- Enforcement: Although the ADH has provided guidance regarding the use of masks it has not issued a directive. As such, there is no enforcement mechanism regarding the use of masks. Municipalities may request that guests entering public buildings wear masks and may consider encouraging the practice by providing entrants with a mask.

COMMERCE, Phase Two

Restaurants, Phase Two (Effective June 15, 2020)

- Dine-in service enters Phase Two and may increase seating to 66 percent of capacity subject to various restrictions.

Requirements include, but are not limited to:

- Seating shall be adjusted to maintain 6 feet between occupied seats at adjacent tables.
- Groups restricted to 10.
- Disinfection of frequently touched surfaces (tables, chairs, menus, salt/pepper shakers, pool balls).
- Usage of face masks by patrons until order is served (and when physical distancing of six feet cannot be ensured) and by staff that come into contact with patrons (back-of-house staff encouraged to wear masks).
- Display of appropriate signage.
- Service may be denied to those who refuse to wear a mask.

Per the ADH, “This revision retains many of the Phase One distancing and hygiene requirements but allows increased capacity above the Phase One limit as long as physical distancing is maintained.”

Bar/Clubs, Phase Two (Effective June 15, 2020)

- Service at bars enters Phase Two and may increase to up to 66 percent of capacity subject to various restrictions.

Requirements include, but are not limited to:

- Seating shall be adjusted to maintain 6 feet between occupied seats at adjacent tables, and 6 feet between patrons sitting at bar.
- Disinfection of frequently touched surfaces (tables, chairs, menus, salt/pepper shakers, pool balls).
- Usage of face masks by patrons until order is served (and when physical distancing of 6 feet cannot be ensured) and by staff that come into contact with patrons (back-of-house staff encouraged to wear masks).
- Display of appropriate signage.
- Dancing remains prohibited in Phase Two.

Per the ADH, “This Phase Two revision retains many of the Phase One distancing and hygiene requirements but allows increased capacity above the Phase One limit as long as physical distancing is maintained. Bars housed within restaurants are addressed in the updated directive on Resuming Restaurant Dine-In Operations.”

Barber Shops, Body Art Establishments, Cosmetology Establishments, Massage Therapy Clinics/Spas, and Medical Spas, Phase Two (Effective June 15, 2020)

- The above listed establishments may accept walk-in clients as well as those scheduled by appointment.
- Walk-in clients shall undergo the same screening at the door upon arrival as those with appointments.
- Clients who answer in the affirmative to designated screening questions shall have their service postponed for 14 days.
- Occupancy will no longer be limited to 10 persons, but the number of people present should be limited in order to maintain the 6 feet of physical distancing, including all support staff.
- Social distancing of 6 feet may require that fewer than 10 persons are present at any given time.
- Larger facilities (able to accommodate more than 10 persons while maintaining appropriate physical distancing) shall operate no more than 66 percent of their stations during Phase Two.
- Practitioners shall maintain a record of the name, date and contact information, for each client serviced for a period of one month.

Casinos, Phase Two (Effective June 15, 2020)

- Casinos may increase the number of patrons to 66 percent of capacity.
- Requirements include, but are not limited to:
- Tracking entrants for possible contact tracing.
- Maintaining social distancing of 6 feet, including seating and lines.
- Enforcing requirement of face coverings for all persons.
- Screening staff/customers for possible illness or COVID-19 exposure and excluding those who are ill/have been exposed from entry.
- Food service to follow Phase Two Directive regarding restaurants.

EMPLOYMENT

As municipalities open back up for business, we are faced with numerous challenges regarding how best to ensure a smooth transition and to protect all employees as well as the public. Several important and sensitive concerns arise in relation to a return to work including:

COVID-19 Screening

- Employers may take temperatures and ask questions related to COVID-19 symptoms.
- Per the Equal Employment Opportunity Commission (EEOC), “The ADA permits employers to make disability related inquiries and conduct medical exams if job-related and consistent with business necessity. Inquiries and reliable medical exams meet this standard if it is necessary to exclude employees with a medical condition that would pose a direct threat to health or safety.”

Previous Exposure/Previous Infected with COVID-19

- Per the EEOC, an employer may require a physician’s note certifying the employee’s fitness for duty. The employer may also choose to test an employee, “The ADA requires that any mandatory medical test of employees be ‘job related and consistent with business necessity.’ Applying this standard to the current circumstances of the COVID-19 pandemic, employers may take steps to determine if employees entering the workplace have COVID-19 because an individual with the virus will pose a direct threat to the health of others. Therefore, an employer may choose to administer COVID-19 testing to employees before they enter the workplace to determine if they have the virus.”

Weakened Immune System/Vulnerable Population

- An issue that may arise is that of an employee who is at higher risk of a severe illness who wishes to return to work.
- Per the EEOC, “Even if an employer determines that an employee’s disability poses a direct threat to his own health, the employer still cannot exclude the employee from the workplace—or take any other adverse action—unless there is no way to provide a reasonable accommodation (absent undue hardship).”

FMLA

- The Families First Coronavirus Response Act (FFCRA) has expanded the FMLA to accommodate several COVID-19 related scenarios, however, the maximum amount of time that an individual may take annually remains 12 weeks.

Masks/PPE

- Masks in regard to the Americans with Disabilities Act (ADA): Per the EEOC, “An employer may require employees to wear protective gear (for example, masks and gloves) and observe infection control practices (for example, regular hand washing and social distancing protocols). However, where an employee with a disability needs a related reasonable accommodation under the ADA (e.g., non-latex gloves, modified face masks for interpreters or others who communicate with an employee who uses lip reading, or gowns designed for individuals who use wheelchairs), or a religious accommodation under Title VII (such as modified equipment due to religious garb), the employer should discuss the request and provide the modification or an alternative if feasible and not an undue hardship on the operation of the employer’s business under the ADA or Title VII.”

Contact Tracing

- Municipalities may consider keeping a log of entrants into city buildings in the event that contact tracing becomes necessary.
- To learn more about contact tracing, visit www.healthy.arkansas.gov/programs-services/topics/COVID-19-contact-tracing.

Signage

- A major component of reopening cities and towns will be the proper use of signage.
- Signage will be necessary for multiple purposes such as: instructing entrants to wear masks,

informing entrants that they will be screened for COVID-19 and for what symptoms, instructing entrants where to stand and how far apart, instructing entrants where to proceed to handle various items of business, and reminders to wash and sanitize hands.

- Municipalities may consider placing signage in locations such as: city hall, parks and community centers, each of which will have its own unique needs.
- Templates for a variety of signs can be found on the League’s COVID-19 Resources page.

Efforts to Control Infection

- A major undertaking that cities will face during reopening are the efforts that will be necessary to clean and sanitize effectively.
- The Centers for Disease Control and Prevention (CDC) and the Environmental Protection Agency (EPA) offer advice on the topic, which may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html> and <https://www.epa.gov/coronavirus/guidance-cleaning-and-disinfecting-public-spaces-workplaces-businesses-schools-and-homes>.

Measures to protect against infection might include:

- **Split/Staggered Shifts:** Cities may also consider splitting their shifts and cross-training employees in the event of a secondary COVID-19 outbreak. This may serve to both protect the health of employees while also safeguarding against all employees facing potential exposure.
- **Barriers:** The use of plastic barriers may help to protect employees who must work together in close quarters or with the public.
- **PPE:** If possible, have extra masks and gloves for citizens who do not have their own but need to enter a city building to conduct business. Keep hand sanitizer available and visible.

Council Meetings/Usual Business

- Although the governor’s executive orders exempt municipal and county governing bodies from the 10-person gathering rule, members of the public who attend meetings, or who enter public buildings to attend to usual business, must be protected by allowing ample space for social distancing.
- Rearranging furniture, taping off sections to establish where entrants may stand or sit, displaying appropriate signage, erecting plastic barriers, and providing masks/gloves/sanitizer for entrants may be considered.

District Courts

- In regard to the resumption of in-person proceedings, speak directly with your district court judge as well as your county judge and sheriff.
- Per Chief Justice Kemp, “The task force recognizes the diverse nature of the district courts and that implementation of the recommendations may vary from court to court.”
- Stay updated on the latest from the Arkansas Supreme Court in relation to COVID-19 here: <https://www.arcourts.gov/arkansas-supreme-court-statement-novel-coronavirus-outbreak-and-courts>.

Children in the Workplace

- Due to COVID-19, some employees may no longer have childcare, while others may have exhausted their FMLA.
- Municipalities may begin to consider how to approach children in the workplace.
- Factors to consider include the health and safety of employees and children, the type of duties and space the employee occupies, current policy on children in the workplace, and potential liability.

Families First Coronavirus Response Act (FFCRA)

- To see the Arkansas Municipal League’s Summary of Families First Coronavirus Response Act (“FFCRA”) HR 6201, visit the COVID-19 Resources page.

POTENTIAL SOURCES OF COVID-19 EXPENSE REIMBURSEMENTS

- Many COVID-19 expenses may be reimbursable through various sources.
- Although the League cannot guarantee that any particular cost will be reimbursed, we do strongly recommend that all COVID-19-related costs be documented in detail.

FEMA Public Assistance Program (Category B)

- Local governments may apply.
- FEMA will cover eligible costs at 75 percent.
- Assistance may not be provided by multiple governmental agencies for the same expense.
- Read the fact sheet here: <https://www.fema.gov/news-release/2020/03/19/coronavirus-COVID-19-pandemic-eligible-emergency-protective-measures>.

Eligible assistance includes:

Management, Control and Reduction of Immediate Threats to Public Health and Safety:

- Emergency Operation Center costs.
- Training specific to the declared event.
- Disinfection of eligible public facilities.
- Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety.

Emergency Medical Care:

- Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility.
- Related medical facility services and supplies.
- Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons).
- Use of specialized medical equipment.
- Medical waste disposal.
- Emergency medical transport.

Medical Sheltering (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs):

- All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures.
- Non-congregate medical sheltering is subject to prior approval by FEMA and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the public health emergency.

In addition to:

- Household pet sheltering and containment actions related to household pets in accordance with CDC guideline.
- Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits movement of supplies and persons.
- Security and law enforcement.
- Communications of general health and safety information to the public.

- Search and rescue to locate and recover members of the population requiring assistance.
- Reimbursement for state, tribe, territory and/or local government force account overtime costs.

Coronavirus Aid, Relief and Economic Security (CARES) Act

*This source of funds has not yet been made available to municipalities; however, the League continues to work toward this goal.

- The CARES Act established the Coronavirus Relief Fund. \$150 billion was appropriated to this fund.
- Under this fund, Arkansas received the minimum allocation of \$1.25 billion. No Arkansas cities were allotted direct funds as no city within Arkansas met the population threshold of 500,000.
- The CARES Act provides that these funds may only be used to cover expenses which:
 - (1.) Are necessary expenditures incurred due to the public health emergency in relation to COVID-19;
 - (2.) Were not accounted for in the budget most recently approved as of March 27, 2020, for the state/government; and
 - (3.) Were incurred during the time period of March 1, 2020, through December 30, 2020.

Criteria

- Funds may be used to cover costs incurred in response to the COVID-19 public health emergency.
- However, funds *may not* be used to replace lost revenue.
- Funds *may not* be used for damages covered by insurance, payroll/benefit expenses for employees whose work is not substantially dedicated to mitigating/responding to the COVID-19 health crisis, and expenses that have been/will be reimbursed under another federal program.

Per the U.S. Department of the Treasury, eligible expenditures include, but are not limited to, payment for:

Medical Expenses:

- COVID-19-related expenses of public hospitals, clinics and similar facilities.
- Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
- Costs of providing COVID-19 testing, including serological testing.

- Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
- Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.

Public Health Expenses:

- Expenses for communication and enforcement by state, territorial, local and tribal governments of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
- Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
- Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
- Expenses for public safety measures undertaken in response to COVID-19.
- Expenses for quarantining individuals.

Payroll Expenses:

- For public safety, public health, health care, human services and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

Expenses for Actions to Facilitate Compliance with COVID-19-related Public Health Measures:

- Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
- Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
- Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
- Expenses of providing paid sick and paid family and medical leave to public employees to enable

compliance with COVID-19 public health precautions.

- COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
- Expenses for care of homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

Expenses Associated with the Provision of Economic Support in Connection with the COVID-19 Public Health Emergency:

- Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
- Expenditures related to a state, territorial, local or tribal government payroll support program.
- Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

**Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.*

Costs Not Accounted for in the Budget Most Recently Approved as of March 27, 2020:

Per the U.S. Department of the Treasury:

“A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency.”

Treasury guidance regarding the Coronavirus Relief Fund may be found at:

- <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>
- <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

United States Department of Justice (DOJ) Coronavirus Emergency Supplemental Funding Program (CESF)

- Direct or pass through from the Arkansas Department of Finance.
- Grant permits limited (10 percent) administration costs. There is also the potential instead of including up to 10 percent of the total grant budget as indirect costs which will let it be returned to the city's general fund.
- Additional information about this funding can be found at www.arml.org/grants.
- Eligible expenses include, but are not limited to:
 - Overtime
 - Equipment (including law enforcement and medical personal protective equipment)
 - Hiring additional personnel
 - Supplies (such as gloves, masks, sanitizer)
 - Travel expenses (particularly related to the distribution of resources to the most impacted areas)
 - Projects addressing the medical needs of inmates in local prisons, jails and detention centers

HUD Community Development Block Grant (CDBG)

- HUD has amended its planning documents to permit FY 2019 and 2020 funds to also be used for responding to the pandemic.
- It has temporarily eliminated the 15 percent cap on the use of CDBG funds for public services (homelessness, elderly services, employment, crime prevention, childcare, health, drug abuse, etc.).
- Permits three months' worth of income assistance for individuals located in entitlement cities and also for pass through entities provided that the state approves such in its plan.
- Additional information about this funding can be found at: https://www.hud.gov/program_offices/comm_planning/cdbg_programs_COVID-19.
- Eligible expenses:
 - Costs of preventing, preparing for, and responding to the coronavirus pandemic, regardless of the date the costs were incurred.
 - Cities with populations over 50,000 are considered to be entitlement cities and receive their CDBG money directly from HUD.
 - The remainder, may apply to the Arkansas Economic Development Commission when the next round of funding is announced in late summer or fall. 🏛️

Deadlines approaching for 2020 municipal elections

The primaries are behind us, but there are several important deadlines approaching for candidates running for municipal office. Below are the key coming dates. For an in-depth look at the election process and the Arkansas statutes that govern it, please refer to the article “2020 Municipal Election Information: Deadlines for filing and other important dates” in the October 2019 issue of *City & Town*.

Filing Dates

General Election (for Independents): From noon July 24, 2020, until noon Aug. 14, 2020. ACA 14-42-206(b)(1).

Election Dates

General Election: Tuesday, Nov. 3, 2020. ACA 7-5-102.

General Election (Runoff): Tuesday, Dec. 1, 2020. ACA 7-5-106.

City Administrator Form of Government

Deadlines for filing and other important dates:

Tues., Aug. 11, 2020—Primary Election for Directors and Mayor when more than two are seeking the office (second Tuesday in August preceding the municipal general election, which is Nov. 3, 2020). ACA 14-48-109(a)(2).

City Manager Form of Government

Deadlines for filing and other important dates:

Deadline for all candidates for petitions of nomination and political practice pledges not more than one-hundred two (102) days (July 24, 2020) nor less than eighty-one (81) days by noon (Aug. 14, 2020) before general election, which is Nov. 3, 2020. ACA 14-47-110(a)(2).

Thursday, Aug. 20, 2020—Deadline for city clerk to certify names of candidates for director to county board of election commissioners, unless petition fails to meet standards seventy-five (75) days before general election, which is Nov. 3, 2020. ACA 14-47-110(a)(3)(D).

Political Practice Pledge and Affidavit of Eligibility

For independent candidates: During the period for filing petition for nomination from July 24, 2020, until noon Aug. 14, 2020. ACA 7-6-102(a); 14-42-206(b)(3).

Financial Disclosure Statements

Independent candidates for elective office must file a statement of financial interest for the previous year (2019) on the first Monday following the close of the filing period, which is Aug. 17, 2020. ACA 21-8-701(c); ACA 21-8-703.

Reports of Contributions and Expenses

Pre-election Report—No later than seven (7) days prior to any preferential primary, runoff, general, or special election. Not required if contributions and expenditures are each less than five hundred dollars (\$500), or if candidate runs unopposed.

Final Reports—No later than thirty (30) days after the end of the month in which the candidate’s name has appeared on the ballot, regardless of whether a candidate has received contributions and/or expenditures in excess of five hundred dollars (\$500). A candidate who withdraws shall file within thirty (30) days of withdrawal a report of any contributions and expenditures not previously reported.

Supplemental Reports—After the final report, within thirty (30) days of contribution or expenditure. ACA 7-6-208.

Officials elected take office: Jan. 1, 2021.

GOVERNOR'S LONG TERM HIGHWAY FUNDING PLAN

RENEW HIGHWAYS

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On November 3, 2020,
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FOR MORE INFORMATION ABOUT WHAT WOULD HAPPEN IF "ISSUE ONE" PASSES OR FAILS,

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86th Annual Virtual Convention

August 19-21, 2020

MONTHS

01

DAYS

03

HOURS

00

Countdown to Convention.

There is no fee for the Virtual Convention.
Registration link will be announced soon.

Contact Whitnee Bullerwell at
wvb@arml.org for more information.



86th Annual Virtual Convention

August 19-21, 2020

TENTATIVE PROGRAM IN BRIEF

WEDNESDAY AUGUST 19	1:30 p.m.-2:30 p.m.	Welcome and Opening General Session
	2:30 p.m.-3:00	Opioid Litigation Update
	3:15 p.m.-4:15 p.m.	Resolutions Committee Meeting
THURSDAY AUGUST 20	10:00 a.m.-12:00 p.m.	General Sessions
	1:00 p.m.-1:30 p.m.	Be Local Be Heard Initiative
	1:30 p.m.-1:45 p.m.	86th Awards Part 1
	1:45 p.m.-2:45 p.m.	Resolutions Committee Meeting
FRIDAY AUGUST 21	10:00 a.m.-11:30 a.m.	State of the League Address
	11:45 a.m.-12:00 p.m.	Farewell Presidential Address
	12:00 p.m.-12:15 p.m.	2020-2021 Officers
	12:15 p.m.-12:30 p.m.	Presidential Address
	12:30 p.m. -1:00 p.m.	86th Awards Part 2

RESOLUTIONS

Suggested resolutions for consideration at the 86th Annual Convention should be mailed to:

86th Convention Resolutions
Arkansas Municipal League
P.O. Box 38
North Little Rock, AR 72115-0038

The deadline for resolution submission is Friday, July 17.

Resolutions may be drafted by an official of any member city or town and can relate to any matter of municipal concern. See your **2019-2020 Policies and Goals** for resolutions adopted at the 85th Convention.

WANTED: Elected city officials with 25 years of service

Were you elected and began serving your city or town in 1995? The League would like to know.

The League will give special recognition to **elected city and town officials** who are in their 25th year of municipal service at the 86th League Annual Virtual Convention, August 19-21, in Little Rock.

Names must be submitted to the League by July 17.

Call Whitnee Bullerwell at 501-978-6105; Sheila Boyd, 501-537-3785; or write to P.O. Box 38, North Little Rock, AR 72115-0038.



86th Annual Virtual Convention

August 19-21, 2020

Wednesday, August 19th, 2020 Tentative Agenda

1:30 p.m.	WELCOME TO THE 86TH VIRTUAL CONVENTION
1:45 P.M. to 2:30 P.M.	OPENING GENERAL SESSION THE RESPONSIBILITY OF LEADERS IN TIMES OF UNCERTAINTY
2:30 P.M. to 3:00 P.M.	UPDATE ON OPIOID LITIGATION
3:00 P.M. to 3:15 P.M.	BREAK
3:15 P.M. to 4:15 P.M.	RESOLUTIONS COMMITTEE
4:15 P.M.	WRAP FOR WEDNESDAY/THURSDAY PREVIEW

Thursday, August 20th, 2020 Tentative Agenda

10:00 A.M. to 11:00 A.M.	LEGISLATIVE MATTERS OF INTEREST
11:00 A.M. to NOON	CARES ACT AND FEMA UPDATES REGARDING COVID-19
NOON to 1:00 P.M.	LUNCH BREAK
1:00 P.M. to 1:30 P.M.	BE LOCAL BE HEARD INITIATIVE
1:30 P.M. to 1:45 P.M.	86TH VIRTUAL CONVENTION AWARDS RECOGNITION PART 1
1:45 P.M. to 2:45 A.M.	RESOLUTIONS COMMITTEE
2:45 P.M.	WRAP FOR THURSDAY/FRIDAY PREVIEW



86th Annual Virtual Convention

August 19-21, 2020

Friday, August 21st, 2020 Tentative Agenda	
10:00 A.M. to 11:30 A.M.	STATE OF THE LEAGUE ADDRESS
11:30 A.M. to 11:45 A.M.	BREAK
11:45 A.M. to NOON	FAREWELL PRESIDENTIAL ADDRESS
NOON to 12:15 P.M.	INTRODUCTION OF 2020-2021 OFFICERS
12:15 P.M. to 12:30 P.M.	INCOMING PRESIDENTIAL ADDRESS
12:30 P.M. to 1:00 P.M.	86TH VIRTUAL CONVENTION AWARDS RECOGNITION PART 2
1:00 P.M.	CLOSING MESSAGE

Meeting Calendar

August 19-21, 2020, Arkansas Municipal League 86th Annual Virtual Convention. Virtual Event.

November 18-21, 2020, National League of Cities City Summit; Tampa, Florida.

January 13-15, 2021, Arkansas Municipal League Winter Conference.

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Meet David Baxter, general manager of health, safety and operations for the Arkansas Municipal League.



City & Town: What are your duties and responsibilities at the Arkansas Municipal League?

David Baxter: I am the general manager of health, safety and operations. I provide training for our cities on a variety of topics, including police and city employee defensive driving, respect and understanding, and wellness. I am also responsible for AML campus safety and security.

How long have you been working at the League? I started in January 2009. Before that I spent 12 years with the North Little Rock Police Department. The late Executive Director Don Zimmerman hired me to start a training program to reduce driving liability for member municipalities and help police officers become safer drivers.

How has the League changed since you started? The one area that has changed dramatically is the amount of training that we offer. We have been able to take that to the next level.

What is the biggest lesson you've learned working for the cities and towns of Arkansas? As a former police officer, I thought I knew how cities of various sizes operated. But I didn't know about all of the daily administrative activities that make a municipality work. The one lesson I've learned is that city clerks really keep their municipalities afloat and they get things done.

What advice would you have for someone just getting into public service? I learned early on that once the public sees you as a police officer, they cannot see you as a private citizen. Their perception of you as an officer is always there even if you are not in uniform. Anyone in public service tends to be under the microscope, regardless of the department they represent. People entering public service would do well to understand this right from the beginning of their careers.

Where did you grow up? I grew up about 15 minutes from the original Louisiana Purchase survey marker in Brinkley. The folks there are as friendly and easy going now as I remember from when I was a kid. The one thing that has changed is that the population has somewhat dwindled.

What is your favorite spot in your hometown? If anyone ever had a Sonic in their hometown growing up, you know how important that place was. I have good memories of my grandmother buying me a cheeseburger and shake when I was little, and cruising around it endlessly in my teenage years.

What is your favorite part about working for the Arkansas Municipal League and the cities and towns of Arkansas? Municipal officials and employees are the ones who make a real difference in their neighbors' lives. This is the most satisfying part for me, knowing that I can help, even just a little, to assist those who take care of their citizens. 🏠

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Dave Mims 770.670.6940 x110 dave@mims@sophicity.com www.sophicity.com	Chris Hartley 501.978.6106 chartley@arml.org www.arml.org	

Meet Barbara Blackard, city clerk/ treasurer for the city of Clarksville.

City & Town: What are your duties and responsibilities at the city of Clarksville?



Barbara Blackard: We wear many hats as clerk/treasurer. I am the official record keeper for the city, so I take all the minutes and maintain the ordinances, resolutions and all official records. As treasurer we receive all revenues for the city and are responsible for all the expenditures along with payroll for all departments. I maintain the budgets and help with personnel.

Why did you choose your profession? I was approached by several people to run for the position of clerk/treasurer. At the time the company I was employed by was closing. I decided to run and won!

What's your favorite aspect of your job? What's the biggest challenge? I enjoy the treasurer side. The biggest challenge to me is the budgeting process. Trying to make each department live within the budget while at the same time making sure they have what they need is tough.

What's your favorite spot in Clarksville? Walking trails. I walk from city hall at noon along the Spadra Nature Trail to the iron bridge over the Spadra Creek (3 miles). It is a great stress reliever and a beautiful walk through tranquil forests.

What is the public perception of your job versus the reality of your job? That this position is an easy job. Maintaining multiple budgets and taking care of the city finances can be very time consuming and stressful along with the day-to-day activities of collecting the money and paying the bills.

In what season does Clarksville shine the most? The fall is a beautiful time in Clarksville. We have an abundance of trees along our trail system and the changing colors are magnificent!

What was your favorite subject in school? Literature. I love to read.

What's the biggest lesson you've learned by working for a city government? Everyone thinks we have all the money!

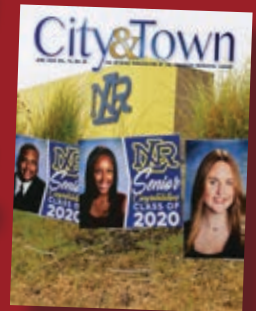
What advice do you have for someone who would like to follow your footsteps into this job? Take every opportunity you get for training. It is amazing what I still learn after doing this job for over 25 years.

What are three "can't miss" things that someone can do if they visit Clarksville? The aquatic center, Spadra Creek Trail system and the Johnson County Historical Museum. The Spadra Creek Trail features three components: an ADA-compliant greenway, a single-track system, and the scout trail that offers fishing opportunities for bluegill, white bass, largemouth bass and catfish! 🐟

Missed us?

You can download last month's issue or older issues of *City & Town* that you might have missed.

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PHOTO BY JIM VON TUNGELN

Fences are tough to regulate. Sometimes property owners do it better themselves.

To regulate or not to regulate. That is the question...

By Jim von Tungeln

There’s a truism in the planning function of our cities: If you think your job is to solve problems, you work on solving problems, and regulations may become a necessary part of the solution. If you think your job is to write regulations, you work on writing regulations, and a problem may become a necessary part of justifying the regulations.

We find this is particularly true in zoning codes. As we try to remove the slightest vestiges of uncertainty, we find codes heavier and more confusing. We can carry a copy of the U.S. Constitution in our pocket, while we may need a cart to transport a zoning code.

Do we need to eliminate regulations? Hardly. As James Madison noted in *Federalist Paper* No. 51, “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and the next place, oblige it to control itself.”

Of course, he meant to say “people” instead of “men,” but his editor missed the correction. The first sentence of his quote appears much more often than the last. That suggests a look at planning regulations. To keep it manageable, let’s limit the discussion to zoning.

To begin, what is it that allows cities to govern the private use of land? It is the so-called “police power.” Our state planning statutes allow a planning commission, after adoption and filing of the land use plan, to prepare (for submission to the legislative body) a recommended zoning ordinance for the entire area of the municipality. The ordinance (or code) may cover matters that “are necessary to the health, safety, and general welfare of the municipality.” There it is, the most basic test for a zoning regulation. There are other considerations, but staying within the police power provides the starting line. Courts use the Latin phrase *sine qua non*, meaning a condition without which it could not be. In common terms: If you ain’t got this, you ain’t got nothing.

Sticking with this primary test, how can planners decide if a regulation passes it? Common sense makes some decisions easy. Side yard requirements for fire

protection would pass. A city's requirement that each new house must have a front porch would not. (At least most planners would agree.)

What about the more complicated issues? These make for long meetings and confused outcomes. Will common sense prevail? Would it best be covered with private covenants? Will the issue require regulatory attention? If so, will a definition suffice? If not, how deeply must we go? (Remember that founding document that fits in a pocket?)

First, must we regulate? Some management experts suggest a sort of "three-point examination." The first point sets forth a reason assuming the need for regulating: the hypothesis. The second point supports the first. The third point settles the issue. Of course, all three points must meet the threshold requirement of the police power.

As mentioned, it grows more complicated according to how much thought is expressed. Take the common land use issue of fencing, for example. One might state that it is a matter of safety and stability that fencing ought not prevent public safety officers from performing their duties. It could be argued that commercial properties may be secured from theft and vandalism. It could be argued that fencing should be required between residential properties and newly rezoned commercial property. It could be argued that regulations are appropriate to prevent residential property owners from fencing their front yards with white picket fences because that looks old fashioned. Uh, wait, maybe not.

Let's get back to the police power in fencing of residential property. Fencing should not, as stated, deter public safety officers during emergencies. They, and other municipal officials, including code enforcement personnel, should enjoy visual surveillance from the street. Fencing at intersections should not block the view of pedestrians or motorists. Fencing should not pose a danger to passers-by. Pieces of fencing should not bounce around the neighborhood during high winds. And, some will argue, fencing should not exert a blighting influence on neighboring property or the entire neighborhood.

This drags planners into the quirky world of defining "blighting influence." Before descending into that swamp, regulators should recall that two of the highest profile "broohahas" involving charges of one property's owner diminishing the value of adjacent properties arose in regard to multi-million-dollar homes. One uproar was in West Palm Beach, Florida. The other was in Santa Monica, California. Enough said.

There are rusty automobiles, hoarding collections, broken glass and junk piles, all easily classified as dangerous and promoting disease and vermin vectors. But here is no accounting for, or defining of taste, and woe be unto the planner who tells the mayor and elected officials that there are.

Getting back to definitions: First, definitions should define, not regulate. They should be carefully considered and not copied carelessly from some other city. Second, no matter how sincere and well-founded the effort, defining must stop somewhere. Consider this typical conversation among regulation writers:

"Okay, you can have a fence four feet high in the front yard."

"Okay, let's define front yard."

"Okay, it's the space between the front of the house and the property line."

"Okay, what about roof overhangs? Part of the front of the house? Front porches? Foundations? Bay windows?"

[Sounds of snoring.]

It's not an easy job, writing zoning regulations. It is a practice that is difficult enough on its own and requires no help from overzealous planners. Following are some tips.

- Regulate to carry out the land use plan and not to achieve a planner's view of the ideal neighborhood. Planners are almost always wrong about taste, at least as it is perceived by the citizenry.
- Keep it simple. Is the problem a common and recurring one, or a 100-year occurrence?
- Allow some degree of common sense. The board of zoning adjustment is there (by statutory requirement) to resolve disputes in interpretation. The courts will also help, we are told.
- As mentioned, spend more time on definitions and less on "gotcha" regulations.
- If the issue takes more than three pages to regulate a plan's provision, rethink the plan.
- Don't try to make things foolproof. It is a foolhardy enterprise.
- Make every regulation fight for its life with three valid reasons for its existence.

It is also important to remember the advice of author Donald L. Elliot in his book *A Better Way to Zone*: "Part of making zoning effective is deciding which good ideas do not belong in the ordinance, either because their contribution to the goal is minimal or because administration would be complex, intrusive, or expensive."

Finally, does the regulation address the health, safety, welfare and morals of the community, thereby making your city attorney happy?



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Title VII protects LGBTQ+¹ employees

By John L. Wilkerson, League staff

On June 15, 2020, the U.S. Supreme Court handed down an opinion—written by Justice Neil Gorsuch—establishing that Title VII of the Civil Rights Act of 1964 (“Title VII”) protects employees against employment discrimination based on sexual orientation and gender identity. The 6-3 opinion of *Bostock v. Clayton County*, 590 U.S. ____ (2020) holds that discrimination based on a status of sexuality or transgender identity is necessarily discrimination based on “sex.”

Here at the Arkansas Municipal League, we have long encouraged and taught equality based employment practices as a matter of best practices. However, now that *Bostock* is the law of the land, I thought it pertinent to address the newly defined application of Title VII and offer a legal explanation of the Supreme Court’s language. I will touch on the practical lessons that can be gleaned from the decision that will relate to your employment practices going forward. Finally, I want to clarify what is not impacted by the decision.

Title VII protections

Any discussion of the decision in *Bostock* must first start with Title VII, which prohibits discrimination against an “individual with respect to [their] compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.”² Cases involving Title VII are a common occurrence, but the question of whether the prohibition on discrimination because of an individual’s sex extends to a prohibition on discrimination because of an individual’s sexual orientation had been left unanswered, until now.

With that question in mind, it is important to understand a bit about three cases previously decided by the Supreme Court that served as the roadmap for Justice Gorsuch’s opinion in *Bostock*. Perhaps the most important of these cases is *Oncale v. Sundowner Offshore Services, Inc.*³

The facts in *Oncale* centered around the issue of whether male-on-male, or same-sex, sexual harassment was unlawful under Title VII. Joseph Oncale claimed he had been repeatedly harassed at his job by another male employee—this alleged harassment, which included

calling Mr. Oncale names suggesting he was a homosexual and threats of forcing Mr. Oncale to have sex with other male employees, resulted in Mr. Oncale quitting his job. The Supreme Court held the harassing of Mr. Oncale was prohibited under Title VII—according to the Court, the harassment of Mr. Oncale was because of his sex.

Two other cases formed the basis for Justice Gorsuch’s opinion in *Bostock*. The first is *Phillips v. Martin Marietta Corp.*; in that case, the Martin Marietta Corporation refused to hire women with infants but hired men with infants.⁴ The corporation defended its actions by claiming that this discrimination was not “based on sex” but the fact that the women had infant children. The Court largely rejected that argument and held that discrimination has occurred by treating women with infant children differently than men with children. Finally, in *Los Angeles Dept. of Water and Power v. Manhart*, the city of Los Angeles required women to pay more into their pension fund than men—this, according to the city, was based on statistical findings that women lived longer than men. The Court, despite the city showing that it treated female employees well otherwise, held that requiring higher pension contribution rates for women amounted to discrimination because of an individual’s sex.⁵

With these rulings in mind, the plaintiffs in the *Bostock* case sued their employers, claiming their being homosexual or transgender amounted to discrimination because of their sex. While the three cases above each concerned a single instance of discrimination, the *Bostock* case concerned three individual claims of discrimination from three different lawsuits from around the country—two cases centered on claims of discrimination against homosexual men and the third was a claim of discrimination against a transgender employee. Rather than decide the three cases separately, the Court merged the three claims together.

The namesake of *Bostock* is Gerald Lynn Bostock, an award-winning child welfare advocate who was fired after “influential members of the community” complained about his participation in a gay men’s softball league. Donald Zarda claimed he was fired as a sky diving instructor after he mentioned to a customer that

¹ Lesbian, gay, bisexual, transgender, queer, and other degrees of sexual and gender identification.

² 1964 Civil Rights Act § 2000e–2(a)(1).

³ 23 U.S. 75 (1998).

⁴ 400 U.S. 542 (1971).

⁵ 435 U.S. 702 (1978).

he was gay. Aimee Stephens brought the final claim of discrimination; she claimed her employer terminated her after Ms. Stephens revealed she would be transitioning from being a man to being a woman—Ms. Stephens had been hired when she was a man.

Each individual claimed they were discriminated against because of their sex; however, each of the employers claimed the discrimination was not based on their sex, but rather their sexual orientation. Justice Gorsuch agreed with each individual and held that “discrimination based on homosexuality or transgender status necessarily entails discrimination based on sex; the first cannot happen without the second.” As Justice Gorsuch wrote, “[i]t doesn’t matter if other factors besides the plaintiff’s sex contributes to the decision,” when the sex of the employee is in some way a deciding factor, the employer has broken the law.⁶ Just like in *Oncale*, discrimination because of sex exists when men discriminate against another man by calling him homosexual slurs and threatening to force him to have sex; or, like in *Phillips*, discrimination exists when women are not hired because they have kids, but men are; or, like in *Manhart*, discrimination exists when women pay more than men because women live longer. For Justice Gorsuch, “sex,” as it pertains to Title VII is purposefully broad so that it can entail all that is associated with “sex.” In other words, “sex” is not just the anatomical designation of an individual as male or female, but rather “sex” is an umbrella term that blankets individual employees, protecting them from discrimination that directly or tangentially stems from their sex.

While discrimination based on sexual orientation and gender identity may not be sex-based discrimination at first glance, the court has now held that “it is impossible to discriminate...for being homosexual or transgender without discriminating...based on sex.”⁷

What is not affected by this ruling

Naturally, there has already been speculation about the impact this ruling may have beyond employment discrimination issues, i.e. gender-neutral bathrooms and locker rooms. While I do anticipate this court ruling to be cited in future cases and have a ripple effect in matters of LGBTQ+ rights, there is little to do but speculate as to what impact this ruling will have beyond the seismic shift it has had on Title VII. In fact, Justice Gorsuch made it a point to note that this opinion does not “address bathrooms, locker rooms or anything else of the kind.”

⁶ See *Bostock* at 9.

⁷ See *Bostock* at 9.

⁸ See *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S.171, 188 (2012).

⁹ *Garcetti v. Ceballos*, 547 U.S. 410, 418 (1951).

Justice Gorsuch, however, did allude to what impact this ruling may have on the issues of whether someone’s religious freedom allows them to discriminate against LGBTQ+ individuals. He noted the Court has previously recognized that the First Amendment may supersede Title VII for religious based businesses and institutions; he also noted that Congress has passed the Religious Freedom and Restoration Act (RFRA), which prohibits the federal government from “substantially burdening a person’s exercise of religion.”⁸ RFRA, as Justice Gorsuch noted, “might superseded Title VII’s commands in appropriate cases.”

However, as for the religious freedom issue, it is important to remember that courts differentiate between public employees and private citizens when considering the application of religious freedom. Simply put, while a government may not demand that a public employee forfeit their religious freedoms as a prerequisite to their employment, a public employee cannot rely on laws protecting their religious freedom to violate the constitutional rights of a private citizen. By holding public office or accepting public employment, individuals necessarily accept the limitations that come with representing a governing body.⁹

In closing

I have no doubt that the cities and towns of Arkansas have long been mindful that discriminating against LGBTQ+ employees is wrong. Even so, the *Bostock* decision is important to make clear that discrimination against employees because they are homosexual or transgender is prohibited under the law. The prohibition against discrimination on the basis of sexual orientation includes the prohibition of harassment on the same basis. I would advise your city or town discuss this decision with your municipality’s human resources director, city attorney, supervisors and anyone else who might need to know. Also, please review your employment manuals to ensure discrimination against LGBTQ+ employees is prohibited. If you have any other questions, feel free to give me a call. I will be happy to help.



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Magnolia's Mule Kick makes community part of business plan

By William Gloster

After watching her mom-and-pop gas station in Taylor burn in the fall of 2017, business owner Christy Ouei and partner Burt Adams realized the cost to rebuild was prohibitive. The couple set their sights on opening a unique establishment in nearby Magnolia, one that would link the city and Columbia County with Southern Arkansas University (SAU). The business opened in June 2019 under the name Mule Kick and quickly became a major player in the community and economy of the region.

According to its website, www.mulekickmag.com, Mule Kick is “proud to offer unique pizza of the highest quality! From dairy free cheese to gluten-free crusts, we feature options so that everyone can enjoy our fare. In addition to the pizzas, we have coffee, ice cream and snacks all made inside the Natural State.” I sat down for a Q&A with Ouei to learn more about Mule Kick and its impact on the surrounding community.

Q: What is the driving goal of your business?

Ouei: Business models suggest that there be one featured area and one driving goal. While that may be best for many businesses, I could not adopt that for Mule Kick. Customers pay for an experience, and we aim for them to have that every time. Our beer doesn't take a backseat to our coffee, and our pizza doesn't sit in second behind the beer. We are all of those things equally. We are simply more than you expect us to be.

We are the first restaurant in our area to make a wholehearted effort to be green. Promoting products made in Arkansas not only cuts down on fuel requirements to bring in products from other states, but it highlights features of our state that Magnolians might not have known about otherwise.

In what ways does Mule Kick get involved with the city of Magnolia and SAU?

I want to let the community see us (all of us, managers and employees) working alongside them in Relay for Life, city cleanup days and homecoming events. We will not just be the pizza place on the north end of town.



PHOTO COURTESY MULE KICK

Mule Kick signage incorporates iconography familiar to anyone from Magnolia, home of the SAU Muleriders. It's just one way the business has aimed to not just serve the community but be a part of it.

We don't just have music on Saturday nights. We host trivia nights, comedy nights, painting on the patio, painting with a pro, classes to make reusable grocery bags out of old t-shirts, improv and talent shows. We sponsor many sporting events with SAU and Magnolia. I am on the board of the Magnolia Blossom Festival, Kiwanis Club as well as the Workforce Development Board.

Describe how Mule Kick connects with SAU students and prepares them to enter the workforce of the region.

In hiring primarily SAU students, we wanted to be the springboard for them into a job within their career. We felt like they needed structure in an environment where making mistakes was considered learning and not failing. When we decided on a [business] name, we hosted a logo contest among the junior and senior graphic arts majors. It gave us a great connection to the art department and gave three students published work for their portfolios.

I feel like college preparation (no matter how thorough) can only take you so far. Eventually you have to get out into the real world and experience it for yourself. Mule Kick shines in this aspect. I hired an accounting assistant that is now working for Murphy Oil as an accountant; my technical officer is now working full time for a bank as their technical officer. One of our team members, who is a bartender and my brand manager, has started his own clothing apparel line.

How have you adjusted your operations to combat the COVID-19 pandemic, and what advice would you give to other business owners during this time?

The person I rely on most heavily now is my social media manager. She is the voice of Mule Kick to the world. We had a meeting right after we shut our doors and talked about how it was imperative that we remain visible to our customer base. We serve pizza and beer, but we also sell atmosphere, an atmosphere that we now have to give away for free so that we will still have customers on the other side of COVID-19.

I would also tell other business owners to not take this time for granted! We have all been given a reprieve (unwelcome as it may be) from the constant motion of being in business. Haven't had time to train that new staff? Now you do. Haven't balanced your checkbook in the last year? You have plenty of time. Got a crew that isn't connected as well? Have a potluck meal!

Mule Kick represents what small, local businesses can achieve when entrepreneurs integrate their distinct passions and ideas with the communities they serve. To learn more about the products and services offered by Mule Kick, visit www.mulekickmag.com.



Will Gloster is the graduate assistant for the University of Central Arkansas Center for Community & Economic Development. He is an alumnus of the Norbert O. Schedler Honors College and earned his Bachelor of Science in applied mathematics and economics from UCA in 2019. He is currently pursuing a Master of Business Administration with a concentration in data analytics.

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Staying on top of your diabetes during COVID-19

By Joseph Henske, M.D.

For people living with diabetes, the COVID-19 pandemic brings special considerations. With more than one in nine adult Arkansans living with diabetes and more than a third of adults in Arkansas having prediabetes, we need to be aware of the effects of COVID-19 in this population.

While they are not at any greater risk of contracting the coronavirus, those with elevated blood glucose levels are at a greater risk for more severe symptoms and complications should they become infected. They will experience higher levels of inflammation, more frequent co-infections, and are more likely to experience prolonged hospitalizations including intubation (inserting a tube into the airway to assist with breathing).

The good news is that patients who keep their diabetes under control can change that. There are several tools to help you manage your diabetes, even in the midst of this pandemic.

Time to assess

Spending more time at home, certainly we have become mindful of things like maintaining social distance and washing our hands more often. I would suggest people with diabetes use this time to make other changes, specifically assessing their lifestyle changes.

How are you doing with exercise? A little extra time should make it easier to find 30 minutes for a neighborhood walk each day. It's a great opportunity to relax and relieve some stress—which we all feel right now—that could otherwise turn into stress eating.

Speaking of eating, how is your diet? Are you keeping your carbohydrate intake in check? Many people have found more time to cook, making fewer trips for fast food. That's good, but since trips to the grocery store might also be limited, make sure you're still shopping right. Avoid sugary drinks and simple carbs and stock up on fruits and vegetables. Devote some time to learning to cook in healthy, delicious ways. The internet is full of inspirations.

The ease of virtual appointments

This pandemic has helped many people first experience the convenience of meeting with a care provider online through live video, which can be both simple and effective. No longer is it required to drive hours to see

a specialist for regular visits. Thanks to recent changes in regulation, telemedicine visits are now covered by Medicare and Medicaid, which has been a sticking point for providers in adopting this technology in the past.

Overall it's a win-win for patients and doctors. While periodic physical exams will always be necessary, I anticipate as many as half my patients will continue to prefer consultations using live video to in-office visits even after the pandemic has subsided.

If you can't physically get in to see your doctor right now, call them to discuss the availability of a "virtual visit." Simply waiting out the pandemic to make your next in-person appointment is not a good idea.

Continuous monitoring, better management

The other technological advance facilitating remote diabetes care has been the adoption of continuous glucose monitors. The pandemic has caused many insurance companies to reevaluate coverage of these devices for diabetes patients, so it's a good time to ask about one. The advantage of continuous monitoring for patients is that it doesn't require finger sticks several times every day. Worn on the skin, these devices track blood sugar levels throughout the day and collect them for transmission to your care provider.

From the provider's standpoint, the availability of continuous data is far more useful than sporadic glucometer results. It allows them to see important trends such as spikes after meals or drops in blood sugar levels overnight that might be missed by tradition tests.

This is important because everyone is different. Diabetes management is not about following a predetermined set of steps—it's more personal. We need to discover what's best for each patient and find solutions together, and using a continuous monitoring device "connects the dots" to help create a more personalized treatment plan.



Joseph Henske, M.D., is director of the diabetes program and an associate professor in the Division of Endocrinology and Metabolism in the College of Medicine at the University of Arkansas for Medical Sciences.

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Summer tree care

By Krissy Thomason

When temperatures rise and rainfall amounts fall with the arrival of summer's longer days, outdoor work focuses primarily on maintaining garden productivity, mowing grass to a tolerable height and keeping weeds at bay. Trees, with their slower growth rate, are less likely to be a priority on the summer landscape chores list. However, making an investment in summer tree care pays for itself in later seasons.

Weeding and mulching

Applying mulch around trees is one of the best things you can do for their health, especially for young trees. Mulching is a quick and cost-effective technique that provides numerous benefits. It cuts down on weed competition, stabilizes soil temperatures and helps conserve soil moisture. Summer is a great time to take care of any spring tree care that wasn't completed, so if you never got around to adding mulch, it isn't too late to add some now.

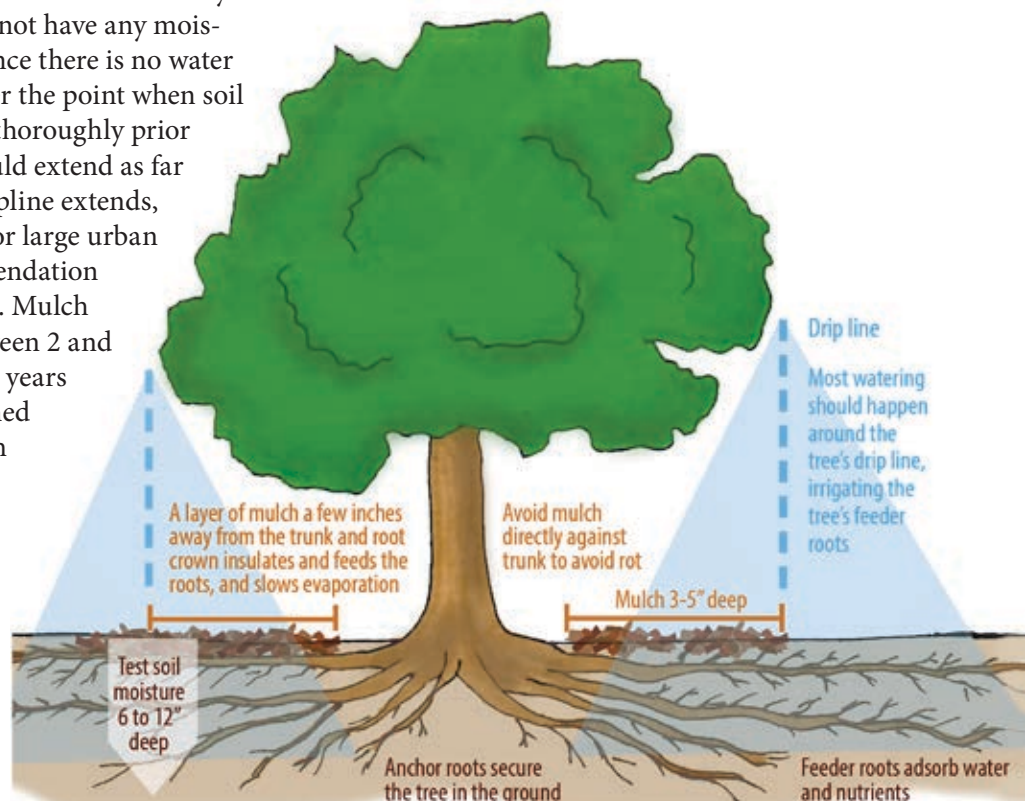
If you already have a good mulch bed around the base of the tree, inspect it for weeds and remove them as needed. Remember, the purpose of mulch is to retain soil moisture, so it needs to be spread over soil that already has some moisture. If the soil does not have any moisture, mulch will have little effect since there is no water to lose. If mulch is being added after the point when soil begins to dry out, be sure to water thoroughly prior to mulching. Ideally, mulching would extend as far away from the tree's base as the dripline extends, but since this is often impractical for large urban and community trees, the recommendation is to apply it in a 2- to 3-foot radius. Mulch should be spread at a depth of between 2 and 5 inches, so if mulch from previous years has become compacted or has washed away, replenish it back to that depth as needed.

A final tip on mulch is to remember that "donuts are healthier than volcanoes." Mulch should be spread in a ring around the tree, with no material touching or pushed up against the tree trunk. "Volcano mulching" is when mulch is mounded around the tree, touching the trunk at its deepest point.

Water

Trees need an average of 1 inch of water per week. When watering trees, slower, deeper, less-frequent applications of water promote better root growth than shallow, more-frequent irrigation. Since most of a tree's active roots are within the top 12 inches of soil, a good way to water is to put a sprinkler beneath the tree. Place a coffee or soup can nearby and run the sprinkler slowly until 2 inches of water has collected in the can. Be sure to water the entire root zone beneath the tree canopy.

The best time to water is typically in the morning. For young or newly planted trees, slow, deep watering every two to three days is a good goal. There are also many soaker products available to keep newly planted trees from drying out. If grass is underneath the canopy of the tree, more water will be needed because the turf will absorb much of the water that is applied to the surface. The goal is to get the water through the grass and down to the tree roots. Removing the turf around the base of the tree and replacing it with mulch can help eliminate competition for water between the turf and the tree.



Watering properly through the arid days of summer helps conserve water and improves year-round tree health.

Inspect for insects, disease and drought stress

Summer is also an excellent time to inspect the overall health of trees by looking for concerns such as insects, disease or drought stress. While the crown is full, inspect each tree for any signs of pest damage, disease or rot. Watch for foliage changes to catch problems early and to begin care and treatment. Tree pests reach high population levels quickly in the summer, so if you notice foliage changes or signs of pest infestations, contact a certified arborist, your local cooperative extension service or a local Forestry Division forester for assistance in identifying the pests or disease.

In times of drought, dry soil conditions can significantly reduce the life span of valuable landscape trees. Because they are difficult and expensive to replace, these trees need attention during and after periods of drought. Drought stress symptoms can include wilted foliage, a sparse canopy of off-color and undersized leaves, leaf scorch, leaf drop, and premature fall coloration. Closer inspection may also reveal limited twig growth and small, poorly formed buds. The weakened state in which drought conditions place a tree can ultimately leave it more susceptible to pests and disease.

Storm damage prevention

The fierce winds of summer storms can cause damage ranging from minor debris such as scattered, broken branches to major damage to nearby structures if larger limbs are blown down. To protect your property from falling tree limbs, take time to inspect trees for limbs that are weak or damaged, and follow the advice of a tree care professional about possible cabling, bracing or removal of any that present a risk of falling in severe winds. If in doubt about possible risks or hazards, always consult with an arborist or other tree care professional to assess the safety of your trees.

Pruning

While the best time to prune is while trees are dormant (typically during fall and winter), it is beneficial to check your trees during the transition to summer and periodically throughout the season, looking for any dead, diseased or damaged branches that could endanger people and property. Mature trees may also have limbs carrying excessive weight from the ends of branches, and sometimes these need to be pruned back

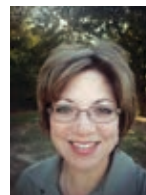


SOURCE: GREENPRESSINITIATIVE.COM

Summertime pruning by tree care professionals may be necessary to prevent storm damage.

for the overall health of the tree or to mitigate risk to nearby structures. Summer is also a good time to prune flowering trees that have finished blooming. Remember, large trees are best pruned by professionals who have the skills and equipment necessary to avoid placing people or property at risk.

Summertime provides a wonderful opportunity to get outside and relax in nature. Adding tree care to the list of chores that must be completed during the season isn't always appealing, but it is an important task that benefits both trees and property owners when the overall health of the urban and community forest is protected and improved.



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Women in engineering

by Arlena Tran, EI

It was my sophomore year of college. I had just arrived at my family's Vietnamese restaurant in Fort Smith to visit my mom. She introduced me to a customer who was an older Vietnamese man working as a civil engineer. She mentioned that I was studying engineering and asked if he had any advice to give me. Focusing on my studies, working hard and going to class were just some tips he gave to me. The next thing he said, I did not expect. He told me that engineering is a man's job, and that maybe I should consider switching my major. I never asked him why he believed engineering was only a man's job. Was it because he thought women were not capable of working as engineers? Or did he believe it was a man's job because he had only worked with men in the field?

STEM is important because our world depends on it. The economy, our general well-being—it is all backed by science, technology, engineering and mathematics. STEM fields focus on improving and innovating more sustainable systems and processes for our world. Since this is the case, why is it that there is a gender gap in this fast-growing job market? Women made up approximately 47 percent of the U.S. workforce in 2016. However, as of 2018, the U.S. Department of Labor reported only 26 percent of workers in STEM fields were women. More specifically, 16 percent of all workers in the field of engineering are women.

The percentages of female engineers vary across different engineering disciplines. Women make up only 8 percent of mechanical engineering fields, whereas we make up 26 percent of environmental engineering fields. This gap between men and women in STEM fields can be seen at early ages, at colleges and universities, and continues on to workplaces. But what are the issues with having a gender gap like this?

According to the 2010 U.S. census, 157 million people in this country were recorded as female and 151.8 million people were recorded as male. Since females make up about 50.8 percent of this country, how can we solve problems for everyone effectively if the body of people we have in STEM fields does not reflect the society we serve? Gender is not the only factor we need to focus on, though. Our solutions will affect a society of all sorts of demographics including age, ethnicity, religion and sexuality. Understanding all of the communities that we serve can give us a variety of viewpoints and help solve problems for everyone.

The gender gap issue is one I would like to discuss more specifically. If we try to figure out why the gap exists, then maybe we can help close it.

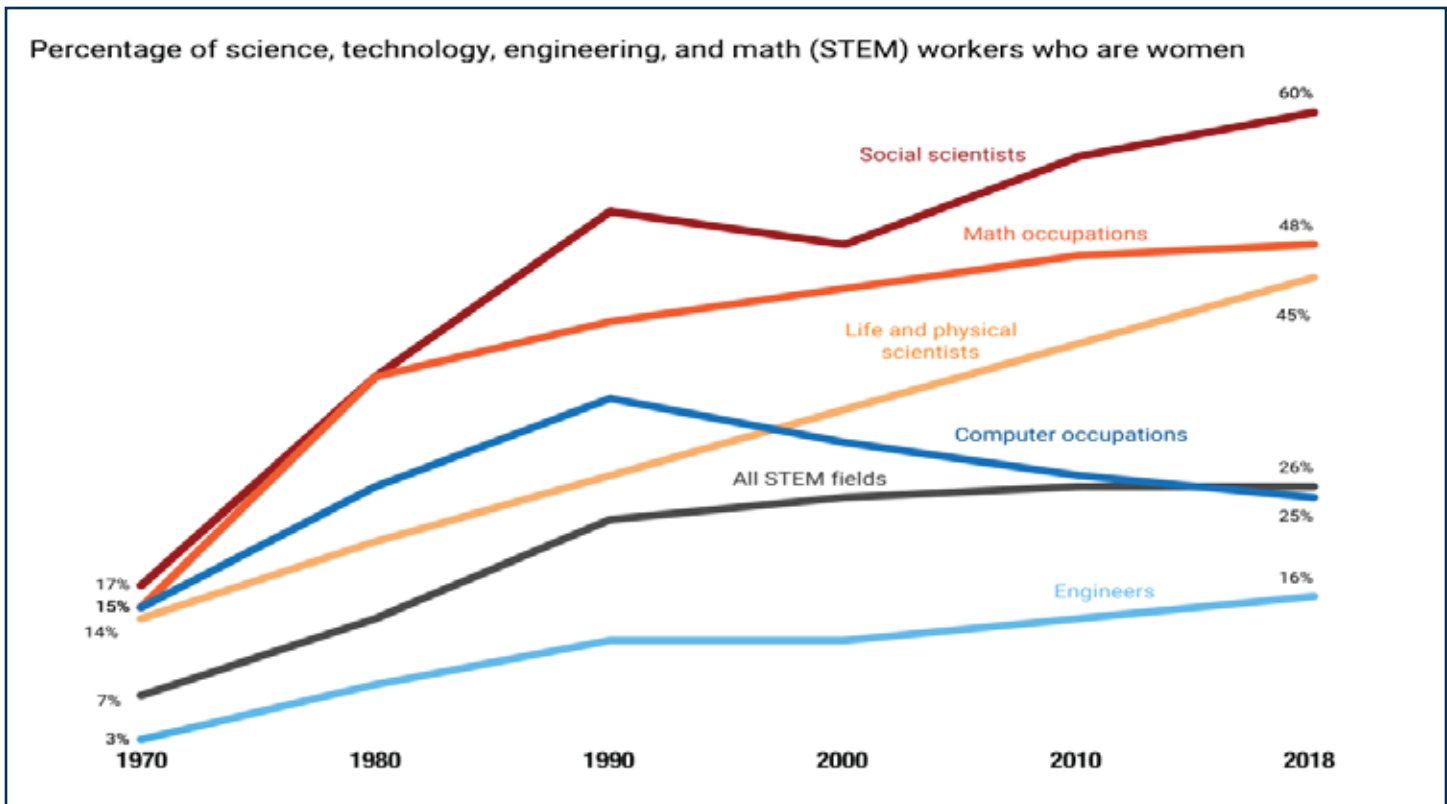


The author works in the field during a site visit.

There are a number of factors that could be contributing to the low number of females in STEM fields. The fact that there are a low number of females currently in or going into STEM is an issue in itself. Young women have fewer role models and examples to look up to. If there were more women in this field, then there would be more opportunities for mentorship, which can be an important motivating factor. If young women see other women achieve their goals and succeed in their careers, then they may feel more confident that it is possible to do the same. This could encourage more young girls to take more math and science courses, allowing girls to be exposed to the possibilities and benefits of following a STEM degree path. Attracting women to study in STEM fields is one goal, encouraging women to stay in the field is another. According to the Society of Women Engineers, 40 percent of women have left the engineering field over the past few years. There are multiple reasons why women leave these fields. One reason, which is less discussed, is gender stereotyping.

Gender stereotyping is defined as an overgeneralization of characteristics, differences and attributes of a certain group based on their gender. Although we have every right to our opinions, gender stereotyping can cause or create unequal and unfair treatment for individuals who don't conform to our stereotypes. In this case,

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there are different opinions when it comes to female and male occupations. Beliefs that men are mathematically superior and are better suited to engineering jobs are still present, causing implicit bias against female engineers. The stereotype that men are more qualified than women can cause men to treat women as inferiors rather than equals, thus causing a divide between both genders in the workplace. The negative group dynamics women tend to experience make the profession less appealing, thus causing some women to leave the field. That bias is sometimes implicit—occurring subconsciously—but sometimes it is a result of obvious sexism. It is important that men and women work together to break these stereotypes in order to improve this current issue.

Colleges and universities nationwide are attempting to close the gender gap in engineering by recruiting more women into their programs. Companies are trying to retain women in the industry by applying different methods and policies. One method is ensuring that women receive the necessary tools they need to become managers. This can be leadership training, sponsorships or high-profile projects. Women in management can benefit a company's appeal to young women wanting to work in this profession. However, companies must realize that they have to do more than create policies. They must change a long-standing culture of bias. Despite the fact that females are still a minority in the field, many women have become successful in the industry. Women are breaking stereotypes and showing people that they can be successful in the field, regardless of gender. The proportion of STEM bachelor's degrees

awarded to women has increased over the past four decades. Data from the U.S. Bureau of Labor Statistics shows that women represent the majority among 25-year-olds and older in the labor force with at least a bachelor's degree.

This is not only about fairness. STEM industries need women because solving problems needs creativity. And creativity is increased with a diversity of viewpoints. Scientists and engineers are working to come up with solutions to some of the most significant challenges of our time. Whether it is finding cures for diseases, tackling global warming, providing clean drinking water or designing buildings, when women are not involved in these processes, the needs and desires specific to women may go unnoticed.

Engineering has been portrayed as a field that recruits students who do well in mathematics and science, and it shapes them into problem solvers. However, engineers do not just solve problems with one single solution. We solve problems that can have multiple applicable solutions. It is crucial to view engineering as an industry that requires all different kinds of minds. Doing so will give both men and women a more compelling message about this industry.



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Drug testing during COVID-19

The U.S. Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance (ODAPC) provided updated guidance June 17 about the impact of the COVID-19 public health emergency on DOT drug and alcohol testing requirements for employers, employees and service agents. On April 4, ODAPC provided supplemental information specific to performing remote evaluations by substance abuse professionals (SAPs) and the re-qualification timelines for collectors, medical review officers (MROs), screening test technicians and breath alcohol technicians (STT/BATs). As published on April 4, this statement was effective through June 30. As of June 17, ODAPC has extended the statement, and it continues to be effective through Sept. 30.

SAP assessments and evaluations

Under 49 CFR §§ 40.291, 40.293 and 40.301, the SAP must conduct a face-to-face assessment and evaluation of an employee who has violated DOT drug and alcohol regulations. DOT has always maintained that the “face-to-face” assessment and evaluation must be done in person and is essential to the SAP process. ODAPC recognizes that conducting face-to-face assessments and evaluations during the COVID-19 public health emergency may not be possible or advisable for certain individuals. ODAPC will allow SAPs to conduct a remote face-to-face evaluation and assessment while this policy is in effect. The flexibility to conduct remote assessments and evaluations is voluntary, and SAPs may continue to conduct in-person, face-to-face assessments and evaluations as appropriate.

ODAPC recommends that, when the SAP conducts assessments and evaluations remotely, the format of the assessment be documented in the final report for reference. ODAPC realizes that performing evaluations remotely may not provide as much information to the SAP as a face-to-face evaluation would but believes remote evaluations are preferable to not performing the evaluations at all. While ODAPC will not prescribe the exact manner in which the remote evaluations should be conducted, SAPs who choose to conduct initial assessments and evaluations and follow-up evaluations remotely should consider the following parameters:

4. The technology you use should permit a real-time, two-way audio and visual communication and interaction between you and the employee.
5. You should determine if the quality of the technology (e.g. speed of the internet connection, clarity of the display, application being used, etc.) is sufficient for you to gather all the visual (e.g. non-verbal

physical cues) and audible information you would normally observe in an in-person, face-to-face interaction.

6. You may only utilize the technology if your state-issued license authorizes you to do so and within the parameters of that authority.

ODAPC will not consider an evaluation or assessment performed remotely as an act of serious noncompliance for purposes of starting a public interest exclusion proceeding against the service agent while this statement of enforcement discretion is in effect.

Re-qualification timelines for certain service agents

Under 49 CFR §§ 40.33(e), 40.121(d), 40.213(e) and 40.281(d), collectors, MROs, STT/BATs and SAPs are required to maintain their DOT-required qualifications to continue to act as service agents in the DOT drug and alcohol testing program. Specifically, collectors and STT/BATs must complete refresher training every five years, MROs must complete requalification training every five years, and SAPs must complete 12 professional development hours every three years.

DOT realizes that during the COVID-19 public health emergency, these service agents may find it difficult to find the necessary resources such as exam locations or personnel to conduct mock collections to meet their re-qualification requirements. If a service agent is unable to meet their re-qualification due date while this statement of enforcement discretion is in effect, DOT will not consider it a noncompliance for purposes of starting a public interest exclusion proceeding against the service agent. DOT is providing this flexibility for service agents who cannot meet their re-qualification requirements by their respective due dates due to restrictions imposed by federal, state and local authorities, and health agencies related to the COVID-19 public health emergency (e.g. facility closures, state or locally imposed quarantine requirements, or other impediments). DOT will consider these service agents qualified per Part 40 to continue providing the Part 40 required services while this policy is in effect.

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



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The Municipal Health Benefit Program provides quality health protection for your officials and employees at a reasonable rate.

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www.arml.org/mhbp

2019/2020 State Turnback Funds

Actual Totals Per Capita						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2019	2020	2019	2020	2019	2020
January	\$5.662	\$6.789	\$0.246	\$0.083	\$2.145	\$2.145
February	\$5.675	\$6.340	\$0.096	\$0.118	\$1.087	\$1.087
March	\$5.085	\$5.758	\$0.438	\$0.101	\$1.087	\$1.087
April	\$5.401	\$6.088	\$0.338	\$0.064	\$1.085	\$0.924
May	\$5.811	\$5.943	\$0.227	\$0.034	\$1.086	\$0.924
June	\$6.017	\$5.605	\$0.209	\$0.030	\$1.088	\$0.924
July	\$5.801		\$0.182		\$2.959	
August	\$5.990		\$0.114		\$0.924	
September	\$5.899		\$0.155		\$1.087	
October	\$5.654		\$0.124		\$1.087	
November	\$5.652		\$0.064		\$1.087	
December	\$5.775		\$0.069		\$1.087	
Total Year	\$68.422	\$36.523	\$2.261	\$0.430	\$15.810	\$7.093

Actual Totals Per Month						
MONTH	STREET		SEVERANCE TAX		GENERAL	
	2019	2020	2019	2020	2019	2020
January	\$10,702,464.91	\$12,833,880.33	\$464,101.95	\$156,199.64	*\$4,054,867.57	* \$4,054,970.57
February	\$10,728,532.32	\$11,984,924.80	\$181,468.75	\$223,221.26	\$2,055,501.82	\$2,055,049.55
March	\$9,611,591.51	\$10,883,990.67	\$828,851.20	\$191,150.53	\$2,055,055.19	\$2,055,396.67
April	\$10,209,400.74	\$11,509,342.85	\$638,095.99	\$120,647.65	\$2,051,915.02	\$1,747,446.98
May	\$10,985,547.22	\$11,233,895.61	\$428,651.27	\$63,817.15	\$2,052,767.40	\$1,747,094.76
June	\$11,374,227.00	\$10,595,347.60	\$395,730.25	\$57,224.47	\$2,056,915.45	\$1,747,446.98
July	\$10,966,523.76		\$343,609.83		** \$5,592,768.93	
August	\$11,322,293.50		\$214,617.36		\$1,746,588.81	
September	\$11,150,912.22		\$292,391.02		\$2,055,099.92	
October	\$10,687,834.00		\$235,240.93		\$2,055,035.24	
November	\$10,684,885.09		\$121,344.58		\$2,055,035.24	
December	\$10,916,904.58		\$130,060.08		\$2,054,709.31	
Total Year	\$129,341,116.85	\$69,041,381.86	\$4,274,163.21	\$812,260.70	\$29,886,259.90	\$13,407,405.51

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

**Includes \$3,513,475.89 supplemental for July 2019

Local Option Sales and Use Tax in Arkansas



KEY: Counties not collecting sales tax

Source: Rachel Garrett, Office of State Treasurer

See also: www.dfa.arkansas.gov

Sales and Use Tax Year-to-Date 2020 with 2019 Comparison (shaded gray)								
Month	Municipal Tax		County Tax		Total Tax		Interest	
January	\$62,951,910	\$59,187,540	\$54,023,046	\$49,660,885	\$116,974,957	\$108,848,426	\$137,620	\$188,294
February	\$73,128,305	\$66,363,635	\$61,276,755	\$55,082,773	\$134,405,060	\$121,446,409	\$151,340	\$265,350
March	\$57,761,974	\$55,016,953	\$49,863,364	\$49,926,480	\$107,625,338	\$104,943,433	\$140,860	\$241,046
April	\$58,720,966	\$53,915,385	\$50,676,002	\$45,679,915	\$109,396,969	\$99,595,300	\$173,069	\$239,875
May	\$61,816,632	\$61,136,496	\$54,700,218	\$51,962,167	\$116,516,851	\$113,098,664	\$37,445	\$233,250
June		\$63,455,242		\$53,477,656	\$-	\$116,932,898		\$199,380
July		\$62,196,778		\$52,242,794	\$-	\$114,439,573		\$239,855
August		\$63,103,397		\$53,989,906	\$-	\$117,093,303		\$229,107
September		\$63,071,625		\$54,693,037	\$-	\$117,764,662		\$213,728
October		\$64,934,499		\$55,729,333	\$-	\$120,663,833		\$214,922
November		\$62,765,968		\$54,501,529	\$-	\$117,267,498		\$182,403
December		\$62,102,384		\$54,327,357	\$-	\$116,429,741		\$184,380
Total	\$314,379,789	\$737,249,904	\$270,539,385	\$631,273,834	\$584,919,174	\$1,368,523,738	\$640,333	\$2,631,590
Averages	\$62,875,958	\$61,437,492	\$54,107,877	\$52,606,153	\$116,983,835	\$114,043,645	\$128,067	\$219,299

JUNE 2020 Municipal Levy Receipts and June 2020 Municipal/County Levy Receipts with 2019 Comparison (shaded gray)

CITY SALES AND USE	AMOUNT	LAST YEAR	Garfield	20,121.04	Mountain Home	598,680.02	580,694.71	COUNTY SALES AND USE	AMOUNT	LAST YEAR
Alexander	143,708.97	107,933.30	Garland	2,059.33	Mountain View	187,908.19	178,436.16	Arkansas County	305,868.66	294,965.53
Alma	258,257.91	223,044.50	Gassville	22,294.08	Mountainburg	14,207.47	12,181.01	Ashley County	214,122.22	244,177.68
Almyra	2,529.50	2,500.27	Gentry	122,643.85	Mulberry	27,607.54	31,857.40	Crossett	52,107.69	59,421.84
Alpena	6,945.65	4,974.80	Gilbert	220.98	Murfreesboro	25,818.96	35,738.12	Fountain Hill	1,655.86	1,888.29
Alzheimer	3,809.49	2,281.48	Gillett	9,292.16	Nashville	103,694.09	118,253.30	Hamburg	27,033.17	30,827.71
Altus	7,258.49	6,565.51	Gillham	3,618.52	Newport	216,113.24	203,499.43	Montrose	3,349.58	3,819.74
Amity	12,591.94	12,972.52	Gilmore	417.48	Norfolk	5,160.31	5,755.37	Parkdale	2,621.00	2,988.90
Anthonyville	1,466.82	1,131.87	Glenwood	89,451.58	Norman	4,289.39	4,767.04	Portland	4,068.70	4,639.80
Arkadelphia	360,359.42	177,697.72	Goshen	11,920.13	North Little Rock	2,665,131.93	3,039,953.38	Wilmot	5,204.15	5,934.63
Ash Flat	125,859.83	98,149.65	Gosnell	17,988.79	Oak Grove	1,081.22	1,342.53	Baxter County	532,179.89	508,904.45
Ashdown	164,574.02	120,617.23	Gould	13,717.97	Oak Grove Heights	9,955.91	5,292.72	Big Flat	1,611.11	1,540.64
Atkins	66,557.96	55,726.32	Grady	3,443.13	Ola	18,657.56	18,563.39	Briarcliff	3,695.97	3,496.07
Augusta	27,442.52	23,404.39	Gravette	100,875.81	Oppelo	3,368.84	3,358.11	Cotter	15,026.66	14,369.45
Austin	44,794.79	32,798.44	Green Forest	79,629.15	Osceola	104,405.61	111,264.93	Gassville	32,191.13	30,783.21
Avoca	9,746.35	7,793.48	Greenbrier	278,895.38	Oxford	2,383.68	1,334.08	Lakeview	11,479.13	10,977.07
Bald Knob	69,216.93	54,784.13	Greenland	32,310.86	Ozark	45,076.48	187,646.10	Mountain Home	192,836.93	184,403.00
Barling	78,658.87	58,538.68	Greenwood	272,058.02	Palestine	26,868.33	26,723.34	Norfolk	7,916.10	7,569.89
Batesville	687,884.35	723,020.67	Greers Ferry	20,682.16	Pangburn	9,534.93	8,035.71	Salesville	6,971.11	6,666.25
Bauxite	12,448.76	12,448.85	Guion	NA	Paragould	340,810.00	342,640.15	Benton County	824,971.12	927,030.08
Bay	9,798.31	8,962.39	Gum Springs	336.70	Paris	77,973.91	76,134.87	Avoca	9,476.40	10,648.75
Bearden	13,023.11	12,614.78	Gurdon	23,197.06	Patmos	762.70	597.89	Bella Vista	515,104.49	578,829.18
Beebe	156,835.10	142,947.63	Guy	6,843.60	Patterson	867.66	1,090.45	Bentonville	685,504.92	770,310.21
Beehiveville	123.54	105.41	Hackett	6,503.42	Pea Ridge	90,724.95	67,723.05	Bethel Heights	46,061.52	51,759.89
Bella Vista	237,500.99	192,576.07	Hamburg	87,588.76	Perla	2,665.49	3,717.71	Cave Springs	37,497.80	42,136.74
Bellefonte	2,937.88	2,016.34	Hampton	8,637.21	Perryville	25,363.60	22,979.42	Centerteron	184,770.38	207,628.73
Benton	1,707,984.95	1,689,825.08	Hardy	20,493.90	Piggott	74,010.26	67,351.54	Decatur	32,992.63	37,074.22
Bentonville	2,335,443.72	2,809,081.99	Harrisburg	64,207.37	Pine Bluff	1,455,005.22	1,279,893.80	Elm Springs	2,660.38	2,989.50
Berryville	237,338.64	263,932.82	Harrison	501,144.33	Pineville	2,565.42	1,879.85	Garfield	9,748.26	10,954.24
Bethel Heights	110,745.38	92,549.03	Hartford	8,092.65	Plainview	5,467.80	5,004.53	Gateway	7,864.64	8,837.59
Big Flat	508.36	435.51	Haskell	52,678.62	Pleasant Plains	10,132.28	9,761.54	Gentry	66,509.57	74,737.61
Black Rock	13,607.72	9,094.37	Hatfield	3,310.15	Plumerville	10,762.77	12,418.66	Gravette	60,450.89	67,929.40
Blevins	3,331.90	3,145.84	Havana	1,705.52	Pocahontas	306,726.86	273,389.71	Highfill	11,321.19	12,721.76
Blue Mountain	236.61	112.48	Hazen	75,099.52	Portia	3,061.98	3,408.88	Little Flock	50,197.73	56,407.80
Blytheville	387,356.97	398,513.92	Heber Springs	153,865.22	Portland	8,344.32	9,003.77	Lowell	142,281.93	159,883.94
Bonanza	2,836.95	2,860.46	Hector	5,562.32	Pottsville	45,479.07	31,398.08	Pea Ridge	93,093.98	104,610.84
Bono	20,597.60	17,481.07	Helena-West Helena	269,147.05	Prairie Grove	154,023.12	123,146.51	Rogers	1,086,756.67	1,221,201.69
Booneville	143,725.49	120,528.51	Hermitage	5,373.66	Prescott	53,558.22	80,022.39	Siloam Springs	292,040.13	328,169.04
Bradford	16,771.27	14,311.94	Higginson	1,811.68	Pyatt	941.58	941.58	Springdale	127,232.32	142,972.51
Bradley	3,481.76	4,085.05	Highfill	15,789.21	Quitman	25,797.50	21,277.67	Springtown	1,689.44	1,898.44
Branch	2,678.56	2,436.45	Highland	30,762.24	Ravenden	3,583.43	2,541.15	Sulphur Springs	9,923.04	11,150.63
Briarcliff	1,492.18	1,225.76	Holly Grove	7,318.68	Rector	30,615.09	29,885.62	Boone County	429,567.94	436,065.42
Brinkley	167,976.12	166,209.40	Hope	187,722.20	Redfield	45,531.95	36,461.31	Alpena	4,532.87	4,601.44
Brookland	83,285.09	62,970.51	Horatio	6,927.50	Rison	14,950.80	13,248.48	Bellefonte	6,451.17	6,548.75
Bryant	1,254,769.33	1,190,014.23	Horseshoe Bend	27,084.80	Rockport	18,194.43	19,458.85	Berfman	6,238.03	6,332.38
Bull Shoals	33,997.23	33,277.15	Hot Springs	1,640,259.65	Roe	891.81	684.08	Diamond City	11,111.93	11,280.01
Cabot	986,900.00	888,375.84	Hoxie	22,052.93	Rogers	2,802,715.71	3,479,688.37	Everton	1,889.88	1,918.47
Caddo Valley	36,217.60	56,765.71	Hughes	6,962.92	Rose Bud	21,786.61	17,933.05	Harrison	183,915.31	186,697.14
Calico Rock	47,192.84	47,955.68	Humphrey	2,845.69	Rudy	9,934.70	8,516.68	Lead Hill	3,850.81	3,909.06
Camden	329,938.03	290,512.63	Huntington	4,746.96	Russellville	1,075,135.76	1,158,561.99	Omaha	2,401.43	2,437.75
Caraway	6,148.88	5,251.22	Huntsville	145,873.54	Salem	23,600.85	19,508.77	South Lead Hill	1,449.38	1,471.31
Carlisle	59,039.09	50,850.87	Imboden	12,703.69	Salesville	4,157.20	3,605.79	Valley Springs	2,600.36	2,639.70
Cash	2,763.28	4,178.91	Jacksonville	765,398.71	Scranton	4,164.23	3,316.49	Zinc	1,463.62	1,485.72
Cave City	24,891.58	20,127.93	Jasper	32,133.89	Searcy	851,061.92	874,053.58	Bradley County	132,793.00	132,292.59
Cave Springs	118,309.45	34,227.72	Jennette	238.61	Shannon Hills	13,940.00	12,470.43	Banks	1,025.36	1,021.50
Cedarvale	8,651.04	5,833.65	Johnson	61,698.08	Sheridan	249,323.63	207,948.54	Hermitage	6,863.33	6,837.47
Centerteron	339,174.21	251,132.58	Joiner	4,449.05	Sherrill	1,003.69	582.00	Warren	49,639.24	49,452.17
Charleston	35,335.79	29,554.65	Josonboro	1,504,240.80	Sherwood	1,014,102.23	806,499.45	Calhoun County	103,522.76	72,806.90
Cherokee Village	17,566.58	18,224.80	Judsonia	14,710.36	Shirley	3,315.26	3,240.77	Hampton	29,343.64	20,637.20
Cherry Valley	272.13	4,903.42	Junction City	7,752.99	Siloam Springs	760,767.95	707,147.60	Harrell	5,629.36	3,959.10
Chidester	3,568.50	2,891.11	Keiser	5,207.55	Sparkman	3,755.40	3,907.48	Thornton	9,020.28	6,343.92
Clarendon	49,168.94	45,759.68	Keo	1,337.64	Springdale	2,868,311.62	2,639,970.40	Tinsman	1,196.80	841.68
Clarksville	410,094.52	408,531.89	Kibler	4,174.00	Springtown	172.09	83.39	Carroll County	142,745.03	182,956.44
Clinton	99,609.46	95,903.71	Kingsland	2,196.91	St. Charles	2,499.59	1,403.34	Beaver	522.57	669.78
Coal Hill	4,223.46	3,978.03	Lake City	13,401.21	Stamps	13,435.06	12,960.68	Blue Eye	156.77	200.93
Conway	2,531,204.28	2,804,290.94	Lake Village	73,316.10	Star City	76,037.25	72,983.17	Chicot County	141,197.46	140,412.78
Corning	76,651.72	96,334.22	Lakeview	4,268.72	Stephens	5,551.36	5,990.76	Dermott	25,708.67	25,565.80
Cotter	14,405.41	13,334.09	Lamar	29,628.35	Strong	10,480.03	8,948.42	Eudora	20,191.41	20,079.20
Cotton Plant	2,822.79	2,216.33	Lead Hill	5,922.87	Stuttgart	593,006.80	557,436.38	Lake Village	22,914.45	22,787.10
Cove	13,945.65	11,982.44	Lepanto	30,921.20	Sulphur Springs	2,443.55	1,934.68	Clark County	420,160.65	430,605.91
Crowfordsville	9,169.67	5,828.06	Leslie	6,677.69	Sunmit	6,607.93	4,851.33	Clay County	92,410.45	99,642.60
Crossett	121,608.96	177,365.40	Lewisville	10,442.70	Sunset	10,450.07	4,420.37	Corning	24,943.65	26,895.78
Damascus	12,121.50	9,733.15	Lincoln	53,093.53	Swifton	6,071.76	6,366.40	Datto	1,107.95	1,194.66
Danville	53,029.10	44,558.13	Little Flock	13,349.56	Taylor	11,421.18	8,151.11	Greenway	2,315.61	2,496.84
Dardanelle	166,589.34	155,379.00	Little Rock	6,828,136.09	Texas	452,566.83	434,830.44	Knobel	3,179.82	3,428.67
Decatur	20,520.80	31,151.85	Locksburg	5,372.92	Texas Special	201,868.18	194,334.43	McDougal	2,060.79	2,222.07
Delight	5,961.61	4,866.67	Lonoke	256,192.21	Thornton	1,738.67	1,161.22	Nimmons	764.49	824.31
De Queen	129,900.40	123,348.71	Lowell	294,596.02	Tontitown	289,314.88	224,277.05	Peach Orchard	1,495.74	1,612.79
Dermott	41,556.92	29,670.14	Luxora	2,932.02	Trumman	201,019.29	159,182.85	Piggott	28,430.00	30,654.98
Des Arc	66,634.63	60,394.35	Madison	1,428.13	Tuckerman	12,514.46	12,449.98	Pollard	2,459.65	2,652.15
DeValis Bluff	13,611.91	12,142.77	Magazine	12,366.66	Turrell	4,887.76	5,206.08	Reactor	14,602.78	15,745.62
DeWitt	176,595.98	210,767.30	Magnolia	505,504.66	Tyronza	3,870.98	3,544.34	St. Francis	2,769.87	2,986.65
Diamond City	3,257.51	3,787.49	Malvern	357,831.74	Van Buren	580,396.05	704,454.37	Success	1,650.85	1,780.05
Diaz	3,736.40	6,089.15	Mammoth Spring	7,579.50	Vandervoort	684.15	488.19	Cleburne County	445,465.64	401,452.43
Dierks	13,959.68	14,760.36	Manila	41,252.17	Vilonia	129,416.86	87,825.12	Concord	3,307.15	2,980.39
Dover	23,156.71	20,270.22	Mansfield	42,149.10	Viola	9,487.42	7,698.07	Fairfield Bay	2,480.36	2,235.30
Dumas	153,767.66	147,371.40	Marianna	79,175.90	Wabbaseka	1,445.06	1,023.95	Greers Ferry	12,076.52	10,883.33
Dyer	3,092.18	2,526.12	Marion	279,300.39	Waldenburg	4,593.92	6,630.54	Heber Springs	97,113.64	87,518.55
Earle	20,033.07	19,704.58	Marked Tree	66,872.07	Waldron	93,148.45	83,184.93	Higden	1,626.47	1,465.77
East Camden	8,071.56	8,756.14	Marmaduke	19,038.43	Walnut Ridge	174,511.21	149,737.69	Quitman	9,921.45	8,941.18
El Dorado	641,703.79	631,128.13	Marshall	15,184.18	Ward	61,180.66	43,774.87	Cleveland County	121,032.26	105,076.44
Elkins	116,809.05	92,117.34	Marvell	24,152.49	Warren	73,726.32	76,022.67	Kingsland	2,045.56	1,775.89

Caraway	22,914.25	23,325.57	Cave City	2,450.18	2,383.00	Birdsong	484.97	558.56	Waldron	31,381.13	26,724.25
Cash	6,127.19	6,237.17	Cushman	6,836.30	6,648.87	Blytheville	184,761.46	212,797.64	Searcy County	73,355.40	66,195.27
Egypt	2,006.56	2,042.58	Magness	3,055.16	2,971.40	Burdette	2,259.25	2,602.07	Big Flat	7.18	6.47
Jonesboro	1,205,067.22	1,226,699.04	Moorefeld	2,072.06	2,015.25	Dell	2,637.76	3,038.02	Gilbert	200.9	181.29
Lake City	37,300.60	37,970.17	Newark	17,786.48	17,298.83	Dyess	4,849.69	5,585.60	Leslie	3,164.25	2,855.39
Monette	26,891.53	27,374.26	Oil Trough	3,932.39	3,824.57	Etowah	4,151.81	4,781.82	Marshall	9,722.36	8,773.37
Crawford County	826,482.04	751,209.00	Pleasant Plains	5,278.47	5,133.75	Gosnell	41,967.58	48,335.85	Pindall	803.62	725.18
Alma	60,147.54	54,669.52	Southside	59,000.91	57,383.27	Joiner	6,813.23	7,847.08	St. Joe	947.13	854.69
Cedarville	15,472.54	14,063.35	Sulphur Rock	6,896.79	6,707.71	Keiser	8,977.85	10,340.17	Sebastian County	814,692.60	828,578.04
Chester	1,764.80	1,604.07	Izard County	50,213.88	48,804.33	Leachville	23,574.24	27,151.45	Barling	74,459.00	75,728.06
Dyer	9,723.06	8,837.52	Jackson County	292,323.16	287,914.89	Luxora	13,934.00	16,048.38	Bonanza	9,209.28	9,366.24
Kibler	10,666.50	9,695.04	Amagon	1,048.47	1,032.66	Manila	39,530.91	45,529.43	Central City	8,040.10	8,177.13
Mountainburg	7,003.71	6,365.84	Beedeville	1,144.76	1,127.50	Marie	993.6	1,144.37	Fort Smith	1,380,734.75	1,404,267.68
Mulberry	18,369.47	16,696.45	Campbell Station	2,728.17	2,687.03	Osceola	91,753.82	105,676.78	Greenwood	143,376.42	145,820.09
Rudy	677.06	615.40	Diaz	14,100.88	13,888.24	Victoria	437.66	504.07	Hackett	13,005.10	13,226.76
Van Buren	252,965.98	229,926.72	Grubbs	4,129.70	4,067.42	Wilson	10,681.14	12,301.92	Hartford	10,282.36	10,457.61
Crittenden County	1,395,829.23	1,351,632.02	Jacksonport	2,268.12	2,233.92	Monroe County	NA	NA	Huntington	10,170.24	10,343.58
Anthonyville	1,133.18	1,097.30	Newport	84,295.03	83,023.85	Montgomery County	187,502.91	180,122.45	Lavaca	36,660.93	37,285.77
Clarkedale	2,611.24	2,528.55	Swifton	8,537.56	8,408.81	Black Springs	696.96	669.52	Mansfield	11,579.66	11,777.02
Crawfordsville	3,371.38	3,264.63	Tuckerman	19,920.97	19,620.56	Glenwood	295.68	284.04	Midland	5,205.24	5,293.96
Earle	16,990.63	16,452.64	Tupelo	1,925.77	1,896.72	Mount Ida	7,575.02	7,276.86	Sevier County	454,566.36	267,747.89
Edmondson	3,005.38	2,910.22	Weldon	802.4	790.30	Norman	2,661.11	2,556.37	Ben Lomond	1,477.05	1,408.37
Gilmore	1,665.98	1,613.23	Jefferson County	447,380.59	394,350.59	Oden	1,633.28	1,568.99	De Queen	67,169.99	64,046.78
Horseshoe Lake	2,055.20	1,990.13	Altheimer	11,211.42	9,884.88	Nevada County	110,470.10	131,123.50	Gillham	1,629.85	1,554.06
Jennette	728.47	705.40	Humphrey	3,509.27	3,094.05	Bluff City	1,017.02	1,207.17	Horatio	10,634.74	10,140.25
Jericho	837.57	811.05	Pine Bluff	559,238.16	493,068.79	Bodcaw	1,131.85	1,343.46	Lockesburg	7,527.85	7,177.82
Marion	86,888.68	84,137.46	Redfield	14,777.66	13,029.16	Cale	647.94	769.08	Sharp County	253,522.67	212,037.39
Sunset	1,254.24	1,212.52	Sherrill	957.07	843.83	Emmet	3,895.86	4,624.22	Ash Flat	11,752.15	9,829.08
Turrell	3,895.74	3,772.39	Wabbaseka	2,905.40	2,561.63	Prescott	27,033.15	32,087.24	Cave City	20,890.05	17,471.70
West Memphis	184,722.03	178,873.04	White Hall	62,961.72	55,512.06	Rosston	2,140.67	2,540.89	Cherokee Village	46,504.94	38,895.08
Cross County	518,930.49	273,209.06	Johnson County	138,733.69	129,850.83	Willisville	1,246.68	1,479.75	Evening Shade	5,180.54	4,332.82
Cherry Valley	7,817.28	7,017.52	Clarksville	101,904.58	95,379.82	Newton County	42,067.38	39,782.64	Hardy	5,174.15	7,321.66
Hickory Ridge	3,266.21	2,932.05	Coal Hill	11,236.37	10,516.93	Jasper	2,620.78	2,478.44	Highland	12,531.63	10,481.01
Parkin	13,268.96	11,911.46	Hartman	5,762.53	5,393.56	Western Grove	2,159.60	2,042.32	Horseshoe Bend	95.94	80.24
Wynne	100,471.86	90,192.95	Knoxville	8,116.39	7,969.72	Ouachita County	633,743.53	570,481.59	Sidney	2,170.55	1,815.37
Dallas County	143,090.46	143,803.71	Lamar	17,820.54	16,679.52	Bearden	9,726.82	8,755.86	Williford	899.4	752.23
Desha County	119,723.78	109,789.43	Lafayette County	78,378.17	84,565.58	Camden	122,672.71	110,427.20	St. Francis County	399,407.35	145,730.16
Arkansas City	4,633.49	4,249.01	Bradley	3,693.85	3,985.45	Chidester	2,909.99	2,619.51	Caldwell	9,824.10	9,588.64
Dumas	59,577.50	54,633.50	Buckner	1,617.53	1,745.22	East Camden	9,374.40	8,438.62	Colt	6,691.02	6,530.64
McGehee	53,411.72	48,979.76	Lewisville	7,528.87	8,123.22	Louann	1,651.34	1,486.50	Forrest City	272,083.42	265,562.32
Mitchellville	4,557.53	4,179.36	Stamps	9,958.10	10,744.24	Stephens	8,971.63	8,076.06	Hughes	25,507.26	24,895.92
Reed	2,177.49	1,996.80	Lawrence County	355,629.08	300,626.67	Perry County	119,046.05	105,906.58	Madison	13,612.14	13,285.90
Tillar	265.86	243.80	Alicia	959.57	811.16	Adona	1,193.82	1,062.05	Paletine	12,054.44	11,765.52
Watson	2,671.21	2,449.57	Black Rock	5,122.87	4,330.55	Bigelow	1,799.29	1,600.70	Wheatley	6,283.88	6,133.28
Drew County	178,299.08	414,555.23	Hoxie	21,512.94	18,185.70	Casa	976.76	868.95	Widener	4,832.40	4,716.60
Jerome	545.46	517.24	Imboden	5,238.94	4,428.68	Fourche	354.15	315.06	Stone County	102,437.95	91,029.66
Monticello	132,406.99	125,557.89	Lynn	2,228.68	1,883.99	Houston	988.18	879.11	Fifty Six	1,870.77	1,662.42
Tillar	2,853.18	2,705.59	Minturn	843.49	713.04	Perry	1,542.25	1,372.03	Mountain View	29,715.98	26,406.57
Wilmar	7,146.93	6,772.23	Portia	3,381.71	2,858.69	Perryville	5,329.58	7,419.11	Union County	549,453.83	586,046.01
Winchester	2,335.68	2,214.87	Powhatan	557.17	471.00	Phillips County	128,608.70	107,465.56	Calion	16,018.35	17,085.13
Faulkner County	801,036.93	820,557.10	Ravenden	3,637.08	3,074.56	Elaine	14,396.70	12,029.90	Ei Dorado	682,042.70	727,464.95
Enola	2,439.15	2,498.59	Sedgwick	1,176.25	994.33	Helena-West Helena	228,130.01	190,625.64	Felsenthal	3,925.01	4,186.41
Holland	4,019.55	4,117.50	Smithville	603.6	510.25	Lake View	10,027.89	8,379.31	Huttig	21,954.96	23,417.09
Mount Vernon	1,046.38	1,071.88	Strawberry	2,337.02	1,975.57	Lexa	5,473.99	5,409.67	Junction City	19,583.96	20,888.20
Twin Groves	2,417.50	2,476.41	Walnut Ridge	41,307.95	34,919.15	Marvel	26,846.66	22,433.09	Norphlet	24,709.66	26,355.26
Wooster	6,206.12	6,357.35	Lee County	35,171.93	30,685.32	Pike County	188,712.45	186,847.44	Smackover	65,008.17	69,337.54
Franklin County	246,495.89	242,813.98	Aubrey	1,089.91	950.88	Antoine	1,210.23	1,198.27	Strong	18,496.37	19,728.19
Altus	7,657.64	7,543.26	Haynes	961.68	839.01	Daisy	1,189.54	1,177.78	Van Buren County	324,845.91	306,520.47
Branch	3,707.59	3,652.21	LaGrange	570.6	497.81	Delight	2,885.92	2,857.40	Clinton	28,855.97	27,228.13
Charleston	25,478.33	25,097.76	Marianna	26,382.16	23,016.79	Greenwood	22,611.57	22,388.10	Damascus	2,772.48	2,616.08
Dennning	4,582.01	4,513.57	Moro	1,384.82	1,208.17	Murfreestboro	16,974.19	16,806.44	Fairfield Bay	23,898.78	22,550.58
Ozark	37,217.35	36,661.43	Rondo	1,269.42	1,107.48	Poinsett County	274,352.39	129,182.18	Shirley	3,227.17	3,045.11
Wiederkehr Village	383.89	378.16	Lincoln County	131,985.23	118,151.32	Fisher	2,249.18	1,932.13	Washington County	1,546,974.37	1,557,933.25
Fulton County	192,609.19	167,901.23	Gould	4,471.09	4,002.46	Harrisburg	23,218.02	19,945.16	Elkins	46,488.45	46,817.78
Ash Flat	483.61	421.57	Grady	2,398.47	2,147.08	Lepanto	19,092.84	16,401.47	Elm Springs	30,828.45	31,046.84
Cherokee Village	3,759.80	3,277.49	Star City	12,147.26	10,874.05	Marked Tree	25,880.73	22,232.53	Farlington	104,879.92	105,622.89
Hardy	199.13	173.59	Little River County	326,841.38	202,363.08	Trumann	73,587.61	63,214.56	Fayetteville	1,291,775.06	1,300,926.09
Horseshoe Bend	80.6	70.26	Ashtown	49,182.47	41,277.09	Tyronza	7,685.55	6,602.18	Goshen	18,802.54	18,935.74
Mammoth Spring	4,632.19	4,037.97	Foreman	10,527.94	8,835.73	Waldenburg	615.25	528.52	Greenland	22,717.54	22,878.48
Salem	7,751.92	6,075.50	Ogden	1,874.41	1,573.13	Weiner	7,221.59	6,203.63	Johnson	58,883.03	59,300.16
Viola	1,597.79	1,392.83	Wilton	3,894.61	3,268.61	Poik County	282,936.80	265,085.70	Lincoln	39,483.58	39,763.29
Garland County	2,191,604.98	2,417,536.89	Winthrop	1,999.38	1,678.00	Cove	8,487.00	7,951.54	Prairie Grove	77,703.13	78,253.59
Fountain Lake	7,499.71	8,272.85	Logan County	343,661.93	317,599.34	Grannis	12,308.36	11,531.80	Springdale	1,127,011.42	1,134,995.25
Hot Springs	242,378.27	267,364.98	Blue Mountain	1,219.71	1,127.21	Hatfield	9,175.72	8,596.82	Fayetteville	43,187.91	43,493.86
Lonsdale	1,401.54	1,546.02	Booneville	39,246.98	36,270.58	Mena	127,460.42	119,418.66	West Fork	40,677.40	40,965.56
Mountain Pine	11,480.65	12,664.20	Caulksville	2,095.14	1,769.54	Vandervoort	1,932.90	1,810.96	Winslow	6,864.43	6,913.04
Grant County	238,857.52	193,516.26	Magazine	8,331.38	7,699.54	Wickes	16,751.82	15,694.88	White County	1,243,019.83	1,189,985.50
Greene County	585,211.09	563,823.85	Morrison Bluff	629.53	581.78	Pope County	385,998.01	386,953.77	Bald Knob	38,426.55	36,787.05
Delaplaine	1,509.53	1,454.37	Paris	34,741.94	32,107.19	Atkins	46,357.27	46,472.05	Beebe	97,028.02	92,888.25
Lafe	5,960.06	5,742.24	Ratcliff	1,986.94	1,836.25	Dover	21,180.47	21,232.92	Bradford	10,067.57	9,638.03
Marmaduke	14,457.69	13,929.32	Scranton	2,203.34	2,036.24	Hector	6,916.70	6,933.83	Garner	3,767.05	3,606.32
Oak Grove Heights	11,568.75	11,145.96	Subiaco	5,626.38	5,199.69	London	15,969.89	16,009.44	Georgetown	1,644.77	1,574.59
Paragould	339,814.26	327,395.33	Lonoke County	348,444.69	306,574.57	Pottsville	43,621.33	43,729.33	Griffithville	2,984.46	2,857.12
Hempstead County	375,586.21	375,637.06	Allport	1,408.97	1,239.67	Russellville	429,142.86	430,205.43	Higginson	8,237.10	7,885.66
Blevins	3,506.93	3,507.40	Austin	24,969.42	21,969.02	Prairie County	75,825.64	70,891.61	Judsonia	26,780.53	25,637.92
Emmet	478.72	478.79	Cabot	291,301.73	256,298.06	Biscoe	3,150.90	2,945.87	Kensett	21,859.49	20,926.84
Fulton	2,237.75	2,238.06	Carlisle	27,125.76	23,866.25	Des Arc	14,903.85	13,934.05	Letona	3,382.38	3,238.07
Hope	112,388.63	112,403.84	Coy								

MUNICIPAL MART

To place a classified ad in City & Town, please email the League at citytown@arml.org or call 501-374-3484. Classified ads are FREE to League members and will run for two consecutive months from the date of receipt unless otherwise notified. FOR NON-MEMBERS, classifieds are available for the rate of \$0.70 per word and will run for one month unless otherwise notified. Once we receive the ad, we will send an invoice. The ad will run once payment is received.

FIRE CHIEF—The city of Mountain Home is accepting applications for the position of fire chief. The fire chief is a safety sensitive, exempt, administrative position that performs command and administrative duties. In general, this position is responsible for the administration and overall operation and management of fire operations, prevention, and emergency response activities in the city and rural boundaries of Mountain Home. Incumbent will have direct supervision over all Fire department personnel and volunteers. Effective administration provides protection for life and property, and, contributes to the well-being of the community. Minimum qualification include: extensive knowledge of fire suppression and first responder methods, practices and techniques; fire and emergency response equipment operation and maintenance; safety standards and precautions pertaining to the use and operation of fire equipment; fire codes and regulations; thorough knowledge of city streets, water supply and hydrant locations. Must have the ability to plan, organize, prioritize, coordinate, assign and evaluate the work of subordinate employees; establish and maintain effective fire suppression, fire prevention, and emergency response programs; assess and define training needs of subordinate personnel; communicate effectively, maintain records and prepare department related reports; deal courteously and authoritatively with the public; establish and maintain effective working relationships with other city employees, city officials, other public safety and community agencies, and the general public. Successful completion of state requirements for certification in fire services. Salary will be commensurate with experience and qualifications. A complete job description and application can be obtained at www.cityofmountainhome.com or by contacting Human Resources at 870-425-7042. Applications will be accepted until the close of business August 10. Completed application and resume should be

returned to the Mayor's Office Manager Tina Gregory, 720 Hickory Street, Mountain Home, AR 72653 (870-425-5116). EOE.

LOSS CONTROL LIAISON—The Arkansas Municipal League seeks a Loss Control Liaison. Duties include but are not limited to analyzing risk and developing loss control strategies for MLWCP members; developing and implementing safety policies; conducting field inspections and providing safety and loss control consultation for members; providing assistance to program members who have been identified by the Arkansas Workers' Compensation Commission's (AWCC) Rule 32 program; and promoting safety and loss control through member training. A bachelor's degree and seven (7) years of safety-related experience is required. Must be able to obtain certification from AWCC within one year. CSP or OHST certification is preferred. To request a complete job description or submit resume, contact Tracey Cline-Pew, SPHR, SHRM-SCP at tpew@arml.org. Employees must reside within the limits of an Arkansas city or incorporated town.

STORMWATER MANAGER—The city of Hot Springs seeks applicants for the position of stormwater manager in the Public Works Department. Applicant must possess a high school diploma or equivalent; four-year college degree in a related field is preferred; completion of courses or classes in stormwater and/or construction management; at least three years in a similar capacity in stormwater and/or construction management and administration; must possess the National Stormwater Inspector (CSI) certificate and at least two other stormwater certifications from recognized stormwater training organizations or be able to obtain within one year. Submit application to City of Hot Springs HR, 133 Convention Blvd., Hot Springs, AR 71901; or online at www.cityhs.net/jobs by June 16 or until job is filled. 🏠



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Winning cities will be featured in Arkansas Business and awards presented at the Winter Meeting of the Arkansas Municipal League.

Deadline to enter: August 31

Entry information is available at:

www.arkansasbusiness.com/trendsetter

For questions email bonnie@abpg.com

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Standing from left: Lindsey Ollar, Leigh Ann Biernat, Kevin Faught, Dennis Hunt (Executive Vice President and Head of Public Finance), Michael McBryde, Jason Holsclaw, Melissa Walsh
Seated from left: Michele Casavechia, Jack Truemper

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