

# City & Town

NOVEMBER 2009 VOL. 65, NO. 11

OFFICIAL PUBLICATION OF THE ARKANSAS MUNICIPAL LEAGUE



***Register  
for  
Winter Conference  
January 13-15, 2010***



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Pictured: Michael Lindsey, Nick Papan, Ron Pyle, Jim Fowler, Carmen Quinn, Patricia Quinn, Jim Alexander, Charlie Roberts

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**Register for Winter Conference January 13-15, 2010**

ON THE COVER—From January 13-15 the Statehouse Convention Center will be abuzz as municipal officials from across the state gather to prepare for 2010 and the first-ever fiscal session of the Arkansas Legislature. If you haven't yet registered to join us, do so on page 18 in this issue. Read also inside about recent League seminars, Stuttgart Mayor and League District 1 VP Marianne Maynard, an important municipal budget update and more.—atm

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Cover Photo by Patrick Jones, StudioOne Photography



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*City & Town* (ISSN 0193-8371 and Publication No. 031-620) is published monthly for \$20 per year (\$1.67 per single copy) by the Arkansas Municipal League, 301 W. Second St., North Little Rock, AR 72114. Periodicals postage paid at North Little Rock, Ark. POSTMASTER: Send address changes to *City & Town*, P.O. Box 38, North Little Rock, AR 72115.

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Dear Friends,

For those who are tired of mowing grass, don't worry. That season is over. Remember where you stored your rake? And can the holidays be far behind?

The Executive Committee and the CMT/PMT/MOPEB Trust Board of Trustees have meetings on Nov. 19.

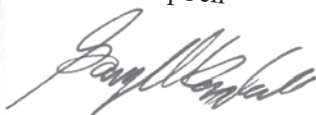
Planning has begun for our January Winter Conference. It will be similar to the 2009 Conference when we hosted legislators prior to the beginning of the 87th General Assembly. However, the Legislature is preparing for their first even-year budget session beginning in February 2010. Next year will be historic, so you will want to make plans to participate in our Winter Conference and learn the latest information about budgeting in Arkansas.

Recently I attended a presentation by Blake Rutherford, director of public communications at Stone Ward in Little Rock, about the use of social media like Facebook and Twitter to get your message out. While the focus of the meeting was generic, the speaker readily agreed that city and town officials could utilize these Web sites as another medium for communicating with our citizens. The presenter used some very informative slides, which can be found online at [tinyurl.com/AMLrefl](http://tinyurl.com/AMLrefl).

In October, I had the privilege of attending an Innovate Arkansas luncheon featuring four entrepreneurial companies describing their organizations, products and plans. It was exciting to see their presentations and dream along with them about potential successes. The topics included portable health records, automated store merchandising, advanced financial analysis and wireless medical monitoring. All were aimed at solving existing problems, reducing cost and improving quality. It was also interesting to note that these companies were populated by mature mid-career business and technical people and not young recent college graduates. If you know of someone with an idea or company they are working to get up and running, suggest they check into [www.InnovateArkansas.org](http://www.InnovateArkansas.org). This is another way to help grow jobs and expand our economy.

The recovery of our economy is slower than we would wish. Arkansas is one of the few states that is not in dire circumstances, yet we all remember when things were better. Reflecting on the present and looking to the future reminds me of Christopher Reeve's quote: "At first dreams seem impossible, then improbable, then inevitable." I'm confident that we will recover. Fortunately we have municipal officials, like you, who are willing to work hard leading their communities through this financial downturn. Thank you for the extra effort each of you put forth every day.

Gary Campbell



City Director/Vice Mayor, Fort Smith  
President, Arkansas Municipal League



# League fall seminars focus on public safety

By Andrew Morgan, League staff

Two fall seminars held at the League's North Little Rock headquarters covered different aspects of public safety, which is one of the primary reasons municipalities exist. On Oct. 7, the League hosted a seminar aimed at law enforcement officials covering public safety and the use of force. An Oct. 28 seminar focused on municipal responses to natural disasters.

Most recent polls show crime rates dropping in cities and towns in the state, despite a major economic downturn. Historically this hasn't been the case, League Executive Director Don Zimmerman told the group of 113 officers and other community leaders at the Oct. 7 seminar. Crime generally has risen during times of economic hardship, he said. Zimmerman credited the efforts of our state's law enforcement with the drop in crime.

League staff attorneys covered the nuts and bolts of lawsuits police officers regularly face. For the seminar the League welcomed Jack Ryan, a former cop, a lawyer, expert witness and a dynamic speaker who dissected the major cases such as *Graham v. Connor* and *Schultz v. Long* that have set use of force laws. Ryan retired after 20 years as a police officer with the Providence, R.I., Police Department.

Tornadoes, floods and ice storms are just a few of the natural disasters that have affected almost every municipality in the state at one time or another. The League's Oct. 28 seminar stressed the importance of planning for these events.


"After the fire is too late," Danna McGinty, planning branch manager with the Arkansas Department of Emergency Management (ADEM) told the 126 seminar attendees. Take an "all hazards approach" when planning for natural disasters, she said, because you

never know what kind of disaster will hit. Working together with the county coordinator and state agencies is essential, she said, to get the most out of the resources available. For training materials and planning guidelines, she suggested visiting [www.ready.gov](http://www.ready.gov) and [www.redcross.org](http://www.redcross.org), which she called her "go-to" Web sites. Generalized guides are no substitute, however, for an individual, locally created plan, she added.

Several mayors were on hand to discuss their cities' experiences in dealing with disasters in recent years. Springdale Mayor Doug Sprouse had only been sworn in a few weeks when a late January ice storm wreaked havoc across a large portion of north Arkansas. Springdale alone suffered more than \$4 million in damages from the overnight storm.

"I remember praying, 'God, let this look better in the morning,'" Sprouse said.

Batesville had a very trying 2008, Mayor Rick Elumbaugh told seminar attendees. By year's end the city had suffered two 100-year floods and had dealt with strong winds and rain that swept through the area in the wake of Hurricane Ike.

"You can't plan enough," Elumbaugh said. "Don't just have a plan," he added, "work the plan." 



Jack Ryan addresses law enforcement officials and other seminar attendees at the Oct. 7 public safety meeting.



League President and Fort Smith Vice Mayor Gary Campbell welcomes a full house of city and town leaders, right, to the Oct. 28 disaster preparedness seminar.

PHOTOS BY ANDREW MORGAN, LEAGUE STAFF

# Stuttgart means rice, ducks and more

By Andrew Morgan, League staff

Approach Stuttgart from any direction and on the horizon you'll see an impressive skyline rising from the heart of the Grand Prairie in Arkansas County. As you get closer you'll notice the skyline isn't composed of office buildings, but of the groups of 20-story silos of

Riceland Foods and Producers Rice Mill, which anchor the city's business life and are two of the largest farmer co-ops in the nation.

As impressive as the structures are, they are not city's most distinctive features, as Mayor Maryanne Maynard, the League's District 1 Vice President, will tell you. It's the people who give Stuttgart its community spirit.

"The whole community of Stuttgart is a true picture of volunteerism," Maynard says, and at no time was this spirit more evident than in the wake of a series of natural disasters that struck the city. In both the May of 2008 and the May of 2009, devastating tornadoes ripped through Stuttgart, destroying homes and businesses and taking down trees and power lines. The damage was immense. In the aftermath, the citizens banded together to recover and rebuild.

"If you didn't know what the city looked like before the storms, you wouldn't even be able to tell they hit," Maynard says. "It was a wonderful thing to see happen."

Though not a Stuttgart native, Maynard has made the city her home since 1967, when she moved there with her husband, Neil. She grew up in Foreman in Little River County and met Neil when they were both students at the University of Arkansas

in Fayetteville. The two married in 1963. They have three sons and six grandchildren.

"I grew up in public office," Maynard says of her introduction to public service. Her father, , was a state representative, served as speaker of the

(see **STUTT GART**, page 31)

Stuttgart's "skyline" looms in the background beyond a busy downtown.



PHOTOS BY ANDREW MORGAN, LEAGUE STAFF

Stuttgart Mayor and League 2009-2010 District 1 Vice President Marianne Maynard.





## *Important Information for Municipal Budgets*

# **State turnback estimate revised**

**T**he Arkansas Fidelity Bond Trust Fund Board of Trustees met Oct. 27 and made an annual assessment for the program.

The Board voted to withhold an estimated \$115,000 from municipal general turnback funds to provide the blanket bond protection for municipal officials and employees. The premium will be a minimum of \$100 per city or town and has not been assessed in the last several years.

Additionally, Gov. Mike Beebe recently announced a two percent state cutback, estimated to be \$554,000 for municipal aid. These cuts total approximately \$669,000, which equates to a loss of 38 cents per capita. As a result of this change, the League's newly revised turnback estimate for 2010 is now \$17 for the general fund. In August we had forecast \$17.25 for the general turnback and \$47 for street turnback.

Now for the good news. The Municipal League Workers' Compensation Trust (MLWCT) Board met Oct. 14 and approved an increase in

experience credits of over \$1.6 million. Due to increased credits awarded by the Board and decreased rates established by the Workers' Compensation Commission, the overall net decrease will be approximately 13 percent and will take effect Jan. 1, 2010.

The Municipal Health Benefit Fund (MHBF) Board met Nov. 3 and approved rate adjustments effective Jan. 1, 2010. Overall, there will be 24 member municipalities receiving rate increases, 27 member municipalities will receive rate decreases and 227 member municipalities' rates will remain the same. The net effect produces a slight decrease overall for members of the MHBF, something that is rarely experienced, according to national reports about skyrocketing healthcare costs.

For most cities participating in the MLWCT and MHBF programs, these decreases will more than offset the recent cuts announced by the state.



# League-endorsed HR software now available

Creating job descriptions can be a tedious, time-consuming task. For a smaller municipality that does not have an employee that handles human resources exclusively, job descriptions are probably not a top priority because no one has the time to create them. However, every municipality still needs them. With the Americans with Disabilities Act Amendments Act (ADAAA), it is now a bigger priority than ever before. With the support from the Arkansas Municipal League and endorsed vendors, the Johanson Group and DBSquared™, this can now be a simple task for your municipality to complete.

The Johanson Group and DBSquared released DBDescriptions™ in September. The product allows organizations to create and maintain comprehensive and ADA-compliant job descriptions easily through an automated system. Any municipality with 15 or more employees needs a way to create accurate, thorough and current documentation to provide evidence that certain aspects of their jobs are required. In addition, a job description should be written so that it does not discriminate against a disabled employee or potential employee. With DBDescriptions, that is now a simple process even for municipalities that have not had the time to create job descriptions in the past.

Blair Johanson, principal partner of DBSquared, said it best when describing the application: "With DBDescriptions' easy-to-use electronic features, job description development projects will be moved from the back burner to the front burner."

This Web-based product allows any organization to develop job descriptions electronically with a combination of open text boxes that involve minimal data entry and point-and-click selections. The point-and-click selections cover a broad range of your core requirements for each position including education and experience, work skills, internal and external communication within the organization, use of machines, equipment and/or computers and physical and work environment requirements. This application also offers the ability to e-mail a Position Analysis Questionnaire (PAQ) to an employee or de-

partment head, and when completed, a comprehensive and compliant job description is created and available for single and/or multi-level review. The job descriptions include all of the necessary ADA information such as mental demands, physical demands and working conditions for each position. The new product will also serve as a job description repository for organizations and can be accessed 24 hours a day, seven days a week via the DBDescriptions Web site.

The program is pre-populated with over 1,100 job descriptions, many of which were created specifically for municipalities and have been collected by the Johanson Group over the last eight years. The DBDescriptions master library contains 273 job titles designed specifically for municipal government to ease the workload of our Arkansas municipalities. Animal welfare officer, building inspector, city clerk and parks superintendent are just a few descriptions that are ready and available for you. In addition, you also have standard job descriptions pre-populated within the system that can be utilized across industries such as an accounting clerk, bookkeeping positions and administrative assistant.

DBSquared Senior Software Engineer and project lead for DBDescriptions Chris Devine says, "This Web-based application allows you to create and modify job descriptions quickly and easily. Created with state-of-the-art tools, DBDescriptions even offers a way to collaborate with others on the creation, revision and fine-tuning of job descriptions."

Multiple packages of job descriptions of various sizes and prices are available to fit any organization's needs. The premium membership for DBDescriptions will be offered at \$495 annually, which provides organizations unlimited use for an unlimited number of job descriptions. If you would like to test the product to see how user-friendly it is, you can log on to the Web site and purchase our trial version, which is one job description for \$9.95. If you decide to purchase the premium membership after the trial version, the cost of the trial version will be credited back toward the premium subscription so that we can offer each organization the best price

possible for our job description creator. To find out more about DBDescriptions, please visit the Web site at [www.dbdescriptions.com](http://www.dbdescriptions.com) or call 479-587-0151.

In addition to the release of DBDescriptions, DBSquared has revamped their image and has a new Web site. The new Web site provides plenty of great information to educate organizations about their solutions. There is also much more to come as DBSquared will continue to add helpful, relevant information, as well as new products and services, to their site. Please visit their website at [www.dbsquared.biz](http://www.dbsquared.biz) to learn more.

DBSquared is a world-class provider of software

products and services based in Fayetteville. Dedicated to simplifying HR processes through the utilization of technology, Johanson Group Consulting and Applied Computer Technology merged their efforts in 2001, and founded the company in 2005. The Principal Partners of DBSquared have over 60 years of combined experience within the realm of Human Resources, which is the foundation for every product launched by this organization. The efficiencies of their products have impacted hundreds of organizations across 25 states, including several of our own member municipalities.



## The must-have reference for every city hall in Arkansas

The new 2009-2010 edition of the *Handbook for Arkansas Municipal Officials* will soon arrive. The *Handbook* compiles state laws affecting Arkansas municipalities, including the newest laws from the 2009 legislative session.

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# Are you prepared for flu season in your workplace?

By Melanie Kennon, Ed.D, and Dr. Scott Darnell

With flu season fast approaching, the frenzy over the H1N1 virus is only beginning. While the cases of influenza have been relatively mild to this point, many are fearful of what the winter months might hold. The fear is that H1N1 might display the same characteristics of the last influenza pandemic. The Spanish Flu of 1918 was very mild during the spring and summer months before developing into a much deadlier version during the fall and winter. When all was said and done, over 500 million people were dead. Over half of the dead were young adults aged 20-40 years old.

This year the swine flu is renewing fears of a new pandemic. In June 2009, when the infection's spread had been verified worldwide, the World Health Organization declared H1N1 flu a global pandemic. Hospital emergency departments and clinics are even now being bombarded with patients with flu-like symptoms and people seeking vaccinations for swine flu that are not yet ready for distribution. Adding to the frustration of physicians are flu swabs that are only 40-60 percent sensitive in proving that a patient definitely has H1N1. People infected with seasonal and 2009 H1N1 flu shed virus and may be able to infect others from one day before getting sick to five to seven days after. This can be longer in some people, especially children and people with weakened immune systems and in people infected with the new H1N1 virus. Preventative measures seem to be the only sure course of action currently.

Businesses and employers play a key role in protecting employees' health and safety. Employers need to plan now for how they will minimize the potentially negative impact of influenza outbreaks on businesses and communities. With the possibility of H1N1 outbreaks coinciding with the seasonal influenza season, employers must plan for increased levels of absenteeism that may severely impact business operations. Most employers and government agencies are not adequately prepared for such an event. Businesses must assess their essential business functions, identify critical personnel and take aggressive measures to maintain

business continuity. Cross train employees to perform essential functions so that the workplace is able to operate even if key staff are absent. Do you have a contingency plan for continued delivery of services if your agency is operating with a skeleton crew? Each city department should have a continuity of operation plan, highlighting essential services, and how each public agency should be able to respond to citizens' needs.

It is smart to develop a plan that includes various precautionary measures. First of all, the obvious: health and safety at the workplace. Hand sanitizer stations and frequent cleaning with antiseptic wipes of common areas, counter tops, door knobs, phones, computer keyboards and equipment will keep pesky flu germs at bay. Provide tissues and no-touch disposal receptacles for use by employees. Make sure custodial staff are using precautions and have plenty of disinfectant. Be sure that restrooms and common areas are well stocked with soap, paper towels and hand disinfectant. Many employers have had success in keeping the majority of their workforce healthy during flu season by sponsoring annual influenza vaccinations on site during the fall. Remember that if an employee gets sick at work with H1N1 from a co-worker, employers must record the illness on the OSHA 300 log. The common flu ordinarily wouldn't have to be reported if spread from worker to worker, but swine flu is different.

Now is a good time for employers to take a hard look at their policies and procedures, to make sure they are consistent with public health recommendations as well as existing state and federal workplace laws. Assess company attendance and sick leave policies. What are your responsibilities as an employer in the face of a major health threat? It may become necessary to relax leave policies somewhat if your agency is hit hard by the flu so that employees experiencing flu-like symptoms are not compelled to come to work and spread it, but can stay home without fear of losing their jobs. One of the best ways to reduce the spread of influenza is to keep sick people away from well people. Workers who have influenza-like symptoms are recommended to stay home and not come to work until at

least 24 hours after they are fever-free. Employers should expect sick employees to legitimately be away from work for three to five days in most cases, even if antiviral medications are used. The CDC recommends that employees who become ill at work be separated from others and asked to go home. It will be important for employers to plan for how they will operate should significant levels of employees contract influenza, have family members that are sick, or must watch their children if schools or child care facilities close.

In assessing your leave policies, many questions arise. What are the options for childcare for employees if schools or daycare centers are shut down temporarily? Will you provide paid sick leave to cover absences due to influenza? Does the agency have policies and practices developed for telecommuting or flexible work hours? Have we established a resource for contract workers or temporary workers if they are needed? Will we require a doctor's note to return to work or suspend that requirement given the circumstances? Are there key employee positions that just as easily can take a laptop and work from home? At least begin to have those conversations with the leadership of your organization. Be flexible. Be prepared to implement multiple measures to protect your employees and ensure business continuity.

Another common question that comes to mind for human resource professionals is whether employees have to be paid if they are required to stay home because of concerns about the swine flu. The answer really depends on whether the employee is exempt or nonexempt. For nonexempt employees, time away from work can be unpaid, subject to the employers' paid leave policies. For exempt employees, Stephen Woods, an Oglethorpe Deakins attorney in Greenville, S.C., states that time away from work can be unpaid as long as it is full-day increments if it is truly voluntary and initiated by exempt employees. What about the potential for leave abuse? One suggestion is to require employees to use paid leave for H1N1 absences and then, if they have exhausted all their paid leave for the current year, tap into paid leave for the next leave year. With this approach, the employee escapes devastating financial repercussions while still having an investment in being legitimately absent for work. Might there be some folks who slip through the cracks? Sure, aren't there always? But would you rather someone who is legitimately sick and contagious come to work because they are out of paid leave and infect half your workforce or someone take advantage of the system?

Public health authorities recommend the use of social distancing strategies to control the spread of influenza. Social distancing strategies involve increasing physical distance between people. Cancel large group meetings, space employees farther apart in the workplace, and working from home are examples of social distancing. Make sure you have the information technology and infrastructure to support these strategies. Rely more on e-mail, Web casts and common internal Web sites for communication than face-to-face or large group meetings. Non-essential travel may need to be temporarily suspended. Avoid crowded work settings and be flexible with employees who may be at a higher risk of health complications from influenza by reassigning duties and allowing telecommuting from home when possible. Remember, these are not permanent policy changes, but temporary solutions and suggestions to a potential health threat.

Educate your workforce. Post information about the virus, precautionary measures emphasizing hand washing, and cough etiquette. Add a "button" on your company Web page or employee intranet site that is a link to the latest information on influenza. Anticipate employee fear and misinformation, and plan communications accordingly. Communication of your continuity plan and timely, accurate information from state and local public health officials will be important in controlling the rumor mill. (Free information and training materials are available at [www.cdc.gov](http://www.cdc.gov).) Review and update insurance policies, employee emergency contact information, disability benefit policies, health insurance plans, and leave policies in general. Be careful with an ill employee's privacy so as not to violate the confidentiality protections under HIPAA.

Employers should be aware that the severity of 2009 H1N1 influenza could change rapidly. Business continuity planning, whether it is for an influenza outbreak, a hurricane, or any other natural or man-made disaster, is simply a good business practice. It is a significant piece of the effective management and protection of our most important business resource—our human resource.

*Melanie Kennon, Ed.D., is president of Kennon & Associates Consulting ([www.kennonconsulting.com](http://www.kennonconsulting.com)) in Benton. You can reach Kennon at 501-951-3758 or by e-mail at [mkennon@kennonconsulting.com](mailto:mkennon@kennonconsulting.com). Dr. Scott Darnell is an emergency room physician at the University of Arkansas for Medical Sciences.*



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# League team hits pavement in fight against breast cancer

The League was well represented again this year at the Susan G. Komen Race for the Cure, the popular annual event that raises awareness and funds for the ongoing fight against breast cancer. More than 30 League staff members and their families participated in the race, now in its 16th year, held Oct. 17 in Little Rock.

Karen Mitchell, Sabra Bland, Jill Sloan and Pat Planek organized the team, designed and printed t-shirts, made sure everyone was registered, re-cruited team sponsors and made sure race day went off without a hitch. The team would like to thank Don Zimmerman, Rx Results, Arkansas Eye Associates and eDocAmerica, who sponsored the team. 



PHOTOS BY ANDREW MORGAN, LEAGUE STAFF

From left, Karen Mitchell, Shellie Arnold, Debbie Finkbeiner and Cynthia Parker check out the crowd, left, on the morning of the race.



Top row, L-R, Sandra Hunter, Lori Sander, Shellie Arnold, Debbie Finkbeiner, Karen Mitchell, David Baxter, Barbara DePriest, Andrea Ross; middle row, Mary Eastham, Mark Hayes, Joyce Standley, Karen Lauderdale, Pat Planek, Jill Sloan, Sabra Bland, Pam Adams, Glenda Robinson, Don Zimmerman, Sheryll Lipscomb and Tammie Williams; bottom row, Whitnee Bullerwell, Gladys Rogers, Patty Bright and Cynthia Parker.



PHOTO BY JIM VON TUNGELN

Shops, restaurants, hotels and other amenities continue to draw people to Little Rock's President Clinton Avenue and the River Market.

## Little Rock River Market receives national honor

By Jim von Tungeln

Little Rock's River Market area received national recognition on Oct. 7, 2009, when the American Planning Association (APA) named President Clinton Avenue one of the 10 Great Streets for 2009. The designation was part of APA's *Great Places in America* program.

The program identifies places that exemplify exceptional character. It also highlights the role planners and planning play in creating communities of lasting value.

President Clinton Avenue today represents the culmination of more than 25 years of hard work by countless individuals and multiple organizations. The organizations include the city of Little Rock, the Central Arkansas Library System, the Arkansas Museum of Discovery, the William J. Clinton Presidential Center and the Central Arkansas Transit System. Little Rock's Downtown Partnership is also an active participant in the area's development.

"President Clinton Avenue has developed from a forgotten district of abandoned warehouses into a vi-

brant social hub of our community," Little Rock Mayor Mark Stodola said. "In a picturesque and walkable setting, President Clinton Avenue has become the lynchpin of a district that includes a major tourist attraction, an acclaimed lecture series, the farmers' market and an array of restaurants, musical venues and museums."

The APA and its professional institute, the American Institute of Certified Planners, are dedicated to advancing the art, science and profession of good planning—physical, economic and social. Its members help create communities of lasting value. They also encourage civic leaders, business interests and citizens to play a meaningful role in creating communities that enrich people's lives.

The *Great Places in America* program furthers those aims. The nine other APA Great Streets for 2009 are:

- Broadway Street, Skagway, Alaska
- Front Street, Bath, Maine
- South Main Street, Ann Arbor, Mich.



- Front Street, Traverse City, Mich.
- Haddon Avenue, Collingswood, N.J.
- Main Street, Greenville, S.C.
- Duke of Gloucester Street, Williamsburg, Va.
- North Main Street, Wheeling, W.Va.
- East Newberry Boulevard, Milwaukee, Wis.

"We're very excited to single out President Clinton Avenue as one of this year's Great Streets," said APA Chief Executive Officer Paul Farmer, FAICP.

"City officials, business leaders, investors and citizens are to be commended for their long-range vision and plan to revitalize this area of Little Rock—something they committed themselves to and began years before the presidential library was even a possibility," he added.

Dreams for an active entertainment district for

the riverfront area started taking shape with the construction in 1986 of the Julius Breckling Riverfront Park and amphitheater. The current phase culminated with the completion of the Clinton Center. Since the official renaming of the street as President Clinton Avenue in 2001, the city has attracted \$1.5 billion in additional economic investments. The most recent addition to the area is the Arkansas Studies Institute, an impressive adaptive reuse of three historic buildings.

City officials offered specific praise for Eve Jorgenson, a planner with the city's Department of Planning and Development who prepared the application for this impressive award. More information about APA and its programs is available on the Web at [www.planning.org](http://www.planning.org).

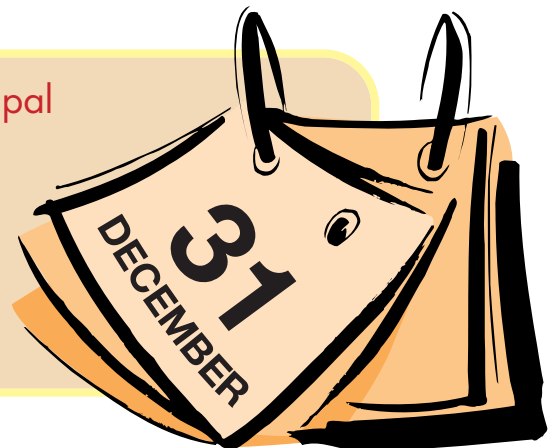


## WHO you gonna CALL?

We don't know either, without your help. Fill out the Directory Information Request Forms and return them to the League by Nov. 30, 2009. Watch for the new Directory in early 2010.

The deadline for enrollment in the Arkansas Municipal League 2010 Municipal Officials and Department Heads Accidental Death and Dismemberment Plan is Dec. 31, 2009.

Contact Tammie Williams at 501-374-3484, Ext. 216, or e-mail [twilliams@arml.org](mailto:twilliams@arml.org).





# 2010 Winter Conference

Peabody Hotel/Statehouse Convention Center  
January 13-15, 2010

REGISTRATION

**Registration and payment must be received in League office by Friday, December 11, 2009, to qualify for advance registration.**

Advance registration for municipal officials . . . . .	\$100
Registration fee after <b>December 11, 2009</b> , and on-site registration for municipal officials . . .	\$125
Spouse/guest registration . . . . .	\$50
Child registration . . . . .	\$50
Other registrants . . . . .	\$150
Wednesday Night Banquet only . . . . .	\$25

- Registration will be processed **ONLY** with accompanying payment in full. Make checks payable to the Arkansas Municipal League.
- Registration includes meals, activities and a copy of **Handbook for Arkansas Municipal Officials, 2009-2010 edition**.
- No daily registration is available.
- Registration must come through the League office. No telephone registrations will be accepted.
- **No refunds after December 11, 2009.**
- Cancellation letters must be postmarked by **December 11, 2009.**

HOTEL RESERVATION

## Hotel Room Rates

Peabody Hotel (headquarters hotel)	
Single/ Double . . . . .	\$119
Check-in . . . . .	3 p.m.
Capital Hotel	
Single/Double . . . . .	\$149
Check-in . . . . .	3 p.m.
Doubletree Hotel	
Single/Double . . . . .	\$109
Check-in . . . . .	3 p.m.
Wyndham Hotel	
Single/Double . . . . .	\$99
Check-in . . . . .	3 p.m.

- Cut-off date for hotel reservations is **December 11, 2009.**
- Rooms in Little Rock are subject to an 11.5 percent tax.
- Rooms will be held until 6 p.m. and then released unless guaranteed by credit card.
- Contact the hotel directly to make changes or cancellations in hotel accommodations.
- Hotel confirmation number will come directly from the hotel.
- Please check on cancellation policy for your hotel.

# TWO WAYS TO REGISTER

**1** Register online at [www.arml.org](http://www.arml.org) and pay by credit card.

OR

**2**

Complete the steps and **mail with payment** to:  
ARKANSAS MUNICIPAL LEAGUE  
Attn: 2010 Winter Conference  
P.O. Box 38  
North Little Rock, AR 72115-0038

## Step 1: Delegate Information

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

## Step 2: Payment Information

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

Advance Registration  Regular Registration  Spouse/Guest  Child  Other Registrants Total  
\$100 \$125 \$50 \$50 \$150 \$

### • HOW ARE YOU PAYING?

**Check** Mail payment and form to: Arkansas Municipal League  
2010 Winter Conference  
P.O. Box 38  
North Little Rock, AR 72115

**Credit Card** Complete information below and send to address above.

Credit Card:  Visa  MasterCard

Card Number: \_\_\_\_\_ Exp. Date: \_\_/20\_\_

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

Billing address (as it appears on statement): .....

City: ..... State: ..... Zip: .....

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

## Step 3: Hotel Reservations

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

**Peabody Hotel** Reservations \_\_\_\_\_ 501-906-4000  
**Capital Hotel** Reservations \_\_\_\_\_ 877-637-0037 or 501-374-7474  
**Doubletree Hotel** Reservations \_\_\_\_\_ 800-937-2789 or 501-372-4371  
**Wyndham Hotel** Reservations \_\_\_\_\_ 800-996-3426 or 501-371-9000

## Step 4: Hotel Payment

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

To obtain direct billing as a payment option, registered delegates must directly contact hotel accounting offices listed below:

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

# ***Advertise in the 2010 Directory***

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

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

- Published in early 2010
- More than 1,200 copies distributed
- 100-110 pages

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For more information, contact Debby Wilkins  
at 501-374-3484, Ext. 138, or e-mail  
[citytown@arml.org](mailto:citytown@arml.org).



# CLE offered at League conference

Six (6) hours of continuing legal education (CLE) will be available for city attorneys who attend the Arkansas Municipal League's 2010 Winter Conference, Jan. 13-15, 2010, at the Statehouse Convention Center in Little Rock. The Arkansas City Attorneys Association (ACAA) sponsors the CLE. All CLE will occur on Friday, Jan. 15 in the Riverview Room of the Peabody Hotel.

Jason Carter, North Little Rock city attorney, and ACAA president, urges members and non-members to register for the conference as soon as possible. A registration form is in this issue of *City & Town*. Copies also are being mailed to city attorneys.

CLE topics are selected based on requests from our city attorney members and will include clean-up liens, an update on the FOIA, new seat belt laws, jail fines and court funding, the Red Flag Rule (FACTA), internal investigations and one (1) hour of ethics.

To attend the CLE program, registration is required at the League Conference. For registration information, call Whitnee Bullerwell at 501-374-3484, Ext. 206. For CLE information, call Mark Hayes, ACAA secretary/treasurer and League general counsel, at 501-978-6102 or his assistant, Jamie Adams, at 501-978-6124.





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## CALENDAR

**Arkansas Municipal League  
Winter Conference  
Wednesday-Friday  
Jan. 13-15, 2010  
Little Rock**

**NLC Congressional City Conference  
Saturday-Wednesday  
March 13-17, 2010  
Washington, D.C.**

**Arkansas Municipal League  
76th Annual Convention  
Wednesday-Friday  
June 16-18, 2010  
Hot Springs**

## Save the Date

**Dec. 9, 2009**  
for  
**MHBF Training Seminar**  
**9:00 a.m.-3:30 p.m.**  
*Hope to see you there!*

## Fairs & Festivals

Nov. 21, **STUTTGART**, 74th World Championship Duck Calling Contest and Wings Over the Prairie Festival, 870-673-1602, [stuttgartchamber@centurytel.net](mailto:stuttgartchamber@centurytel.net), [www.stuttgartarkansas.org](http://www.stuttgartarkansas.org)



**Save the Date**  
**Dec. 9, 2009**  
**for**  
**MHBF Training Seminar**  
**9:00 a.m.-3:30 p.m.**  
**Hope to see you there!**

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# Municipal Notes

## AHPP offers free grant-writing workshop

The Arkansas Historic Preservation Program will hold a grant-writing workshop from 9:30 a.m. to 3 p.m. on Tuesday, Jan. 12, 2010, at the Mosaic Templars Cultural Center at 501 W. 9th St. in Little Rock for people interested in applying for the agency's County Courthouse Restoration or Historic Preservation Restoration grant programs, AHPP Director Frances McSwain has announced.

Admission is free, but reservations must be made by Tuesday, Jan. 5 by calling Joia Burton at 501-324-9883 [TDD 501-324-9811] or sending e-mail to [joia@arkansasheritage.org](mailto:joia@arkansasheritage.org).

The AHPP's grant programs to be covered in the workshop are County Courthouse Restoration Subgrants, which are financed through Real Estate Transfer Tax funds distributed by the Arkansas Natural and Cultural Resources Council for rehabilitation of historic county courthouses across Arkansas, and Historic Preservation Restoration Grants, which distribute funds raised through the Real Estate Transfer Tax to rehabilitate buildings that are listed on the Arkansas or National Registers of Historic Places and owned by local governments or not-for-profit organizations.

**WHO**  
you gonna  
**CALL?**

We don't know either, without your help. Fill out the Directory Information Request Forms and return them to the League by Nov. 30, 2009. Watch for the new Directory in early 2010.

## Neighborhoods USA Conference comes to Little Rock

Little Rock will host the 35th Neighborhoods USA (NUSA) Conference on May 26-29, 2010, at the Statehouse Convention Center. More than 1,000 neighborhood representatives, public officials and private sector individuals from across the nation are expected to attend.

NUSA is a national, nonprofit organization committed to building and strengthening neighborhood associations. Created in 1975 to share information and experiences toward building stronger communities, NUSA now continues to encourage networking and information sharing to facilitate the development of partnerships between neighborhood organizations, government and the private sector.

The heart of the organization is its annual conference held each May. During this event, representatives from all ethnic/cultural backgrounds and economic levels gather to hear keynote speakers, visit exhibits, attend workshops and tour local neighborhoods.

The conference will present 60 workshops, which include topics such as tips on organizing grassroots initiatives, crime prevention through code enforcement, disaster preparedness and the benefits of engaging youth in community efforts. A special track of workshops for youth is also included. Concentrated effort has been made to include a balance of local, regional and national work sessions, with targeted presentations by HUD, FEMA, City Year and the Clinton Presidential Center on Green Initiatives.

A highlight of the conference is the Neighborhood Pride Tours, during which attendees can tour selected neighborhoods and see the impact of successful improvement projects in this area. A total of 16 tours are planned, each culminating in a dinner shared with neighborhood residents.

To receive a registration packet or for additional information, go to [NUSA@littlerock.org](mailto:NUSA@littlerock.org).

(see **BRIEFS**, page 30)



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**Solution:** The Arkansas Municipal League's Volunteer Firefighters Supplemental Income Program protects the earnings of volunteer firefighters who are injured in their duties.

**What they get:** Weekly temporary total disability benefits payable up to a MAXIMUM of \$550 allowed under Arkansas Workers' Compensation Law; weekly benefits go for 52 weeks; \$10,000 death benefit.

**How?** Cost is only \$20 a firefighter a year. All volunteer and part-paid firefighters in the department must be covered. The minimum premium for each city or town is \$240.

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

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# Want the latest information?

Are you a member of the Arkansas Municipal League?

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## How do I subscribe?

### Step 1:

Choose the lists from which you would like to receive information.

#### Discussion lists:

- Mayors/City Managers    Clerks/Recorders/Treasurers    City Attorneys  
 Aldermen/City Directors

#### Announcement lists (choose all that apply):

- General    Arkansas City Management Association    Fire Chiefs    Police Chiefs  
 Legislative Advocacy    Loss Control    Meetings    Technology  
 Municipal Health Benefit Fund    Municipal League Workers' Compensation Trust  
 Municipal Vehicle Program/Municipal Property Program

### Step 2:

Subscribe to the list servs by using one of the following options:

Option A: Visit [www.arml.org](http://www.arml.org) and click on the Discussion List and Announcement List links.

Option B: Complete Step 3 and fax to 501-374-0541, attn: Whitnee Bullerwell.

Option C: Complete Step 3 and mail to Arkansas Municipal League, attn: Whitnee Bullerwell, P.O. Box 38, North Little Rock, AR 72115.

### Step 3:

Complete the following information:

Name

Title

Member City

E-mail Address

Daytime Phone Number

# Summaries of attorney general opinions

Recent opinions that affect municipal government in Arkansas

From the Office of Attorney General Dustin McDaniel

## Right-of-way may not defeat land's contiguity

Opinion: 2009-111

Requestor: Ingram, Keith—State Representative

For assessment purposes, is a parcel of land still contiguous if separated by water, a public or private road, a railroad, a power line, or other right of way? **RESPONSE:** Looking to other jurisdictions and based on what appears to be the general authority in this area, the answer is likely “yes.” A right-of-way probably will not defeat contiguity. This assumes that the question is asked in the context of the listing and valuing of land for general property tax purposes. See ACA 26-26-717; 26-26-1202; 26-28-101. However, a number of factors may bear on the determination whether particular taxable real estate is to be assessed as one parcel or as separate parcels. Contiguity may not alone be determinative.

## Commissioner's dual service may pose conflict of interest

Opinion: 2009-126

Requestor: Dale, Robert E.—State Representative

Assume a bank president simultaneously serves as a commissioner on the city's Advertising and Promotion Commission (A&P Commission). The president owns less than 5 percent of the bank's stock. And the bank services the A&P Commission's bank accounts. Does this situation violate the conflict of interest provisions contained in ACA 14-42-107 or any other constitutional, statutory, or common-law prohibition? **RESPONSE:** In my opinion, this situation probably does violate the conflict of interest provisions contained in ACA 14-42-107, unless the city council has enacted an enabling ordinance.

## Some city departments must be created by ordinance

Opinion: 2009-137

Requestor: Lea, Andrea—State Representative

Q1) Does ACA 14-58-301 require a [city] of the first class, if it elects to create a department of the city, e.g., a police department, public works department, parks and recreation department, etc., must it pass an ordinance to create such a department? Q2) If the answer to Question 1 is “yes,” if a city of the first class is operating a department within the city without formally passing an ordinance creating the department, what are the legal ramifications to the city for not following ACA 14-58-

301? **RESPONSE:** Q1) Section 14-58-301 only applies to a department created for the purpose of assisting the mayor in carrying out the provisions of subchapter 3 of chapter 58 of Title 14, pertaining to purchasing and other matters involving the city's fiscal affairs. Regarding such a department, the answer to your first question is “yes.” As for some other type of department, consideration must be given to any statutory requirements governing that particular department's formation. Q2) Assuming there is a state law requirement specifying that the particular department at issue must be created by ordinance, I nevertheless lack sufficient information to assess all of the possible ramifications of a failure to formally pass the requisite ordinance. However, a failure to strictly comply with all requirements governing formation will not necessarily invalidate the actions of the department's officers or employees. The so-called “de facto” doctrine may apply to give validity to those actions.

## Ordinance not required to form committee

Opinion: 2009-138

Requestor: Lea, Andrea—State Representative

Q1) If a city council of a city of the first class decides to form a committee from the city council composed only of a part of the aldermen, must such an action be done by ordinance, resolution or motion under the authority of either ACA 14-43-501 or ACA 14-58-301? Q2) If a committee was formed by the city council by the passage of an ordinance or resolution, does the mayor have the ability to veto the ordinance or resolution? Q3) If a committee was formed by the city council by motion, does the mayor have the ability to veto the motion if the motion is passed by the council? Q4) Does a city council of a city of the first class possess an inherent power under Arkansas state statutory or case law to form itself into committees for the purpose of oversight, investigation and making recommendations to the whole body of the city council despite a mayor's objection or veto of the actions forming a committee? **RESPONSE:** Q1) There is nothing in ACA 14-43-501 specifically addressing the formation of committees comprised in part of members of a city council. Section 14-58-301 does not require an ordinance for the creation of a committee to deal with financial matters. Compare. Otherwise, the statute is silent. Q2) Generally yes, pursuant to ACA 14-43-504. Q3) Probably no, assuming the particular committee was properly formed by motion, because a motion is not included within those actions that are subject to the

mayor's veto pursuant to ACA 14-43-504(e)(1). But motions have sometimes been held to be forms of resolutions. Q4) The council's action in forming such committees may be subject to veto by the mayor. But the council has the authority to override, by a two-thirds vote, the mayor's veto. ACA 14-43-504(e)(2)(B).

### **Local ordinance cannot be broader than state statute**

Opinion: 2009-139

Requestor: Lea, Andrea—State Representative

(Q1) The State of Arkansas has enacted laws prohibiting sex offenders from entering certain areas. May a city of the first class add to that list by passing an ordinance that prohibits sex offenders from entering additional areas?

(Q2) The State of Arkansas has enacted laws requiring registered sex offenders to maintain a specific distance from certain locations. Can a first class city pass an ordinance requiring registered sex offenders to maintain an even greater distance from those places? **RESPONSE:** In my opinion, the answer to both questions is “no.” An ordinance cannot be broader than the state statute upon which it is based.

### **Gross receipts tax may be due hotel owner for 30-day occupancy**

Opinion: 2009-140

Requestor: Lea, Andrea—State Representative

Q1) If a [city] of the first class levies a gross receipts tax by ordinance under the authority of ACA 26-75-602, does the language in ACA 26-75-602(c)(1) allow for the collection of gross receipts taxes from an occupant of a motel or hotel room for up to twenty-nine (29) days if they do not state their intention to the motel or hotel owner to stay in a motel or hotel for thirty (30) days or longer but do occupy a hotel or motel room for thirty (30) [days] or longer? Q2) If a hotel or motel owner charges the occupant of a hotel or motel room for the tax in Question 5a on a daily or weekly basis and collects the tax along with the bill on a daily or weekly basis, is the occupant, who did not state his intentions to stay thirty (30) days or longer to the hotel or motel owner, entitled to a refund of the tax if the occupant stays in hotel or motel room thirty (30) days or longer for the full amount of the tax collected from the first day of occupancy or does the hotel or motel owner no longer collect the tax from day thirty (30) of the occupancy of the persons in the hotel or motel? **RESPONSE:** In response to question 1, it is my opinion that a hotel or motel owner may properly collect the gross receipts tax from an occupant of a motel or hotel room if the occupant does not state their intention to stay in the motel or hotel for 30 days or longer, i.e., they never rent the room for a single period

of 30 days or longer. This is true even if the renter ultimately stays for 30 days or longer by renting the room for shorter consecutive periods. Moreover, in response to question 2, it is my opinion that where accommodations are rented for a day or week at a time and never for a period of thirty days or more at a time, the gross receipts tax applies and the renter is not entitled to a refund if he or she ultimately stays for thirty days or more.

### **Civil service commission may not extend probationary period**

Opinion: 2009-141

Requestor: Lea, Andrea—State Representative

(Q1) Suppose an employee is appointed or promoted as contemplated by ACA 14-51-301(b)(7)(A). Suppose further that the appointee must take an extended period of leave for whatever reason and therefore cannot be physically present at his job during his probationary period. Consequently, the appointee cannot be evaluated for the full probationary period. If this situation arises, can the civil service commission extend the probationary period? (Q2) If a police chief or fire chief has some kind of “disciplinary” problem with an appointee, may the chief extend the probationary period contemplated by ACA 14-51-301(b)(7)(A)? (Q3) If your answer to Question 2 is “no,” would the probationary extension be permitted if the appointee agrees to the extension? (Q4) If your answer to Question 3 is “no,” may the civil service commission promulgate a rule that allows police and/or fire chiefs to extend the ACA 14-51-301(b)(7)(A) probationary period “for disciplinary reasons?” **RESPONSE:** In my opinion, the answer to all your questions is “no.” Section 14-51-301(b)(7)(A) does not leave any room for the civil service commission to extend the probationary period beyond the time specified in the statute. Accordingly, if the civil service commission promulgated such a rule, it would be contrary to state law.

### **City may collect gross receipts tax on RV park**

Opinion: 2009-142

Requestor: Lea, Andrea—State Representative

Does ACA 26-75-602(c)(1) allow a city of the first class to levy a 1/3 percent tax on the gross receipts of RV parks, which are businesses that rent or otherwise charge people spaces for profit for them to park their RV and other camping vehicles or trailers for overnight or extended stays at the RV park? In other words, does an RV park as just described, count as a hotel, motel or short-term condominium rental accommodations for sleeping, meeting or party room facilities for profit, under ACA

## **BRIEFS** continued from page 24

### **Arkansas Volunteer Communities of the Year announced**

Twelve communities have been selected to receive the 2009 Arkansas Volunteer Community of the Year Award. Chosen to receive recognition for their volunteer efforts were Bella Vista, Benton, Brookland, Clarkridge, Clarksville, Fayetteville, Fort Smith, Heber Springs, Lake City, Maumelle, Norfolk and Van Buren.

Of this group, Benton, Brookland and Lake City are first-time recipients of the award.

The award presentations will take place at the Arkansas Municipal League's Winter Conference, which will be held Jan. 13-15, 2010, in Little Rock.

The Arkansas Volunteer Community of the Year Awards is sponsored by the Governor's Office, the Arkansas Municipal League and the Arkansas Department of Human Services Division of Volunteerism. The Arkansas Highway and Transportation Department provides signs announcing the Volunteer Community of the Year designation. The signs are placed at prominent locations along highways of the

winning cities.

The Arkansas Department of Human Services Division of Volunteerism promotes and supports volunteerism in the private, nonprofit and governmental sectors as a means of enhancing the quality of life for all Arkansans. Training and technical assistance for volunteer program management are available by calling 501-682-7540 or (toll free) 1-800-482-5850.

### **Magazine names Bella Vista best place to retire**

The October issue of *U.S. News and World Report* named Bella Vista the best place to retire in its article "15 retirement gems from our readers."

Bella Vista resident Joanne Coquillard is quoted praising all the northwest Arkansas community has to offer.

"We have any kind of club you could think of," she said. "If you play the recorder, if you play canasta, if you knit, if you line dance or square dance, there's a club for you. When Broadway plays come through Fayetteville, I work as an usher, and I volunteer at the library."

## **Get counted in 2010**

**W**ith billions of federal dollars for cities and towns on the line, it's important to encourage participation in the upcoming 2010 U.S. Census. The first mailing for the 2010 Census will be in March, 2010, to 130 million households. In April Census workers will go door-to-door gathering information. The Census Bureau will employ up to 1.2 million individuals to help with the census taking.

The Census Bureau in 2010 will use a short census form, which seeks such basic information as name, number in the household, age, sex and ethnicity. When the data is compiled, the Bureau will deliver the counts to the President for apportionment.

To help local leaders prepare their communities for

the 2010 Census, the Bureau has put together an at-a-glance information guide. See it on page 32 in this issue of *City & Town*. More information is available online at [2010census.gov](http://2010census.gov).

### **Obituaries**

**David Paul Bitner**, 65, Eureka Springs Police Department Dispatcher, died Oct. 22.  
**William P. "Bill" Nolan**, 71, North Little Rock Police Chief from 1990-1995, died Oct. 23.

**STUTTGART** continued from page 8

house and once ran for governor, losing to Gov. Winthrop Rockefeller.

Now in the third year of her first term as mayor, Maynard spent 10 years on the city council and was mayor pro tem when former Stuttgart Mayor Butch Richenback underwent a successful heart transplant.

Despite tough economic times, the diverse city of nearly 10,000 continues to expand its infrastructure and community amenities. A new overpass is in the works that will help city drivers avoid the occasional long waits at the railroad tracks that serve the rice plants. New restaurants such as a Pancho’s Mexican Restaurant and a Larry’s Pizza, the popular central Arkansas eatery, are on their way as well.

A new civic center, the Grand Prairie Center, has just begun construction and will be a real gem, providing meeting space for events large and small, Maynard says. The center is made possible by funds from private donations, a bond issue, and money from the University of Arkansas System, which includes Philips Community College in Stuttgart.

One can’t mention Stuttgart, of course, without bringing up ducks. The city is known as the “Rice and Duck Capital of the World” for a reason.

Enthusiastic hunters from across the world gather each year in Stuttgart to hunker down in duck blinds and hunt the waterfowl, which flock to the area when cold north winds drive them south.

“It’s huge deal,” Maynard says. “The city will be crawling with hunters.”

Duck hunting season, which runs from late November to late January, is the inspiration for the city’s annual World Championship Duck Calling Contest and Wings Over the Prairie Festival. This year’s contest and festival, now in its 76th year, will be held Nov. 21.



Mack’s Prairie Wings, a popular hunting supplies outfitter, is known to hunters from across the nation and beyond and gives a much appreciated boost to the local economy.

**AGOs** continued from page 29

26-75-602(c)(1)? **RESPONSE:** In my opinion, ACA 26-75-602(c)(1) allows a city to levy a gross receipts tax on the gross receipts of RV parks subject to the exemption for rental periods of thirty days or more.

**Formalities required for mayoral veto to stand**

Opinion: 2009-144  
Requestor: Lea, Andrea—State Representative

What is the validity of an ordinance passed by a city council of [a] city of [the] first class in which the mayor subsequently vetoes pursuant to his authority under ACA 14-43-504(e)(1), but then fails to file a written statement of his reasons for vetoing the ordinance with the office of city clerk and fails to present [his reasons] to the city council at their next regular city council meeting as required by ACA 14-43-504(e)(2)(A)? **RESPONSE:** This may be a fact question, but assuming the mayor failed to observe the formalities required for a veto under ACA

14-43-504(e), then the veto likely failed and the ordinance probably remains effective.

**Act 209 of 2009 allows extra fines, not fees**

Opinion: 2009-148  
Requestor: Thompson, Robert—State Senator

Does ACA 27-37-706 prevent municipalities from assessing additional fees through Sec. 2 of Act 209 of 2009 on a seat belt violation as defined in Act 308 of 2009? **RESPONSE:** No, regarding the additional fines that are addressed by Section 2 of Act 209 of 2009. (Please note that contrary to the wording of this question, Section 2 of Act 209 amended a statute—ACA 16-17-129—that authorizes the levy of additional fines, not fees, to provide additional funding for jails. While Section 27-37-706 plainly prohibits additional court costs and fees, it does not prohibit additional fines. Accord Op. 2003-117.

For full Attorney General opinions online, go to [www.arkansasag.gov/opinions](http://www.arkansasag.gov/opinions).

# United States<sup>®</sup> Census 2010

The U.S. Census Bureau is issuing a call to action for every resident of our nation:  
**“BE COUNTED IN 2010.”**

## The Census: A Snapshot

- ▲ **What:** The census is a count of everyone residing in the United States.
- ▲ **Who:** All U.S. residents must be counted—people of all races and ethnic groups, both citizens and non-citizens.
- ▲ **When:** Census Day is April 1, 2010. Questionnaire responses should represent the household as it exists on this day. More detailed socioeconomic information will be collected annually from a small percentage of the population through the **American Community Survey**.
- ▲ **Why:** The U.S. Constitution requires a national census once every 10 years. The census will show state population counts and determine representation in the U.S. House of Representatives.
- ▲ **How:** Census questionnaires will be delivered or mailed to households via U.S. mail in March 2010; many households will receive a replacement questionnaire in early April. Census workers also will visit households that do not return questionnaires.

## A Complete Count: The Importance of Census Data

- ▲ Every year, the federal government can allocate more than \$400 billion to states and communities based, in part, on census data.
- ▲ Census data guide planning for new hospitals, roads, job training centers, schools and more.
- ▲ Census data are used to determine the need for additional social services, block grants and other grant programs essential to many communities.
- ▲ Census data inform a diverse range of local initiatives, from justifying the need for an after-school program to designating urban revitalization areas.

## 2010 Census Questionnaire: Quick, Easy and Confidential

- ▲ With only 10 questions, the 2010 Census questionnaire is one of the shortest questionnaires in history and takes just 10 minutes to complete.
- ▲ By law, the Census Bureau cannot share an individual's census questionnaire responses with anyone, including other federal agencies and law enforcement entities.

## THE 2010 CENSUS IS IMPORTANT.

It determines the distribution of more than \$400 billion annually of government funding for critical community services. It generates thousands of jobs across the country. And it impacts your voice in Congress.

## YOU CAN MAKE A DIFFERENCE.

As an influential elected official, you can raise awareness of and encourage participation in this historic event. By doing so, you can help your constituents receive their fair share of federal funds, census jobs and congressional representation.





## Become a 2010 Census Partner

Your partnership sends a strong message to your community about the importance of the census and the benefits of being counted. By partnering with the Census Bureau, you can help:

- ▲ Spread the word about temporary census jobs in your community.
- ▲ Ensure accurate census data, which inform important funding decisions you make on behalf of your community.
- ▲ More accurately represent your constituents' interests.

## Take Action for Your Community and Country

As a partner, you will play an important role in making the 2010 Census successful by encouraging people in your community to take part in the count. You can:

- ▲ Issue a proclamation or other public endorsement of the 2010 Census.
- ▲ Conduct "town hall" meetings or other events to encourage census participation.
- ▲ Help recruit census workers in your community.
- ▲ Provide space for Be Counted and Questionnaire Assistance Centers or for testing and training census employees.
- ▲ Create a Complete Count Committee (CCC) in your area and invite other influential community leaders and elected officials to join you in the effort to increase census participation.

## 2010 Census Timeline: Key Dates

<b>Fall 2008</b>	Recruitment begins for local census jobs for early census operations.
<b>Spring 2009</b>	Census employees go door-to-door to update address lists nationwide.
<b>Fall 2009</b>	Recruitment begins for census takers to support peak workload in 2010.
<b>February - March 2010</b>	Census questionnaires are mailed or delivered to households.
<b>April 1, 2010</b>	Census Day
<b>May - July 2010</b>	Census takers visit households that did not return a questionnaire by mail.
<b>December 2010</b>	By law, Census Bureau delivers population counts to the President for apportionment.
<b>March 2011</b>	By law, Census Bureau completes delivery of redistricting data to states.



A COMPLETE AND ACCURATE COUNT  
IS IN OUR HANDS.

For more information about the 2010 Census, go to [2010census.gov](http://2010census.gov).

2010 CENSUS  
IT'S IN OUR HANDS

# Build love by building on your assets

Take time to list your community's unique assets, and then spread the word.

By Jim von Tungeln

As hard as municipal officials and their staffs work in our state, one might assume that their efforts are appreciated. But be careful. As one who travels the state's four corners, I hear things. And sometimes they are not as pleasant as you might wish. In fact, sometimes I get the feeling that folks love their high school football team more than their city government.

Oh yes. It's true.

There's an old "eco-devo" story about the industrial site selector who slipped into a town unannounced (as they always do) and stopped at the local coffee shop. After a 30-minute harangue from a waitress about how generally sorry (in the Southern sense) the townspeople were, he left as he came—unannounced—and sought out a city where the residents had a more positive feeling about their community.

That story may have been fabricated from thin air, but it's too good an example to dismiss. As John Steinbeck once observed, "Just because something isn't true doesn't mean it never happened."

Anyway, as my fellow veterans from long ago in a different galaxy know all too well, it is possible to love and sacrifice for something that doesn't love you back. But we can try, in our current situation, by making sure our fellow citizens are aware of the community's strong points.

The Brookings Institution suggests a multi-step process in community development. The first step involves fixing the basics, and I have talked about it before. The second step, and the one we'll deal with here, is: Build on your assets. If you don't know what your assets are, keep working on Step One.

If you know what your

community's assets are, ask yourself if your citizens do. Well, do they? Don't be so sure. Most folks know the football team's most recent record. Do they know which high school in Arkansas produces the most National Merit Scholars each year? Do they know which city has the highest median income? Most college grads? Lowest unemployment rate? Fewest drainage problems? Most appealing downtown? Fewest traffic problems? Most diversity? Best marching band? Most books per capita in the local library? Best drinking water? Most buildings on the National Register of Historic Places? Lowest rate of infant mortality? Highest percentage of college grads returning to work in their home town? Least expensive housing? Most banjo players?

Oops, sorry about the banjo players. That goes under "fix the basics."

As an exercise in inventorying what's good or interesting in a town, let's pick one at random, say ... Greenwood. That's a town that already has a good football team, so this should be fun. Beginning our review of the city's assets, we note that the city's main park is located on top of a rise that offers



PHOTOS BY JIM VON TUNGELN

View from Greenwood's Bishop Park



Tribute to the Coal Miner in downtown Greenwood

over the last 15 or so years. They may also account for the almost universal community pride evidenced by both long-term and short-term residents.

Just maybe.

Now my intent here is not to build up this city over others. Rather, I submit that all cities have assets if we care to count them. At perhaps the farthest point east of Greenwood one can go to and still be in the state, the city of Helena-West Helena cuddles against the Mississippi River like a nursing kitten. There one can visit the scene of one of the more important Civil War battles that occurred west of the Mississippi.

brehtaking views of the city and beyond. Why, you can see all the way to Poteau, Okla., and view Cavalan Hill, reportedly the highest hill in the world at 1,999 feet. (If it were above 2,000 feet it would be considered a mountain.) Now isn't that something?

Moving down into the city, we find that Greenwood is built over a series of coal mines, a fact honored by a park and museum area across Highway 10 from the City Hall complex. The area is served by a trail system that seems to expand a little every day and will eventually connect most major landmarks in the city.

The western end of the historic area will soon be connected, via a designated crosswalk, to the town's central business district. This will offer visitors a chance to shop as well as enjoy the town's heritage.

From downtown, one can almost see the Devil's Backbone, a ridge containing the site of a pretty fair Civil War skirmish. Local history buffs are actively seeking to turn the site into a public area.

If you drive or walk around, you come upon what architects sometimes call "happy little accidents." One may be a family cemetery nestled within a residential area. Or it may be a breathtaking renovation of a historic home. One never knows.

Perhaps these assets and others are what helped create significant growth in this west Arkansas city

Or—and this is really neat—one can stand in the same building in which the mythological bluesman Robert Johnson played guitar after he reportedly



Historic family cemetery in Greenwood

sold his soul to the devil in return for the unsurpassed talent to do so.

My point? Just this: Silence the folks at the local coffee shop by flaunting your city's assets. You'll irritate the daylight out of them and you just might impress someone important.



*Jim von Tungeln is staff planning consultant available for consultation as a service of the Arkansas Municipal League and is a member of the American Institute of Certified Planners. Persons having comments or questions may reach him at 501-372-3232. His Web site is [www.planyourcity.com](http://www.planyourcity.com).*

# List memorializes Arkansas's champion trees

The Champion Trees of Arkansas list honors the state's largest and grandest historic trees.

By Christina Fowler

**H**ave you ever wondered if the massive White Oak in your yard is the largest in the state? Or perhaps you can't possibly imagine that there could be a Southern Magnolia any larger than the one in your favorite city park.

The Champion Trees of Arkansas list recognizes those trees—planted by nature or individuals—that are the largest of each species. There are currently 142 trees representing 128 native and non-native species on the Champion Trees of Arkansas list. The list can be found online at [www.arkansasforestry.org/education/championtrees.pdf](http://www.arkansasforestry.org/education/championtrees.pdf).

Trees are compared using the American Forest "Bigness Index" (BI). Three measurements are necessary to determine the BI for any tree: circumference in inches

(C), crown spread (how wide the crown from branch tip to branch tip) in feet (CS) and the total height in feet (H). The following formula is then used:  $C+CS/4+H=BI$ .

In some cases, a tree will be nominated that has a BI within 10 points of a current champion. In this case, the tree will be added to the list as a co-champion.

One of the more notable trees on the list is the Arkansas Millennium Landmark Tree, which is a 300-350-year-old White Oak called the Council Oak situated on the Arkansas River in Dardanelle. The tree is the lone survivor of a group of oaks that grew at this location. The Osage, Cherokee and Quapaw Indians once used the river for transportation and named the "Council Oaks" as their designated spot to meet and discuss tribal relations. The 1820 treaty between Gov. Robert Crittenden and Black Fox of the Cherokee Nation was signed under the oaks giving the land south of the River to Arkansas.

America the Beautiful Fund initiated the Millennium Landmark Tree project in the year 2000 with the goal of designating one historic tree in each of the 50 states for preservation in the new Millennium.

This program was supported by a grant from the U.S. Forest Service as part of the White House Millennium Green Initiative. Individuals and their communities were encouraged to seek out the history of the trees in their area and send a letter describing the type of tree they would like to nominate as well as any historical information pertaining to the tree.

The program was extremely successful in awakening public interest in preserving and protecting these landmark trees, which have stood witness to the historic growth of our country.

On April 1, 2001, Betty Bumpers, who nominated the tree, presented the designation at the Council Oaks Park in Dardanelle to Mayor Carolyn McGee of Dardanelle.

The Arkansas Champion Tree list also includes the only National Champion Tree in Arkansas, a Common Persimmon located in Yell County. When measured in 2006, it had a circumference of 151 inches, height of 94 feet and a crown spread of 78 feet, resulting in a BI of 265.

The National Register of Big Trees can be found at [www.americanforests.org](http://www.americanforests.org). American Forests began main-



PHOTO COURTESY OF ARKANSAS FORESTRY COMMISSION

Not only is the Council Oak on the Arkansas River in Dardanelle impressive because of its age, size and beauty, as the site of a historic treaty signing it holds an important place in Arkansas history.

# recommend

guidelines for accident prevention to employees, vehicles and loss of property.

# provide

on-site workplace, vehicle, property and equipment inspections.

# conduct

on-site PowerPoint seminars and training for employee safety.



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taining a Register of Big Trees in 1940 with the help of the general public. The Register has grown to include 826 species found in the United States.

As a way to increase an interest in trees and the Tree City USA program, the city of Fort Smith initiated their own “Big Tree” program using the guidelines from the AFC Champion Tree Program. They had over 100 calls from people, even from Oklahoma, who thought they had champion trees. A new champion Blackjack Oak was discovered as well as a co-champion Carolina Cherylaurel.

Champion trees provide so much more than just a sense of awe and wonder at the stories they could tell. How many children enjoyed climbing up into their branches? How many young couples may have met under their canopies to take advantage of its shade on a sunny

summer day? Big trees provide a variety of services for people and wildlife by providing shade and clean air, branches on which to perch and nest, and improving the view of our landscapes.

If you have a tree you believe is the largest of its species, contact your local AFC office, or download a nomination form at [www.arkansasforestry.org](http://www.arkansasforestry.org) and mail it to AFC Headquarters at 3821 West Roosevelt Road, Little Rock, AR 72204.

*Make a Memory ... Plant a tree.*



*Christina Fowler is the Public Affairs Coordinator for the Arkansas Forestry Commission. She can be reached at 501-296-1937 or e-mail [Christina.fowler@arkansas.gov](mailto:Christina.fowler@arkansas.gov).*

# Newsletter

NOVEMBER 2009

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

## DOT AGENCIES REACT TO DIRECT OBSERVATION RULES

During the past year of discussions concerning the implementation of the "Direct Observation Rule" for DOT employees under certain regulatory conditions, many of the DOT agencies and affected unions voiced privacy concerns, legal rights issues, along with unfair treatment potentials. The often heated discussions by many DOT agencies regarding the planned action led to the proposed Direct Observation Legislation being sent to the Supreme Court for a ruling. When the Federal Courts upheld the proposed rule and the final rule was issued, the loud roars of disapproval continued and new actions to dismantle this requirement were instituted.

During the recent Substance Abuse Program Administrators Association meeting in Austin, Texas, last month, several representatives from various DOT modes/agencies were speakers and they voiced their displeasure with the new direct observation rule. The representatives indicated that their DOT mode would seek ways to create new DOT Drug and Alcohol Regulations that would keep them from having to abide by the current Part 40 Rule. The FAA (Federal Aviation Agency) and the U.S. Coast Guard were the first to comment on their proposed re-write of Regulations. Other agencies are watching this closely and may join in the new battle against change.

Other remarks at the convention by The FRA (Federal Railroad Administration) and FMCSA (Federal Motor Carrier Service Administration) indicate they even want to change the testing forms from the standardized Federal form now used, to "agency specific" forms, in other words, the DOT agencies would develop their own testing forms. The proposed changes could be in effect by 2010 and this could result in a nightmare for employers and the drug testing industry. With the constant problems associated with specimen collectors nationwide making mistakes between a DOT and a Non-DOT drug test, you can only imagine the horror if each agency does their drug testing program differently!

We will continue to monitor these proposed changes and can only hope that tempers and anxieties diminish and that all modes will follow one Federal Drug and Alcohol Testing Regulation.

## SPECIMEN COLLECTION SITES AND COLLECTORS NEED MONITORING

Have you ever wondered who is responsible when a donor's specimen is not collected properly? The Federal Regulations say it is the responsibility of the employer to assure the quality of their drug testing program. With that noted, how can problems be corrected or monitored? Here are a few suggestions that could save you lots of problems:

- Be sure to send the right form to the clinic. (Know the difference in the lab used, the test ordered, and whether the Custody and Control Form to use is a Federal or forensic/Non-DOT form.) In many instances, collectors have used a Non-DOT form to collect a DOT specimen, and a single-specimen protocol was used instead of the Federal requirement for a split specimen protocol. This is a major problem. If that specimen is a positive test, the donor does not have the second bottle to send to a second certified lab for challenging and the test will have to be canceled (even if it was positive!). It is just as serious to do a Non-DOT test on a Federal form because these test results are required to be added to an MIS Report (a year-end report), including the erroneously done Non-DOT test. Also forensic/Non-



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

DOT tests do not always have to be reviewed by a Medical Review Officer (MRO), so using the wrong form for testing can cost you more money. Using the wrong form can also cost you a test because the result might not be sent to the MRO, TPA, or you as anticipated.

- Verify that the collection site that you use is trained properly to do testing and that the staff is aware of the new rules. Quite often there are few males in a clinic to help with the direct observation testing and this is now a major problem for DOT testing.
- Check the collector's credentials. When did they have their last training? Training is required every five years, but many clinics have not ever had training, or they did their class only once and are now definitely out of compliance.
- How long has it been since you visited the site that you use for your drug testing? It is a good idea to do this at least once a year, if not more often.
- Instruct your clinic to call you or your program manager to discuss any concerns before administering the test.
- If your clinic makes your employees sit for extended periods of time before they ever attempt to provide a specimen, this is wrong. The Regulations state that the person must attempt to provide a specimen upon arrival at the testing facility, and if they cannot provide an adequate specimen, then they may sit, drink water, and remain there until they can provide a required specimen. DOT says they may remain up to three hours and may consume 40 ounces of liquid during this time. Verify that your clinic follows these guidelines closely. For Non-DOT donors, we encourage mirroring the DOT Regulations, but you may choose to handle this according to your own policy.

There are lots of weaknesses in using clinics for specimen collections that we encounter. They change their hours, quit testing all together, raise their charges, and many cannot provide after-hour services, breathalyzer testing, and monitored and direct observation tests. You, as an employer, need to get involved in your local clinic's services offered to your employees. When the new Direct Observation Rule came into place, many clinics withdrew from drug testing. You may find that the clinic that you had been using is no longer testing and when that happens, call us for help in finding a new location.

#### **A'TEST HAS ADDED A NEW OFFICE SITE IN NORTH LITTLE ROCK**

Beginning Nov. 1, 2009, a'TEST will be conducting all drug and alcohol testing, instant testing, medical examinations, DNA and immunizations in our new office located in the same building where we are presently housed, but the new office is downstairs in Suite B. All administrative services (MRO, Random Management, MIS Reports, and Files) will remain upstairs in Suite L. For access to the upstairs administrative offices, it requires using a different stairwell to reach it. In essence, we are keeping the back of our existing office that has a stairwell going down to the new office. The change will allow those individuals with disabilities to reach our testing sites better. The phone numbers will remain the same and the same staff will be available to serve you.

#### **DRIVER QUALIFICATION FILES AND BACKGROUNDS CHECKS AVAILABLE**

Do you need help with your Driver Qualification Files? a'TEST provides full service to employers that want someone to handle this time consuming job. If you are interested in knowing more about this option, please call Tameka at 501-376-9776.

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# Local retail impact measurable

Thorough analyses of the local economic impact businesses have helps show community economic developers the way forward.

By Ron Swager, Ph.D. CEcD

In last month's column, we outlined two significant trends: the rise of the retail and service sector as an economic development target, and the increased use of incentives to foster retail development projects. In turn, these trends necessitate much more sophistication in retail analysis than local officials would have imagined a few years ago. All of these developments have an impact on municipal economic development efforts.

These trends give rise to several key questions. What is the value of the retail sector? What constitutes the local retail sector and what is its geographic extent? What retail development strategy should we pursue? What kinds of retail activity should we emphasize? How do I place a value on a specific retail project? What are the local economic benefits of a project? Are incentives worth while? How much is too much in terms of incentives?

## Retail impact studies

These questions can be answered only through considerable research, some of which has become quite sophisticated. Impact analysis identifies the measurable effects associated with a specific activity in an area. The typical activity that is analyzed is a change in the economic structure of the area economy. This change might be in the form of a new business attraction project; creation of a new business; or the retention, expansion or downsizing of an existing business. Sometimes, impact analysis is used not to measure change, but to quantify the value of an existing activity.

There are several types of research that fall under the general term "impact analysis." These include:

- Economic impact analysis
- Revenue or tax impact analysis
- Fiscal impact analysis
- Cost-benefit analysis
- Environmental impact analysis
- Socio-economic impact analysis

In retail development, the most common study is a fiscal impact analysis, but a true fiscal study also includes an economic and a revenue impact analysis. Fiscal impact analysis is a type of cost-benefit study that identifies both the tax benefits and the government outlays associated with a project, from the point of view of the governmental unit.

## Why are impact studies important?

There are several good reasons why impact studies are gaining acceptance in retail analysis:

1. Helps prioritize projects—From the economic devel-

oper's point of view, impact analysis can help sort out which retail projects to pursue first. In other words, in the pleasant situation where there are multiple retail projects, the developer can focus on those that will yield the greatest economic advantage for the area.

2. Justifies accepting or rejecting a project—Experienced economic developers have a visceral sense of a good project or a bad one. Impact analysis can provide the quantitative evidence to back up our intuition. In some cases a project—either good or bad—may be controversial or even have political overtones. Nothing beats hard numbers in making the case for a good project that could be resisted or against a bad project that seems favorable on the surface. In this case, impact analysis can provide considerable public relations value.

3. Helps identify level of incentives—Incentives represent additional cost over and above the ordinary government cost to serve a local business. As governments have begun to offer retail development inducements, major retail projects increasingly are seeking locational incentives. Out of consideration of the public interest, it is important that the total government costs do not exceed the total tax benefits. Impact analysis can help identify what that break-even point is.

## Where do I get help?

A thorough retail impact analysis requires some careful data-gathering and calculation. For this reason, many communities and economic developers rely on third party providers to do the work. Consultants and university or government research agencies often are used. Purchased software is available, and some online programs can help. Your choice of external assistance will depend on how much you are willing to spend, how quickly you need the results, and how often you conduct impact analysis.

The Center for Economic Development Education at UALR's Institute for Economic Advancement (IEA) can conduct a range of retail studies, including impact analysis, some of it at little or no cost. IEA has the data, the staff, and the expertise to provide valuable guidance. For further information, call us at 501-569-8519.



Ron Swager is Director of National Economic Development Training, Institute of Economic Advancement, UALR. E-mail Ron at [rjswager@ualr.edu](mailto:rjswager@ualr.edu).



# Check us out.

www.arml.org

The screenshot shows the homepage of the Arkansas Municipal League website. At the top left is the league's logo, a circular emblem with a classical building facade and the text "ARKANSAS MUNICIPAL LEAGUE" and "GREAT CITIES MAKE A GREAT STATE". Below the logo is a navigation menu with items: "About the League", "Staff Directory", "Calendar of Events", "Publications", "Legislative Action Center", "League Programs", "Benefit Programs", "Legal FAQs", "Related Resources", "Classifieds", and "Cities of Arkansas". A search bar with a "Go" button is located in the top right. The main content area features a large image of the North Little Rock city building at night, with the text "North Little Rock" overlaid. To the right of the image is a welcome message: "Welcome to the Arkansas Municipal League website. We are an instrumentality of municipal governments from throughout Arkansas. Our website includes information about the League, how to contact League staff, a calendar of League events, an online version of City & Town magazine and information about other publications. We are proud to present a legislative action center, where visitors have the opportunity to receive information about the General Assembly. Our League Programs section outlines the various municipal programs that we sponsor. Related Resources will give the visitor a listing of other websites of interest." Below this is a section titled "Arkansas.gov eNewsRoom" with a list of news items, including "Mayor James Valley issues veto of civil service commission - Helena Daily World", "Van Buren Gives Insurance Option - Fort Smith Times Record", "Area airports received federal grant money - The News", "Decoration Sunday at Ball Hill Cemetery - Russellville Courier", and "EUREKA SPRINGS : Outdoor art exhibit draws ire, compliments - Arkansas Democrat Gazette". At the bottom left, there are several announcements: "Register for our 75th Convention-- June 17-19, 2009!" with links for "Pay by Credit Card" and "Pay by Check", "\*\*Tentative Convention Agenda\*\*" and "\*\*Tentative CLE Agenda\*\*", "Federal Trade Commission Extends FACTA Deadline to August 1, 2009" and "Fair and Accurate Credit Transactions Act of 2003", "AML List Serv Subscription--Member Sign-Up!" with a list of categories (Mayors/City Managers, Clerk/Recorder/Treasurers, Aldermen/City Directors, City Attorneys, Announcements), and "AML Cash Management Trust" with "Daily Market Rate= .14% (as of 5/22/09)". A "Photo Gallery" button is located in the bottom center. On the bottom right, a yellow circular graphic says "Submit photos of your city or town for display on the League's homepage to wvb@arml.org". The footer contains links for "Site Map", "Privacy Policy", "Accessibility Policy", "Security Policy", "Disclaimer", "Info Request", and "Feedback".

- eNewsRoom offers online news articles from Arkansas's municipalities' dailies.
- *City & Town* is available to download in its entirety in PDF from the *Publications* page.
- *Cities of Arkansas* local government portal page gives visitors a sneak peek at the quality of life in the municipalities across Arkansas.
- Flyout menus provide easier navigation and cut down on search time.
- A search engine makes it easy to locate topics, based on specific words.
- *Legislative Action Center* is now home to legislative matters, including a new *Legislative Bulletin*.
- eCart, order and pay for publications and mailing lists online.
- *Legal Frequently Asked Questions (FAQ) page*

# Don't hesitate to vaccinate

Want to prevent the flu? Get both seasonal and H1N1 flu shots. It's the best chance at prevention you can give yourself.

By Robert Hopkins Jr., M.D.

**W**ith all of the hype this season about the H1N1 virus and vaccine, it's important not to forget about getting the regular seasonal flu vaccination. One vaccine for both flu viruses does not exist, so you'll need to be sure to get both.

With more than 225,000 people hospitalized and 36,000 dead on average every year because of influenza, vaccination should ring synonymous with the annual changing of the weather for people of all ages.

Still, there are those who choose not to take any preventive action, increasing the likelihood of spreading the virus and making it more prevalent among the general population.

## When to act

Annual flu vaccination should begin in October or as soon as vaccine is available and continue throughout the influenza season, into January and beyond.

Seasonal influenza outbreaks can begin as early as October, but the flu season typically peaks in January or February, sometimes later. So if you don't get vaccinated early in the fall it's still beneficial to be immunized through the winter. Once you've received the vaccination, it'll last throughout the season.

Children six months to nine years of age who are getting a flu vaccine for the first time will need two doses. The first dose should be given as soon as vaccine becomes available, while the second dose should be given one month or more later. The first dose "primes" the immune system; the second dose provides immune protection. Infants under six months cannot be vaccinated against influenza, so it is important for all of their caregivers to be vaccinated.

## Does it really work?

In years when the vaccine and virus strains are "well matched," the chance of getting the flu is reduced in healthy adults by as much as 90 percent.

A well-matched vaccine means that scientists have chosen a vaccine strain that closely mimics the strains or types of influenza viruses that are prominently circulating among the general population in any given year. However, even a closely matched vaccine won't protect against non-flu viruses that cause colds and other respiratory sicknesses.

Since the vaccine takes nearly two weeks to begin protecting against the flu, it won't knock out the cold or flu viruses that may already be in your body, sometimes giving

the impression that it was the flu shot that made you sick.

## Don't like shots?

The standard vaccination uses an inactivated flu virus injected into the muscle of the upper arm. Side effects can include soreness at the site of the injection, redness, low-grade fever and aches. A nasal spray using a weakened flu virus is approved for the prevention of influenza in healthy children, adolescents and adults between the ages of two to 49.

Some side effects from the nasal spray can include runny nose, headache, sore throat, cough and low-grade fever. You should speak to your primary care physician to see which option is best for you.

## Spread the vaccine, not the virus

Many health care providers, including many pharmacies and the state Health Department provide flu shots. Some employers are contracting with providers to administer the vaccine to employees on the job as a cost-effective way to prevent lost work time due to influenza illness.

### People recommended for flu vaccination:

- Children aged between six months and 19 years
- Pregnant women
- People 50 years of age and older
- People of any age with (certain) chronic medical conditions
- People who live in nursing homes and other long-term care facilities
- People who live with or care for those at high risk for complications from the flu
- Anyone who wants to prevent Influenza illness

Source: Centers for Disease Control and Prevention (CDC)



Robert Hopkins Jr., M.D., is Associate Professor of Internal Medicine and Pediatrics, University of Arkansas for Medical Sciences.

# Changes to 2009 Directory, Arkansas Municipal Officials

Submit changes to Whitnee Bullerwell, [wvb@arml.org](mailto:wvb@arml.org).

## Alma

Delete FAX 479-632-4180  
Add FAX 479-632-4508

## Altus

Delete FC Dennis Hopper  
Add FC Theresa Rothe  
Add SS Ralph Pruitt  
Delete AM Linda Lott  
Add AM Madelyn Hill  
Add AC Adam Carlson

## Ash Flat

Delete SS (Vacant)  
Add SS Roy Grant  
Delete PRD (Vacant)  
Add PRD Roy Grant

## Bella Vista

Delete CA Jason Kelley  
Add CA (Vacant)

## Bethel Heights

Delete ADM Sherill Easley  
Add ADM Amanda Fenton

## Carlisle

Delete AL Curtis Moody  
Add AL Joe Cunningham

## Cotter

Delete M (Vacant)  
Add M Steven Raines

## Dumas

Add AM Janice Young

## Georgetown

Delete AL Elizabeth Hampton  
Add AL Christine Softly  
Delete AL Pauline Cleaver  
Add AL William Ditto

## Gravette

Delete ADM Raegen Davis  
Add ADM Tracy Sewell  
Delete PD Darren Warren  
Add PLD Darren Warren  
Delete BI Terry Gosnell

## Higden

Delete AL Larry Scarbrough  
Add AL Gerald Bates

## McCrotry

Delete DPW Brian Whitworth  
Add DPW Homer Reeves

## Monette

Delete AL Byron Sparkman  
Add AL Perry Wood

## Oak Grove Heights

Delete AL Dewayne Terry  
Add AL (Vacant)  
Delete M (Vacant)  
Add M Dewayne Terry

## Pine Bluff

Delete FC (Vacant)  
Add FC Dannie Smith

## Quitman

Delete AL Sean Johnson  
Add AL (Vacant)

## Russellville

Delete TEL 479-968-2237  
Add TEL 479-968-1002

## Sedgwick

Delete MTG Second Tuesday  
Add MTG Fourth Monday

## Strawberry

Delete MA P.O. Box 100  
Add MA P.O. Box 110

## Wheatley

Add SS Jeffrey McMillon

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# Little rock, big impact

Through riverfront excavation and development, the La Petite Roche Project shines a spotlight on Little Rock's namesake landmark.

By Mark Webre

One of the questions most asked by visitors to Little Rock is, "Where is the little rock?" The landmark and the city's namesake, "La Petite Roche," is located at the north end of Rock Street overlooking the river and is part of the 33-acre Riverfront Park. Geographically speaking, it is at the intersection of the Ouachita Mountain foothills, the Gulf Coast Plain and Arkansas River delta.

In 1722 the French explorer Bènard de LaHarpe sailed up the Arkansas River, and upon sighting the first rock bluff since leaving the Gulf of Mexico and Mississippi River (a journey of 700 miles), he dubbed the large formation on the north side of the river "Le Rocher Francais." The French named the smaller outcropping downstream on the south side of the river "Le Petit Rocher," the little rock. According to the *Encyclopedia of Arkansas History & Culture* (encyclopediaofarkansas.net), the term La Petite Roche gained popularity in the 1950s. The La Petite Roche Project aims to create an interpretive and hands-on experience to showcase the significance and history of our city's landmark and namesake.

The historical magnitude of La Petite Roche has motivated an inspired effort to see that the little rock is appropriately featured as part of the city's cultural landscape. Sanctioned by the Little Rock Board of Directors, La Petite Roche Project group has representatives from a wide range of stakeholders including historians, citizens, Arkansas Young Professionals Association, Central High School, Civitan Club, Keep Little Rock Beautiful, Little Rock Visitors and Convention Bureau, Surveyor's Association, Trail of Tears Association, Downtown Partnership, Central Arkansas Library and Little Rock Parks and Recreation. This group is charged with defining the scope of development, assisting in interpretation, and helping promote awareness of La Petite Roche's significance.

In the first stage of construction, the city of Little Rock will utilize staff labor and equipment to excavate the hillside and expose as much of the rock as possible. The second and third stage of the plan calls for private and public funding in order to successfully complete final implementation.

City in a Park Conservancy and Land Trust, a non-profit whose sole mission is supporting park projects throughout the city, successfully obtained a gift of \$250,000 from the Roy and Christine Sturgis Foundation to fund the La Petite Roche Project. In addition, River-

fest, which supports improvements in Riverfront Park, donated \$100,000. An additional \$100,000 is planned from the refinancing of Park Bond Funds to further the financial support.

These funds combined with city of Little Rock staff and equipment will make this over a \$1 million project. The ultimate outcome of the project will raise La Petite Roche to a level that is equal to its significance as a landmark and namesake of the city of Little Rock, which the National Trust for Historic Preservation recently designated one of the Dozen Distinctive Destinations in the United States.

In order to accomplish a setting that makes La Petite Roche a focal point from a distance and at several angles, the plans call for extensive excavation at the base of the Junction Bridge and toward the River Market and Peabody Park. This not only exposes more of the namesake rock, but it also allows for the development of a large stone bluff, which will be visible from the River Market, Interstate 30 and North Little Rock.

The plan creates a way for pedestrians and cyclists to access the rock along the Arkansas River between Peabody Park and the Riverfest Amphitheatre. Access will also be provided from the Junction Bridge, the nationally recognized Medical Mile (a section of Arkansas River Trail) and the River Market. Each of these perspectives will offer a unique experience for all who approach the rock.

The excavation will be as much as 20 feet from existing grades near the Junction Bridge. Consequently, a combination of vertical stone walls and slopes to terraced, leveled areas will provide for a variety of spatial experiences and settings. Within these spaces will be the interplay of light and shadow against native plant material and stone boulders. The rock itself will be exposed with the use of native grasses and shrubs to soften its edges. As visitors arrive at the plaza, they will be subtly introduced to a myriad of storylines associated with the rock describing the geological formation, the use of the rock by explorers, Indians, settlers, the Quapaw Line that separated Indians and settlers, the railroad, as well as the Kerr Navigable Stream project for commercial enterprises. In addition, the plaza can be a stage setting for schools, museums, nature centers or the River Market for presentations or special events.

Additionally, Riverfest Amphitheatre, due to its prox-

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imity to the above, will see some improvements as well. Specifically, earthwork will focus views back toward the stage and amphitheatre, where before it was focused away. At the top of the earthwork will be a large vendor pad that can accommodate several concessions operations. Access to this area will be improved.

The Project design carefully replicates a riparian zone that includes native boulders and native plant materials one would find on the Arkansas River. These details will give visitors a glimpse of what it was like before settlement. Consequently, the native river riparian area will require lower water and fertilization usage. It will also lend support to the geophysical needs of soil organisms, which will enhance the native plant population. Impervious surfaces will also be minimized to the areas of circulation and the plaza, which will allow for water percolation within the soil and recharge the aquifer. All purchases for development of the project will be sought within the re-

gional area in order to reduce the use of fossil fuels transporting them to the site from long distances.

It is anticipated that La Petite Roche will have a huge tourist impact. Due to its proximity to the River Market, which draws over one million visitors annually, its attraction to a large cross section of the socio-economic populations and other improvements like the Medical Mile and recently added Peabody Park, it is expected to generate much community synergy between all these facilities. La Petite Roche is also expected to benefit from the popularity of the William J. Clinton Presidential Center and Heifer International Center, which draw a combined 500,000 visitors annually from home and across the globe.

*Mark Webre is Parks Design Manager,  
Little Rock Parks and Recreation.*



# If the grant fits

A grant opportunity that doesn't meet the needs of your community or is unlikely to be funded is one not worth pursuing.

By Chad Gallagher

As I travel the state visiting Arkansas's municipalities, one theme seems to emerge over and over again: Successful community development doesn't just happen. It is the result of a deliberate process. If you don't care where you are going, any path you choose will do. However, if you have a specific location you want to reach then the path you choose not only matters, it is essential. This year we've had the privilege of traveling to cities of every size in Arkansas and in every region of the state. When you visit these towns and find the successes they've achieved, you can rest assured that it was because someone was thoughtful, had a plan and put in lots of effort.

Through the years I've realized that all truth is scalable. It works on every level. A considerate budget and savings plan works for the young couple hoping to purchase their new home by putting away \$75 a month, and it works for the large corporation that is strategically mapping out cash flow and multi-million dollar acquisitions. Good principles work at every level.

Planning is an important process for every community. A common vision for the community that encompasses all key community sectors will create synergy and excitement over time. With any plan there will be initial skeptics, but momentum will begin to work in your favor. It's like pushing a stalled car. The first push is the hardest because you are fighting gravity. Once you've overcome gravity's lockdown on the car the job is easier. Momentum takes over and the car moves without nearly as much effort. It is the same for community development. The initial work is difficult, but momentum will create an excitement that flows into every aspect of community life and the next thing you know momentum is on your side.

When it comes to writing a grant it is important to closely evaluate each grant in light of your overall community development plans. It is important that you apply for grants that match the community's needs, compliment your community's blueprint for the future and enhance your city. Too often cities see a grant opportunity, think about "free money" and try to find a way to make it work. Don't decide your community development efforts based on the latest grant available. Instead build your plan and watch for grants that fit it well.

It is important to think about how the grant will be used to further your city's vision and goals. Ask yourself, "Will this grant achieve anything in our plans? Does it fit

into our common vision? Does it make our community better? Will it give the city an important injection of cash for a core piece of our vision, or is it enticing us to do something that is not important for our community? Do we have community support and organizational backing for the project?" It's crucial that you don't allow the money to drive your decision on whether or not to apply for the grant.

When evaluating a grant it is important to determine if you have a fair chance of actually receiving the grant. In grant writing you will experience plenty of denied applications, but there is no sense in applying for a grant that was very unlikely to be funded to begin with. Doing this only demoralizes your team, erodes the support of those in favor of your efforts and empowers those opposed. When considering a grant opportunity the city should closely read the RFP. Take note of the language, expectations, and programs designed to honestly assess whether or not your program or community is a good fit. If you are not what they are looking for then you will not likely be funded.

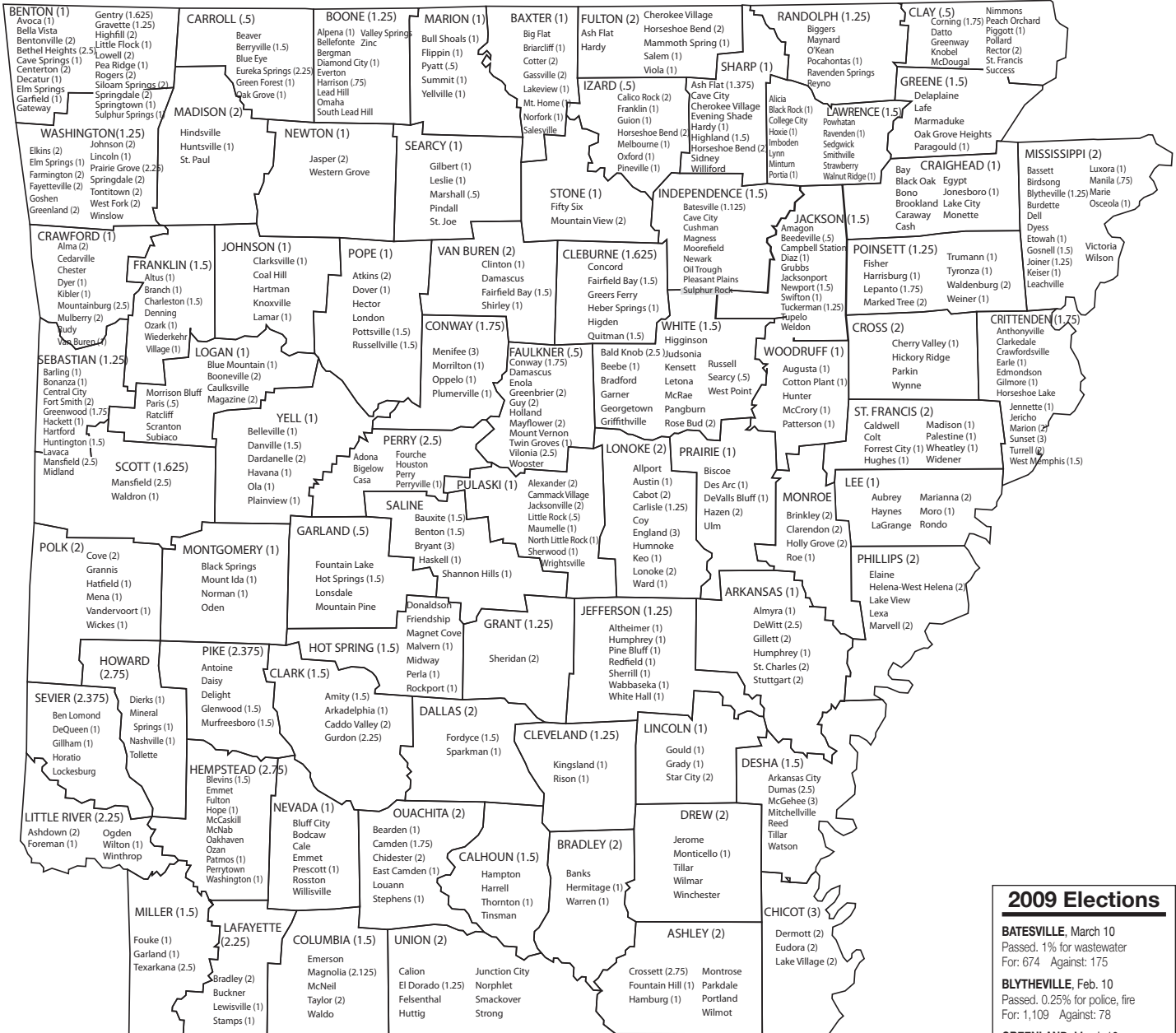
Study the granting agency or organization. Find out their priorities, review the type of projects they've funded in the past and schedule a meeting with their staff if possible. This diligence will give you more information about the program and help you determine if your project is a good fit. If it isn't, keep looking and researching and find a better fit. A grant application must be excellent to be a winner. Creating an excellent application is time consuming and the task of writing should only be taken when the grant is a good fit and your chances of being funded are good.

Waves of grant announcements have been flowing out to municipalities over the last few months. Many of these are great opportunities, but it is important not to get distracted from your continual forward march by opportunity alone. When a grant is a good fit the opportunity means money, success and great community advancement. When it is not a good fit, it's just a waste of valuable time and resources. Be sure you carefully decide which it is on every occasion.



*Chad Gallagher is principal of Legacy Consulting and a former mayor of DeQueen. Contact him at 501-580-6358 or by e-mail at [chad.gallagher@legacyincorporated.com](mailto:chad.gallagher@legacyincorporated.com).*

# Local Option Sales and Use Tax in Arkansas



## 2009 Elections

- BATESVILLE, March 10**  
Passed. 1% for wastewater  
For: 674 Against: 175
- BLYTHEVILLE, Feb. 10**  
Passed. 0.25% for police, fire  
For: 1,109 Against: 78
- GREENLAND, March 10**  
Passed. 1% for 2 years for schools  
For: 134 Against: 28
- DEWITT, April 14**  
Passed. 1¢ for street improvements  
For: 178 Against: 94
- SHERIDAN, April 14**  
Passed. 1¢ for parks and recreation  
For: 230 Against: 50
- CROSS CO., March 10**  
Failed. 1¢ for econ. development  
For: 678 Against: 807
- GRAVETTE, June 9**  
Passed. 0.75% extended  
For: 48 Against: 10
- FORT SMITH, June 9**  
Passed. 1% for sewer  
For: 2,188 Against: 251
- PYATT, Feb. 10**  
Passed. 0.5%  
For: 46 Against: 4
- BRADLEY CO., March 16**  
Increased to 2%  
For: 750 Against: 563
- MAGAZINE, Sept. 15**  
Passed: reallocation to general fund  
For: 80 Against: 35

Source: Debbie Rogers, Office of State Treasurer  
See also: [www.arkansas.gov/dfa](http://www.arkansas.gov/dfa)

Sales and Use Tax Year-to-Date 2009 with 2008 Comparison (shaded gray)

Month	Municipal Tax		County Tax		Total Tax		Interest	
Jan.	\$35,895,776	\$34,813,382	\$38,497,274	\$35,667,309	\$74,393,050	\$70,480,691	\$ 92,482	\$100,697
Feb.	\$42,021,936	\$40,909,946	\$43,359,038	\$41,931,827	\$85,380,974	\$82,841,773	\$103,317	\$372,742
March	\$33,523,556	\$34,903,177	\$35,926,755	\$35,942,013	\$69,450,311	\$70,845,190	\$102,348	\$ 95,225
April	\$35,106,978	\$36,655,487	\$37,321,460	\$38,133,946	\$72,428,438	\$74,789,433	\$109,108	\$347,059
May	\$37,844,100	\$35,796,989	\$39,586,629	\$39,392,769	\$77,430,729	\$72,630,352	\$ 84,100	\$115,346
June	\$35,354,936	\$36,594,610	\$37,127,878	\$38,926,734	\$72,482,814	\$75,521,444	\$ 84,093	\$144,715
July	\$36,239,404	\$39,044,209	\$37,874,981	\$39,322,938	\$74,114,385	\$78,367,147	\$ 68,590	\$97,342
August	\$36,555,700	\$40,485,622	\$40,128,797	\$42,047,239	\$76,684,497	\$82,532,861	\$ 73,271	\$76,180
Sept.	\$36,037,008	\$38,446,476	\$38,673,292	\$40,091,511	\$74,710,300	\$78,537,987	\$ 69,889	\$108,861
Oct.	\$36,931,425	\$37,905,303	\$38,991,204	\$39,732,227	\$75,922,629	\$77,637,530	\$84,838	\$105,188
<b>Total</b>	<b>\$365,510,819</b>	<b>\$378,327,033</b>	<b>\$387,487,308</b>	<b>\$391,188,513</b>	<b>\$752,998,127</b>	<b>\$769,515,546</b>	<b>\$835,835</b>	<b>\$1,563,352</b>
Averages	\$36,551,082	\$37,832,703	\$38,748,731	\$39,118,851	\$75,299,813	\$76,951,555	\$83,584	\$156,335









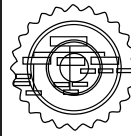


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To place a classified ad in *City & Town*, please contact the League at 501-374-3484 or e-mail [citytown@arml.org](mailto:citytown@arml.org). Ads are FREE to members of the League and available at the low rate of \$.70 per word to non-members. For members, ads will run for two consecutive months from the date of receipt unless we are notified to continue or discontinue. For non-members, ads will run for one month only unless otherwise notified.

**CERTIFIED POLICE OFFICER**—Strong is seeking a full-time certified police officer. \$30K per year. Benefits. For information, please call 870-797-7343. Mail resumés to Strong City Hall, P.O. Box 737, Strong, AR 71765.

**CERTIFIED POLICE OFFICER**—Tyronza is now accepting applications for a full-time Certified Police Officer. Candidates must meet all requirements of law enforcement standards and training. Applications may be picked up at the Tyronza City Hall, 143 S. Main Street. Send applications and resumés to P.O. Box 275, Tyronza, AR 72386.

**PARKS AND RECREATION DIRECTOR**—Arkadelphia is accepting applications for the position of Parks and Recreation Director. Minimum qualifications include BS degree plus three-five years' experience in the area of Parks and Recreation. Need to have strong managerial, motivational and leadership skills; the ability to prioritize needs and communicate with city staff and the public. Responsible for work in planning and implementing programs designed to benefit the welfare of the citizens of Arkadelphia both physically, socially and mentally. Coordinates with City Manager and the Arkadelphia Parks and Recreation Advisory

Committee in developing rules and policies for programs and parks in order to meet the desire of the general public. Salary is negotiable based on experience and qualifications. Submit resumé and cover letter. Include salary history and references by December 1, 2009. to the office of the City Manager 700 Clay Street Arkadelphia, AR 71923. EOE.

**PATROLMEN AND POLICE CHIEF**—Tuckerman is seeking two patrolmen and a police chief. For further information, contact Mayor Everett King at 870-349-5313 or 870-512-1220.

**POLICE OFFICER**—Concord is accepting resumés for a Certified Police Officer. Candidates must meet all requirements of law enforcement standards and training. Send your resumé to P.O. Box 115, Concord, AR 72523, or fax to 870-668-3315. For more information, call City Hall at 870-668-3315.

**WATER SUPERINTENDENT**—Tuckerman is seeking a water superintendent. For further information, contact Mayor Everett King at 870-349-5313 or 870-512-1220.

**WATER SUPERINTENDENT**—Tyronza is now accepting applications for certified Water and Wastewater Superintendent. Qualified applicant should possess at

least Class 1 Water and Wastewater license or willing to obtain license upon being hired. Full-time position with fringe benefit package. Starting salary will depend upon experience and qualifications. Applications may be picked up at the Tyronza City Hall, 143 S. Main Street. Send application and resumé to City of Tyronza, P. O. Box 275, Tyronza, AR 72386.

**FOR SALE**—Brinkley will be accepting sealed bids for a 1996 200+XP Brush Bandit limb chipper until Dec. 15, 2009. All bids must be turned in to the Mayor's office at 233 West Cedar Street, Brinkley, AR 72021. For more information, you may call Red Rollins at 870-734-1950 or 870-752-0803.

**CITY MANAGER**—Aurora, Mo., is accepting applications for the position of City Manager. Applicant must hold a Bachelor's Degree in an area of Management, Administration or Business. Master's Degree preferred in a related field and experience in Municipal Government. Resumé should be sent to the City of Aurora, Attn: "City Clerk", P.O. Box 30, Aurora, MO 65605, by Nov. 30, 2009. EOE

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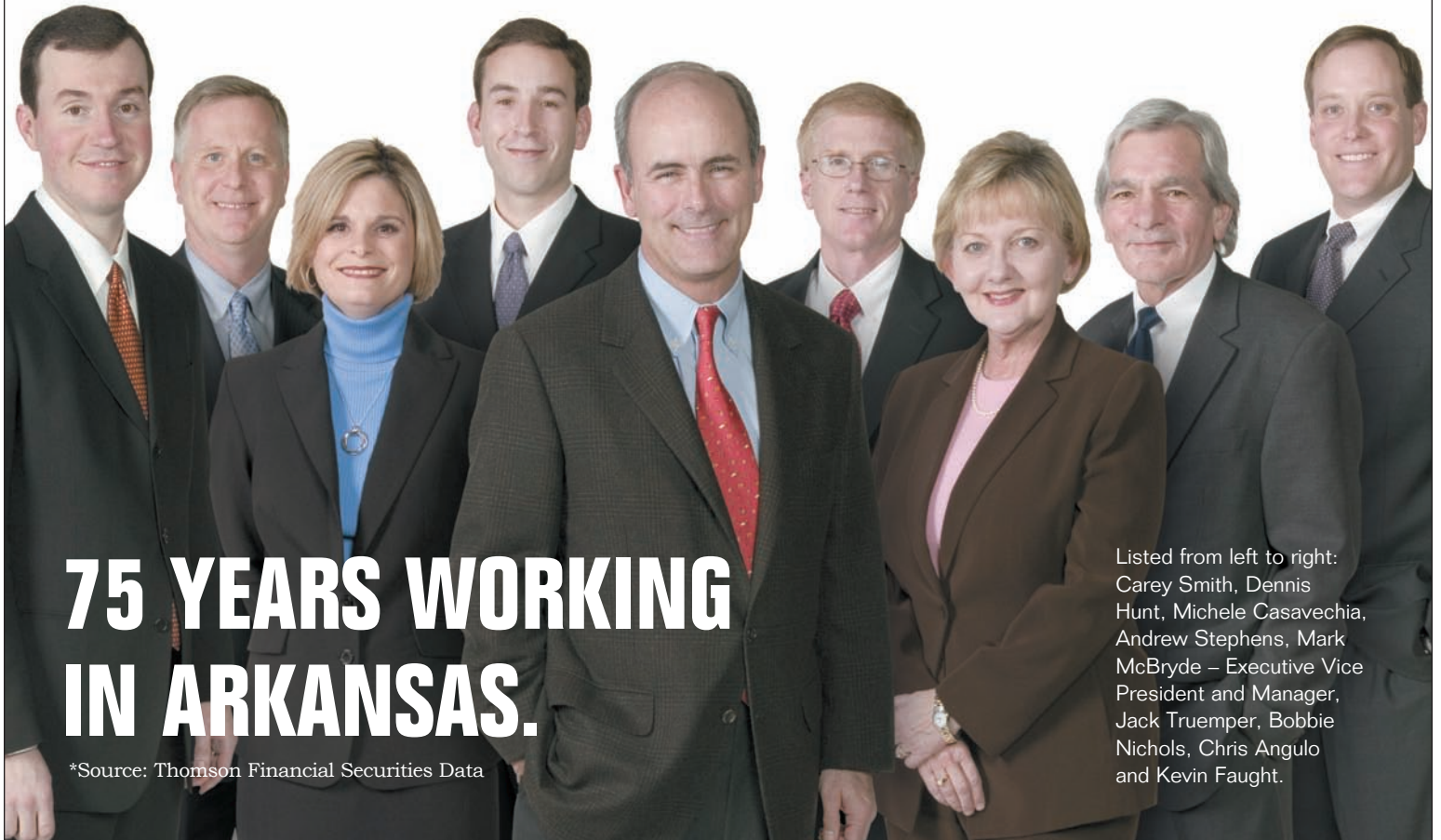
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and Kevin Faight.

\*Source: Thomson Financial Securities Data