

ORDINANCE NO. 2245 amended 8-31-16

AN ORDINANCE CALLING FOR A SPECIAL ELECTION TO REFER THE ISSUE OF LEVYING A ONE PERCENT (1%) SALES AND USE TAX WITHIN THE CITY LIMITS OF EUREKA SPRINGS, ARKANSAS TO THE VOTERS OF THE CITY OF EUREKA SPRINGS, ARKANSAS FOR THEIR ACCEPTANCE OR REJECTION; DECLARING AN EMERGENCY TO EXIST AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has made a comprehensive study and review of need for additional funds for the City Auditorium and City Water and Sewer systems

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

Section 1. That the county board of election commissioners is hereby notified as required by Arkansas Code Annotated that this Ordinance has been passed directing that special election be held as soon as practical; but, no later than 120 days from August 31, 2016 to submit to the voters of the City of Eureka Springs, Arkansas the issue of approving or rejecting an additional one percent (1%) Sales and Use Tax as allowed by Arkansas Code Annotated Title 26.

Section 2. That said tax if passed shall be collected for a period of ten years from the first date of collection, unless otherwise renewed by proper means and vote. The termination shall be automatic without the necessity of any action by the City, other than proper notification to the collectors and State agencies as may be required by the Arkansas Code Annotated.

Section 3. That said Election should be held on November 8, 2016.

Section 4. That the Ballot Title to be used is as follows:

[] **FOR** ratification and approval of an additional one percent (1%) tax to be levied 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 (Ark. Code Ann. §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 (Ark. Code Ann. §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").

[] **AGAINST** ratification and approval of an additional one percent (1%) tax to be levied 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 (Ark. Code Ann. §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 (Ark. Code Ann. §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 5. Repeal Clause: All Ordinances, Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

EMERGENCY CLAUSE

Section 6. Since it is necessary to quickly address this issue and to promote economic thrift by the City for the preservation of public peace, health, and safety, an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and approval.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS, ON THIS 31st DAY OF AUGUST, 2016**

ATTEST:


Ann Armstrong, City Clerk Treasurer

APPROVED:


Robert D. Berry, Mayor

All present voted "Aye" – David Mitchell, Bob Thomas, Mickey Schneider, James DeVito, Terry McClung, and Kristi Kendrick