

ORDINANCE NO. 0-93-34

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF CONWAY, ARKANSAS, ON THE QUESTION OF LEVYING A ONE-HALF PERCENT (1/2 %) SALES AND USE TAX WITHIN THE CITY OF CONWAY, ARKANSAS, AND TO PLEDGE SUCH TAX TO RETIRE BONDS FOR CAPITAL IMPROVEMENTS OF A PUBLIC NATURE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

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

WHEREAS, the City Council of the City of Conway, Arkansas (the "City"), has passed on June 25, 1993, Ordinance No. 0-93-32, providing for the levy of a one-half percent (1/2 %) sales and use tax within the City (the "Sales and Use Tax"); and

WHEREAS, the City Council of the City has passed on June 25, 1993, Ordinance No. 0-93-33 providing for the issuance of bonds for capital improvements; 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 the question of the issuance of bonds for capital improvements;

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

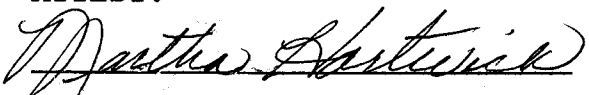
Section 1: That there be, and there is hereby called, a special election to be held on July 27, 1993, in conjunction with the Special General Election of the Lieutenant Governor, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax and the question of the issuance of bonds for capital improvements.

Section 7: That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of the conflict.

Section 8: It is hereby ascertained and declared that there is a great need to finance capital improvements and fund bond issues for capital improvements 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.

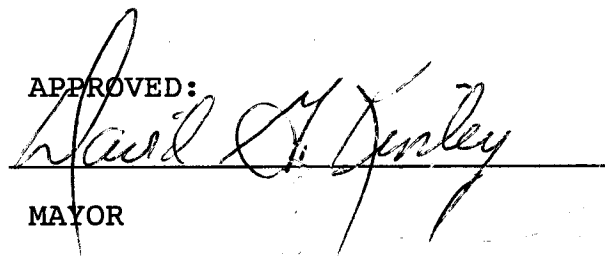
PASSED: June 25, 1993

ATTEST:



CITY CLERK

APPROVED:



MAYOR

Section 2: That the question of levying the Sales and Use Tax and the question of the issuance of bonds for capital improvements shall be placed on the ballot for election in substantially the following form:

**FOR** adoption of a ONE-HALF percent (1/2 %) local sales and use tax within the city to retire bonds issued for capital improvements and to otherwise fund capital improvements.

**AGAINST** adoption of a ONE-HALF percent (1/2 %) local sales and use tax within the city to retire bonds issued for capital improvements and to otherwise fund capital improvements.

**UPON APPROVAL OF A ONE-HALF PERCENT (1/2%) LOCAL SALES AND USE TAX WITHIN THE CITY, THAT PORTION OF THE LOCAL SALES AND USE TAX NECESSARY TO RETIRE BONDS ISSUED FOR CAPITAL IMPROVEMENTS IS PLEDGED TO RETIRE SUCH BONDS UPON APPROVAL OF THE BOND ISSUE BY THE ELECTORS OF THE CITY OF CONWAY:**

**ON THE QUESTION** of the issuance of bonds for capital improvements in the principal amount of \$14,000,000.00 (FOURTEEN MILLION DOLLARS) for the following purposes:

Capital improvements of a public nature, which include streets, highways, street lighting, alleys, sidewalks, roads, bridges, viaducts, drainage and flood control facilities, storm sewers, expansion of the landfill, treatment plants, sewage collection systems and treatment plants, garbage and solid waste collection disposal; compacting and recycling facilities; police stations and substations, apparatus and facilities; firefighting stations, facilities and apparatus; public parks, playgrounds or other public open space; gymnasiums, community centers and other recreational facilities; whether obtained by purchase, lease, construction, reconstruction, restoration, expansion, improvement, alteration, repair or other means; and any physical public betterment or improvement or any machinery or equipment or preliminary plans, studies, or surveys relative thereto; any land or rights in land, including, leases, air rights, easements, rights-of-way, or licenses.

**FOR**

**AGAINST**

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 14, Chapter 164, Section 328 of the Arkansas Code of 1987 as amended (the "Authorizing Legislation") and only qualified voters of the City shall have the right to vote at the election.

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

Section 5: That a copy of this Ordinance shall be given to the Faulkner County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 6: That 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 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.