

Ordinance No. 1796

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THE QUESTION OF LEVYING A CITY-WIDE ONE-QUARTER OF ONE PERCENT (1/4%) SALES AND USE TAX FOR FOUR YEARS TO BE USED FOR PARK AND RECREATIONAL FACILITIES; AND PRESCRIBING OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council of the City of Eureka Springs, Arkansas (the "City") has passed on August 25th, 1998, Ordinance #1794 (the "Tax Ordinance") providing for the levy of a 1/4% sales and use tax within the City (the "Sales and Use Tax") for four years to assist in funding (a) the operation and maintenance of Park and Recreational Facilities (as defined in the Tax Ordinance), (b) the construction of new Park and Recreational Facilities and/or (c) the retirement of any capital improvement bonds subsequently approved by the voters to acquire, construct and equip new Park and Recreational Facilities ("Park and Recreation Bonds"); and

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

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

Section 1. There be and there is hereby called, a special election to be held on November 3, 1998, at which election there shall be submitted to the electors of the City, the question of the levy of the Sales and Use Tax for a period of four years to assist in funding (a) the operation and maintenance of Park and Recreational Facilities, (b) the construction of new Park and Recreational Facilities, and/or (c) the retirement of Park and Recreational Bonds.

Section 2. The question for levying the Sales and Use Tax shall be incorporated into the ballot for the general election to be held November 3rd, 1998, in substantially the following form:

FOR adoption of a 1/4% local sales and use tax within the City of Eureka Springs for a period of four years to assist in (a) funding the operation and maintenance of Park and Recreational Facilities which are defined to include any one

or more of the following: public parks, playgrounds and other public space, marinas, swimming pools, tennis courts, and camping facilities, convention, meeting and entertainment facilities, (b) retiring any capital improvement bonds subsequently approved by the voters to acquire, construct and equip Park and Recreational Facilities and/or (c) constructing new Park and Recreational Facilities from revenues of the tax as levied for not more than the first 24 months.....

AGAINST adoption of a 1/4% local sales and use tax within the City of Eureka Springs for a period of four years to assist in (a) funding the operation and maintenance of Park and Recreational Facilities which are defined to include any one or more of the following: public parks, playgrounds and other public space, marinas, swimming pools, tennis courts, and camping facilities, convention, meeting and entertainment facilities (b) retiring any capital improvement bonds subsequently approved by the voters to acquire, construct and equip Park and Recreational Facilities and/or (c) constructing new Park and Recreational Facilities from revenues of the tax as levied for not more than the first 24 months.....

Section 3. The election shall be held and conducted and the the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated and only qualified voters of the City shall have the right to vote at the election.

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

Section 5. A copy of this ordinance shall be given to the Carroll County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this

Ordinance and the Tax Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

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

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

Passed, August 25<sup>th</sup>, 1998.

APPROVED:

Barbara O'Harris  
Mayor

ATTEST:

Mary Ann Lee  
Clerk