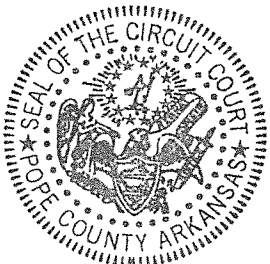


CERTIFICATE OF RECORD  
DOCUMENT NUMBER: 2020-05558  
FILED: 07/08/2020 08:32 AM  
POPE COUNTY, ARKANSAS  
RACHEL L. OERTLING  
SARAH SHELTON, D.C.  
PAGES: 5  
FEE: \$ 35.00

This Instrument Prepared by:

William F. Smith  
203 South Commerce Ave.  
Russellville, AR 72801



---

Ordinance  
INSTRUMENT TYPE

---

City of Russellville  
GRANTOR

---

Ordinance #2359  
GRANTEE

PAUL ENNIS  
POPE COUNTY CLERK  
2020 JUL -8 AM 8:38  
FILED



ORDINANCE NO. 2359

**AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF RUSSELLVILLE, ARKANSAS ON THE QUESTION OF LEVYING A REPLACEMENT ONE PERCENT (1%) SALES AND USE TAX WITHIN THE CITY OF RUSSELLVILLE, ARKANSAS FOR A PERIOD OF FIVE (5) YEARS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO**

**WHEREAS**, the City Council of the City of Russellville, Arkansas (the "City") has passed on July 7, 2020 Ordinance No. 2358 providing for the levy of a new one percent (1%) sales and use tax within the City (the "Sales and Use Tax") to replace the City's existing 1% sales and use tax; and

**WHEREAS**, the purpose of this Ordinance is to call a special election on the question of the levy of the Sales and Use Tax;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:**

**SECTION 1:** There is hereby called a special election, to be held on September 8, 2020, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax.

**SECTION 2:** The question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

Vote on measure by placing an "X" in the square  
opposite the measure either for or against:

1% SALES AND USE TAX

The sales and use tax shall be levied for a period of five (5) years. The collections of the sales and use tax shall, after deduction of the administrative charges of the State of Arkansas and required rebates ("Municipal Collections"), be used as follows: (a) Municipal Collections derived from the sale of aviation fuel at the Russellville Municipal Airport (the "Airport") for the capital or operating costs of the Airport ("Airport Collections"); (b) 100% of Municipal Collections remaining after deducting Airport Collections to be used as follows ("Net Collections"): (1) 70% of Net Collections for street, road and drainage facilities purposes; and (2) 30% of Net Collections as follows: (A) 10% for Fire Department vehicles and equipment, Police Department vehicles and equipment and other capital asset replacement purposes, or any of the foregoing; (B) 10% for capital improvements or operating costs, or both, for the Parks and Recreation Department; (C) 10% for economic development purposes or capital

improvement purposes, or both; "Economic development purposes" means the funding, promoting and providing of economic development purposes and economic development projects to stimulate the local economy or to support the creation of private sector job opportunities, or both. "Capital improvements purposes" means the acquisition, construction, reconstruction, restoration, improvement, alteration or repair of (i) any physical public betterment or improvement or any preliminary plans, studies, or surveys relative thereto, (ii) land or rights in land, including, without limitation, leases, air rights, easements, rights-of-way, or licenses, or (iii) any furnishings, machinery, vehicles, apparatus, or equipment for any public betterment or improvement or (iv) any combination of the foregoing. "Capital asset replacement purposes" means the replacement of a capital asset such as machinery, vehicles, equipment and other similar tangible items owned or leased by the City that were used in the operation of the City or provided benefits to the City through its use; that had a useful life of more than one (1) year and the purchase price of the capital asset at the time of purchase met or exceeded the threshold of \$2,500. "Street, road and drainage facilities purposes" means the acquisition, construction, reconstruction, restoration, improvement, alteration, extension, repair, replacement or betterment of: 1) the surface of, as well as the spaces above and below, that provides vehicular traffic access to adjacent lands or for the movement of through traffic for the purpose of creating or maintaining streets, alleys, avenues, roads, bridges, traffic control devices, street lights, street signs sidewalks, railroad crossings, electrical communication, multi-modal transportation systems, easements, rights-of-ways and public places of the City within the corporate limits or planning boundary of the City, as the same now exist or may be hereafter extended or altered, and any location thereon, thereover or thereunder any portion thereof; and 2) creating or maintaining any ditch, channel, swale, pipe, creek, river, culvert, gutter, basin, box, head wall or other structure which does or is designed for conveying or directing the flow of storm water runoff on the surface, in any open ditch or within an enclosed culvert or pipe within the corporate limits or planning boundary of the City.

The levy of the sales and use tax shall commence on January 1, 2021, and terminate on December 31, 2025.

FOR adoption of a 1% local sales and use tax within the  
City of Russellville, Arkansas \_\_\_\_\_

AGAINST adoption of a 1% local sales and use tax  
within the City of Russellville, Arkansas \_\_\_\_\_

**SECTION 3:** The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987

Prepared by:  
William F. Smith III  
City Attorney &  
J. Shepherd Russell, III  
Friday, Eldridge & Clark  
400 West Capitol Avenue  
Suite 2000  
Little Rock, AR 72201-3552  
Sponsor: Finance Committee  
FC#

Annotated (the "Authorizing Legislation") and only qualified voters of the City shall have the right to vote at the election.

**SECTION 4:** The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper published in the City and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

**SECTION 5:** A copy of this Ordinance shall be filed with the Pope County Clerk at least 60 days prior to the election date. A copy of this Ordinance shall be given to the Pope County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

**SECTION 6:** The Mayor and City Clerk, for and on behalf of the City, be, and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Authorizing Legislation, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

**SECTION 7:** All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 8:** The provisions of this Ordinance are separable and if an article, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

**ORDAINED**, this 7<sup>th</sup> day of July, 2020.

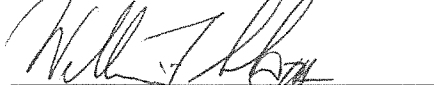
  
RICHARD HARRIS, MAYOR

**ATTEST:**

  
GINA SKELTON, CITY CLERK-TREASURER

I, Gina Skelton, City Clerk-Treasurer of the City of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2359 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 7<sup>th</sup> day of July, 2020.

**APPROVED AS TO LEGAL FORM:**

  
WILLIAM F. SMITH III, CITY ATTORNEY



**Prepared by:**  
William F. Smith III  
City Attorney &  
J. Shepherd Russell, III  
Friday, Eldridge & Clark  
400 West Capitol Avenue  
Suite 2000  
Little Rock, AR 72201-3552  
Sponsor: Finance Committee  
FC#

**SECTION 9:** Due to the need coordinate and schedule the appropriate deadlines in order to inform the voting public as soon as possible as well as coordinate with the Pope County Election Commission and Department of Finance and Administration, an emergency is declared and this Ordinance shall become immediately effective upon and after passage.

**ORDAINED**, this 7<sup>th</sup> day of July, 2020.

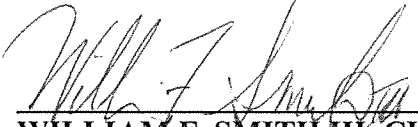
  
\_\_\_\_\_  
**RICHARD HARRIS, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**GINA SKELTON, CITY CLERK-TREASURER**

I, Gina Skelton, City Clerk-Treasurer for the City of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2389 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 7<sup>th</sup> day of July, 2020.

**APPROVED AS TO LEGAL FORM:**

  
\_\_\_\_\_  
**WILLIAM F. SMITH III, CITY ATTORNEY**

