

FILED

ORDINANCE NO. 314

2013 MAR 27 PM 2: 10

TEHA O'BRIEN
CO. CLERK
BENTON COUNTY, ARK

AN ORDINANCE CALLING A SPECIAL ELECTION IN
THE CITY OF BETHEL HEIGHTS, ARKANSAS ON
THE QUESTION OF LEVYING A CITY-WIDE ONE-
HALF OF ONE PERCENT (0.5%) SALES AND USE
TAX; AND PRESCRIBING OTHER MATTERS
PERTAINING THERETO.

WHEREAS, the City Council of the City of Bethel Heights, Arkansas (the "City") has passed on March 19, 2013, Ordinance No. 313 (the "Tax Ordinance") providing for the levy of a 0.5% sales and use tax within the City (the "Sales and Use Tax"); 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;

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

Section 1. There is hereby called a special election to be held on June 11, 2013, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax.

Section 2. The question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

0.5% SALES AND USE TAX

Adoption of a 0.5% local sales and use tax within the City of Bethel Heights, the net collections of which remaining after deduction of the administrative charges of the State of Arkansas and required rebates shall be used for one or more of the following: (a) to operate and maintain the City's sewer system (the "System") and to acquire, construct and equip extensions, betterments and improvements to the System, (b) to acquire, construct, improve, expand, equip, furnish, operate and maintain park and recreational facilities and (c) for general operations and other purposes of municipal government.

FOR.....

AGAINST.....

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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 city elections and only qualified voters of the City shall have the right to vote at the election.

TENA O'BRIEN
CLERK
BENTON COUNTY, ARK.

Section 4. The results of the election shall be proclaimed by the Clerk, and such 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 Benton County Clerk at least 60 days prior to the election date. A copy of this Ordinance shall also be given to the Benton County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance and the Tax 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 Recorder, 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 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, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

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

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

PASSED: March 19, 2013.

APPROVED:

ATTEST:


City Recorder


Mayor



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CERTIFICATE

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The undersigned, City Recorder of the City of Bethel Heights, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 314, passed at a regular session of the City Council, held at the regular meeting place of the City Council at 7:00 o'clock p.m., on the 19th day of March, 2013, and that the Ordinance is of record in the Ordinance Record Book of the City, now in my possession.

TEHA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

GIVEN under my hand and seal this 19th day of March, 2013.


City Recorder

(SEAL)

