

ORDINANCE NO. 1838

**AN ORDINANCE OF THE CITY OF EUREKA SPRINGS, ARKANSAS,
PROVIDING FOR CAPITAL IMPROVEMENTS TO
LAKE LEATHERWOOD DAM
AND PROVIDING FOR FINANCING A PORTION OF THE COSTS
OF THE CAPITAL IMPROVEMENTS THROUGH BONDS**

WHEREAS, the State of Arkansas has mandated certain capital improvements (“Improvements”) be made to the Lake Leatherwood Dam (“Dam”); and

WHEREAS, such Improvements are necessary to protect the health, safety, and welfare of persons living downstream from the Dam and of persons who enjoy the use of Lake Leatherwood Park and the surrounding lands and waterways; and

WHEREAS, it has been determined that the estimated cost of Improvements, including incidental expenses and expenditures in connection with accomplishing the Improvements and expenses in connection with authorizing and issuing bonds, is \$600,000; and

WHEREAS, the City of Eureka Springs (“City”) has received a grant from Arkansas Soil and Water in the amount of \$100,000 to apply to the costs of Improvements; and

WHEREAS, the Council of the City has allocated in the operating budget \$135,000 which shall be applied to the costs of Improvements; and

WHEREAS, the City can finance the remaining costs by the issuance of bonds (“Bonds”) in the maximum principal amount of \$365,000 under the authority of Amendment No. 62 to the Constitution of the State of Arkansas (“Amendment 62”) and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the “Authorizing Legislation”); and

WHEREAS, the City can pay the principal of and interest on the Bonds from a pledge of the proceeds of (a) the City’s one percent (1%) sales and use tax levied under the authority of Ordinance No. 1120, adopted May 20, 1981, and approved by the electors of the City at the special election held June 23, 1981, and (b) the City’s one percent (1%) sales and use tax levied under the authority of Ordinance No. 1386, adopted March 20, 1990, and approved by the electors of the City at the special election held May 1, 1990 (collectively, the “Taxes”); and

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

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

Section 1. There be, and there is hereby called, a special election to be held on June 6, 2000, at which election there shall be submitted to the electors of the City, the question of issuing the Bonds under Amendment 62 and the Authorizing Legislation to accomplish the Improvements in the principal amount not to exceed \$365,000 to be payable from a pledge of collections of the Taxes.

Section 2. The question of issuing the Bonds shall be placed on the ballot for the election in substantially the following form:

Vote on measure by placing an "X" in the square below either FOR or AGAINST the measure:

AN ORDINANCE AUTHORIZING THE ISSUANCE
AND SALE OF BONDS OF THE CITY OF EUREKA
SPRINGS IN THE MAXIMUM AMOUNT OF \$365,000
FOR THE PURPOSE OF FINANCING CAPITAL
IMPROVEMENTS TO LAKE LEATHERWOOD DAM
TO BE PAYABLE FROM A PLEDGE OF
COLLECTIONS OF THE TWO EXISTING 1% SALES
AND USE TAXES LEVIED BY THE CITY

FOR.....

AGAINST.....

Section 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections and only qualified voters of the City shall have the right to vote at the election.

Section 4. The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one (1) time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty (30) 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.

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.

Section 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 8. Each of the provisions of this ordinance are severable and the decision of any court having jurisdiction as to the validity of any provision shall not affect the remaining provisions.

Section 9. It is hereby ascertained and declared that there is an immediate need for the Improvements in order to promote and protect the health, safety and welfare of the City and its inhabitants, and that the Improvements can be accomplished only by the issuance of the Bonds. 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.

IT IS SO ORDAINED this ____ day of _____, 2000.

ATTEST:

APPROVED:

Mary Ann Lee, City Clerk

Beau Zar Satori, Mayor

CERTIFICATE

The undersigned, City Clerk of Eureka Springs, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 1838, passed at a regular session of the City Council of Eureka Springs, Arkansas, held at the regular _____th day of April, 2000, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this _____ day of _____, 2000.

Mary Ann Lee, City Clerk

(SEAL)