

ORDINANCE NO. 192

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF TONTITOWN, ARKANSAS ON THE QUESTION OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF SEWER IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

File 2005-00010408
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Fee Amt: \$14.00 Page 1 of 3
Washington County, AR
Bette Stamps Circuit Clerk

WHEREAS, the City Council of the City of Tontitown, Arkansas (the "City") has determined that it would be in the best interests of the City to acquire, construct and equip a sewer collection system (the "Sewer Improvements"), and to finance all or a portion of the costs by the issuance of capital improvement bonds in the maximum principal amount of six-million dollars (\$6,000,000.00); and

WHEREAS, the City can issue the capital improvement bonds under the authority of Amendment No. 62 to the Constitution of the State of Arkansas ("Amendment 62") and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation"); and

WHEREAS, the capital improvement bonds may be issued as a single issue or may be issued in series from time to time as funds are needed to accomplish the Sewer Improvements; and

WHEREAS, the City can pay the principal of and interest on the capital improvement bonds from a pledge as collateral of seventy-five percent (75%) of the collections received by the City from the City's 1% sales and use tax (the "Tax") and the City's net water and sewer revenues; and

WHEREAS, in the event the costs of the Sewer Improvements exceed the proceeds of the capital improvement bonds, the City may pay such costs out of available funds or issue additional bonds to the extent allowed by law to provide such funding; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the question of issuing capital improvement bonds for the Sewer Improvements under Amendment 62 and the Authorizing Legislation at a special election to be called for that purpose;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Tontitown, Arkansas:

Section 1. That there be, and there is hereby called, a special election to be held on January 11, 2005, at which election there shall be submitted to the electors of the City, the question of issuing the capital improvement bonds under Amendment 62 and the Authorizing Legislation to finance all or a portion of the costs of the Sewer Improvements in the aggregate principal amount of not to exceed six-million dollars (\$6,000,000.00) to be secured by a pledge as collateral of seventy-five percent (75%) of the collections of the Tax received by the City plus the City's net water and sewer revenues.

Section 2. That the question of issuing the capital improvement bonds shall be placed on the ballot for the election in substantially the following form:

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

The bonds will be secured by a pledge as collateral of seventy-five percent (75%) of the collections received by the City from the local 1% sales and use tax currently levied within the City and the City's net water and sewer revenues. That portion of such tax collections not used for the payment of the bonds may be used for improving municipal water and sewer services. The bonds may be issued as a single issue or may be issued in series from time to time. The City may issue additional bonds to the extent allow by law in the event that proceeds of these bonds will not finance all of the costs of the sewer improvements.

SEWER IMPROVEMENT BONDS

Vote FOR or AGAINST an issue of bonds of the City of Tontitown in the maximum amount of six-million dollars (\$6,000,000.00) for the purpose of financing all or a portion of the costs of acquiring, constructing and equipping a sewer collection system to be secured by a pledge as collateral of seventy-five percent (75%) of the collections received by the City from the 1% local sales and use tax levied within the City plus the City's net water and sewer revenues.

FOR the issuance of Sewer Improvement Bonds . . .

☐

AGAINST the issuance of Sewer Improvement Bonds . .

☐

Section 3. That 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 the Authorizing Legislation and only qualified voters of the City shall have the right to vote at the election.

Section 4. That the results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper having a general circulation in the City, 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. That a copy of this Ordinance shall be given to the Washington County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 6. That the Mayor and City Recorder, for and on behalf of the City, be, and they are hereby, authorized and directed do any and all things necessary to call and hold the special election as herein provided.

Section 7. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 3rd day of November, 2004.

APPROVED:


Daniel R. Watson, Mayor

ATTEST:

Frances Franco
Frances Franco, City Recorder/Treasurer

(SEAL)

APPROVED AS TO FORM:

R. Jeffrey Reynerson
R. Jeffrey Reynerson, City Attorney

ROLL CALL:

NAMES OF THOSE VOTING YEA:

Kenneth Green

Vanessa Sbanotto

Kenneth Rovertson

Leon Zylpo

Arthur Penzo

Henry Piazza

ABSENT:

NAMES OF THOSE VOTING NAY:

CERTIFICATE

The undersigned, City Recorder of Tontitown, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 192, passed at a regular session of the City Council of Tontitown, Arkansas, held at the regular meeting place of the City Council at 7:30 o'clock p.m., on the 3rd day of November, 2004, and that the Ordinance is of record in Ordinance Record Book No. 3, Page , now in my possession.

GIVEN under my hand and seal this 10th day of November, 2004.

Frances Franco
Frances Franco, City Recorder/Treasurer

(SEAL)