ORDINANCE NO. 20,450

AN ORDINANCE TO CALL A SPECIAL ELECTION IN THE CITY OF LITTLE ROCK, ARKANSAS, ON THE QUESTION OF LEVYING A 3/8 % SALES AND COMPENSATING USE TAX WITHIN THE CITY OF LITTLE ROCK, ARKANSAS, TO BE USED FOR CAPITAL IMPROVEMENTS OF A PUBLIC NATURE; TO PROVIDE THAT THE TAX WILL EXPIRE NO LATER THAN DECEMBER 31, 2021; TO PRESCRIBE OTHER MATTERS THAT PERTAIN TO THE ELECTION; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Directors of the City of Little Rock, Arkansas (the “City”), passed Little Rock, Ark., Ordinance No. 20,449 (July 11, 2011), which provides for the levy of a 3/8 % sales and compensating use tax within the City (the “Capital Sales and Use Tax”) to be used for municipal capital improvements of a public nature; and,

WHEREAS, it is the intent of the Board that upon a successful levy and election on this Capital Sales and Use Tax the tax will expire no later than December 31, 2021; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. A special election is also hereby called to be held on September 13, 2011, at which special election there shall be submitted to the electors of the City the question of the levy of a sales and compensating use tax for capital improvements of a public nature.

Section 2. On the ballot at the special election on the question referred to in Section 3 of this ordinance the question of whether to levy a sales and compensating use tax referred to above 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 3/8 % local sales and compensating use tax within
the City of Little Rock, Arkansas, for capital improvements of a public
nature with this tax to expire on December 31, 2021.

AGAINST adoption of a 3/8% local sales and compensating use tax
within the City of Little Rock, Arkansas for capital improvements of a
public nature with this tax to expire on December 31, 2021.

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 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.

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

Section 5. A copy of this Ordinance shall be given to the 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. The Mayor and City Clerk or Recorder, 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 in a timely fashion to carry out the authority conferred by this Ordinance.

Section 7. Severability. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, as if such invalid or unconstitutional provision were not originally a part of this ordinance.

Section 8. Repealer. All ordinances, resolutions, bylaws, and other matters inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 9. Emergency Clause. The ability to properly fund necessary capital needs of a public nature, and to have a timely election on whether to impose a sales and compensating use tax levy for capital improvements of a public nature is essential to the public health, safety, and welfare; an emergency is, therefore, declared to exist and this ordinance shall be in full force and effect from and after the date of its passage and publication.
PASSED: July 11, 2011

ATTEST:

Susan Langley, City Clerk

APPROVED AS TO LEGAL FORM:

Thomas M. Carpenter, City Attorney

APPROVED:

Mark Stodola, Mayor