

AN ORDINANCE ESTABLISHING A PROCEDURE FOR PURCHASING, SALE OR EXCHANGE OF PROPERTY IN COMPLIANCE WITH ACT NO. 28 OF 1959, AS AMENDED BY ACT 344 OF 1981 AND ACT 745 OF 1985, (ARK. STAT. 19-4421 - ARK. STAT. 19-4430), DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELM SPRINGS, ARKANSAS.

SECTION 1. The Mayor, or his duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus equipment, materials and other things requisite to public purposes for the Town of Elm Springs and to make all necessary contracts for work or labor to be done, or material or other necessary thing to be furnished for the benefit of the city where the amount of the expenditure for any purchase or contract does not exceed the sum of Five Thousand Dollars (\$5,000.00).

SECTION 2. Where the amount of expenditure for any purchase or contract exceeds the sum of Five Thousand Dollars (\$5,000.00), the Mayor, or his duly authorized representative, shall invite competitive bids thereon by legal advertisement shall be opened and read on the date set for receiving said bids in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder, provided, however, the Mayor or his duly authorized representative may reject any and all bids received.

SECTION 3. The Mayor, or his duly authorized representative, may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city or town, when funds on hand are adequate to pay such bills, debts or liabilities. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body.

SECTION 4. That the Mayor, or his duly authorized representative, may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand Dollars (\$5,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefor if the value thereof exceed the sum of Five Thousand Dollars (\$5,000.00); provided, however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Five Thousand Dollars (\$5,000.00), the same may be sold by the Mayor without competitive bidding.

SECTION 5. This ordinance shall be effective August 1, 1985. All ordinance or parts of ordinance in conflict herewith are hereby repealed.

SECTION 6. Whereas, State laws require the establishment of a procedure for municipal purchases under Five Thousand Dollars (\$5,000.00) and this ordinance being necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 2 day of December, 1985.

ATTEST,

Betty Lanni  
CLERK

J. S. Hellstern  
JACK HELLSTERN, MAYOR

ORDINANCE NO. 17-04

AN ORDINANCE ESTABLISHING A PROCEDURE FOR MAKING ALL PURCHASES AND EXPENDITURES IN COMPLIANCE WITH STATE LAW, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the procedure for making purchases by the City of Elm Springs, Arkansas (City) was last addressed by the Council in 2004, and there have been significant changes in the law and there is a need to set forth a procedure which is relevant to the current economic conditions, as well as compatible with applicable state law; THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS.

SECTION 1. The Mayor, or his/her duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus equipment, materials and other things requisite to public purposes for the City of Elm Springs and to make all necessary contracts for work or labor to be done, or material or other necessary thing to be furnished for the benefit of the City. The Mayor's spending authority pursuant to this section is restricted to those sums appropriated by the Council.

SECTION 2. The City will comply with the provisions of Ark. Code Annot. §22-9-203 with respect to any contract providing for the making of major repairs or alterations, for the erection of buildings or other structures, or for making permanent improvements with any contractor, in instances in which all estimated costs of the work exceed \$20,000.00, for the period through July 31, 2017. As of August 1, 2017, such provisions shall be applicable with respect to a contract with any contractor, in instances in which all estimated costs of the work exceed \$35,000.00. In such instances, the Mayor, or his or her duly authorized representative,

shall invite competitive bids thereon by legal advertisement, published one time each week for not less than 2 consecutive weeks, which bids shall be opened and read on the date set for receiving said bids in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder, provided, however, the Mayor or his or her duly authorized representative may reject any and all bids received.

SECTION 3. The Mayor, or his or her duly authorized representative, may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city or City, when funds on hand are adequate to pay such bills, debts or liabilities. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the city council.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. Should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said findings and/or holdings shall not affect the other portions of this Ordinance and any portion of this Ordinance not so found shall remain in full force and effect.

SECTION 6. Whereas, state law permits the establishment of a procedure for municipal purchases and there is a need to efficiently and effectively carry on the business of the City, and this ordinance being necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and

effect immediately upon its passage.

PASSED AND APPROVED this 12 day of June 2017.

  
Harold Douthitt, Mayor

Attest:

  
Twila Taylor, Recorder

12385-  
REV# 85-12-2  
ORDINANCE NO.

AN ORDINANCE PERMITTING THE MAYOR AND ALDERMEN TO CONDUCT BUSINESS WITH THE TOWN OF ELM SPRINGS, ARKANSAS, UNDER CERTAIN CIRCUMSTANCES AS AUTHORIZED BY ACT 485 OF 1981; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELM SPRINGS, ARKANSAS:

SECTION 1. The Mayor and Aldermen may conduct business with the town as authorized by Act 485 of 1981, under the following conditions.

A. The purchase is under \$5,000 in value and comparable merchandise or equipment at comparable prices is not otherwise available within the town.

B. The cost of the service is under \$5,000 in value and comparable services at comparable prices are not otherwise available within the town.

SECTION 2. On all purchases of supplies, equipment or services of more than \$5,000, advertisement for bids must be taken pursuant to Ark. Stat. 19-4425 as amended by Act 745 of 1985 unless the town council shall by ordinance waive competitive bidding in exceptional situations where such procedure is deemed not feasible or practical.

SECTION 3. WHEREAS, in many instances the Mayor or Aldermen are the only merchants in the town who sell certain items and also the Mayor or Aldermen are the only persons who supply certain services and it will work a great hardship on the town if they must purchase supplies, equipment and services outside the town; therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate protection of the public peace, health and safety shall be in effect on and after August 1, 1985.

PASSED AND APPROVED this 2 day of December, 1985.

ATTEST:  
Betty Lewis  
CLERK

J. H. Hellstern  
JACK HELLSTERN, MAYOR

ORDINANCE NO. 90-1-1

AN ORDINANCE AMENDING 1989 APPROPRIATIONS FROM  
CITY FUNDS TO MATCH 1989 EXPENDITURES.

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs by the City Treasurer and the State Auditor that the City's expenditures from its general funds for the year 1989 did not precisely match the proposed budget for 1989; and

WHEREAS, it is therefore necessary to amend the appropriations from the City's general funds to match the City's expenditures for the year 1989; and

WHEREAS, the City Council deems it to be in the best interests of the citizens of the City of Elm Springs to amend the 1989 appropriations to match those expenditures made.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the 1989 appropriations set forth in the City of Elm Springs' budget for 1989 be hereby amended to match the City's actual expenditures from its general funds, as set forth in the amended appropriations schedule for the year 1989.

PASSED AND APPROVED this 8 day of January,

1990.

ATTEST:

Betty Lewis  
City Clerk/Recorder

Jack Heilstern  
Jack Heilstern, Mayor

ORDINANCE NO. 90-1-2

AN ORDINANCE APPROVING THE 1990 PROPOSED BUDGET FOR THE CITY OF ELM SPRINGS.

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to review and approve the 1990 proposed budget for the City; and

WHEREAS, the proposed 1990 budget was presented to the City Council at its regular December meeting and has been reviewed and discussed by the City Council; and

WHEREAS, the City Council, after thorough consideration, believes that approval of the proposed 1990 budget as presented is in the best interests of the citizens of the City of Elm Springs.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the proposed budget for the City of Elm Springs for 1990 be and is hereby approved as presented.

PASSED AND APPROVED this 8 day of February,

1990.

ATTEST:

Betty L. L...  
City Clerk/Recorder

Jack Hellstern  
Jack Hellstern, Mayor



ORDINANCE NO. 93-11

City of Elm Springs, Arkansas

AN ORDINANCE AMENDING THE 1993 OPERATING AND CASH BUDGET OF THE CITY OF ELM SPRINGS, ARKANSAS, TO APPROPRIATE ADDITIONAL MONIES FOR POLICE SALARIES.

WHEREAS, when the 1993 Operating and Cash Budget of the City of Elm Springs, Arkansas, was adopted, a line item was established for police department salaries under the One Cent Fund of the City of Elm Springs; and,

WHEREAS, at the time the line item for police department salaries was established, the intention was to employ one police officer for the City of Elm Springs, Arkansas; and,

WHEREAS, subsequent events have shown that there is a need for additional police personnel for the City of Elm Springs, Arkansas; and,

WHEREAS, an additional full-time police officer has been hired, beginning November 1, 1993; and,

WHEREAS, it is necessary that additional monies be appropriated to pay salaries and fringe benefits for the remainder of the 1993 calendar year;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Elm Springs, Arkansas, that the 1993 Operating and Cash Fund Budget of the City of Elm Springs, Arkansas, shall be amended as follows:

Section 1: That the sum of Four Thousand Dollars (\$4,000.00) shall be added to the line item for police salaries under the One Cent Fund.

Section 2: That the above amount shall be taken from reserves in the One Cent Fund.

IT IS SO ORDAINED.

PASSED AND APPROVED on this 1st day of November, 1993.

  
THOMAS D. LUNDSTRUM, MAYOR

ATTEST:  
  
BARBARA ANN DILLARD, CITY RECORDER

ORDINANCE NO. 93-8-28

City of Elm Springs, Arkansas

AN ORDINANCE AMENDING THE 1993 OPERATING AND CASH BUDGET OF THE CITY OF ELM SPRINGS, ARKANSAS, TO APPROPRIATE ADDITIONAL MONIES FOR PURCHASE OF EQUIPMENT FOR THE POLICE DEPARTMENT OF THE CITY OF ELM SPRINGS, ARKANSAS.

WHEREAS, when the 1993 Operating and Cash Budget of the City of Elm Springs, Arkansas, was adopted, the said budget provided for equipment for the department was \$10,000.00, which sum has subsequently been increased, by ordinance, to \$15,000.00; and,

WHEREAS, it has been shown that this amount will be insufficient to provide adequate police protection for the City, and an additional patrol car is now required, thus necessitating the appropriation of additional monies for police equipment; and,

WHEREAS, there are additional monies in the 1993 Operating and Cash Budget for the One Cent Fund of the City of Elm Springs, Arkansas.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Elm Springs, Arkansas, as follows:

Section 1: That the additional sum of \$7,500.00 shall be appropriated for police department equipment in the 1993 Operating and Cash Budget for the City of Elm Springs, Arkansas.

Section 2: That the additional appropriation shall be taken from the reserves of the One Cent Fund for the City of Elm Springs, Arkansas.

IT IS SO ORDAINED.

PASSED AND APPROVED on this 2d day of August, 1993.

  
THOMAS D. LUNDSTRUM, MAYOR

ATTEST:  
  
BARBARA ANN DILLARD, CITY RECORDER

ORDINANCE NO. 94-6 B

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE WAIVING THE PROVISIONS OF A.C.A. § 14-42-107 ANY OTHER STATUTES WITH SIMILAR RESTRICTIONS AND ALLOWING THE MAYOR AND COUNCIL MEMBERS TO CONTRACT WITH THE CITY OF ELM SPRINGS TO PROVIDE SERVICES, SUPPLIES AND EQUIPMENT AND ESTABLISHING THE EXTENT THEREOF AND FOR DECLARING AN EMERGENCY.

WHEREAS, A.C.A § 14-42-107, prohibits the Mayor and Council members from being interested directly or indirectly in the profits of any contract for the furnishing of supplies, equipment or services to the municipality unless the Council waives said prohibition, and;

WHEREAS, there are currently Council members who are in a position to provide services, supplies and equipment to the City of Elm Springs, which will result in savings to the City, and;

WHEREAS, There may be other statutes which similarly restrict such transactions;

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS,

SECTION 1:

From and after the effective date of this Ordinance, the Mayor and any other Council members can contract with the City of Elm Springs, to provide services, supplies and equipment as long as it is determined by the Council that said contract is in the best interest of the citizens of Elm Springs.

SECTION 2:

That whenever the Mayor or Council member proposes to do business with the City under this Ordinance, said person should bring before the Council, a proposal in writing, setting out the services, supplies and equipment that they propose to provide to the City and the full cost of said agreement.

SECTION 3:

That said proposal shall be presented to the full Council and shall be reviewed by the Council prior to entering into any such agreement. The full Council must make a determination that the proposal will result in a benefit to the City of Elm Springs and is in the best interests of the City of Elm Springs prior to approving said agreement.

SECTION 4:

That it shall take a majority of the full Council voting in favor of said agreement before said agreement shall be accepted by the City.

SECTION 5:

Said meeting to consider a vote on any such proposed agreement shall be held at a regularly scheduled meeting of the Town Council. These proposals may be discussed but may not be voted on in a special meeting.

SECTION 6:

Failure to adhere strictly to the provisions set out hereinabove shall result in said agreement being null and void and of no legal effect between the City and the interested party.

SECTION 7:

It is the express intention of the Council to pass this Ordinance pursuant to the waiver provision contained in Ark. Code Annotated § 14-42-107 and to waive any other State Statutes with similar restrictions concerning the subject matter hereinabove.

SECTION 8:

SEVERABILITY; the Provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this Ordinance shall be held invalid, the invalidity of such Section, paragraph, sentence, or clause shall not effect the validity of the remaining portion of the Ordinance.

SECTION 9:

LEGAL STATUS; all Ordinances or parts of Ordinances of the City of Elm Springs, in conflict herewith or hereby repealed.

(a). It has been found and is hereby declared by the city council that this ordinance is immediately required in order to promote and, preserve the appearance of an open and responsive city government to its citizens; to provide opportunities for the city to take advantage of savings in the purchasing of equipment and supplies; and an emergency is hereby declared to exist and that this ordinance is hereby declared to the preservation of the public, being necessary for safety, shall be in full force and effect from the date of its approval.

PASSED AND APPROVED this 6<sup>th</sup> day of June, 1994.

ATTEST:

  
BARBARA DILLARD

CLERK/RECORDER/TREASURER

  
THOMAS LUNDSTRUM, SR., MAYOR

ORDINANCE AMENDING THE 1995 OPERATING AND CASH BUDGET  
OF THE CITY OF ELM SPRINGS, ARKANSAS

ORDINANCE No. 95-11

AN ORDINANCE to appropriate additional monies for the following  
lines) items in the 1995 Operation and Cash budget:

1.	Police salary	\$ 2,000
2.	Court salary	\$ 8,500
3.	City Inspector	\$ 2,500
4.	Office supplies	\$ 3,000
5.	Police equipment	\$ 1,000
6.	Community Center repairs	\$ 3,000
7.	Other:	
	a. Non-line item	\$ 5,000
	b. New water line:	
	1. Engineer	\$ 8,000
	2. Washington County Abstract	\$ <u>425</u>
	TOTAL	\$33,425

THEREFORE, be it enacted, an ordinance to appropriate additional  
monies for the 1995 Operation and Cash budget of the City of Elm  
Springs, Arkansas.

*Barbara Dillard*  
\_\_\_\_\_  
Barbara Dillard, City Clerk

*Ed Thiesse*  
\_\_\_\_\_  
Ed Thiesse, Mayor

ORDINANCE NO. 96-9-4

An ordinance authorizing the city clerk-recorder to reimburse the General Fund Six Thousand Dollars (\$6,000.00) from the Elm Springs Municipal Fund used to purchase law enforcement vehicles, among other things, and which fund is funded by fines collected for failure to register or insure a motor vehicle.

**WHEREAS**, on March 5, 1996, the City of Elm Springs purchased a law enforcement vehicle; and;

**WHEREAS**, the municipal fund used to purchase law enforcement vehicles, among other things, and which fund, funded through fines collected for failure to register and insure motor vehicles, contained insufficient funds to make the law enforcement vehicle purchase, and;

**WHEREAS**, Six Thousand Dollars (\$6,000.00) was used from the City of Elm Springs General Fund in order to purchase said vehicle.

**NOW, THEREFORE**, the City Clerk is ordered and authorized to transfer Six Thousand Dollars (\$6,000.00) from the municipal fund used to purchase law enforcement vehicles, among other things, to the Elm Springs General Fund for the purpose of "repaying" a loan from said General Fund to said law enforcement fund.

ATTEST:

Barbara Dillard  
Barbara Dillard, City Clerk/Recorder

Edward Thiesse  
Mayor, Edward Thiesse

ORDINANCE NO. 97-002

**AN ORDINANCE SETTING A MINIMUM DOLLAR AMOUNT FOR CAPITAL OUTLAY TO BE ENTERED IN THE FIXED ASSET/EQUIPMENT BOOKS**

WHEREAS, the Council for the City of Elm Springs, Arkansas, has been advised that limits should be set for entering expenditures for capital outlays in the Fixed Asset/Equipment Books, and

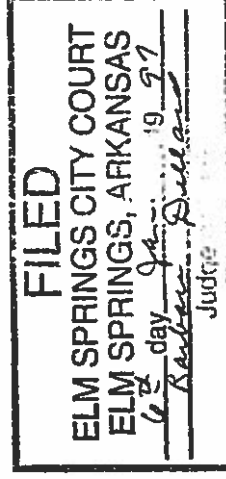
WHEREAS, the Council for the City of Elm Springs, Arkansas, has determined it is necessary to maintain an accurate accounting system and yet not overburden the bookkeeping system with unnecessary details,

NOW, THEREFORE, with the exception of weapons acquired for use by the Elm Springs Police Department, the City Clerk is ordered and authorized to enter and record in the Fixed Asset/Equipment Books only those capital outlay expenditures in excess of \$ 500.<sup>00</sup>.

Edward Thiesse  
Mayor, Edward Thiesse

ATTEST:

Barbara Dillard  
Barbara Dillard, City Clerk/Recorder



ORDINANCE No. 97-003

**ORDINANCE AMENDING THE 1996 OPERATING AND CASH BUDGET  
OF THE CITY OF ELM SPRINGS, ARKANSAS**

AN ORDINANCE to appropriate additional monies for the following lines items in the 1996

Operation and Cash budget:

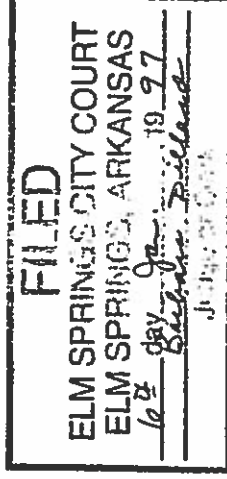
1. Police salary	\$ 3,304.30
2. City Attorney	\$ 4,364.76
3. City Inspector	\$ 300.68
4. Office supplies	\$ 1,762.69
5. Utilities	\$ 2,055.86
6. Auto Expenses	\$ 1,371.55
7. Other:	\$ 82,338.90
a. Land Acquisition	\$ 30,500.00
b. Water Line Project	\$ 51,838.90
TOTAL .....	\$ 95,498.74

THEREFORE, be it enacted, an ordinance to appropriate additional monies for the 1996 Operation and Cash budget of the City of Elm Springs, Arkansas.

ATTEST:

Barbara Dillard  
Barbara Dillard, City Clerk/Recorder

Edward Thicse  
Mayor, Edward Thicse





ORDINANCE No. 97-004

**AN ORDINANCE APPROVING THE 1997 PROPOSED  
BUDGET FOR THE CITY OF ELM SPRINGS, ARKANSAS**

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to review and approve the 1997 proposed budget for the city; and

WHEREAS, the proposed 1997 budget was presented to the City Council at its regular January meeting and has been reviewed and discussed by the City Council; and

WHEREAS, the City Counsel, after thorough consideration, believes that approval of the proposed 1997 budget as presented is in the best interests of the citizens of the City of Elm Springs.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the proposed budget for the City of Elm Springs for 1997 be and hereby approved as presented.

PASSED AND APPROVED this 6<sup>th</sup> day of January, 1997.

ATTEST:

Barbara Dillard  
Barbara Dillard, City Clerk/Recorder

Edward Thiesse  
Mayor, Edward Thiesse

**ORDINANCE NO. 97-008**

**AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A CITY ATTORNEY BY THE MAYOR, SUBJECT TO THE APPROVAL OF THE CITY COUNCIL; PROVIDING FOR THE SALARY, DUTIES AND TERM OF OFFICE FOR SAID ATTORNEY; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.**

Be it ordained by the City Council of the City of Elm Springs, Arkansas:

Section 1. That the Mayor, subject to the approval of a majority vote of the City Council, may appoint the City Attorney for the City of Elm Springs, Arkansas, which Attorney shall be a licensed attorney under the laws of Arkansas.

Section 2. That the salary of the City Attorney shall be \$250.00 per mo.


Section 3. That the City Attorney shall perform such duties as prescribed by the Mayor and City Council and the statutes of the State and ordinances of the City.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed .

Section 5. This ordinance being necessary for the preservation of the public peace, health, and safety, an emergency is hereby declared to exist, because the City is currently without a City Attorney. This Ordinance shall be in full force and effect from and after its passage and approval.

**Passed and approved this 7<sup>th</sup> day of July, 1997.**

  
Mayor, Ed Thiese

  
Attest: Recorder/ Treasurer  
Barbara Dillard

I CERTIFY THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL DOCUMENT.  
DATED THIS 26<sup>th</sup> DAY OF Jan  
19 98 Barbara Dillard  
COURT CLERK

Ordinance No. 98-01

**ORDINANCE AMENDING THE 1997 OPERATING AND CASH  
BUDGET OF THE CITY OF ELM SPRINGS, ARKANSAS.**

AN ORDINANCE to appropriate additional monies for the following line items in the  
1997 operation and cash budget:

1. Administration salary	1750.00
2. Police Salary	3401.00
3. Prosecutor	1650.00
4. City Inspector	263.73
5. Office Supplies	2004.06
6. Utilities	3288.85
7. Auto expenses	1593.55
8. Other	86489.93
A. special election	1462.74
B. Engineering fees	15525.40
C. Land purchase	50000.00
D. Pumper supplies	15000.00
E. Lopfi	4501.79
TOTAL.....	\$100,441.12

THEREFORE, be it enacted, an ordinance to appropriate additional monies for the 1997  
operation and cash budget of the City of Elm Springs, Arkansas.

**Passed and approved this 26<sup>th</sup> day of January, 1998.**

ATTEST

Barbara Dillard  
Barbara Dillard, City Clerk/Recorder

Edward Thiess  
Mayor Edward Thiess

I CERTIFY THIS IS A TRUE AND

CORRECT COPY OF THE ORIGINAL DOCUMENT.

DATED THIS 26<sup>th</sup> DAY OF Jan

19 98

ORDINANCE NO. 98-02

Barbara Dillard  
COURT CLERK

**AN ORDINANCE APPROVING THE 1998 PROPOSED  
BUDGET FOR THE CITY OF ELM SPRINGS, ARKANSAS.**

**WHEREAS**, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to review and approve the 1998 proposed budget for the City; and

**WHEREAS**, the proposed 1998 budget was presented to the City Council at its regular January meeting and has been reviewed and discussed by the City Council; and

**WHEREAS**, the City Council, after thorough consideration, believes that approval of the proposed 1998 budget as presented is in the best interests of the citizens of the City of Elm Springs.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** that the proposed budget for the City of Elm Springs for 1998 be and hereby approved as presented.

**PASSED AND APPROVED** this 26<sup>th</sup> day of January, 1998.

**ATTEST:**

Barbara Dillard  
Barbara Dillard, City Clerk/Recorder.

Edward Thiesse  
Mayor, Edward Thiesse

ORDINANCE NO. 98-04

AN ORDINANCE TO DIVIDE THE CITY OF ELM SPRINGS, ARKANSAS,  
INTO WARDS PURSUANT TO ARKANSAS CODE ANNOTATED 14-44-101  
AND DESCRIBE THE BOUNDARIES OF EACH WARD

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs, Arkansas, that the City has never been divided into wards; and

WHEREAS, Arkansas code Annotated 14-44-101 appears to require an incorporated town, as soon as is practicable after it becomes a city of the second class, through its City Council, to form the City into the number of wards that, to it, will seem to best serve the interests of the City; and

WHEREAS, the Elm Springs Planning Commission has drawn a map, depicting the proposed wards and their boundaries, which map is attached hereto as Exhibit "A,"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

Section 1: That the City of Elm Springs, Arkansas, shall be, and hereby is, divided into three (3) wards, said wards being described and numbered upon the map attached hereto as Exhibit "A" to be known as the Ward Map of Elm Springs, Arkansas, together with all such changes, redistricting or other alterations of ward boundaries as may occur in the future.

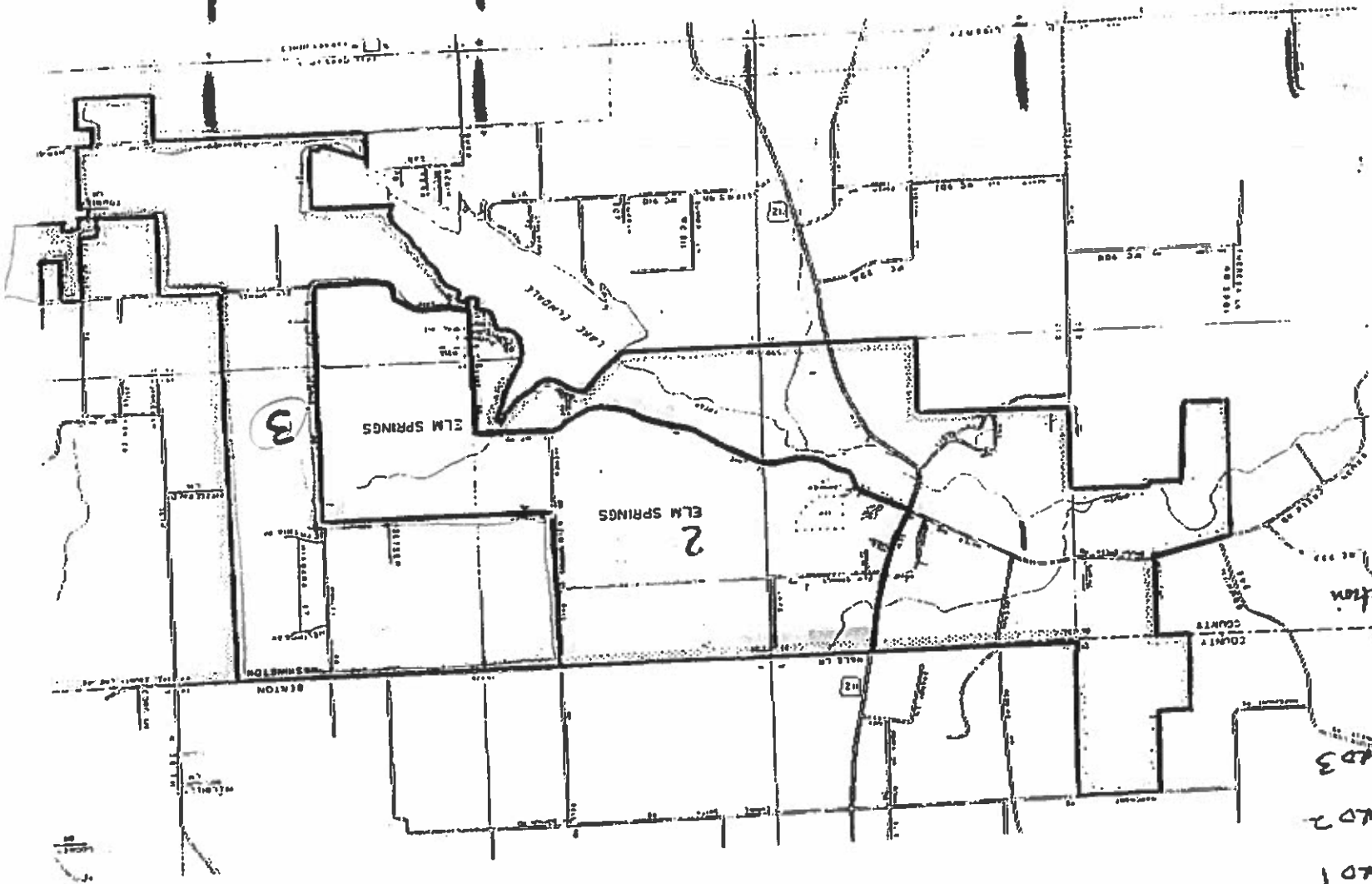
Section 2: Emergency Clause. The City Council determines that an emergency exists and this Ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Elm Springs, Arkansas, shall be in effect from and after its passage and approval.

PASSED AND APPROVED this 27<sup>th</sup> day of July, 1998.

  
MAYOR

ATTEST:

  
CITY CLERK



43 DVS = 341 POP. + 8 WARD 1  
 35 DVS + 322 POP. = 11 WARD 2  
 2 DVS = 338 POP. + 5 WARD 3  
 2 DVS. 1001 TOT POP.  
 SPECIAL Census  
 1,001 population  
 DEAL  
 1,001 population

DRAFT  
 FOR APPROVAL AND REVISION  
 FOR THE BOARD OF COMMISSIONERS

INSPIRES Ward Map  
 4,848

ORDINANCE NO. 98- 10

AN ORDINANCE ESTABLISHING RULES FOR THE  
GOVERNANCE OF THE CITY COUNCIL MEETINGS OF THE  
CITY OF ELM SPRINGS, ARKANSAS.

Whereas, it is in the best interest of the City of Elm Springs, Arkansas and the citizens thereof, to have orderly council meetings, and

Whereas, conducting the council meetings pursuant to parliamentary procedure as set out by Robert's Rules of Order will provide for orderly council meetings.

Be it ordained by the City Council of the City of Elm Springs, Arkansas, to-wit:

1. That the City of Elm Springs shall adopt as the rules for the conduct of its city council meetings, the 1983 Standard guide to Parliamentary Procedure, commonly known as Robert's Rules of Order.
2. The Mayor shall preside over each meeting, and at each meeting the Mayor shall appoint a parliamentarian. The parliamentarian shall use as reference the Parliamentary Law at a Glance, by E. C. Utter.

Passed and approved this 21<sup>st</sup> day of Dec 1998.

Barbara Dillard  
Barbara Dillard, City Clerk

Edward Thiess  
Ed Thiess, Mayor

ORDINANCE NO. 99-023

ORDINANCE AMENDING THE 1998 OPERATING AND CASH  
BUDGET OF THE CITY OF ELM SPRINGS, ARKANSAS.

AN ORDINANCE to appropriate additional monies for the following line items in the  
1998 operation and cash budget.

GENERAL FUND:


1. City Attorney salary-----3056.95  
2. City Inspector salary-----5175.71  
3. Payroll tax expenses-----247.68  
4. Dues-----710.51  
5. Utilities-----1033.85  
6. Repair and Maintenance-----20164.25  
7. Other-----68731.93  
TOTAL-----99120.88

STREET FUND:

1. Street Repair-----213475.90

THEREFORE, be it enacted, an Ordinance to appropriate additional monies for the 1998  
Operation and cash budget of the City of Elm Springs, Arkansas.

Passed and approved this 1<sup>st</sup> day of February, 1999.

  
Mayor Edward Thiesse

ATTEST:  
  
Barbara Dillard, Recorder/Treasurer.



ORDINANCE NO. 99-004

**AN ORDINANCE APPROVING THE 1999 PROPOSED  
BUDGET FOR THE CITY OF ELM SPRINGS, ARKANSAS.**

**WHEREAS, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to review and approve the 1999 proposed budget for the City; and**  
**WHEREAS, the proposed 1999 budget was presented to the City Council at its regular January meeting and has been reviewed and discussed by the City Council; and**  
**WHEREAS, the City Council, after thorough consideration, believes that approval of the proposed 1999 budget as presented is in the best interest of the citizens of the City of Elm Springs.**  
**NOW, THEREFORE, BE IT HEREBY ORDAINED that the proposed budget for the City of Elm Springs for 1999 be and hereby approved as presented.**

**PASSED AND APPROVED this 1<sup>st</sup> day of February, 1999.**

*Edward Thiese*  
Mayor, Edward Thiese

**ATTEST:**

*Barbara Dillard*  
Barbara Dillard, Recorder/Treasurer.

ORDINANCE NO. 2000-04

AN ORDINANCE TO AMEND THE 1999 BUDGET FOR THE  
CITY OF ELM SPRINGS

Whereas, it is in the best interest of the City of Elm Springs and its citizens that the 1999 Budget be amended to reflect the actual income and expenditures of the City of Elm Springs as reflected on the attached Exhibit "A."

**NOW THEREFORE be it Resolved** by the City Council of the City of Elm Springs, Arkansas, to-wit:

1. That the City of Elm Springs shall adopt the budget for the year 1999 as reflected in the attached exhibit "A."
2. That Ordinance No. 99-004 be amended to comply with paragraph 1 above.

Done and Enacted this 3rd day of <sup>May</sup>~~April~~, 2000.

Approved:

Edward Thiesse  
Ed Thiesse, Mayor

Linda McVittie  
~~Linda McVittie~~, City Clerk

**ORDINANCE NO. 2000- 08**

**AN ORDINANCE APPROVING THE  
2001 PROPOSED BUDGET FOR THE  
CITY OF ELM SPRINGS, ARKANSAS**

**WHEREAS**, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to review and approve the 2001 proposed budget for the City; and


**WHEREAS**, the proposed 2001 budget was presented to the City Council at its regular November and December meetings and has been reviewed and discussed by the City Council; and


**WHEREAS**, the City Council, after thorough consideration, believes that approval of the proposed 2001 budget as amended is in the best interests of the citizens of the City of Elm Springs.

Section 1: Budget Approved. Now, therefore, be it hereby ordained that the proposed budget for the City of Elm Springs for 2001 as amended, a true and correct copy of which is attached hereto, be and hereby is approved.

Section 2: Emergency Clause. It has been found and hereby is declared by the City Council that this ordinance is immediately required in order to facilitate the development inside the city of Elm Springs, and to promote the welfare of the city of its citizens. Therefore, an emergency is hereby declared to exist in this ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 4<sup>th</sup> day of December, 2000.

  
Ed Thiesse, Mayor

  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thieme and Linda Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2006-02 (the "Proposed Budget Ordinance") was, on the 11<sup>th</sup> day of March, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 11<sup>th</sup> day of March, 2007.

Ed Thieme  
Mayor

Linda Lettice  
City Clerk

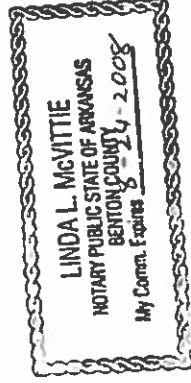
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 11<sup>th</sup> day of March, 2007.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-2008



**ORDINANCE NO. 2001- 01**

**AN ORDINANCE TO AMEND THE 2000 BUDGET  
FOR THE CITY OF ELM SPRINGS**

**WHEREAS**, it is in the best interest of the City of Elm Springs and its citizens that the 2000 Budget be amended to reflect the actual income and expenditures of the City of Elm Springs as reflected on the attached Exhibit "A".

Section 1: Amendment of Budget. The City of Elm Springs does hereby adopt the budget for the year 2000 as reflected in the attached Exhibit "A".

Section 2: Amendment of Ordinance. Ordinance No. \_\_\_\_\_ be amended to comply with Section 1 above.

Section 3: Emergency Clause. It has been found and hereby is declared by the City Council that this ordinance is immediately required in order to facilitate the development inside the City of Elm Springs, and to promote the welfare of the City and its citizens. Therefore, an emergency is hereby declared to exist in this ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

**DONE AND ENACTED** this 5<sup>th</sup> day of March, 2000.

APPROVED:



Ed Thiesse, Mayor



Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thune and Glenda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 211-01 (the "Amended Budget Ordinance") was, on the 11<sup>th</sup> day of March, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 11<sup>th</sup> day of March, 2007.

Edward Thune  
Mayor

Glenda Pettus  
City Clerk

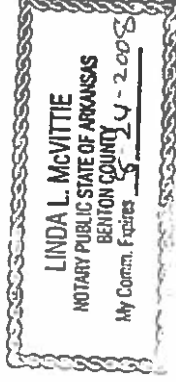
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 11<sup>th</sup> day of March, 2007.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-2008



ORDINANCE NO. 2001-06

**AN ORDINANCE ADOPTING THE JOB DESCRIPTION OF THE CITY  
INSPECTOR/ENFORCEMENT OFFICER FOR THE CITY OF ELM SPRINGS, AND  
DECLARING AN EMERGENCY**

WHEREAS, it has been brought to the attention of the City Council of the City of Elm Springs, Arkansas, that the City has not had a job description for the position of City Inspector/Enforcement Officer; and

WHEREAS, the City Council of Elm Springs, Arkansas believes it is in the best interests of the citizens of Elm Springs to adopt a job description for the position of City Inspector/Enforcement Officer, for the efficient administration of his duties and accountability to the City Council and citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

1. The job description for the position of City Inspector/Enforcement Officer which is attached hereto as Exhibit A, and made a part hereof by reference, is hereby adopted by the City Council. Three copies of the City Inspector/Enforcement Officer job description shall be at all times maintained in the office of the City Clerk of the City of Elm Springs.
2. EMERGENCY CLAUSE: Whereas, it is necessary for this Ordinance to become effective for the preservation of the public peace, health and safety, an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY the City Council of Elm Springs, Arkansas on  
the 5<sup>th</sup> day of Nov, 2001.

ATTEST:

Wanda Pettus  
Recorder/Treasurer

Edward Thiesse  
Mayor Edward Thiesse

EXHIBIT A to ORDINANCE NO. 01-06

CITY OF ELM SPRINGS  
CITY INSPECTOR / ENFORCEMENT OFFICER  
JOB DESCRIPTION

ADOPTED NOVEMBER 5, 2001

General Duties

Promotes the welfare and good will of the City of Elm Springs.

Interprets, administers and enforces adopted building, zoning and related codes, rules and regulations, good and sound construction practices.

Supervision Received

Is hired and works under the direct supervision of the Mayor, as approved by the City Council. Receives general guidance from the City Council and the Planning Commission.

Supervision Exercised Over Others

None.

Essential Duties and Responsibilities

Provides technical building code advice to the Mayor, City Council, Planning Commission and the general public.

Communicates official regulations policies and procedures to the general public.

Explains, interprets and provides guidance regarding all applicable codes and regulations to architects, engineers, contractors, owners, developers and other interested parties.

Prepares a variety of studies, reports and related information including, but not limited to:

- a. Monthly reports of activities.
- b. Written technical plat reviews and recommendations for the Planning Commission.
- c. Keeps a log and diary of all phase and periodic inspections of construction within City jurisdiction, and files copies of these records with the City Clerk. The City Clerk's file should be kept as current as practicable within the scope of the Inspector's work.



- d. Provides reports on all non routine matters acted on, to include new development inquiries, rezoning and variance requests, City ordinance violations, and such other reports that may be requested by the Mayor, City Council or Planning Commission.
  - e. Assists City Clerk in the preparation of quarterly reports to the Regional Planning Commission and annual reports to the U.S. Census Bureau.  
Acts as ex-officio advisor to the Planning Commission, attending all regularly scheduled Planning Commission meetings and such specially called meetings as requested.  
Acts as ex-officio advisor to the City Council upon request.  
Reviews all sketch plans with Planning Commission.  
Conducts a Technical Plat Review of all Preliminary Plats and Large Scale Developments and reports findings to the Planning Commission in both written and verbal forms.  
Reviews and certifies Final Plats for Completeness and accuracy.  
Reviews all building permits and lot split applications, and confirms that the proper fees have been charged, inspects all sites prior to issuance of permit to confirm compliance to all requirements, insures proper display of the building permit on the construction site.  
Reviews current trends and developments in the construction and development fields and assists in needed revisions to codes, ordinances and regulations.  
Inspects all construction requiring a building permit and subdivision construction as approved by the Planning Commission.  
Conducts inspections in a timely and orderly fashion so as to avoid any inconvenience to the builder and avoid unnecessary construction delays. It is intended that inspections be made within 24 hours or by the end of the next business day, whichever is greater. Time is measured from the time the City receives notification.  
Administers the inspection process from application to occupancy.  
Insures that the construction complies with existing zoning for the site.
- Enforcement
- Administers and enforces zoning ordinances, regulations, solid waste and other land use codes as directed by the Mayor.
  - Performs periodic inspections of the City for violations of local codes.

Responds to complaints of potential code violations relating to signing, building occupancy, nuisances, hazardous sidewalks or other conditions, housing conditions, construction, land use, zoning, animals, noise, dumping, clearing, grading, filling, polluting, or other code related matters.

Conducts field investigations of potential violations, gathers evidence, questions or interrogates complainants, witnesses and suspects, compares facts to code requirements, makes findings, and issues warnings, correction notices, or citations.

Meets with owners, tenants, contractors, developers, business, etc. to review and explain code requirements and violations or potential violations, secures code compliance.

Provides information to persons who request information or assistance in code enforcement related matters.

All construction within the City shall be safe, secure and sanitary. With this criteria in mind, the Inspector/Enforcement Officer shall have the authority to order the construction to cease because of hazardous conditions or noncompliance with applicable codes and regulations or defective materials.

On large and/or complex projects requiring complicated technology or a high amount of time devoted to the inspection thereof, the City may, at the recommendation of the inspector and the Planning Commission, require the Owner/Developer to hire an inspector to perform and certify the required inspections.

Coordinates efforts with the police, fire and other City departments as needed.

Performs related duties as assigned by the Mayor.

#### Prohibited Functions

All fees will be collected at City Hall under the supervision of the City Clerk. The Inspector/ Enforcement Officer will not collect any permit or plat review fees.

He will not give verbal permission for construction to begin or permit construction before the fees are paid and the permit is properly displayed on the site.

The Inspector/Enforcement Officer will not authorize continued construction beyond an uninspected phase of construction if continued construction renders the uninspected portion unable to be inspected.

## Desired Minimum Qualifications

### 1. Education and Experience:

High school graduate or GED equivalent, and two years of post-secondary college or technical instruction in building technology, construction management, mechanical, electrical, plumbing or building construction, and four year's experience in general construction and related fields or any equivalent combination of education and experience on a year for year basis. And in addition, two year's experience in inspection, law enforcement, building inspection, land use, public administration or a related field would be desirable.

### 2. Necessary Knowledge, Skills and Abilities:

A thorough knowledge of uniform building codes and electrical codes, plumbing codes, mechanical codes, general construction codes, and a thorough knowledge of electrical work, carpentry work and cement work.

The Inspector/ Enforcement Officer must have the ability to establish effective working relationships with contractors, developers, architects, engineers, owners and the general public. He must be able to handle stressful situations and effectively deal with difficult or angry people in a courteous and respectful manner.

The Inspector/ Enforcement Officer must be able to read and understand complicated plans and blueprints, communicate effectively orally and in writing. He must have the ability to work safely in the construction environment.

## Special Requirements

A valid Arkansas driver's license is required.

## Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform Essential Duties and Responsibilities and Enforcement.

Work is performed mostly in field settings. Considerable outdoor work is required in the inspection of various land uses and other matters. Good hand-eye coordination is necessary to function effectively in this position.

While performing the duties of this job, the Inspector/Enforcement Officer is occasionally required to stand, walk, talk, hear, use hands to feel, handle or operate objects, tools or controls, and reach with hands and arms. The employee is occasionally required to sit, climb, balance, stoop, kneel, crouch, and crawl.

The Inspector/Enforcement Officer must occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

#### Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee occasionally works in outside weather conditions. The Inspector/Enforcement Officer is occasionally exposed to wet and humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, moderate noise and vibration.

#### Selection Guidelines

Formal application, rating of education and experience, oral interview and reference checks and job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment agreement and is subject to change by the City as the needs of the City and requirements of the job change.

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Shress and Wenda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2007-06 (the "Dissemination Ordinance") was, on the 13<sup>th</sup> day of May, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 13<sup>th</sup> day of May, 2007.

Ed Shress  
Mayor

Wenda Pettus  
City Clerk

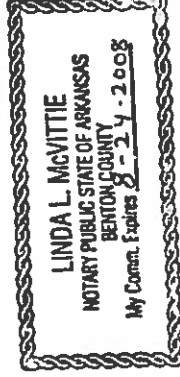
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 13<sup>th</sup> day of May, 2007.

Linda J. McVittie  
Notary Public

My Commission Expires:

8-24-2008



ORDINANCE NO. 2001-07

CITY OF ELM SPRINGS, WASHINGTON and BENTON COUNTIES,  
ARKANSAS

AN ORDINANCE LEVYING TAX FOR THE YEAR  
2001, TO BE COLLECTED IN 2002, ON THE REAL  
AND PERSONAL PROPERTY LOCATED WITHIN  
THE CITY OF ELM SPRINGS, ARKANSAS

WHEREAS, Arkansas Code Annotated §26-25-102 provides that a City may levy a tax on the real and personal property located within the City for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution, Article 12, Section 4, in such amounts not to exceed the maximum amount of levy fixed under this section of the Arkansas Constitution; and

WHEREAS, pursuant to Arkansas Code Annotated §26-73-202, the City Council may, on or before the time fixed by law for levying county taxes, make out and certify to the Washington County Clerk and the Benton County Clerk, the rate of taxation levied by the City of Elm Springs on the real and personal property located within the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Elm Springs, and its citizens, to levy the rate of taxation at 5.0 mills on the real and personal property located within the City of Elm Springs, as set forth herein, and to certify the same to the Washington and Benton County Clerks, and authorize the Washington and Benton County Quorum Courts to levy said tax for the year 2001, to be collected in 2002.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

1. Real Property. The property tax for general purposes for the City of Elm Springs on the real property situated within the City of Elm Springs and collected for the year 2002 shall be fixed and levied at the sum of five (5.0) mills on each dollar of assessed value of real property.
2. Personal Property. The property tax for general purposes for the City of Elm Springs on the personal property situated within the City of Elm Springs and collected for the year 2002, shall be fixed and levied at the sum of five (5.0) mills on each dollar assessed value of personal property.

3. Total Tax Levied. The total real property tax levy for the real property located within the City of Elm Springs is five (5.0) mills, and the total personal property located within the City of Elm Springs is five (5.0) mills.
4. Certification to County Clerks. The rate of taxation levied herein on the real and personal property within the City of Elm Springs shall, by this Ordinance, be certified to the Washington and Benton County Clerks, to be placed upon the tax books by the Washington and Benton County Clerks and collected in the same manner that state and county taxes are collected.
5. County Authorization. The Quorum Courts of Washington and Benton Counties, Arkansas, are authorized to levy the said tax as set forth herein for the real and personal property located within the City of Elm Springs, Arkansas, for the year 2002, at its next regular meeting.
6. Repeal of Ordinance in Conflict. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 5th day of November, 2001.

**APPROVED:**

Edward Thiesse  
Mayor Edward Thiesse

**ATTEST:**

Glenda Pettus  
City Clerk / Recorder

(SEAL)

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON NOVEMBER 5, 2001.

Glenda Pettus  
City Clerk / Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thiese and Glenn Adams, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2001-07 (the "Levy Tax Ordinance") was, on the 11<sup>th</sup> day of February, 2001, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 11<sup>th</sup> day of February, 2001.

Glenn Adams  
Mayor

Dwenda Lettis  
City Clerk

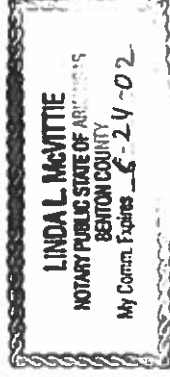
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 18<sup>th</sup>  
day of Feb, 2001.

Linda J. McVittie  
Notary Public

My Commission Expires:

8-24-08





ORDINANCE NO. 2001-10

CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE DESIGNATING PLACES FOR THE POSTING OF ORDINANCES; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATED THERETO.

WHEREAS, no newspaper is published in the City of Elm Springs, Arkansas (the "City"); and

WHEREAS, It is appropriate, pursuant to Act No. 295 of the Acts of Arkansas of 1993, that the City designate five of the most public places in the City for posting of notice of the adoption of ordinances of the City;

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

Section 1. Designation of Public Places. The following places, which are hereby found to be five of the most public places in the City, are hereby designated for the posting of notice of the adoption of ordinances of the City:

<u>Facility</u>	<u>Location</u>
Elm Springs City Hall	Jayroe Street, Elm Springs, AR
Currans Feed Store	110 S. Hwy. 112, Elm Springs, AR
Community Building	289 Jayroe Street, Elm Springs, AR
Elm Springs Café	Corner of Hwy. 112 and Jayroe Street, Elm Springs, AR
One Stop	121 S. Elm Street, Elm Springs, AR

Section 2. Notice by Posting. Notice of the adoption of ordinances of the City shall be effected by the posting of ordinances at the locations set forth in Section 1 hereof.

Section 3. Repeal of Conflicting Ordinances and Resolutions.

All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Declaration of Emergency. It has been found that proper notification of the adoption of ordinances of the City is essential to the governance of the City. Therefore, an emergency is declared and this Ordinance, being necessary for preservation of the public peace, health and safety, shall be in force upon its passage and approval.

PASSED AND APPROVED BY the City Council of Elm Springs, Arkansas on the 3<sup>rd</sup> day of December, 2001.

ATTEST:

Melinda Pettus  
City Clerk

Edward Thiesse  
Mayor Edward Thiesse

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thease and Wendal Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2001-10 (the "Posting Ordinance") was, on the 4<sup>th</sup> day of December, 2001, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 4<sup>th</sup> day of December, 2001.

Edward Thease  
Mayor

Wendal Pettus  
City Clerk

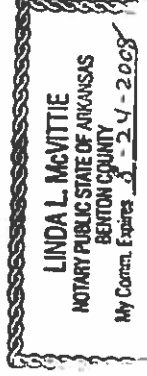
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 4<sup>th</sup> day of Dec, 2001.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-2008



ORDINANCE NO. 2002-01

AN ORDINANCE TO AMEND AND RATIFY THE 2001 BUDGET FOR THE  
CITY OF ELM SPRINGS

WHEREAS, it is in the best interest of the City of Elm Springs and its citizens that the 2001 Budget adopted by the City be amended to reflect the actual income and expenditures of the City of Elm Springs as reflected on the attached Exhibit "A."

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Elm Springs, Arkansas, to-wit:

1. That the City of Elm Springs hereby amends and ratifies the budget for the year 2001 as reflected in the attached exhibit "A."
2. That Ordinance No. 00-08 be amended to comply with paragraph 1 above.

PASSED AND APPROVED this 4th day of February, 2002.

Approved:

Ed Thiesse  
Ed Thiesse, Mayor

Glenda Pettus  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Rhoads and Wanda Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2002-01 (the "Amend Budget, Ordinance") was, on the 13<sup>th</sup> day of June, 2002, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 13<sup>th</sup> day of June, 2002.

Edward Rhoads  
Mayor

Wanda Lettice  
City Clerk

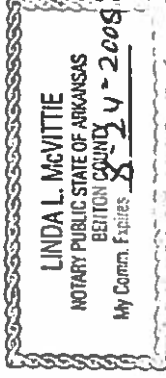
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 13<sup>th</sup>  
day of June, 2002.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-2008



**ORDINANCE NO. 2002-02**

**AN ORDINANCE APPROVING THE  
2002 PROPOSED BUDGET FOR THE  
CITY OF ELM SPRINGS, ARKANSAS**

**WHEREAS**, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to review and approve the 2002 proposed budget for the City; and

**WHEREAS**, the proposed 2002 budget was presented to the City Council at its meeting held on November 5, 2001, and has been reviewed and discussed by the City Council; and

**WHEREAS**, the City Council, after thorough consideration, believes that approval of the proposed 2002 budget as amended is in the best interests of the citizens of the City of Elm Springs.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Elm Springs:

Section 1: Budget Approved. The proposed budget for the City of Elm Springs for 2002 shall be adopted as amended, a true and correct copy of which is attached hereto as Exhibit "A".

Section 2: Emergency Clause. It has been found and hereby is declared by the City Council that this ordinance is immediately required for the proper functioning of the City government, and to promote the welfare of its citizens. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 4th day of February, 2002.

Ed Thiese  
Ed Thiese, Mayor

Glenda Pettus  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Buss and Wendy Patton do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2002-02 (the "2002 Budget Ordinance") was, on the 13<sup>th</sup> day of June, 2002, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 13<sup>th</sup> day of June, 2002.

Edward Buss  
Mayor

Wendy Patton  
City Clerk

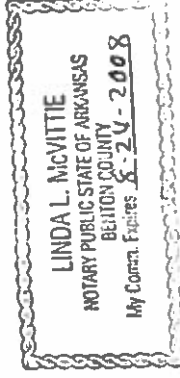
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 13<sup>th</sup> day of June, 2002.

Linda J. McVittie  
Notary Public

My Commission Expires:

8-24-2008



ORDINANCE NO. 2002-05

AN ORDINANCE ADOPTING A CODE OF ETHICS FOR  
THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS


WHEREAS, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to create a Code of Ethics for the City Council of the City; and

WHEREAS, the City Council, after thorough consideration, believes that approval of a Code of Ethics for the City Council of the City of Elm Springs is in the best interests of the citizens of the City of Elm Springs.

Section 1: Code of Ethics Approved. Now, therefore, be it hereby ordained that the Code of Ethics for the City Council of the City of Elm Springs, a true and correct copy of each which is attached hereto, be and hereby are approved.

Section 2: Emergency Clause. It has been found and hereby is declared by the City Council that this Ordinance is immediately required in order to facilitate public confidence in the leadership of the City, and to promote the welfare of the City and its citizens. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 4th day of February, 2002.

  
\_\_\_\_\_  
Ed Thiesse, Mayor

  
\_\_\_\_\_  
Glenda Pettus, City Clerk



**CITY OF ELM SPRINGS  
CITY COUNCIL  
CODE OF ETHICS**

As a citizen of the City of Elm Springs, and as a prospective City Council member, I believe that serving as a City Council member requires treating the office as a public trust. Therefore, I believe in the following as standards of conduct for all City Council members, and will to the best of my ability practice and uphold them.

- A. The City Council must be independent from the political process and politics must be removed from decisions concerning the best way to use land in the community's long-range interest.
- B. Every citizen of this City has a right to participate in this planning process and should be encouraged to do so.
- C. The City Council must give full, clear and accurate information.
- D. The City Council should promote the expansion of choice and opportunity equally for all citizens.
- E. The City Council must set clear goals and make information available to the public.
- F. It is the duty of the City Council to protect the integrity of the natural environment and the heritage of the constructed environment.
- G. All decisions must be weighed by their inter-relationship with other decisions.

As a City Council member, I pledge to uphold these personal standards of conduct:

- A. I will strive to achieve high standards of proficiency and conduct.
- B. I will exercise independent judgment.
- C. I will disclose personal interests in matters before the Council and define them clearly.

- D. I will abstain from participation in Council decisions on matters in which I have a personal interest.
- E. I will not seek nor accept gifts or favors.
- F. I will not use or disclose personal information.
- G. I will not intentionally misrepresent facts.
- H. I will be prepared, or I will not participate.
- I. I will respect and uphold the rights of all persons.
- J. When I perceive an ethical problem, or have an ethical question, I will present it to the entire City Council using this basic process:
  - 1. Carefully define the problem.
  - 2. Clarify the Council's primary goals.
  - 3. Collect all available facts.
  - 4. Identify possible alternative courses of action and their possible outcomes.
  - 5. Review and apply appropriate guidelines.
  - 6. Select the best alternative to resolve the ethical problem.
- K. If I note a consistent pattern of unethical behavior, I will consult the City Council for a resolution of the problem.

I have read, understand, and agree with the above ethical standards for the City Council of the City of Elm Springs. If appointed, I will, to the best of my ability, uphold these standards.

\_\_\_\_\_  
Signature

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thieme and Wendal Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2002-05 (the "Code Ethics Ordinance") was, on the 18<sup>th</sup> day of July, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 18<sup>th</sup> day of July, 2007.

Edward Thieme  
Mayor

Wendal Pettus  
City Clerk

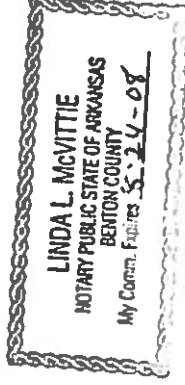
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 18<sup>th</sup> day of July, 2007.

Linda J. McVittie  
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 2002- 06

AN ORDINANCE ADOPTING A CODE OF ETHICS FOR  
THE PLANNING COMMISSION OF THE CITY OF ELM SPRINGS, ARKANSAS

**WHEREAS**, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to create a Code of Ethics for the Planning Commission of the City; and

**WHEREAS**, the City Council, after thorough consideration, believes that approval of a Code of Ethics for the Planning Commission of the City of Elm Springs is in the best interests of the citizens of the City of Elm Springs.

Section 1: Code of Ethics Approved. Now, therefore, be it hereby ordained that the Code of Ethics for the Planning Commission of the City of Elm Springs, a true and correct copy of each which is attached hereto, be and hereby are approved.

Section 2: Emergency Clause. It has been found and hereby is declared by the City Council that this Ordinance is immediately required in order to facilitate the development inside the City of Elm Springs, and to promote the welfare of the City and its citizens. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 4th day of February, 2002.



Ed Thiesse, Mayor



Glenda Pettus, City Clerk

**CITY OF ELM SPRINGS  
PLANNING COMMISSION  
CODE OF ETHICS**

As a citizen of the City of Elm Springs, and as a prospective Planning Commission member, I believe that serving as a Planning Commissioner requires treating the office as a public trust. Therefore, I believe in the following as standards of conduct for all Planning Commission members, and will to the best of my ability practice and uphold them.

- A. The Planning Commission must be independent from the political process and politics must be removed from decisions concerning the best way to use land in the community's long-range interest.
  - B. Every citizen of this City has a right to participate in this planning process and should be encouraged to do so.
  - C. The Planning Commission must give full, clear and accurate information.
  - D. The Planning Commission should promote the expansion of choice and opportunity equally for all citizens.
  - E. The Planning Commission must set clear goals and make information available to the public.
  - F. It is the duty of the Planning Commission to protect the integrity of the natural environment and the heritage of the constructed environment.
  - G. All decisions must be weighed by their inter-relationship with other decisions.
- As a Planning Commissioner, I pledge to uphold these personal standards of conduct:
- A. I will strive to achieve high standards of proficiency and conduct.
  - B. I will exercise independent judgment.

- C. I will disclose personal interests in matters before the Commission and define them clearly.
- D. I will abstain from participation in Commission decisions on matters in which I have a personal interest.
- E. I will not seek nor accept gifts or favors.
- F. I will not use or disclose personal information.
- G. I will not intentionally misrepresent facts.
- H. I will be prepared, or I will not participate.
- I. I will respect and uphold the rights of all persons.
- J. When I perceive an ethical problem, or have an ethical question, I will present it to the entire Planning Commission using this basic process:
  - 1. Carefully define the problem.
  - 2. Clarify the Commission's primary goals.
  - 3. Collect all available facts.
  - 4. Identify possible alternative courses of action and their possible outcomes.
  - 5. Review and apply appropriate guidelines.
  - 6. Select the best alternative to resolve the ethical problem.
- K. If I note a consistent pattern of unethical behavior, I will consult the Planning Commission for a resolution of the problem.

I have read, understand, and agree with the above ethical standards for the Planning Commission of the City of Elm Springs. If appointed, I will, to the best of my ability, uphold these standards.

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Signature

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thiesse and Glen Stephens, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2002-06 (the "Code of Ethics Ordinance") was, on the 29<sup>th</sup> day of August, 2002, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 29<sup>th</sup> day of August, 2002.

Ed Thiesse  
Mayor

D Linda Fetter  
City Clerk

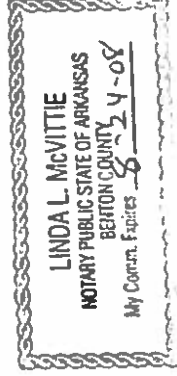
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 27<sup>th</sup> 10<sup>th</sup> day of Sept, 2002.

Linda L. McVittie  
Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-02



ORDINANCE NO. 2002- 07

AN ORDINANCE ADOPTING A CODE OF ETHICS FOR  
THE SEWER COMMISSION OF THE CITY OF ELM SPRINGS, ARKANSAS

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to create a Code of Ethics for the Sewer Commission of the City; and

WHEREAS, the City Council, after thorough consideration, believes that approval of a Code of Ethics for the Sewer Commission of the City of Elm Springs is in the best interests of the citizens of the City of Elm Springs.

Section 1: Code of Ethics Approved. Now, therefore, be it hereby ordained that the Code of Ethics for the Sewer Commission of the City of Elm Springs, a true and correct copy of each which is attached hereto, be and hereby are approved.

Section 2: Emergency Clause. It has been found and hereby is declared by the City Council that this Ordinance is immediately required in order to facilitate the development of the new sewer system inside the City of Elm Springs, and to promote the welfare of the City and its citizens. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 4th day of February, 2002.



Ed Thiese, Mayor



Glenda Pettus, City Clerk



**CITY OF ELM SPRINGS  
SEWER COMMITTEE  
CODE OF ETHICS**

As a citizen of the City of Elm Springs, and as a prospective Sewer Committee member, I believe that serving as a member of the Sewer Committee requires treating the office as a public trust. Therefore, I believe in the following as standards of conduct for all Sewer Committee members, and will to the best of my ability practice and uphold them.

- A. The Sewer Committee must be independent from the political process and politics must be removed from decisions concerning the best way to use land in the community's long-range interest.
- B. Every citizen of this City has a right to participate in this planning process and should be encouraged to do so.
- C. The Sewer Committee must give full, clear and accurate information.
- D. The Sewer Committee should promote the expansion of choice and opportunity equally for all citizens.
- E. The Sewer Committee must set clear goals and make information available to the public.
- F. It is the duty of the Sewer Committee to protect the integrity of the natural environment and the heritage of the constructed environment.
- G. All decisions must be weighed by their inter-relationship with other decisions.

As a Sewer Committee member, I pledge to uphold these personal standards of conduct:

- A. I will strive to achieve high standards of proficiency and conduct.
- B. I will exercise independent judgment.

- C. I will disclose personal interests in matters before the Committee and define them clearly.
- D. I will abstain from participation in Committee decisions on matters in which I have a personal interest.
- E. I will not seek nor accept gifts or favors.
- F. I will not use or disclose personal information.
- G. I will not intentionally misrepresent facts.
- H. I will be prepared, or I will not participate.
- I. I will respect and uphold the rights of all persons.
- J. When I perceive an ethical problem, or have an ethical question, I will present it to the entire Sewer Committee using this basic process:
  - 1. Carefully define the problem.
  - 2. Clarify the Committee's primary goals.
  - 3. Collect all available facts.
  - 4. Identify possible alternative courses of action and their possible outcomes.
  - 5. Review and apply appropriate guidelines.
  - 6. Select the best alternative to resolve the ethical problem.
- K. If I note a consistent pattern of unethical behavior, I will consult the Sewer Committee for a resolution of the problem.

I have read, understand, and agree with the above ethical standards for the Sewer Committee of the City of Elm Springs. If appointed, I will, to the best of my ability, uphold these standards.

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Signature

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thiese and Wanda Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2002-07 (the "Code of Ethics" Ordinance) was, on the 29<sup>th</sup> day of August, 2002, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 29<sup>th</sup> day of August, 2002.

Ed Thiese  
Mayor

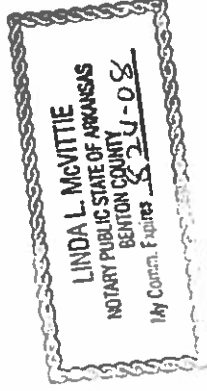
Wanda Lettice  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 10<sup>th</sup> day of Sept, 2002.  
Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 2002-10

AN ORDINANCE SETTING COMPENSATION FOR THE  
PLANNING COMMISSIONERS OF THE CITY OF ELM SPRINGS, ARKANSAS,  
AND DECLARING AN EMERGENCY

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs that the compensation paid to the City's Planning Commissioners should be increased given the time they must devote to their planning duties; and

WHEREAS, the City Council, after thorough consideration, believes that fair compensation to its citizens who serve on the Planning Commission is in the best interests of the citizens of the City of Elm Springs.


**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Elm Springs:

Section 1: Compensation for Planning Commission Members.  
The compensation for the Planning Commission members shall be increased to \$50.00 per month.

Section 2: Emergency Clause. It has been found and hereby is declared by the City Council that due to the considerable amounts of time being devoted to the City's planning work by its Planning Commissioners, this ordinance is immediately required for the proper functioning of the City government, and to promote the safety and welfare of its citizens. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 3rd day of June, 2002.

  
Ed Thiese, Mayor

  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thiesse and Glenice Pettus do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2007-10 (the <sup>Compensation for</sup> ~~Ordinance~~ Ordinance) was, on the 4<sup>th</sup> day of October, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 4<sup>th</sup> day of October, 2007.

Ed Thiesse  
Mayor

Glenice Pettus  
City Clerk

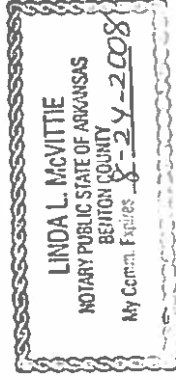
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 7<sup>th</sup> day of Oct, 2007.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-2008



ORDINANCE NO. 2002-11

**AN ORDINANCE REQUIRING A BUSINESS LICENSE, REGULATING FLEA MARKETS AND OUTDOOR SALES, AND PROHIBITING PEDDLING AND SOLICITING, AND DECLARING AN EMERGENCY**

Whereas, the City Council of the City of Elm Springs, Arkansas has determined that it is in the best interests of the City of Elm Springs and its citizens to establish a Business License Ordinance which also regulates flea markets and outdoor sales and prohibits peddling; and

Whereas, it is further in the best interests of public health and safety and the welfare of public servants, emergency personnel and equipment as well as the welfare, health and safety of business operators and employees for such matters to be regulated by the City.

**NOW THEREFORE** be it ordained by the City Council of the City of Elm Springs, Arkansas:

**Section 1. Procurement of license required.**

- (a) Any person engaging in any trade, business, occupation, profession or vocation, except farming, livestock and poultry activities, within the corporate limits of the City of Elm Springs, Arkansas shall procure from the City for each of such trades, businesses or professions engaged in, a business license, which shall be issued for a period of one (1) year beginning on January 1 and expiring on December 31 of each year. Any such person who fails to procure a license by February 14 shall be guilty of a misdemeanor and shall be subject to the penalties and fines as outlined in Section 7, as amended from time to time.
- (b) Fees for new licenses starting September 1 through November 30 for each year will be prorated on a monthly basis. In the event of a December filing for a new license, the fee will be forgiven and the permit issued for this single month at no charge. The business license shall be prominently displayed for public view inside the place of business. The application form for a business license is contained in Appendix A.
- (c) The license issued pursuant to this section is conditioned on the licensee's complying with all ordinances and regulations of the City during the year of issue. If the licensee shall fail to comply with all City ordinances and regulations during the year, such license may be revoked by the City. If the licensee fails to comply within ten days after written notice of noncompliance is received by the licensee, the City shall notify the licensee that the license is revoked. If after the license is revoked the person continues to operate, such person shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties and fines as outlined in Section 7, as amended from time to time.

**Section 2. Multi-Business and Multi-Locations.**

(a) The schedules set out in Section 6 shall apply to all persons engaging in any business, vocation, occupation or profession within the City; and each such business, vocation, occupation or profession shall be separately and fully licensed pursuant to these schedules, regardless of the fact that two or more such businesses, vocations, occupations or professions may be owned and/or operated and/or engaged in by the same person, in the same building, at the same general location.

(b) If any person engaging in any business, vocation, occupation or profession operates such business, vocation, occupation or profession at more than one location within the city, each such location shall be licensed separately to reflect the business, occupation, profession or vocation, or any combination, conducted at that particular location.

**Section 3. Flea Markets.**

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a)(1) *Flea Market* means a private business enterprise which is open to the public all year around or seasonally, operated on private property managed by any person, and arranged to provide spaces or stalls for rental or lease to other persons desiring to display new and/or used merchandise for sale to the public.

The purpose of this section is to recognize a type of business enterprise popularly known as a flea market, and to provide for its licensing and regulation by the City. The operation of a flea market within the City is a privilege subject to compliance with the provisions of this section.

(b) Duties of operators of flea markets and other regulations. The operator of a flea market shall assure that the flea market conforms to this Ordinance and each flea market shall conform to all land use regulations and zoning regulations.

(c) Fees. It shall be unlawful for any person to operate a flea market until a business license has been obtained from the City. The fee levied for such business license shall be based on a graduated scale for the number of indoor and/or outdoor spaces and outbuildings available for rental:

1 to 20 Spaces .....	\$ 5.00 Each
21 Spaces and Over .....	\$ 7.50 Each

The license shall be issued on a calendar year basis for the location listed on the application and shall not be transferable by the licensee to another person nor to another location. Any business license so issued may be suspended or revoked by the City at any time if any operator of any flea market fails to comply with the provisions of this Ordinance and all applicable health and fire ordinances. A licensee whose business license is suspended or revoked shall not be entitled to a refund of any license tax paid by such licensee.

#### **Section 4. Outdoor Sales**

This Section is for the purpose of regulating outdoor rummage sales, outdoor auctions, yard sales, porch sales, sidewalk sales and garage sales within the City, requiring permits to be obtained for such sales and establishing fees to be paid for such permits. Permits shall be posted prominently at the site of the sale for the duration of the sale. Application for a permit is made by submission of the completed Application for Outdoor Sales Permit shown in Appendix B.

(a) Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Outdoor rummage sales, sidewalk sales, yard sales, porch sales, outdoor auctions and garage sales* mean and include all sales which the general public may attend, which are held on privately owned property either wholly or partly outdoors, regardless whether such property is ordinarily used for residential, commercial and/or social uses, which are of a duration of not more than three consecutive calendar days, and at which items of new and/or used merchandise, clothing, crafts, live plants, household furnishings and appliances, tools, and other items commonly sold at such sales are offered to the public for purchase, by auction or otherwise.

(b) Exceptions. Specifically excepted from this Section are:

(1) sales by merchants or organizations of items which such merchants or organizations ordinarily offer for sale in the course of operating their established business enterprises on a regular day-to-day basis and at an established commercial location.

(2) judicial sales and sales held pursuant to judicial orders and/or writs of execution issued by courts of competent jurisdiction and conducted by officers of such courts



(3) Estate sales and estate auctions held on estate property, church and charitable fund raising activities.

(c) Permit Required. No person or organization shall hold or maintain any garage sale, porch sale, sidewalk sale, outdoor rummage sale or yard sale without first having applied for and having obtained a written permit for the same from the City.

(c) (1) The permit must be issued by the City prior to the first date of sale authorized by the permit. The permit shall be on the standard form. The permit, based upon information furnished by the applicant, shall contain the name of the applicant or applicants, the address at which the sale is to be held, phone numbers, use of property, and the dates of the sale, and the rain dates of the sale.

(c)(2) Copies of all permits issued shall be retained by the City Clerk.

(c)(3) No person or organization shall hold such sale regulated under this section more than four (4) times in any calendar year.

(c)(4) All signs and merchandise for the sales defined in Section 4 (a)(1) shall not be displayed more than twenty-four (24) hours before the scheduled beginning of the sale, nor shall they remain visible on public display more than twenty-four (24) hours after the end of the sale. All debris and trash shall be properly disposed of within twenty-four (24) hours after the end of the sale.

(c)(5) Permits under this Section shall be for a period of time not to exceed three (3) consecutive calendar days, except that should it rain on any of such dates the applicant may elect to conduct such sale on alternate rain days which shall be specifically set forth in the permit, together with the name of the applicant, the address of the sale, and the signature of the city clerk or code enforcement officer. The permit shall be posted in a conspicuous place at the place of the sale on each sale day.

(c)(6) There is no fee for the first such sale in the calendar year. A fee of five dollars (\$5.00) shall be due for each subsequent permit issued in the calendar year under this section.

#### **Section 5. Peddlers and Solicitors**

(a) Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) (1) *Peddler* means each person, whether as an individual or as a representative or employee of a partnership, firm, company or corporation, engaging in the activity of peddling.

(a) (2) *Peddling*, unless otherwise defined or permitted by this Code, means:

- (1) The act of engaging in any trade, business, profession, vocation or occupation from a motor vehicle, tent, open-air stand, area or table, trailer or other transient or portable structure, vehicle or device, or the streets and public property, other than contiguous to the permanent place of business of the owner or renter;
- (2) The offering for sale or selling of any merchandise, goods, articles, things or items of value; and
- (3) The offering or providing of any services whatsoever for fees or remuneration.

(b) Prohibition. Peddling is prohibited within the City and is declared to be a misdemeanor punishable as provided in Section 7.

(c) Exceptions. The following activities shall be excepted from the application of this Section but shall otherwise comply with all laws and ordinances.

- (1) the fund-raising activities of any civic, charitable, benevolent, educational, political, religious, social, fraternal, literary or cultural organization provided that such organization, club, association or corporation is nonprofit in nature and is recognized as such under applicable State and/or Federal laws
- (2) the sale of home-grown fruits, vegetables or other farm products within the City, as described in A.C.A. § 14-140-101
- (3) home solicitation sales as the term is defined in A.C.A § 4-89-102
- (4) Sales defined in A.C.A. § 17-49-101 et seq. are permitted
- (5) Any person who may otherwise be exempted from the payment of an occupation tax or procurement of an business license by operation of State or Federal law shall nonetheless, prior to engaging in the exempted activity, register with the City in the manner prescribed herein.

(d) Registration Required for Exceptions No person engaging in an activity excepted under this Section shall be required to obtain a business license if the person or

organization registers with the City prior to commencing the exempted activities and states the following in writing.

- (1) name, address and telephone number, or that of an authorized representative
- (2) the nature and duration of the planned activity
- (3) the names of each individual who will be engaged in the exempted activity, the nature of the exemption
- (4) the Agency which has issued the license and the date of issuance. The writing shall be signed and sworn by the applicant or its Authorized Agent.

#### **Section 6. Business License Fee Schedule**

(a) Designation of license fees.

The following schedule gives the annual license fee for each business or occupation listed:

Home occupations.....\$10.00  
All other businesses and occupations..... \$15.00

(b) Application for license is made by submission of the completed Application For Business License shown in Appendix A.

(c) No business license or permit shall be issued to any applicant for such business license under the provisions of this section unless such applicant shall demonstrate to the City his, her or its compliance with all ordinances and statutes applicable to such applicant's business, trade, occupation, vocation or profession, including but not limited to those establishing codes of building, plumbing, electrical, work, sanitation and health, and those regulating business and advertising signs.

#### **Section 7. Penalties, Fines and Enforcement**

(a) Failure to comply with the provisions of this Ordinance or any Section contained herein shall constitute a misdemeanor and upon conviction the owner and/or operator shall be subject to the penalties and fines as outlined in this Section, as amended from time to time.

(b) Violators of the provisions of Sections 1 through 4 shall be guilty of a misdemeanor and upon conviction shall be fined in the sum of \$100.00. Each calendar week such offense continues shall constitute a separate offense.

(c) Violators of the provisions of Section 5 shall be guilty of a misdemeanor and upon conviction shall be fined in the sum of \$100.00. Each calendar day any act of peddling is committed shall constitute a separate offense.

(d) This Ordinance shall be enforced by the City Enforcement Officer and/or the City Police, or Fire Department who shall be entitled to inspect any premises for compliance.

(e) Applications and fees may be taken by the City Clerk or designated representative.

#### **Section 7. Repeal of Ordinances in Conflict; Severability**

(a) This Ordinance shall repeal and replace any ordinance of the City of Elm Springs in conflict herewith.

(b) If any provision of this Ordinance is found by legal process to be invalid, it shall be stricken but the remainder of the Ordinance shall continue in full force and effect.

#### **Section 8. Emergency Clause**

The City Council finds there is a threat to public safety presented by the lack of information as to the businesses existing in the City of Elm Springs, and further public safety issues are presented by unregulated flea markets and outdoor sales, and intrusion into the privacy of its citizens results from peddling and soliciting. Accordingly, an emergency is hereby declared to exist and this Ordinance shall be in full effect upon its passage and as provided by law.

Passed and approved this 3<sup>rd</sup> day of June, 2002.



Ed Thiesse, Mayor

  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thiersse and Glenda Patten do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2003-11 (the "Business License Ordinance") was, on the 1<sup>st</sup> day of November, 2003, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 1<sup>st</sup> day of November, 2003.

Glenda Patten  
Mayor

Wanda Letton  
City Clerk

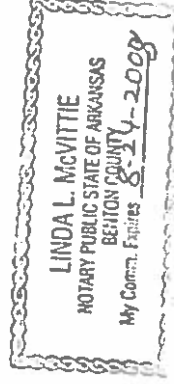
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 1<sup>st</sup>  
day of NOV, 2003.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-2008



ORDINANCE NO. 2002-12

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

AN ORDINANCE LEVYING TAX FOR THE  
YEAR 2002, TO BE COLLECTED IN 2003, ON  
THE REAL AND PERSONAL PROPERTY  
LOCATED WITHIN THE CITY OF ELM  
SPRINGS, ARKANSAS.

**WHEREAS**, Arkansas Code Annotated, §26-25-102 provides that a City may levy a tax on the real and personal property located within the City for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**WHEREAS**, pursuant to Arkansas Code Annotated, §26-73-202, the City Council may, on or before the time fixed by law for levying county taxes, make out and certify to the Washington County Clerk and the Benton County Clerk, the rate of taxation levied by the City of Elm Springs on the real and personal property located within the City; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City of Elm Springs, and its citizens, to levy the rate of taxation at 5.0 mills on the real and personal property located within the City of Elm Springs, as set forth herein, and to certify the same to the Washington and Benton County Clerks, and authorize the Washington and Benton County Quorum Courts to levy said tax for the year 2002, to be collected in 2003.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

1. Real Property. The property tax for general purposes for the City of Elm Springs on the real property situated within the City of Elm Springs and collected for the year 2003 shall be fixed and levied at the sum of five (5.0) mills on each dollar of assessed value of real property.
2. Personal Property. The property tax for general purposes for the City of Elm Springs on the personal property situated within the City of Elm Springs and collected for the year 2003, shall be fixed and levied at the sum of five (5.0) mills on each dollar assessed value of personal property.
3. Total Tax Levied. The total real property tax levy for the real property located within the City of Elm Springs is five (5.0) mills, and the total personal property located within the City of Elm Springs is five (5.0) mills.
4. Certification to County Clerks. The rate of taxation levied herein on the real and personal property within the City of Elm Springs shall, by this Ordinance, be certified to the

Washington and Benton County Clerks, to be placed upon the tax books by the Washington and Benton County Clerks and collected in the same manner that the state and county taxes are collected.

5. County Authorization. The Quorum Court of Washington and Benton Counties, Arkansas, are authorized to levy the said tax as set forth herein for real and personal property located within the City of Elm Springs, Arkansas, for the year 2003, at its next regular meeting.

6. Repeal of Ordinance in Conflict. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 7<sup>th</sup> day of October, 2002.

**APPROVED:**

Edward Thiesse  
Mayor Edward Thiesse

**ATTEST:**

Wenda Pottus  
City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON October 7<sup>th</sup>, 2002.

Wenda Pottus  
City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thiese and Linda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2007-12 (the "Leaving Ordinance") was, on the 9<sup>th</sup> day of December, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 9<sup>th</sup> day of December, 2007.

*Ed Thiese*  
Mayor

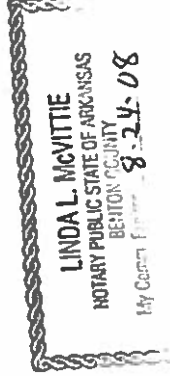
*Linda Pettus*  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 11<sup>th</sup>  
day of December, 2007.  
*Linda L. McVittie*  
Notary Public

My Commission Expires:

8-24-08





ORDINANCE NO. 2002- 14

AN ORDINANCE APPROVING THE  
2003 PROPOSED BUDGET FOR THE  
CITY OF ELM SPRINGS, ARKANSAS

WHEREAS, it has come to the attention of the City Council of the City of Elm Springs that it is necessary to review and approve the 2003 proposed budget for the City; and

WHEREAS, the proposed 2003 budget was presented to the City Council at its meeting held November, 2002, and has been reviewed and discussed by the City Council; and

WHEREAS, the City Council, after thorough consideration, believes that approval of the proposed 2003 budget as amended is in the best interests of the citizens of the City of Elm Springs.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Elm Springs:

Section 1: Budget Approved. The proposed budget for the City of Elm Springs for 2003 shall be adopted as amended, a true and correct copy of which is attached hereto as Exhibit "A".

Section 2: Emergency Clause. It has been found and hereby is declared by the City Council that this ordinance is immediately required for the proper functioning of the City government, and to promote the welfare of its citizens. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the orderly development of the City and for the health and safety of its citizens shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 2<sup>nd</sup> day of December, 2002.

Glenda Pettus  
Glenda Pettus, City Clerk

Ed Thiese  
Mayor Ed Thiese, City of Elm Springs

**City of Elm Springs  
Budget**

Revenues - General Fund		FY 2002	FY 2003
Beginning Cash Balance		9 mo actual	
		4th Qtr Estimate	
<b>Revenue</b>			
County Sales & Use Tax		143,801	143,801
State Highway Turnback		82,789	81,000
Washington County Property Tax (3 mills)	(5 mills 2002)	32,709	32,709
Benton County Property Tax (3 mills)	(5 mills 2002)	845	500
Franchise Fees		18,818	17,000
Rent		9,865	5,000
Certificates of Deposit		FY 2001 only	
McIlroy Bank		5,476	
First National Bank of Springdale		11,401	
Arkansas National Bank		9,672	
Springdale Bank & Trust		10,739	
Total Interest		20,383	15,000
Permits		21,709	20,000
Court Fines		67,399	60,000
Court Cost Reimbursements		10,206	10,206
Engineering Grant		3,200	-
Building Renovation Grants		-	-
Other - Police Car		2,451	22,000
<b>Subtotal Revenues before transfers</b>		<b>414,173</b>	<b>407,216</b>
Transfer from Reserves for Sewer		147,000	45,000
Transfers from Soil & Water (Sewer)			1,500,000
Carryover Income		44	
<b>TOTAL REVENUES</b>		<b>561,173</b>	<b>1,952,216</b>
<b>Expenses - General Fund</b>			
Carryover Expenses		Includes Est 4th Qtr	
Administrative Salaries		24,150	22,000
Police Department Salaries		3% Raises	
Deputies	45,384	49,440	
Chief	40,047	42,486	
Holiday Pay		3,182	
Total - Police Dept	85,431	95,108	
Employee Salaries			

(1) Note

EXHIBIT A  
PAGE 1 OF 2

City of Elm Springs  
Budget 2003

Street & Maintenance	10,502		11,901
City Clerk	7,800		8,275
Administrative Assista	26,020		27,605
<b>Total - Employee Salaries</b>		46,389	47,781
Prosecutor Salaries		6,000	6,000
Judge		5,000	5,000
Attorney		30,000	30,000
Inspector		13,500	12,150
Payroll Taxes		12,509	12,696
Dues		2,500	3,000
Office Supplies		5,302	4,000
Advertising		281	600
Utilities		15,130	20,000
Insurance		10,319	12,500
Auto Expense - Admin		1,414	1,500
Education		1,500	1,500
Repairs & Maintenance		9,775	10,000
Office Equipment		378	3,000
Police Equipment		600	1,000
Police Auto Gas Oil Maintenance		9,000	10,000
Police Uniforms		1,500	2,300
Fire Protection Contract - Tontitown Elm Spr VFD (2 Note)		-	14,000
Police Supplies & Ammunition		1,060	1,000
Other - Includes \$20,000 for police Car		45,000	60,000
Retirement Plan		14,096	14,573
Engineering Fees - Sewer System Design		147,000	45,000
Planning Advisor		8,000	6,000
Transfers to Street Fund		41,378	56,000
Transfers to Sewer Fund		-	1,455,000
<b>TOTAL EXPENSES</b>		<b>541,695</b>	<b>1,951,708</b>
			<b>482,708</b>
<b>+ or -</b>		<b>19,478</b>	<b>508</b>
<b>Amount proposed for Carryover</b>		<b>(19,478)</b>	

Notes: (1) Revenue is based upon estimated 2002 receipts. If Amendment 3 passes amount could be reduced by 25% or more  
(2) Contract between Tontitown Elm Springs Volunteer Fire Dept for universal subscription

EXHIBIT A  
PAGE 2 OF 2

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ina Waters and Glenda Lettius, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, ~~Washington~~ Washington County, Arkansas, that a certified copy of Ordinance No. 2003-14 (the 2003 Budget Ordinance) was, on the 19<sup>th</sup> day of February, 2003, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 19<sup>th</sup> day of February, 2003.

Edward Hines  
Mayor

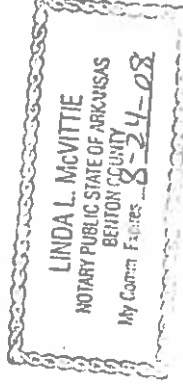
Glenda Lettius  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 19<sup>th</sup>  
day of Feb, 2003. " Ina Waters  
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 2003- 2

AN ORDINANCE TO AMEND AND  
RATIFY THE 2002 BUDGET FOR  
THE CITY OF ELM SPRINGS

WHEREAS, it is in the best interest of the City of Elm Springs and its citizens that the 2002 Budget adopted by the City be amended to reflect the actual income and expenditures of the City of Elm Springs as reflected on the attached Exhibit "A."

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Elm Springs, Arkansas, to-wit:

1. That the City of Elm Springs hereby amends and ratifies the budget for the year 2002 as reflected in the attached exhibit "A."
2. That Ordinance No. \_\_\_\_\_ be amended to comply with paragraph 1 above.

PASSED AND APPROVED this 3<sup>rd</sup> day of February, 2003.

APPROVED:

Jane Waters  
Jane Waters, Mayor City of Elm Springs

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk

## City of Elm Springs Budget

Revenues - General Fund	FY 2002	FY 2003
Beginning Cash Balance	9 mo actual	
	4th Qtr Estimate	
<b>Revenue</b>		
County Sales & Use Tax	143,801	143,801
State Highway Turnback	82,789	81,000
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Transfers from Soil & Water (Sewer)		1,500,000
Carryover Income	44	
<b>TOTAL REVENUES</b>	<b>561,173</b>	<b>1,952,216</b>
<b>Expenses - General Fund</b>		
	FY 2002	FY 2003
Carryover Expenses	Includes Est 4th Qtr	
Administrative Salaries	24,150	22,000
Police Department Salaries	3% Raises	
Deputies	45,384	49,440
Chief	40,047	42,486
Holiday Pay		3,182
Total - Police Dept	91,915	95,108
Employee Salaries		

(1) Note

EXHIBIT A  
PAGE 1 OF 2

City of Elm Springs  
Budget 2003

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Notes: (1) Revenue is based upon estimated 2002 receipts. If Amendment 3 passes amount could be reduced by 25% or more  
(2) Contract between Tontitown Elm Springs Volunteer Fire Dept for universal subscription

EXHIBIT A  
PAGE 2 OF 2

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Linda Lettice do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2003-2 (the "Amend 2003 Ordinance") was, on the 25<sup>th</sup> day of March, 2003, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 25<sup>th</sup> day of March, 2003

Jane Waters  
Mayor

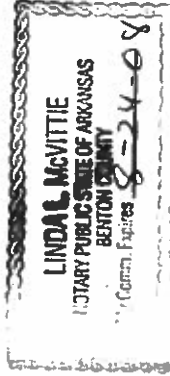
Linda Lettice  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 27<sup>th</sup> day of March, 2003.  
"  
"  
"  
Linda J. McVittie  
Notary Public

My Commission Expires:

8-24-08





ORDINANCE NO. 2003-17

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

AN ORDINANCE LEVYING TAX FOR THE  
YEAR 2003, TO BE COLLECTED IN 2004, ON  
THE REAL AND PERSONAL PROPERTY  
LOCATED WITHIN THE CITY OF ELM  
SPRINGS, ARKANSAS.

WHEREAS, Arkansas Code Annotated, §26-25-102 provides that a City may levy a tax on the real and personal property located within the City for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

WHEREAS, pursuant to Arkansas Code Annotated, §26-73-202, the City Council may, on or before the time fixed by law for levying county taxes, make out and certify to the Washington County Clerk and the Benton County Clerk, the rate of taxation levied by the City of Elm Springs on the real and personal property located within the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Elm Springs, and its citizens, to levy the rate of taxation at 5.0 mills on the real and personal property located within the City of Elm Springs, as set forth herein, and to certify the same to the Washington and Benton County Clerks, and authorize the Washington and Benton County Quorum Courts to levy said tax for the year 2003, to be collected in 2004.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

1. Real Property. The property tax for general purposes for the City of Elm Springs on the real property situated within the City of Elm Springs and collected for the year 2004 shall be fixed and levied at the sum of five (5.0) mills on each dollar of assessed value of real property.
2. Personal Property. The property tax for general purposes for the City of Elm Springs on the personal property situated within the City of Elm Springs and collected for the year 2004, shall be fixed and levied at the sum of five (5.0) mills on each dollar assessed value of personal property.
3. Total Tax Levied. The total real property tax levy for the real property located within the City of Elm Springs is five (5.0) mills, and the total personal property located within the City of Elm Springs is five (5.0) mills.
4. Certification to County Clerks. The rate of taxation levied herein on the real and personal property within the City of Elm Springs shall, by this Ordinance, be certified to the

Washington and Benton County Clerks, to be placed upon the tax books by the Washington and Benton County Clerks and collected in the same manner that the state and county taxes are collected.

5. County Authorization. The Quorum Court of Washington and Benton Counties, Arkansas, are authorized to levy the said tax as set forth herein for real and personal property located within the City of Elm Springs, Arkansas, for the year 2004, at its next regular meeting.

6. Repeal of Ordinance in Conflict. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 20 day of October, 2003.

**APPROVED:**

Jane Waters  
Jane Waters, Mayor

**ATTEST:**

Glenda Pettus  
Glenda Pettus, City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON October 20, 2003.

Glenda Pettus  
City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Dennis Patten, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2003-17 (the "Levy on TAX Ordinance") was, on the 31 day of October, 2003, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. OTD, and that the Ordinance remained posted for thirty (30) days.

DATED this 31 day of October, 2001.

Jane Waters  
Mayor

Dennis Patten  
City Clerk

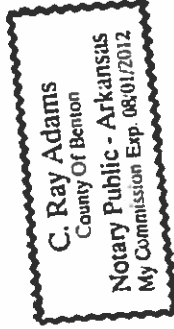
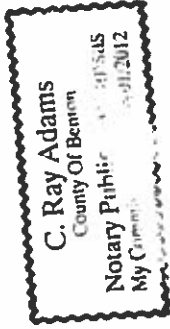
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 31 day of October, 2001.

C. Ray Adams  
Notary Public

My Commission Expires:

8-01-12



ORDINANCE NO. 2003- 19

**AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF ELM SPRINGS, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

WHEREAS, the City Council of the City of Elm Springs, Arkansas (the "City"), has determined that there is a great need for immediate improvement of municipal services and for a source of revenue to finance such services; and

WHEREAS, Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") provides for the levy of a one percent (1%) citywide sales and use tax;

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


**Section 1.** Under the authority of the Authorizing Legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §26-51-101, et seq.) and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the City of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §26-53-101, et seq.), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only on the first \$2,500.00 for each single transaction.

**Section 2.** That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** That this Ordinance shall not take effect until an election is held on the question of levying the Sales and Use Tax at which a majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax.

PASSED: Nov. 17, 2003.

APPROVED:

  
\_\_\_\_\_  
Jane Waters, Mayor

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk

83 NOV 26 AM 11 38

FILED

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Care Whiters and Glenda Lettier, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 013-17 (the "Dr. Brent Seals Is Ordinance") was, on the 31<sup>st</sup> day of December, 2001<sup>3</sup>, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 31 day of December, 2001<sup>3</sup>.

Jane Waters  
Mayor

Glenda Lettier  
City Clerk

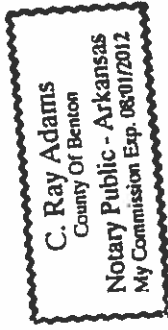
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 31  
day of Dec, 2001<sup>3</sup>.

C. Ray Adams  
Notary Public

My Commission Expires:

08 01 2012



ORDINANCE NO. 2003- 20

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF ELM SPRINGS, ARKANSAS, ON THE QUESTION OF LEVYING A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF ELM SPRINGS, ARKANSAS; DEFINING THE TERM "SINGLE TRANSACTION;" PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Elm Springs, Arkansas (the "City") has passed on Nov 11, 2003, Ordinance No. ~~20~~ 19 providing for the levy of a one percent (1%) sales and use tax within the City (the "Sales and Use Tax"); and

WHEREAS, the Sales and Use Tax shall be levied and collected only on the first \$2,500 for each single transaction; 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, and to define the term "single transaction;"

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

**Section 1.** That there be, and there is hereby called, a special election to be held on February 10, 2004, 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.** That 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:

FOR adoption of a 1% local sales and use tax within the City of Elm Springs, Arkansas, .....

AGAINST adoption of a 1% local sales and use tax within the City of Elm Springs, Arkansas .....

**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 Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") and only qualified voters of the City shall have the right to vote at the election.

03 NOV 26 PM 11 38  
FILED

**Section 4.** That the results of the election shall be proclaimed by the Mayor, and her 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 attached 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 and Benton County Boards 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.** That the Mayor and City Clerk/Treasurer, 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.** "Single transaction" is defined according to the nature of the goods purchased as follows:

A. When two or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to, on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles or non-motorized vehicles and mobile homes, are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of the Sales and Use Tax.

B. The charges for utility services, which are subject to the Sales and Use Tax, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purpose of the Sales and Use Tax, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the Sales and Use Tax.

C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the State of Arkansas.

D. When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Sales and Use Tax.

E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this Section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt or

statement, on which an aggregate sales tax figure has been reported and remitted to the State of Arkansas.

**Section 8.** That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 9.** It is hereby ascertained and declared that there is a great need to establish a stable source of revenue to finance vital municipal services in order to promote and protect the health, safety and welfare of the City and its inhabitants. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and take effect immediately from and after its passage.

PASSED: Nov. 17, 2003.

APPROVED:

Jane Waters  
Jane Waters, Mayor

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk



PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Wenda Peters, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 03-20 (the Special Use Ordinance) was, on the 31 day of December, 2008,<sup>3</sup> duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 31 day of December, 2008.<sup>3</sup>

Jane Waters  
Mayor

Wenda Peters  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 31 day of Dec, 2008.<sup>3</sup>

C. Ray Adams  
Notary Public

My Commission Expires:

08-01-2012



AN ORDINANCE FIXING THE PERIOD WITHIN WHICH REFERENDUM PETITIONS MAY BE FILED; PRESCRIBING OTHER MATTERS RELATED THERETO; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the City Council of the City of Elm Springs, Arkansas:

Section 1. That all referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas must be filed with the Recorder within thirty (30) days after the passage of any ordinance or resolution.

Section 2. That upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one insertion in a newspaper having a general circulation in the City of Elm Springs, Arkansas (the "City"), and by posting in five public places in the City of a time not less than five days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question whether such petition is signed by the requisite number of petitioners. At the time named, the Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Circuit Court of Washington County, Arkansas within thirty days to review its action.

Section 3. That if the Council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or resolution shall stand or be revoked, and fix a date which shall be not less than ten days after the date of the action of the Council calling the election. The Mayor shall give notice of the call of such election by publication in not less than one issue of a newspaper having a general circulation in the City and by posting in five public places in the City not less than five days prior to the date of the election. Such notice shall designate by its number, caption and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election.

Section 4. That if any ordinance or resolution referred to the people is defeated at the polls, the Council shall make note of such fact and shall expunge the ordinance or resolution from its files by erasing the same with red ink.

Section 5. That if any provision of this ordinance is held to be void, it shall not affect the validity of the remainder of the ordinance and the remainder shall stand.

Section 6. That all ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That the Council hereby ascertains and declares that uncertainty exists with respect to the time within which and the manner in which the right of referendum may be exercised by the electors of the City and in regard to the time when ordinances and resolutions of the City which affect the public welfare become effective. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall take effect and be in force immediately from and after its passage.

PASSED: February 16, 2004.

APPROVED:

ATTEST:

Wanda Lettau  
City Recorder

Jane Matto  
Mayor

(SEAL)

CERTIFICATE

The undersigned, City Recorder of the City of Elm Springs, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 2004-1, adopted at a regular session of the City Council of the City of Elm Springs, Arkansas, held at the regular meeting place in said City at 6:30 o'clock p.m., on the 16th day of February, 2004, and that the Ordinance is of record in Ordinance Record Book No.     , Page 2004-1, now in my possession.

GIVEN under my hand and seal on this 16 day of February, 2004.

Shelba Pettus  
City Recorder

(SEAL)

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Denise Pettus do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2007-1 (the "Referendum Ordinance") was, on the 20 day of February, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 20 day of February, 2007.

Jane Waters  
Mayor

Denise Pettus  
City Clerk

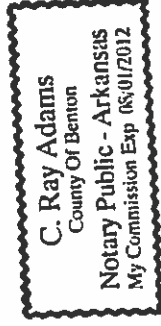
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 20  
day of Feb, 2007.

C. Ray Adams  
Notary Public

My Commission Expires:

8-01-12



ORDINANCE NO. 04- 08

AN ORDINANCE ESTABLISHING A PROCEDURE FOR MAKING ALL PURCHASES AND EXPENDITURES IN COMPLIANCE WITH STATE LAW, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the procedure for making purchases by the City of Elm Springs (City) was last addressed by the council in 1985, and there have been significant changes in the law and there is a need to set forth a procedure which is relevant to the current economic conditions, as well as compatible with applicable state law; THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS.

SECTION 1. The Mayor, or his/her duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus equipment, materials and other things requisite to public purposes for the City of Elm Springs and to make all necessary contracts for work or labor to be done, or material or other necessary thing to be furnished for the benefit of the city where the amount of the expenditure for any purchase or contract does not exceed the sum of Ten Thousand Dollars (\$10,000.00).

SECTION 2. Where the amount of expenditure for any purchase or contract exceeds the sum of Ten Thousand Dollars (\$10,000.00), the Mayor, or his or her duly authorized representative, shall invite competitive bids thereon by legal advertisement shall be opened and read on the date set for receiving said bids in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder, provided, however, the Mayor or his or her duly authorized representative may reject any and all bids received.

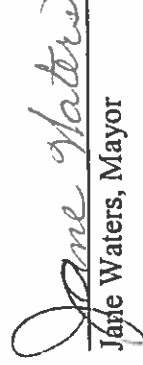
SECTION 3. The Mayor, or his or her duly authorized representative, may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the city or City, when funds on hand are adequate to pay such bills, debts or liabilities. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the city council.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. Should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said findings and/or holdings shall not affect the other portions of this Ordinance and any portion of this Ordinance not so found shall remain in full force and effect.

SECTION 6. Whereas, state law permits the establishment of a procedure for municipal purchases and there is a need to efficiently and effectively carry on the business of the City, and this ordinance being necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this 17<sup>th</sup> day of May, 2004.

  
Jane Waters, Mayor

Attest:

  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Jenifer Lettix, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 204-08 (the "Purchase & Executive Ordinance") was, on the 20 day of May, 2004, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 0110 and that the Ordinance remained posted for thirty (30) days.

DATED this 20 day of May, 2004.

Jane Waters  
Mayor

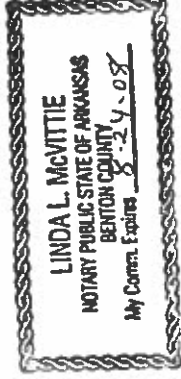
Jenifer Lettix  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 20th Day of May, 2004.

Linda L. McVittie  
Notary Public

My Commission Expires: 8-24-08





ORDINANCE NO. 2004-12

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

AN ORDINANCE LEVYING TAX FOR THE  
YEAR 2004, TO BE COLLECTED IN 2005, ON  
THE REAL AND PERSONAL PROPERTY  
LOCATED WITHIN THE CITY OF ELM  
SPRINGS, ARKANSAS.

WHEREAS, Arkansas Code Annotated, §26-25-102 provides that a City may levy a tax on the real and personal property located within the City for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

WHEREAS, pursuant to Arkansas Code Annotated, §26-73-202, the City Council may, on or before the time fixed by law for levying county taxes, make out and certify to the Washington County Clerk and the Benton County Clerk, the rate of taxation levied by the City of Elm Springs on the real and personal property located within the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Elm Springs, and its citizens, to levy the rate of taxation at 5.0 mills on the real and personal property located within the City of Elm Springs, as set forth herein, and to certify the same to the Washington and Benton County Clerks, and authorize the Washington and Benton County Quorum Courts to levy said tax for the year 2004, to be collected in 2005.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

1. Real Property. The property tax for general purposes for the City of Elm Springs on the real property situated within the City of Elm Springs and collected for the year 2004 shall be fixed and levied at the sum of five (5.0) mills on each dollar of assessed value of real property.
2. Personal Property. The property tax for general purposes for the City of Elm Springs on the personal property situated within the City of Elm Springs and collected for the year 2005, shall be fixed and levied at the sum of five (5.0) mills on each dollar assessed value of personal property.
3. Total Tax Levied. The total real property tax levy for the real property located within the City of Elm Springs is five (5.0) mills, and the total personal property located within the City of Elm Springs is five (5.0) mills.
4. Certification to County Clerks. The rate of taxation levied herein on the real and personal property within the City of Elm Springs shall, by this Ordinance, be certified to the

Washington and Benton County Clerks, to be placed upon the tax books by the Washington and Benton County Clerks and collected in the same manner that the state and county taxes are collected.

5. County Authorization. The Quorum Court of Washington and Benton Counties, Arkansas, are authorized to levy the said tax as set forth herein for real and personal property located within the City of Elm Springs, Arkansas, for the year 2004, at its next regular meeting.

6. Repeal of Ordinance in Conflict. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 18 day of October, 2004

**APPROVED:**

Jane Waters  
Jane Waters, Mayor

**ATTEST:**

Glenda Pettus  
Glenda Pettus, City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON October, 18, 2004.

Glenda Pettus  
City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Dwenda Lettux, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2004-12 (the "Levyings Tax Ordinance") was, on the 21 day of October, 2004, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 21 day of October, 2004.

Jane Waters  
Mayor

Dwenda Lettux  
City Clerk

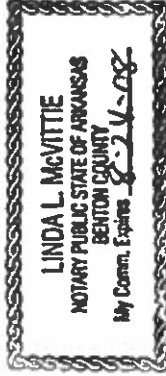
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 21  
Day of October, 2004.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 04- 13

AN ORDINANCE ALLOWING THE TRANSFER OF  
\$100,000 TO THE CITY OF ELM SPRINGS SEWER  
FUND.

WHEREAS, the City of Elm Springs has been notified of changes in the plan for funding its sewer project by the Arkansas Soil and Water Conservation Commission, which make it necessary to contribute additional funds to secure funding and begin construction of the project, which is for the benefit of the residents of Elm Springs; THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS

SECTION 1. The sum of \$100,000 will be transferred from the "General Fund" to the City of Elm Springs "Sewer Fund."

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. Should any portion of this Ordinance be deemed illegal and/or unconstitutional and/or held null and void, said findings and/or holdings shall not affect the other portions of this Ordinance and any portion of this Ordinance not so found shall remain in full force and effect.

SECTION 4. Emergency Clause. Whereas, there is an immediate need to transfer funds in order to secure ARWCC funding of the sewer project, and this ordinance being necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this 15 day of November, 2004.

Jane Waters  
Jane Waters, Mayor

Attest:

Glenda Pettus  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Gene Waters and Glenda Lettau, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 04-13 (the "Memorandum Ordinance") was, on the 17<sup>th</sup> day of November, 2004, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 17 day of November, 2004.

Gene Waters  
Mayor

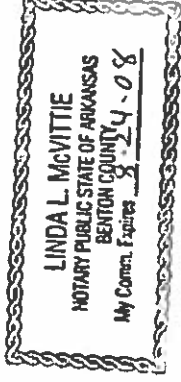
Glenda Lettau  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 17<sup>th</sup> Day of November, 2004.

Linda L. McVittie  
Notary Public

My Commission Expires: 8-24-08



ORDINANCE NO. 2005-15

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

AN ORDINANCE LEVYING TAX FOR THE  
YEAR 2005, TO BE COLLECTED IN 2006, ON  
THE REAL AND PERSONAL PROPERTY  
LOCATED WITHIN THE CITY OF ELM  
SPRINGS, ARKANSAS.

WHEREAS, Arkansas Code Annotated, §26-25-102 provides that a City may levy a tax on the real and personal property located within the City for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

WHEREAS, pursuant to Arkansas Code Annotated, §26-73-202, the City Council may, on or before the time fixed by law for levying county taxes, make out and certify to the Washington County Clerk and the Benton County Clerk, the rate of taxation levied by the City of Elm Springs on the real and personal property located within the City; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Elm Springs, and its citizens, to levy the rate of taxation at 5.0 mills on the real and personal property located within the City of Elm Springs, as set forth herein, and to certify the same to the Washington and Benton County Clerks, and authorize the Washington and Benton County Quorum Courts to levy said tax for the year 2005, to be collected in 2006.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

1. Real Property. The property tax for general purposes for the City of Elm Springs on the real property situated within the City of Elm Springs and collected for the year 2005 shall be fixed and levied at the sum of five (5.0) mills on each dollar of assessed value of real property.
2. Personal Property. The property tax for general purposes for the City of Elm Springs on the personal property situated within the City of Elm Springs and collected for the year 2005, shall be fixed and levied at the sum of five (5.0) mills on each dollar assessed value of personal property.
3. Total Tax Levied. The total real property tax levy for the real property located within the City of Elm Springs is five (5.0) mills, and the total personal property located within the City of Elm Springs is five (5.0) mills.
4. Certification to County Clerks. The rate of taxation levied herein on the real and personal property within the City of Elm Springs shall, by this Ordinance, be certified to the

Washington and Benton County Clerks, to be placed upon the tax books by the Washington and Benton County Clerks and collected in the same manner that the state and county taxes are collected.

5. County Authorization. The Quorum Court of Washington and Benton Counties, Arkansas, are authorized to levy the said tax as set forth herein for real and personal property located within the City of Elm Springs, Arkansas, for the year 2005, at its next regular meeting.

6. Repeal of Ordinance in Conflict. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 17 day of October, 2005

**APPROVED:**

Jane Waters  
Jane Waters, Mayor

**ATTEST:**

Glenda Pettus  
Glenda Pettus, City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON October 17, 2005.

Glenda Pettus  
City Clerk/Recorder



PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2005-15 (the "Spuying Oak Ordinance") was, on the 3<sup>rd</sup> day of November, 2005, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 3 day of November, 2005.

Jane Waters  
Mayor

Glenda Lettice  
City Clerk

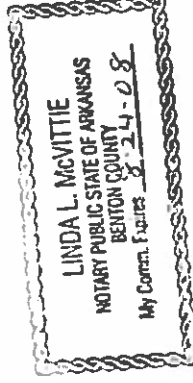
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 3 Day of November, 2005.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 01

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

AN ORDINANCE TO CLARIFY THE PROCEDURE BY WHICH THE CITY AWARDS BIDS, TO PERMIT THE SELECTION OF A BID OTHER THAN THE LOWEST BID WHEN THE BEST INTERESTS OF THE CITY WOULD BE SERVED THEREBY, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City enters into contracts for public improvements and makes purchases from time to time and complies with applicable state law in advertising for and awarding contracts or purchasing from bidders, and;

WHEREAS, the Mayor has been contacted by the auditor assigned to the City of Elm Springs by the State Legislative Auditing Committee and asks that the City adopt an ordinance allowing that bids can be waived and that a bidder other than the lowest responsible bidder can be selected if the best interest of the City is served thereby.

NOW THEREFORE, BE IT ENACTED, by the City Council of the City of Elm Springs, as follows:

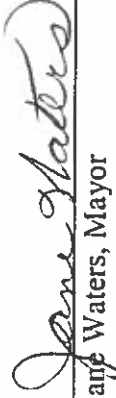
*Section 1.* The City of Elm Springs will comply with any and all state law when requesting and accepting bids for projects undertaken by the City and will accept the lowest responsible bidder or, if the better interests of the City are served by taking a bid other than the lowest bid, will take and award the contract to the contractor or entity which submits a bid that will best serve the interests of the City of Elm Springs

*Section 2.* All previous ordinances in conflict herewith are hereby repealed to the extent of the conflict, and if any portion of this ordinance is declared invalid for any reason, then that part shall be considered severed herefrom, and the remaining part of this ordinance shall continue in full force and effect.

*Section 3.* Because an auditor has requested that this ordinance be passed and become effective as soon as possible, an emergency is declared to exist and this ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this 18 day of September, 2006.

APPROVED:

  
Jane Waters, Mayor

ATTEST:

  
Glenda Pettus, City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Letton, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2006-09 (the "Bid Procedure Ordinance") was, on the 22 day of September, 2006, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 22 day of September, 2006.

Jane Waters  
Mayor

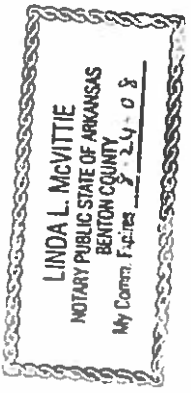
Glenda Letton  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 22  
Day of September, 2006.

Linda L. McVittie  
Notary Public

My Commission Expires:  
8-24-08



ORDINANCE NO. *2006-10*

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

AN ORDINANCE LEVYING TAX FOR THE  
YEAR 2006, TO BE COLLECTED IN 2007, ON  
THE REAL AND PERSONAL PROPERTY  
LOCATED WITHIN THE CITY OF ELM  
SPRINGS, ARKANSAS

**WHEREAS**, Arkansas Code Annotated, §26-25-102 provides that a City may levy a tax on the real and personal property located within the City for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**WHEREAS**, pursuant to Arkansas Code Annotated, §26-73-202, the City Council may, on or before the time fixed by law for levying county taxes, make out and certify to the Washington County Clerk and the Benton County Clerk, the rate of taxation levied by the City of Elm Springs on the real and personal property located within the City; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City of Elm Springs, and its citizens, to levy the rate of taxation at 5.0 mills on the real and personal property located within the City of Elm Springs, as set forth herein, and to certify the same to the Washington and Benton County Clerks, and authorize the Washington and Benton County Quorum Courts to levy said tax for the year 2006, to be collected in 2007.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

1. Real Property. The property tax for general purposes for the City of Elm Springs on the real property situated within the City of Elm Springs and collected for the year 2006 shall be fixed and levied at the sum of five (5.0) mills on each dollar of assessed value of real property.
2. Personal Property. The property tax for general purposes for the City of Elm Springs on the personal property situated within the City of Elm Springs and collected for the year 2006, shall be fixed and levied at the sum of five (5.0) mills on each dollar assessed value of personal property.
3. Total Tax Levied. The total real property tax levy for the real property located within the City of Elm Springs is five (5.0) mills, and the personal property located within the City of Elm Springs is five (5.0) mills.

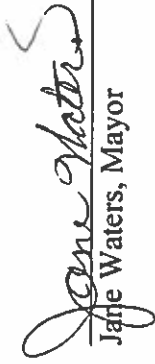
4. Certification to County Clerks. The rate of taxation levied herein on the real and personal property within the City of Elm Springs shall, by this Ordinance, be certified to the Washington and Benton County Clerks, to be placed upon the tax books by the Washington and Benton County Clerks and collected in the same manner that the state and county taxes are collected.

5. County Authorization. The Quorum Court of Washington and Benton Counties, Arkansas, are authorized to levy the said tax as set forth herein for real and personal property located within the City of Elm Springs, Arkansas, for the year 2006, at its next regular meeting.

6. Repeal of Ordinance in Conflict. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 16 day of October, 2006.

**APPROVED:**

  
Janie Waters, Mayor

**ATTEST:**

  
Glenda Pettus, City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON October, 2006.

  
City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Yvonda Pittard, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2006-10 (the "2006 Sewing Day Ordinance") was, on the 16 day of October, 2006, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 16 day of October, 2006.

Jane Waters  
Mayor

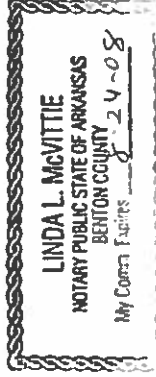
Yvonda Pittard  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 16  
Day of October, 2006.

Linda J. M'Phee  
Notary Public

My Commission Expires:  
8-24-08



ORDINANCE NO. 200703

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

AN ORDINANCE LEVYING TAX FOR THE  
YEAR 2007, TO BE COLLECTED IN 2008, ON  
THE REAL AND PERSONAL PROPERTY  
LOCATED WITHIN THE CITY OF ELM  
SPRINGS, ARKANSAS

**WHEREAS**, Arkansas Code Annotated, §26-25-102 provides that a City may levy a tax on the real and personal property located within the City for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution; and

**WHEREAS**, pursuant to Arkansas Code Annotated, §26-73-202, the City Council may, on or before the time fixed by law for levying county taxes, make out and certify to the Washington County Clerk and the Benton County Clerk, the rate of taxation levied by the City of Elm Springs on the real and personal property located within the City; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City of Elm Springs, and its citizens, to levy the rate of taxation at 5.0 mills on the real and personal property located within the City of Elm Springs, as set forth herein, and to certify the same to the Washington and Benton County Clerks, and authorize the Washington and Benton County Quorum Courts to levy said tax for the year 2007, to be collected in 2008.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

1. Real Property. The property tax for general purposes for the City of Elm Springs on the real property situated within the City of Elm Springs and collected for the year 2007 shall be fixed and levied at the sum of five (5.0) mills on each dollar of assessed value of real property.
2. Personal Property. The property tax for general purposes for the City of Elm Springs on the personal property situated within the City of Elm Springs and collected for the year 2007, shall be fixed and levied at the sum of five (5.0) mills on each dollar assessed value of personal property.
3. Total Tax Levied. The total real property tax levy for the real property located within the City of Elm Springs is five (5.0) mills, and the personal property located within the City of Elm Springs is five (5.0) mills.

4. Certification to County Clerks. The rate of taxation levied herein on the real and personal property within the City of Elm Springs shall, by this Ordinance, be certified to the Washington and Benton County Clerks, to be placed upon the tax books by the Washington and Benton County Clerks and collected in the same manner that the state and county taxes are collected.

5. County Authorization. The Quorum Court of Washington and Benton Counties, Arkansas, are authorized to levy the said tax as set forth herein for real and personal property located within the City of Elm Springs, Arkansas, for the year 2007, at its next regular meeting.

6. Repeal of Ordinance in Conflict. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 15 day of October, 2007.

**APPROVED:**

Jane Waters  
Jane Waters, Mayor

**ATTEST:**

Glenda Pettus  
Glenda Pettus, City Clerk/Recorder

I HEREBY CERTIFY THAT THIS ORDINANCE IS A TRUE AND EXACT COPY OF THE ORIGINAL ADOPTED ON October 15, 2007.

Glenda Pettus  
City Clerk/Recorder



PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2007-031 (the "Seeking Tax Ordinance") was, on the 17 day of October, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 17<sup>th</sup> day of October, 2007.

Jane Waters  
Mayor

Glenda Pettus  
City Clerk

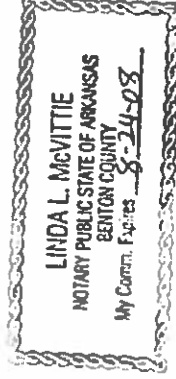
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 17<sup>th</sup> Day of October, 2007.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-08



CITY OF ELM SPRINGS, BENTON & WASHINGTON COUNTIES, ARKANSAS

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AS IT RELATES TO THE EMERGENCY CONSTRUCTION OF A DRAINAGE SYSTEM UNDERNEATH WATER STREET

WHEREAS, the City of Elm Springs intends to cooperate with developers in the construction of a drainage project thereby making it possible to improve drainage where the city otherwise be unable to undertake the project at this time, and it is in the interest of the citizens of the City of Elm Springs to waive the bidding process and utilize the contractor and crew of the and reliable contractor to construct a drainage system underneath Water Street in order to protect the Citizens of ~~Elm Springs~~ <sup>Elm Springs</sup> and the greater public.

NOW, THEREFORE, BE IT HEREBY ORDAINED:

Section 1. That pursuant to state law and applicable city ordinances, the City Council hereby waives the requirements of competitive bidding for the cost of the construction of a drainage system underneath Water Street by Southern Construction and Development Company, Inc., at a cost the city for the city's portion of not more \$35,000.00.

Section 2. EMERGENCY CLAUSE. The City Council finds that the need to construct a drainage system is acute and must be done without delay to protect the public, therefore an emergency is declared to exist, and in order to best protect the health, safety and welfare of the citizens of Elm Springs, this ordinance should take effect immediately upon its passage.

PASSED AND APPROVED this 15 day of October, 2007.

APPROVED:

Jane Waters  
Jane Waters, Mayor

Attest: Glenda Petrus  
Glenda Petrus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Wenda Lettau, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2007-04 (the "Public Building Authority Ordinance") was, on the 17 day of October, 2007, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 17 day of October, 2007.

Jane Waters  
Mayor

Wenda Lettau  
City Clerk

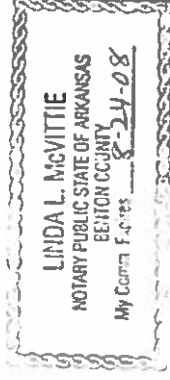
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 17th Day of October, 2007.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 2008-03

CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO ALTER THE FEE TO OBTAIN A  
BUSINESS LICENSE TO THIRTY FIVE DOLLARS (\$35.00)

WHEREAS, the City Council of Elm Springs, Arkansas deems it necessary to raise the fee charged by the City to obtain a business license, as the current fee is very low in comparison to other cities and a higher fee of thirty five dollars (\$35.00) per business is more accurately related to the regulation and monitoring of businesses within the City.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

Section 1. The Business License Fee for any business in Elm Springs, including any "home business, shall be thirty five dollars (\$35.00). Any amount contained in any ordinance in conflict with this amount is hereby repealed, but only to the extent of the dollar amount conflict. No other changes to the existing business regulation ordinances currently in effect shall be altered hereby.

PASSED AND APPROVED this 18 day of February, 2008

APPROVED:

Jane Waters  
Jane Waters, Mayor

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Gene Winters and Linda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-03 (the "Alter Business License Fee Ordinance") was, on the 5 day of March, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 5 day of March, 2008.

\_\_\_\_\_  
Mayor

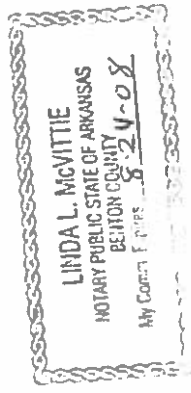
Linda Pettus  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 5 Day of March, 2008.

Linda L. McVittie  
Notary Public

My Commission Expires: 8-24-08



**ORDINANCE NO. 2008-06**

**AN ORDINANCE AMENDING ORDINANCE NO. 2002-11  
REGARDING DOOR TO DOOR SALES IN  
THE CITY OF ELM SPRINGS, ARKANSAS, AND FOR OTHER PURPOSES**

WHEREAS, the City Council for the City of Elm Springs, Arkansas has been advised by its public safety officials that there is an acute need to amend the Elm Springs ordinance which regulates door to door sales and protect the safety of the citizens of the city.

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

**Section 1.** Permit required. It shall be unlawful for any person to engage in business as a peddler within the City without first obtaining a permit to do so by the Elm Springs Police Department. A permit fee of ten dollars (\$10.00) shall be charged to all permit applicants, except for those described in section 8, below.

**Section 2.** Prohibition when signs are posted. It shall be unlawful for any person, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry of the premises, or at the entry of the principle building on the premises, a sign bearing the words "no peddlers," "no solicitors," "no trespassing," or words of similar import.

**Section 3.** Hours and times restricted. Every person conducting the activities of peddler or solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence only between the hours of 8:00 a.m. and 7:00 p.m., or sunset, whichever comes first. Furthermore, no person while conducting the activities of peddler or solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence on any Sunday or Federal holiday.

**Section 4.** Application process. Applicants for a permit under this Ordinance shall file with the Elm Springs Police Department a sworn application in writing, on a form to be furnished by the Elm Springs Police Department, which shall give the following information:

- (a) The name of the applicant as shown on his/her State issued identification card;
- (b) The permanent home address and mail local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold;

(d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(e) The length of time for which the right to do business is desired;

(f) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time the application is filed and the proposed method of delivery;

(g) A statement as to whether or not the applicant has been convicted of any crime, whether it be a felony, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore;

(h) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.

**Section 5. Display.** Every peddler having a permit issued under the provisions of this Ordinance and doing business within the City shall display his permit upon the request of any person, and failure to do so shall be deemed a violation of this Ordinance.

**Section 6. Duration.** Every permit under the provisions of this article shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of 12 months.

**Section 7. Revocation.** Any permit issued under the provisions of this Ordinance may be revoked by the Elm Springs Police Department for the violation by the permittee of any applicable provision of this Ordinance, state law or city ordinance, rule or regulation.

**Section 8. Exceptions.** Recognized religious organizations and peddlers selling newspapers in exercise of their freedom of the press rights or any other persons whose activities of organizations classified as tax exempt under the provisions of section 501 of the 1954 Internal Revenue Service Code, and amendments and regulations pertaining thereto, are hereby excluded from any and all provisions of this Ordinance.

**Section 9. Penalty for Violation.** Any person found to have violated this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine of not more than \$200.00.

**Section 10.** Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

**Section 11.** In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not

effect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED this 21 day of April, 2008

APPROVED:

Jane Waters  
Jane Waters, Mayor

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk/Recorder



PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We Jane Waters and Glennda Fetter, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-060 (the "Amend 2007-11 Door to Door Ordinance") was, on the 24 day of April, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 24 day of April, 2008.

Jane Waters  
Mayor

Glennda Fetter  
City Clerk

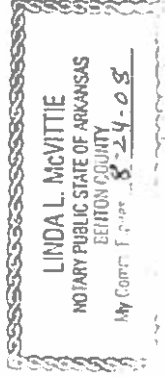
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 24 Day of April, 2008.

Linda L. McVittie  
Notary Public

My Commission Expires:

8-24-08



ORDINANCE NO. 2008-03

IN THE CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AS IT  
RELATES TO THE EMERGENCY REPAIR OF  
PINKLEY ROAD AND TO PAVE ROSS AVENUE

**WHEREAS**, upon inspection of Pinkley Road by city personnel in the City of Elm Springs revealed serious erosion and damage to Pinkley Road. Further inspection revealed that Pinkley Road was susceptible to imminent failure, and failure could be brought on by a weather event, such as a hard rain which would worsen the erosion and damage, and

**WHEREAS**, comprehensive repair to this street was slated to occur sometime this year, and emergency work to prevent a failure must be undertaken immediately to avoid the potential for catastrophe and to avoid further damage before scheduled work can be done; and

**WHEREAS**, the Mayor has secured a very advantageous price to pave Ross Avenue as a part of there service. Comparing estimates for this work, the Mayor advises that this is the most cost effective and fast way to complete the work.

**WHEREAS**, it is in the interest of the citizens of the City of Elm Springs to waive the bidding process and immediately hire a reputable and reliable contractor to make repairs as soon as possible in order to protect the citizens of Elm Springs and the greater public.

**NOW, THEREFORE, BE IT HEREBY ORDAINED:**

Section 1. That pursuant to state law and applicable city ordinances, the City Council hereby waives the requirements of competitive bidding for the cost of the emergency repair of the Pinkley Road and paving Ross Avenue by Sisemore Paving Co. at a cost of approximately \$87,575.00.

Section 2. **EMERGENCY CLAUSE.** The City Council finds that the need to repair Pinkley Road is acute and must be done without delay to protect the public, therefore an emergency is declared to exist, and in order to best protect the health, safety and welfare of the citizens of Elm Springs, this ordinance should take effect immediately upon its passage.

**PASSED AND APPROVED** this 21 day of April, 2008.

**APPROVED:**

  
Jane Waters, Mayor

Attest   
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Wanda Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2008-08 (the "White Buildings Ordinance") was, on the 24 day of April, 2008, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 24 day of April, 2008.

Jane Waters  
Mayor

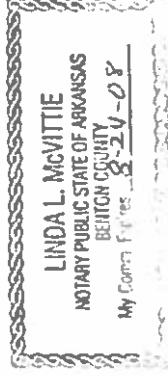
Wanda Lettice  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 24 Day of April, 2008.

Linda L. McVittie  
Notary Public

My Commission Expires: \_\_\_\_\_  
8-24-08



ORDINANCE NO. 2009-01

CITY OF ELM SPRINGS, WASHINGTON AND  
BENTON COUNTIES, ARKANSAS

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AS IT RELATES TO  
REFUSE PICKUP CAUSED BY THE ICE STORM OF 2009.**

**WHEREAS**, due to the damage caused by the ice storm of 2009, the two counties which contain the City of Elm Springs were declared disaster areas at the county, state and federal levels, and;

**WHEREAS**, the City of Elm Springs has made great efforts to comply with the many and sometimes complex federal and state laws, regulations and guidelines, keeping in close contact with officials from FEMA and the ADEM, in all aspects of handling the recovery from the storm, managing storm damage and seeking reimbursement for all eligible expenditures made by the city in its recovery efforts, and;

**WHEREAS**, in following the instructions of the FEMA and ADEM officials, the City has created the documents and followed the procedures recommended for contacting with the qualified contractor(s) necessary to remove debris in accordance with state and federal environmental laws, and with the proper procedure to qualify for reimbursement, and in so doing, has placed advertisement in the local newspaper inviting contact from all such contractors, then providing them with a compliant Scope of Work and invitation to Bid, including at least eight (8) separate contractors who demonstrated a willingness to comply with FEMA and ADEM regulations, and receiving bid and choosing the best, qualified bid to choose a contractor, and;

**WHEREAS**, in order to conform with Arkansas law pertaining to competitive bidding, the City Council being satisfied that the spirit, if not the letter of the bidding procedure and requirement have been met, and, due to the exceptional circumstances of the storm and exceptional requirements of the federal and state agencies which have become involved, the City Council deems that it is not practical, nor feasible, to use the state bidding procedure in this instance, especially with the goal of maximum reimbursement from FEMA, ADEM and any other agency of the federal, state or county government, for all expenditures made by the City.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

*Section 1.* The City of Elm Springs City Council hereby waives competitive bidding as it may apply to the contract for removal of ice storm debris resulting from the ice storm of 2009.

*Section 2.* EMERGENCY CLAUSE. The City Council finds that the need to remove hazardous tree and debris must be done without delay to protect the public, therefore an emergency is declared to exist, and in order to best protect the health, safety and welfare of the citizens of Elm Springs, this ordinance should take effect immediately upon its passage.

**PASSED AND APPROVED** this 16 day of March, 2009.

APPROVED:

Jane Waters  
Jane Waters, Mayor

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk/Recorder

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

Wesley Waters and Wanda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2009-01 (the "Wesley Waters - Religious Liberty Ordinance") was, on the 18 day of March, 2009, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

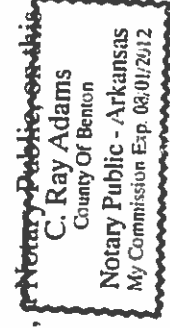
DATED this 18 day of March, 2009.

Wesley Waters  
Mayor

Wanda Pettus  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, Notary Public on this 18 Day of March, 2009.



Notary Public  
C. Ray Adams

My Commission Expires:  
08/01/2012

ORDINANCE NO. 2010- 02

IN THE CITY OF ELM SPRINGS, ARKANSAS

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AS IT  
RELATES TO THE EMERGENCY REPAIR OF  
BALL ROAD

**WHEREAS**, upon inspection of Ball Road by city personnel in the City of Elm Springs revealed serious erosion and damage to Ball Road. Further inspection revealed that Ball Road was susceptible to imminent failure, is dangerous as it cannot be navigated by a school bus and an on coming car at the same time, and busses are in danger of tipping into the ditch, and failure could be brought on by a weather event, such as a hard rain which would worsen the erosion and damage, and

**WHEREAS**, comprehensive repair to this street was slated to occur sometime this year, and emergency work to prevent a failure must be undertaken immediately to avoid the potential for catastrophe and to avoid further damage before scheduled work can be done; and

**WHEREAS**, the Mayor and her staff have secured a very advantageous price to pave Ball Road.. Comparing estimates for this work, the Mayor advises that this is the most cost effective and fast way to complete the work.

**WHEREAS**, it is in the interest of the citizens of the City of Elm Springs to waive the bidding process and immediately hire a reputable and reliable contractor to make repairs as soon as possible in order to protect the citizens of Elm Springs and the students who traverse the street and the greater public.

**NOW, THEREFORE, BE IT HEREBY ORDAINED:**

Section 1. That pursuant to state law and applicable city ordinances, the City Council hereby waives the requirements of competitive bidding for the cost of the emergency repair and paving of Ball Road by Sisemore Paving Co. at a cost of approximately \$35,000.00.

Section 2. **EMERGENCY CLAUSE.** The City Council finds that the need to repair Ball Road is acute and must be done without delay to protect the public, therefore an emergency is declared to exist, and in order to best protect the health, safety and welfare of the citizens of Elm Springs, this ordinance should take effect immediately upon its passage.

**PASSED AND APPROVED** this 18 day of January, 2010.

**APPROVED:**

Jane Waters  
Jane Waters, Mayor

Attest:

Glenda Pettus  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

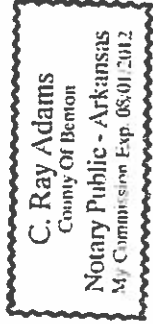
COUNTY OF Washington

We, Jane Hobbes and Glenda Pettus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2010-02 (the "Waive Ball Bid Ordinance") was, on the 27 day of January, 2010, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 27 day of January, 2010.

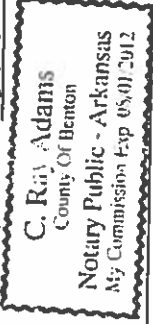
Jane Hobbes  
Mayor

Glenda Pettus  
City Clerk



(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 27  
Day of January, 2010.



Notary Public C. Ray Adams

My Commission Expires:

08/01/2012



**ORDINANCE NO. 2010- 03**

**AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF ELM SPRINGS, ARKANSAS, ON THE QUESTION OF LEVYING A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF ELM SPRINGS, ARKANSAS; DEFINING THE TERM "SINGLE TRANSACTION;" PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.**

WHEREAS, the City Council of the City of Elm Springs, Arkansas (the "City") has passed on June 21, 2010, Ordinance No. 2010- providing for the levy of a one percent (1%) sales and use tax within the City (the "Sales and Use Tax"); and,

WHEREAS, the Sales and Use Tax shall be levied and collected only on the first \$2,500 for each single transaction, or to the maximum amount of each single transaction allowed by Arkansas Law; 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, and to define the term "single transaction;"

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

**Section 1.** That there be, a special election to be held on November 2, 2010, 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.** That the question of levying the Sales and Use Tax shall be placed on the ballot for the special election in substantially the following form:

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

FOR 1% sales tax in Elm Springs, Arkansas, .....

AGAINST 1% sales tax in Elm Springs, Arkansas.....

**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 Title 26, Chapter 75, Subchapter 3 of the Arkansas Code of 1987 Annotated (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 special election shall be proclaimed by the Mayor, and her 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 attached 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 and Benton County Boards 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.** That the Mayor and City Clerk/Treasurer, 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.** "Single transaction" is defined according to the nature of the goods purchased as follows:

- A. When two or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to, on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles or non-motorized vehicles and mobile homes, are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of the Sales and Use Tax.
- B. The charges for utility services, which are subject to the Sales and Use Tax, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purpose of the Sales and Use Tax, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the Sales and Use Tax.
- C. For sales of building materials and supplies to contractors, builders or other persons, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the State of Arkansas.
- D. When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Sales and Use Tax.
- E. For groceries, drug items, dry goods and other tangible personal property and/or services not otherwise expressly covered in this Section, a single transaction shall be deemed to be any single sale which is reflected on a

single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the State of Arkansas.

F. This definition of "Single Transaction" shall conform to the state law of the State of Arkansas, and shall incorporate any changes made to the state law of the State of Arkansas pertaining to Sales and Use Taxes, and shall replace and supercede this definition with the definition of "Single Transaction" found in state law of the State of Arkansas to the extent there is a conflict.

**Section 8.** That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 9.** It is hereby ascertained and declared that there is a great need to establish a stable source of revenue to finance vital municipal services in order to promote and protect the health, safety and welfare of the City of Elm Springs and its inhabitants. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and take effect immediately from and after its passage.

PASSED: July 19, 2010.

APPROVED:

Jane Waters  
Jane Waters, Mayor

ATTEST:

Glenda Petrus  
Glenda Petrus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Pittor, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2010-03 (the "190 Sales Tax Called Electa Ordinance") was, on the 30 day of August, 2010, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

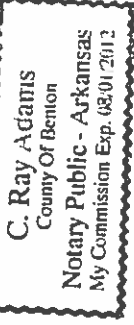
DATED this 30 day of August, 2010.

Jane Waters  
Mayor

Glenda Pittor  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 30th day of August, 2010.



Notary Public C. Ray Adams

My Commission Expires:

08/01/2012

**ORDINANCE NO. 2010- 04**

**AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF ELM SPRINGS, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

WHEREAS, the City Council of the City of Elm Springs, Arkansas (the "City"), has determined that there is a great need for immediate improvement of municipal services and for a source of revenue to finance such services; and

**WHEREAS, Title 26, Chapter 75, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") provides for the levy of a one percent (1%) citywide sales and use tax;**

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

**Section 1.** Under the authority of the Authorizing Legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the City of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §26-53-101, et seq, at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax").

**Section 2.** That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** That this Ordinance shall not take effect until an election is held on the question of levying the Sales and Use Tax at which a majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax.

PASSED: July 19, 2010.

APPROVED:

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk

Jane Waters  
Jane Waters, Mayor

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Glenda Pittus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2010-04 (the "July 1<sup>st</sup> Sales Tax Ordinance") was, on the 30 day of August, 2010, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

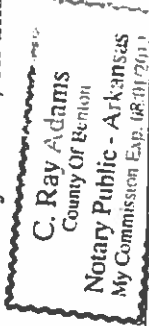
DATED this 30 day of August, 2010.

Jane Waters  
Mayor

Glenda Pittus  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 30<sup>th</sup> Day of August, 2010.



Notary Public  
C. Ray Adams

My Commission Expires:

08/01/2012

ORDINANCE NO. 2010-05

CITY OF ELM SPRINGS, ARKANSAS

**AN ORDINANCE TO REFER TO THE VOTERS THE ISSUE OF CHANGING THE TERM FOR ALDERMEN IN THE CITY OF ELM SPRINGS, ARKANSAS FROM TWO (2) YEARS TO FOUR (4) YEARS AND TO STAGGER THE TERMS OF THE SIX (6) ALDERMEN.**

**WHEREAS**, it is in the better interest of the citizens of Elm Springs to have council members to sit for four (4) year terms and to have the positions staggered so that the three (3) aldermen run at each election cycle.

**THEREFORE, BE IT ORDAINED:**

Section 1. The ballot in the City of Elm Springs for the general election of November 2, 2010 shall contain the question of whether the term for aldermen in Elm Springs should be changed from two (2) to four (4) years.

Section 2. If the terms are changed by majority vote of the voters in Elm Springs, the position one alderman from each ward shall be elected by the voters of that ward only and the position two alderman shall be elected city wide.

Section 3. That the question of changing the term for Aldermen shall be placed on the ballot for the general election of November 2, 2010 in substantially the following form:

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

FOR changing to four year terms for Aldermen in Elm Springs.....

AGAINST changing to four year terms for Aldermen in Elm Springs.....

Section 4. If a majority of the voters adopt this ordinance at the next general election, the aldermen occupying position one shall be elected for a four (4) year term and the alderman occupying position two shall be elected for one additional two (2) year term. Thereafter, the aldermen occupying position one and two shall be elected for two four (4) year terms.

PASSED: August 2, 2010.

APPROVED:

Jane Waters  
Jane Waters, Mayor

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk



PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Jane Waters and Shirley Pittus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2010-05 (the "Addressing Jims Ordinance") was, on the 30 day of August, 2010, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

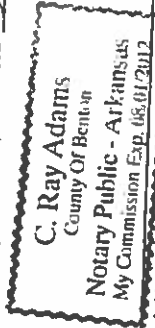
DATED this 30 day of August, 2010.

Jane Waters  
Mayor

Shirley Pittus  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 30th Day of August, 2010.



Notary Public C. Ray Adams

My Commission Expires:

08/01/2012

ORDINANCE 2012 - 2

AN ORDINANCE REDISTRICTING CITY WARDS

WHEREAS, cities have an obligation and a responsibility to insure that substantially equal population, and serve the public's best interest; and

WHEREAS, a population analysis of each city ward utilizing 2010 Census block data indicates the need for ward redistricting; and

WHEREAS, Arkansas law vests city councils with apportionment and redistricting authority; and

WHEREAS, a redistricting plan has been prepared that equalizes ward population and insures compliance with state statutes and equal protection requirements; and

WHEREAS, it is the desire of the City Council, that a new ward redistricting plan be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:

SECTION 1. That the ward redistricting plan as shown on the map which is attached hereto and made a part hereof, be and is hereby adopted, with said map to serve hereafter as the Official Ward Map for the City of Elm Springs, Arkansas.


SECTION 2. That all previous ward maps and boundary descriptions are hereby repealed.

SECTION 3. That a duly certified copy of said Map shall be filed with the Washington County and Benton County Election Commissions, and filed in the offices of the Washington County Clerk and the Benton County Clerk.

PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF JUNE, 2012.

ATTEST:

  
Recorder-Treasurer

  
Mayor

FILED

2012 JUN 19 10:11 AM  
KAREN COMBS PITCHAR  
CO. & PROBATE CLERK  
WASHINGTON, ARK



PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ben Wall and Henka Lettin, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2012-02 (the "land donations Ordinance") was, on the 19 day of June, 2012 duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 19 day of June, 2012

Ben Wall  
Mayor

Henka Lettin  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 19 Day of June, 2012

C. Ray Adams  
C. Ray Adams  
County Of Benton  
Notary Public - Arkansas  
My Commission Exp. 08/01/2012

My Commission Expires:

08/01/2012

**ORDINANCE NO. 2012-03**

**CITY OF ELM SPRINGS,  
WASHINGTON AND BENTON COUNTIES, ARKANSAS**

**AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF ELM SPRINGS, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF ELM SPRINGS OF CERTAIN CONTIGUOUS TERRITORY, AND DECLARING AN EMERGENCY.**

**WHEREAS**, it appears to the Council of the City of Elm Springs, Arkansas, that certain hereinafter-described territory contiguous to the City of Elm Springs, located in Washington County, is necessary for the orderly growth of the City; and

**WHEREAS**, the lands proposed to be annexed meet all of the legal requirements of Ark. Code Ann. §14-40-302; and

**WHEREAS**, the lands are needed for proper and orderly municipal growth, planning and development purposes; and

**WHEREAS**, in light of these factors the City Council has determined that it would be in the best interest of the City to annex said lands to the City.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

Section 1. There shall be submitted to the qualified electors of the City of Elm Springs and to the qualified electors within the below described territory the question of the annexation to the City of Elm Springs, Arkansas the following described territory, more particularly described as follows:

SEE EXHIBIT "A"  
DESCRIPTION AND MAP ATTACHED HERETO  
AND INCORPORATED BY REFERENCE

Section 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue the next general election, to be held on November 6, 2012. The City Recorder shall immediately notify the Washington County Election Commission by forwarding a certified copy of this ordinance to them.

Section 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the City shall proceed to file a description and a map of the annexed area with the County Clerk of Washington County and with the Arkansas Secretary of State. The annexation shall be included within the corporate limits of the City of Elm Springs

thirty (30) days following the filing of the description and a map with the Washington County Clerk, or in the event an action is filed with the Washington County Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

Section 4. If the annexation is approved and becomes final, the following services shall be extended to the areas within three (3) years:

<u>SERVICE</u>	<u>DATE</u>
Fire Protection	Immediately
Police Protection	Immediately

Section 5. The ballots used at said election on the question of annexation shall be marked as follows:

- FOR ANNEXATION of the territory described in Ordinance No. 2012-\_\_.
- AGAINST ANNEXATION of the territory described in Ordinance No. 2012-\_\_.

Section 6. Emergency Clause. It is hereby found and determined that certain hereinabove described territory contiguous to the City of Elm Springs is necessary for the property and orderly municipal growth, planning and development of the City, and that it would be in the best interest of the City to immediately annex said lands to the City. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_, 2012.

**APPROVED:**

  
Ben Wall, Mayor

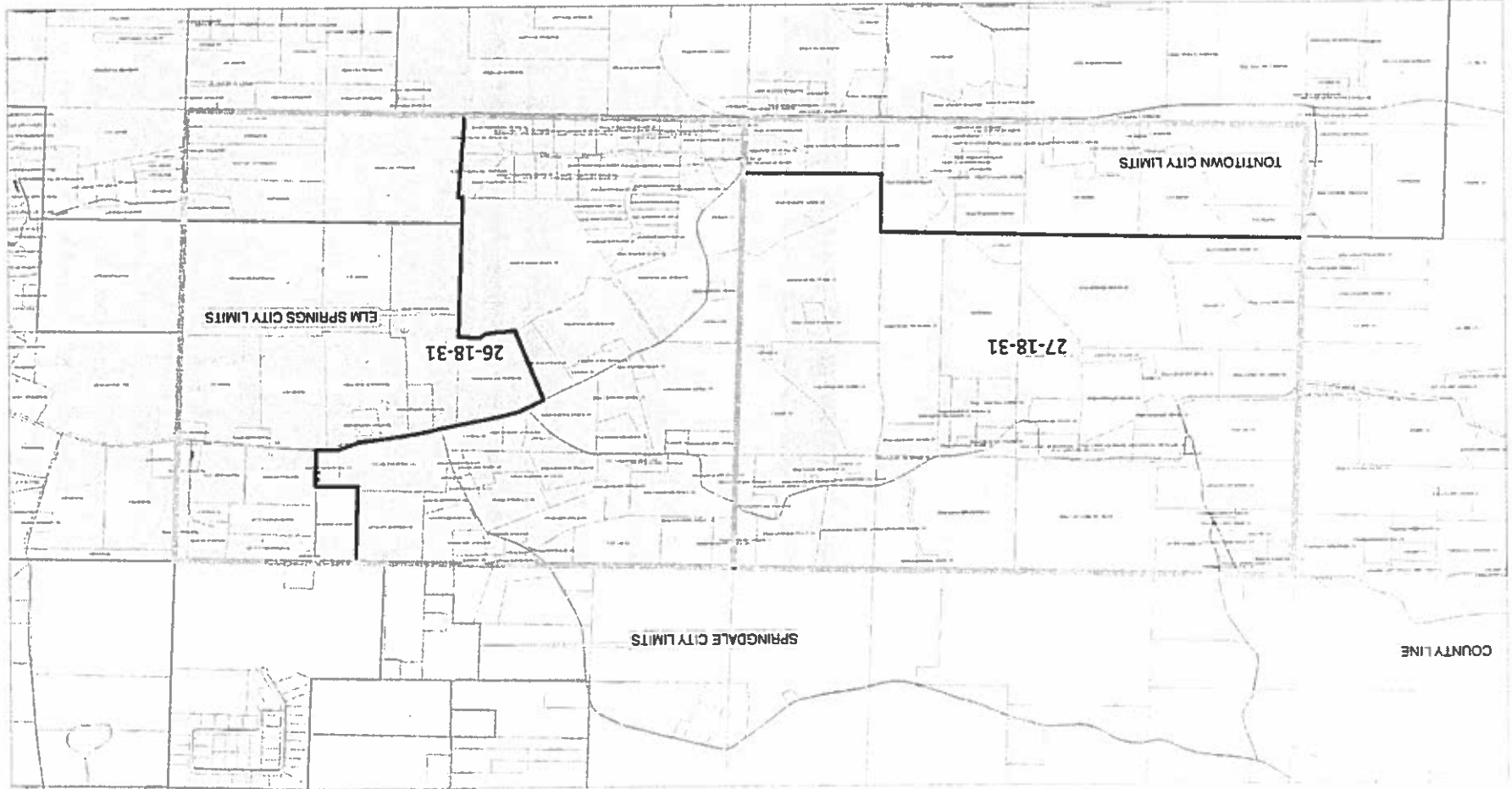
**ATTEST:**

  
Glenda Pettus, City Clerk

(SEAL)



ELM SPRINGS PROPOSED ANNEXATION  
WASHINGTON COUNTY 2012  
136 PARCELS 1035 +/- ACRES



**Description for Proposed Annexed Area  
Elm Springs, Arkansas (Washington County Only)**

All of the lands not currently incorporated into the City of Elm Springs or the City of Tontitown located in Section 27, Township 18 North, Range 31 West, Washington County, Arkansas.

And also

All of the lands not currently incorporated into the City of Elm Springs or the City of Tontitown located in Section 26, Township 18 North, Range 31 West, Washington County, Arkansas.



ORDINANCE NO. 2012-04

CITY OF ELM SPRINGS,  
WASHINGTON AND BENTON COUNTIES, ARKANSAS

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF ELM SPRINGS, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF ELM SPRINGS OF CERTAIN CONTIGUOUS TERRITORY, AND DECLARING AN EMERGENCY.

WHEREAS, it appears to the Council of the City of Elm Springs, Arkansas, that certain hereinafter-described territory contiguous to the City of Elm Springs, located in Benton County, is necessary for the orderly growth of the City; and

WHEREAS, the lands proposed to be annexed meet all of the legal requirements of Ark. Code Ann. §14-40-302; and

WHEREAS, the lands are needed for proper and orderly municipal growth, planning and development purposes; and

WHEREAS, in light of these factors the City Council has determined that it would be in the best interest of the City to annex said lands to the City.

**NOW THEREFORE, BE IT ENACTED**, by the City Council of the City of Elm Springs, as follows:

Section 1. There shall be submitted to the qualified electors of the City of Elm Springs and to the qualified electors within the below described territory the question of the annexation to the City of Elm Springs, Arkansas the following described territory, more particularly described as follows:

SEE EXHIBIT "A"  
DESCRIPTION AND MAP ATTACHED HERETO  
AND INCORPORATED BY REFERENCE

Section 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue the next general election, to be held on November 6, 2012. The City Recorder shall immediately notify the Benton County Election Commission by forwarding a certified copy of this ordinance to them.

Section 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the City shall proceed to file a description and a map of the annexed area with the County Clerk of Benton County and with the Arkansas Secretary of State. The annexation shall be included within the corporate limits of the City of Elm Springs

thirty (30) days following the filing of the description and a map with the Benton County Clerk, or in the event an action is filed with the Benton County Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

Section 4. If the annexation is approved and becomes final, the following services shall be extended to the areas within three (3) years:

<u>SERVICE</u>	<u>DATE</u>
Fire Protection	Immediately
Police Protection	Immediately

Section 5. The ballots used at said election on the question of annexation shall be marked as follows:

- FOR ANNEXATION of the territory described in Ordinance No. 2012-\_\_.
- AGAINST ANNEXATION of the territory described in Ordinance No. 2012-\_\_.

Section 6. Emergency Clause. It is hereby found and determined that certain hereinabove described territory contiguous to the City of Elm Springs is necessary for the property and orderly municipal growth, planning and development of the City, and that it would be in the best interest of the City to immediately annex said lands to the City. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_, 2012.

**APPROVED:**

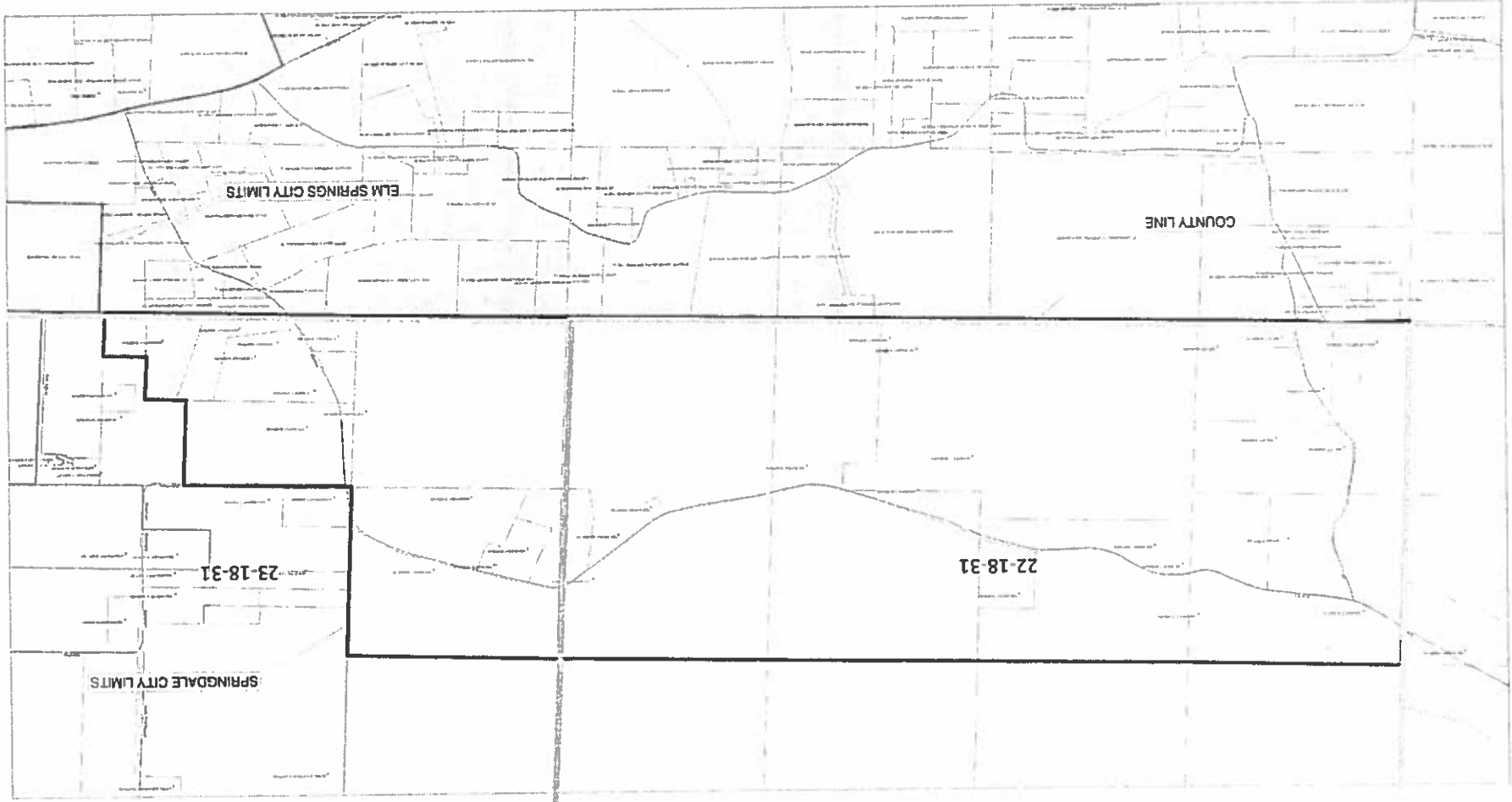
  
Ben Wall, Mayor

**ATTEST:**

  
Glenda Pettus, City Clerk

(SEAL)

ELM SPRINGS PROPOSED ANNEXATION  
BENTON COUNTY 2012  
550 +/- ACRES



**Description for Proposed Annexed Area  
Elm Springs, Arkansas (Benton County Only)**

All of the South Half (S1/2) of Section 22, Township 18 North, Range 31 West, Benton County, Arkansas.

And Also

The West Half of the Southwest Quarter (W1/2 SW1/4) of Section 23, Township 18 North, Range 31 West, Benton County, Arkansas.

And Also

The Southeast Quarter of the Southwest Quarter (SE1/4, SW1/4) of Section 23, Township 18 North, Range 31 West, Benton County, Arkansas.

And Also

All of the lands not currently incorporated into the City of Elm Springs or the City of Tontitown located in the Southwest Quarter of the Southeast Quarter (SW1/4, SE1/4), Section 23, Township 18 North, Range 31 West, Benton County, Arkansas.

All of the lands not currently incorporated into the City of Elm Springs or the City of Tontitown located in Section 27, Township 18 North, Range 31 West, Washington County, Arkansas.

And also

All of the lands not currently incorporated into the City of Elm Springs or the City of Tontitown located in Section 26, Township 18 North, Range 31 West, Washington County, Arkansas.

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ben Wall and Zenda Letts, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2012-03-040 (the "B.C. + D.C. Association" Ordinance") was, on the 16 day of August, 2013, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

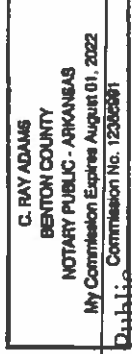
DATED this 16 day of August, 2013.

Ben Wall  
Mayor

Zenda Letts  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 16  
Day of August, 2013



Notary Public  
C. Ray Adams

My Commission Expires:

8/1/2022

ORDINANCE NO. 2012-05

AN ORDINANCE ESTABLISHING A PROCEDURE  
FOR AN EMPLOYEE PERSONNEL COMMITTEE  
IN COMPLIANCE WITH STATE  
LAW, DECLARING AN EMERGENCY, AND FOR  
OTHER PURPOSES.

WHEREAS, the procedure for creating a Personnel Committee for the City of Elm Springs (City) there have been significant developments where and the welfare of the City and its employees need to set forth a procedure; THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS.

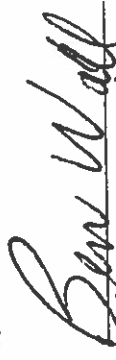
SECTION 1.

The Mayor must have at least three (3) City Council members agreement before hiring or dismissing an employee and submit that recommendation to the City Council for approval.

SECTION 3. EMERGENCY CLAUSE

Whereas, state law permits the establishment of a procedure for municipal hiring and dismissing City employees there is a need to efficiently and effectively carry on the business of the City, and this ordinance being necessary for the immediate protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this 15 day of Oct., 2012.

  
Mayor

Attest:

  
Glorinda Pettus, City Clerk

Submitted by: Dennis Doty, Council Member

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ben Wach and Glenda Titus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County Arkansas that a certified copy of Ordinance No. 2012-05 (the "Employee Severance Committee Ordinance") was, on the 27 day of October, 2012 duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 2001-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 27 day of October, 2012

Ben Wach  
Mayor

Glenda Titus  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 27 Day of October, 2012

C. RAY ADAMS  
BENTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires August 01, 2022  
Commission No. 122438

Notary Public C. Ray Adams

My Commission Expires:

8/01/2022

ORDINANCE NO. 2013- 05

AN ORDINANCE ESTABLISHING A PROCEDURE  
FOR AN EMPLOYEE PERSONNEL COMMITTEE  
IN COMPLIANCE WITH STATE LAW

WHEREAS, the procedure for creating a Personnel Committee for the City of Elm Springs, there have been significant developments where and the welfare of the City and its contract employees need to set forth a procedure; THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS.

WHEREAS, after thorough consideration, the City Council believes that duplicating current employee hiring procedures, as set forth in Ordinance No. 2012-05, to include persons employed on a contractual basis is in the best interests of the citizens of the City of Elm Springs, Arkansas.

Section 1.

Now, therefore, be it hereby ordained that the Mayor must have at least three (3) City Council members agreement before hiring or dismissing contract labor and submit that recommendation to the City Council for approval.

PASSED AND APPROVED this 19 day of March, 2013

Ben Wall  
Ben Wall, Mayor

Attest:

Glenda Pettus  
Glenda Pettus, City Clerk

Submitted by: Dennis Doty, Council Member



PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ben Wall and Glenda Pottus, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2013-050 (the "Enlarge Personnel from Contract Labor Ordinance") was, on the 25 day of March, 2013, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

DATED this 25 day of March, 2013.

Ben Wall  
Mayor

Glenda Pottus  
City Clerk

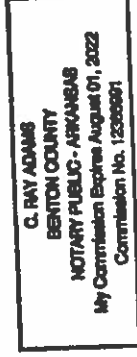
(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 25 Day of March, 2013.

C. Ray Adams  
Notary Public

My Commission Expires:

08/01/2022



ORDINANCE 2014-01

AN ORDINANCE REDISTRICTING CITY WARDS

WHEREAS, cities have an obligation and a responsibility to insure that wards are of substantially equal population, and serve the public's best interest; and

WHEREAS, Arkansas law vests city councils with apportionment and redistricting authority; and

WHERE, an estimated 338 people were recently annexed into the city, necessitating the redistricting of city wards; and

WHEREAS, a redistricting plan has been prepared that equalizes ward population and insures compliance with state statutes and equal protection requirements; and

WHEREAS, it is the desire of the City Council, that a new ward redistricting plan be approved.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELM SPRINGS, ARKANSAS:


SECTION 1. That the ward redistricting plan as shown on the map which is attached hereto and made a part hereof, be and is hereby adopted, with said map to serve hereafter as the official ward map for the City of Elm Springs, Arkansas.


SECTION 2. That all previous ward maps are hereby repealed.

SECTION 3. That a duly certified copy of said Map shall be filed with the Washington County and Benton County Election Commissions, and filed in the offices of the Washington County Clerk and the Benton County Clerk.

PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF Feb., 2014.

ATTEST:

  
Recorder-Treasurer

  
Mayor

ORDINANCE NO. 2014-05

CITY OF ELM SPRINGS, ARKANSAS

**AN ORDINANCE TO REFER TO THE VOTERS THE ISSUE OF CHANGING THE TERM FOR ALDERMEN IN THE CITY OF ELM SPRINGS, ARKANSAS FROM TWO (2) YEARS TO FOUR (4) YEARS AND TO STAGGER THE TERMS OF THE SIX (6) ALDERMEN.**

**WHEREAS**, it is in the better interest of the citizens of Elm Springs to have council members to sit for four (4) year terms and to have the positions staggered so that the three (3) aldermen run at each election cycle.

**THEREFORE, BE IT ORDAINED:**

Section 1. The ballot in the City of Elm Springs for the general election of November 4, 2014 shall contain the question of whether the term for aldermen in Elm Springs should be changed from two (2) to four (4) years.

Section 2. If the terms are changed by majority vote of the voters in Elm Springs, the position one alderman from each ward shall be elected by the voters of that ward only and the position two alderman shall be elected city wide.

Section 3. That the question of changing the term for Aldermen shall be placed on the ballot for the general election of November 4, 2014 in substantially the following form:

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

FOR changing to four year terms for Aldermen in Elm Springs.....

AGAINST changing to four year terms for Aldermen in Elm Springs .....

Section 4. If a majority of the voters adopt this ordinance at the next general election, the aldermen occupying position one shall be elected for a four (4) year term and the alderman occupying position two shall be elected for one additional two (2) year term. Thereafter, the aldermen occupying position one and two shall be elected to four (4) year terms.

PASSED: April 21, 2014.

APPROVED:

Ben Wall  
Ben Wall, Mayor

ATTEST:

Glenda Pettus  
Glenda Pettus, City Clerk

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ben Wall and Denise Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas that a certified copy of Ordinance No. 2014-05 (the "William Stasyski Drive Ordinance") was, on the 23 day of April, 2014, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10 and that the Ordinance remained posted for thirty (30) days.

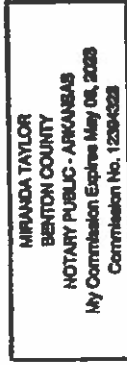
DATED this 23 day of April, 2014.

Ben Wall  
Mayor

Denise Lettice  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 23<sup>rd</sup> Day of April, 2014.



Miranda Taylor  
Notary Public

My Commission Expires:

May 6, 2023

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF ELM SPRINGS, ARKANSAS, FOR THE REFERENDUM ON ORDINANCE NO. 2015-14 WHICH ANNEXES LAND INTO THE CITY OF ELM SPRINGS AND REQUESTING THE WASHINGTON AND BENTON COUNTY BOARDS OF ELECTION COMMISSIONERS TO PLACE THIS REFERENDUM ON THE BALLOT AND TO APPROVE A BUDGET ADJUSTMENT TO PAY FOR THE SPECIAL ELECTION

WHEREAS, the City Council of the City of Elm Springs, Arkansas (the "City") has passed Ordinance No. 2015-14 which annexes land into the City of Elm Springs ("the annexation ordinance"); and,

WHEREAS, one or more petitioners have presented a petition for referendum, to repeal the annexation ordinance, to Glenda Pettus, Elm Springs City Clerk, who, upon receiving the petition and signatures, diligently fulfilled her duty to review the signatures for sufficiency; and,

WHEREAS, Ms. Pettus reports that there are sufficient signatures with the petition and it is now the duty of this City Council to set a date for a special election for the purpose of allowing the citizens of Elm Springs to vote to either repeal or preserve the annexation ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elm Springs, Arkansas:

**Section 1.** That there be, and there is hereby called, a special election to be held on March 1, 2016, at which election there shall be submitted to the electors of the City the question of the referendum on annexation of land;

**Section 2.** That the question of referendum on annexation 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:

FOR repeal of annexation of land into the City of Elm Springs, Arkansas, .....

AGAINST repeal of annexation of land into the City of Elm Springs, Arkansas .....

**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 Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") and only qualified voters of the City shall have the right to vote at the election.

2015 DEC 22 PM 2:15

**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 published in the City and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attached 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 and Benton County Boards 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.** That the Mayor and City Clerk/Treasurer, 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 referendum on annexation is approved by the electors, to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

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

**Section 8.** It is hereby ascertained and declared that there is a great need to establish a date for the special election before the deadline set forth for such, and to notify the election commissions of Washington and Benton Counties as soon as possible, this ordinance should go into effect as soon as possible. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and take effect immediately from and after its passage.

PASSED: December 2, 2015.

APPROVED:

  
Harold Douthitt, Mayor

ATTEST:

  
Glenda Pettus, City Clerk

ORDINANCE NO. 2016-11

AN ORDINANCE DESIGNATING THE ELM SPRINGS COURT  
CLERK AS THE OFFICIAL RESPONSIBLE FOR THE COLLECTION  
OF FINES ASSESSED BY THE DISTRICT COURT FOR THE ELM  
SPRINGS DEPARTMENT OF WASHINGTON COUNTY, ARKANSAS  
DISTRICT COURT.

WHEREAS, Ark. Code Ann Section 16-13-709 provides that the City must designate the official primarily responsible for the collection of fines assessed in the District Court for the Elm Springs Department of Washington County District Court;

WHEREAS, the City Council finds it is appropriate to designate the District Court Clerk of the Elm Springs Department of Washington County District Court as the official responsible for the collection of fines assessed in District Court for the Elm Springs Department of the Washington County District Court;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUCIL FOR THE CITY OF ELM SPRINGS, ARKANSAS, as follows:

Section 1. The Court Clerk of the Elm Springs Department of the Washington County District Court is hereby designated as the person primarily responsible for the collection of fines assessed in the District Court for the Elm Springs Department of Washington County District Court.

Section 2. That all ordinances previously enacted in conflict with this ordinance are hereby repealed.

PASSED AND APPROVED this 22 day of December, 2016.

  
Harold Douthitt, Mayor

ATTEST:

  
Twila Taylor, Recorder/Treasurer