

ORDINANCE NO. 2020 - 32

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF SEARCY, ARKANSAS ON THE QUESTION OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF CAPITAL IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Advertising and Tourism Promotion Commission (the "Commission") of the City of Searcy, Arkansas (the "City") has determined that it would be in the best interests of the City to acquire, construct, furnish and equip certain capital improvements, including particularly, without limitation, new baseball and softball fields and improvements to existing soccer fields and any concession, drainage, utility, sidewalk, signage, landscaping, lighting and parking improvements related thereto (the "Improvements"); and

WHEREAS, the Commission and the City Council of the City have determined that the Improvements will attract a substantial number of additional visitors to the City and thereby promote the development of tourism in the City; and

WHEREAS, the Commission has found, and the City Council hereby finds and determines, that the Improvements are capital improvements of a public nature within the meaning of Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") and are tourist-oriented facilities within the meaning of Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Tax Legislation"); and

WHEREAS, the City can finance all or a portion of the costs of the Improvements by the issuance of capital improvement bonds in one or more series in the maximum aggregate principal amount of \$14,195,000 (the "Bonds") under the authority of Amendment No. 62 to the Constitution of the State of Arkansas, the Authorizing Legislation and the Tax Legislation; and

WHEREAS, the City can pay the principal of and interest on the Bonds from a pledge of collections of the City's existing tax upon the gross receipts or gross proceeds from hotels, motels, cabins, bed and breakfasts, campgrounds and similar establishments within the City at the rate of 3% and upon the gross receipts or gross proceeds from restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants and similar establishments within the City at the rate of 1% levied by the City under the authority of the Tax Legislation and Ordinance No. 2019-08, adopted March 12, 2019 (collectively, the "Tax"); 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 at a special election to be called for that purpose;

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

Section 1. There is hereby called a special election to be held on February 9, 2021, at which election there shall be submitted to the electors of the City the question of issuing the Bonds in one or more series for the Improvements, in the aggregate principal amount of not to exceed \$14,195,000, to be payable from a pledge of collections of the Tax.

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

CAPITAL IMPROVEMENT BONDS

Bonds of the City of Searcy in one or more series in the maximum aggregate principal amount of \$14,195,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, furnishing and equipping certain capital improvements, including particularly, without limitation, new baseball and softball fields and improvements to existing soccer fields and any concession, drainage, utility, sidewalk, signage, landscaping, lighting and parking improvements related thereto. The bonds will be payable from a pledge of collections of the existing tax levied by the City upon the gross receipts or gross proceeds from hotels, motels, cabins, bed and breakfasts, campgrounds and similar establishments within the City at the rate of 3% and upon the gross receipts or gross proceeds from restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants and similar establishments within the City at the rate of 1%.

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 unless otherwise provided in 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 days after the date of publication.

Section 5. A copy of this Ordinance shall be filed with the White County Clerk at least 60 days prior to the election date. A copy of this Ordinance shall also be given to the White 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, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

Section 7. The provisions of this Ordinance are hereby declared to be severable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance.

Section 8. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: September 8, 2020.

APPROVED:

/s/ Kyle Osborne
Mayor of Searcy

ATTEST:

/s/ Jerry Morris
City Clerk

(SEAL)