

ORDINANCE NO. 2013-36

AN ORDINANCE CALLING AND FIXING THE DATE FOR THE CONDUCT OF A SPECIAL ELECTION UPON THE QUESTION OF THE ADOPTION OF A ONE PERCENT (1.00%) SALES AND USE TAX, WHICH WILL BEGIN ON JULY 1, 2014 AND EXPIRE ON JUNE 30, 2022, WITHIN THE CITY OF SEARCY, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Searcy has adopted Ordinance No. 2013-35 levying a one percent (1.00%) sales and use tax, which shall begin on July 1, 2014, and retire on the last day of June 2022 (the "Sales and Use Tax") within the City of Searcy, Arkansas pursuant to Ark. Code Ann. §§ 26-75-201, et seq.; and

WHEREAS, the Sales and Use Tax shall be levied and collected as specified in the Arkansas Gross Receipts Tax Act of 1941, as amended (Arkansas Code Annotated, §§ 26-52-101 et seq.), and the Arkansas Compensating Tax Act of 1949, as amended (Arkansas Code Annotated, §§ 26-53-101 et seq.); and

WHEREAS, Arkansas Code Annotated, § 26-75-208 requires that a Special Election be called on the issue of the approval of the ordinance levying the Sales and Use Tax; and

WHEREAS, the purpose of this Ordinance is to call for a Special Election upon the question of the adoption of such Sales and Use Tax as provided in the Ordinance levying such Sales and Use Tax.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Searcy, Arkansas, to-wit:

Section 1. There is hereby called, a Special Election, to be held on Tuesday, February 11, 2014, at which election there shall be submitted to the qualified electors of the City of Searcy, the question of the levy of a one percent (1.00 %) Sales and Use Tax, which shall begin on July 1, 2014, and expire on the last day of June 2022.

Section 2. The question of the levy of the said Sales and Use Tax shall be placed upon the ballot for the said Special Election in substantially the following form:

“Vote Upon the Levy of a Sales and Use Tax at the rate of one Percent (1.00%) Within the City of Searcy, Arkansas, for a Period of 96 Months to Begin on July 1, 2014, and to Extend Until June 30, 2022, After Which Time The Levy Shall Expire:

/_/_/ **FOR** adoption of a 1.00% sales and use tax.

/_/_/ **AGAINST** adoption of a 1.00% sales and use tax.

Section 3. The election shall be held, conducted, the vote canvassed, and the results declared under law and in a manner now provided for municipal elections except to the extent

otherwise provided by law, and only qualified voters of the City of Searcy shall have the right to vote in the election.

Section 4. The results of the election shall be proclaimed by the Mayor, and the said proclamation shall be published by one (1) insertion in the Searcy Daily Citizen, a newspaper of general circulation within the City of Searcy. The Proclamation shall provide that the results of the said election shall be conclusive unless challenged in a Court of competent jurisdiction within thirty (30) days after the date of publication of such Proclamation.

Section 5. The Mayor and City Clerk be and they are hereby authorized and directed to do and perform any and all things necessary for the conduct of the Election called hereby, including the provision of a certified copy of this Ordinance to the White County Board of Election Commissioners. If the Sales and Use Tax is adopted by the qualified electors of the City of Searcy, the Mayor and City Clerk are authorized and directed to collect the said Sales and Use Tax and to do and perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as may be practical.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict; provided, however, that the tax to be levied herein is cumulative as to any other levy already in place in the City of Searcy.

Emergency Clause. It is hereby found and determined that a great need exists to fund the operation of municipal services and provide for capital improvements within the City of Searcy, Arkansas, and that the same is necessary for the preservation of the public peace, health, safety and welfare, and, accordingly, it is hereby found that an emergency exists, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED this 2nd day of December, 2013.

/s/ David Morris
Mayor

ATTEST:

/s/ Jerry Morris
City Clerk

Publish by insertion one (1) time per week for three (3) weeks