



AGENDA

**FORT SMITH BOARD OF DIRECTORS
REGULAR MEETING**

MAY 4, 2010 ~ 6:00 P.M.

**FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD**

THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

MAYOR'S ANNOUNCEMENTS AND RECOGNITIONS

APPROVE MINUTES OF THE APRIL 20, 2010 REGULAR MEETING

ITEMS OF BUSINESS:

1. *~~ This item withdrawn ~~*
2. Public hearing and resolution authorizing the submission of an application for CDBG Disaster Assistance Funds from the State of Arkansas for damage related to the wind and storm damage in March and April 2008 and for other purposes
3. Ordinance authorizing the Mayor to enter into a services agreement with the Fort Smith Classic
4. Ordinance authorizing the Mayor to enter into a services agreement with the Juneteenth Planning Commission, Inc.
5. Ordinance repealing and replacing Article II of Chapter 2, Sections 2-26 through 2-47 of the Fort Smith Municipal Code
6. Ordinance amending Chapter 14, Article II of the Fort Smith Code of Ordinances regulating the discharge of firearms; and, authorizing indoor shooting galleries
7. Consent Agenda

- A. Ordinance authorizing software acquisition and maintenance contract with Microsoft Leasing, GP
 - B. Resolution accepting completion of and authorizing final payment to Creative Design Pools, LLC for the Creekmore Pools PVC Membrane Lining System, Project No. 09-03 (\$14,397.19)
 - C. Ordinance authorizing the Chief of Police to establish a fee for fingerprinting services provided to individuals by the Fort Smith Police Department
 - D. Resolution authorizing the settlement of just compensation issues with Jerry D. Mayberry and Krey Mayberry for real property acquired for "P" Street Wet Weather Improvements Project, Project No. 15-14-C1 (\$15,000.00)
 - E. Resolution authorizing amendment of payment to Arkansas Oklahoma Gas Corporation for utility relocation associated with the Midland Boulevard 30 inch water transmission line (\$60,519.75)
 - F. Resolution authorizing Change Order Number One with Insituform Technologies, Inc. for the Walnut Street 30-Inch Sewer Rehabilitation (\$180,250.00)
8. Resolution accepting the resignation of Ward 4 City Director

DIRECTORS FORUM

CITY ADMINISTRATOR'S REPORT

EXECUTIVE SESSION

Appointments: Ward 4 Director & Advertising and Promotions Commission (1)

(Reconvene from Executive Session)

9. Resolution declaring vacancy in Ward 4 City Director position and making appointment to fill said vacancy

ADJOURN

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR CDBG DISASTER ASSISTANCE FUNDS FROM THE STATE OF ARKANSAS FOR DAMAGE RELATED TO THE WIND AND STORM DAMAGE IN MARCH AND APRIL 2008 AND FOR OTHER PURPOSES

WHEREAS, the Federal Emergency Management Agency made a disaster declaration FEMA-1751-DR-AR due to wind and storm damage occurring in Sebastian County for the incident period March 18, 2008 and into and including April 2008; and

WHEREAS, the neighborhoods in the northern area of Fort Smith contain the primary amount of affordable low to moderate income housing and was damaged during the incident period; and

WHEREAS, Western Arkansas Planning and Development District recommended assistance to the City of Fort Smith from the CDBG Disaster Assistance funds in the amount of \$258,404 to the State of Arkansas; and

WHEREAS, the State of Arkansas has invited the City of Fort Smith to complete a full application for Emergency Housing Assistance for damage to single family homes that are owner-occupied and were damaged by Disaster # 1751;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The Director of Community Development is authorized to complete the full application and submit it to the State of Arkansas for the CDBG Disaster Assistance program as described in the pre-application dated August 14, 2009.

SECTION 2: Upon approval of the grant funding, the City Administrator is authorized to sign the grant agreement with the State of Arkansas, Arkansas Economic Development Commission. The funds will be used in the amount of \$246,500 for Emergency Housing Disaster Assistance funds, not to exceed \$8,500 per home. Grant amounts will be approved through the Housing Assistance Board.

*Approved as to form
JSC
No publication required*

SECTION 3: Funds in the amount of \$11,904 will be used for administration of the program. Any other administrative funds needed to carry out the program will be through the regular CDBG Program Administration budget.

THIS RESOLUTION APPROVED THIS 4th DAY OF MAY 2010.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Memorandum

To: Dennis Kelly, City Administrator
CC: Wally Bailey, Director of Development Services
From: Matt Jennings, Director of Community Development
Date: April 27, 2010
Re: CDBG Disaster Assistance



In December of 2008, Mayor Baker received notice from the State of Arkansas that CDBG Disaster Assistance funds were available relating to declared disasters within the state earlier in that year. Specifically, for Fort Smith, Sebastian County, the disaster declaration was made on March 26, 2008, by FEMA-1751-DR-AR for the incident period on March 18, 2008, and into and including the April 9, 2008, hail storm which damaged some west central and north area neighborhoods. The neighborhoods in the northern area are the primary location of low to moderate income housing.

The Arkansas Economic Development Commission (AEDC) agency made a determination to expend the funds with the assistance of the eight Planning and Development Districts. The federal legislation that authorized these funds also contained a clause that all Arkansas CDBG Entitlement Cities would be eligible for the assistance.

On March 20, 2009, the Board of Directors of Western Arkansas Planning and Development District (WAPDD) approved a proposal by the WAPDD staff of funding distribution which included \$258,404 for the City of Fort Smith. Pre-applications for proposed projects were taken for review by the WAPDD staff to recommend to the AEDC. The AEDC would then review the pre-application and if the proposed project met the criteria then the governmental entity would be invited to complete a full application.

Any project funded under the supplemental CDBG allocation is required to meet one of the three national objectives of the CDBG program:

- Benefit to low or moderate income(LMI) persons
- Elimination of conditions of slum and blight
- To address an imminent threat to the health and welfare of the community

Because there are still numerous damaged houses in the LMI area, from the wind and hail storm and identified by the Neighborhood Services Department, the staff proposed a project to assist homeowners with exterior repairs which will be a 100% LMI direct benefit. The

proposed project meets the Community Development 5 Year Consolidated Plan Goal: To improve the condition of housing for low-income homeowners with the objective to improve the condition of housing for low-income homeowners. *Strategy Number 1.1 – Increase funding for housing rehabilitation, a portion of which is targeted to assist low-income homeowners comply with the property maintenance code.*

Additionally, the proposed project meets the Fort Smith Comprehensive Development Plan in that Section 4.4 Neighborhood Development and Housing in Goal 4 which is to Preserve, protect and improve Fort Smith's neighborhoods with the following policy G4.1 Policy: Improve and encourage maintenance of structures, prevent vagrancy, structural damage, theft and fire hazards, by providing education, incentives and programs for structure maintenance, particularly in areas designated Neighborhood Revitalization. One of the *Recommended Action and Considerations is: Establish low cost loans/grants for structure maintenance, repair and demolition.*

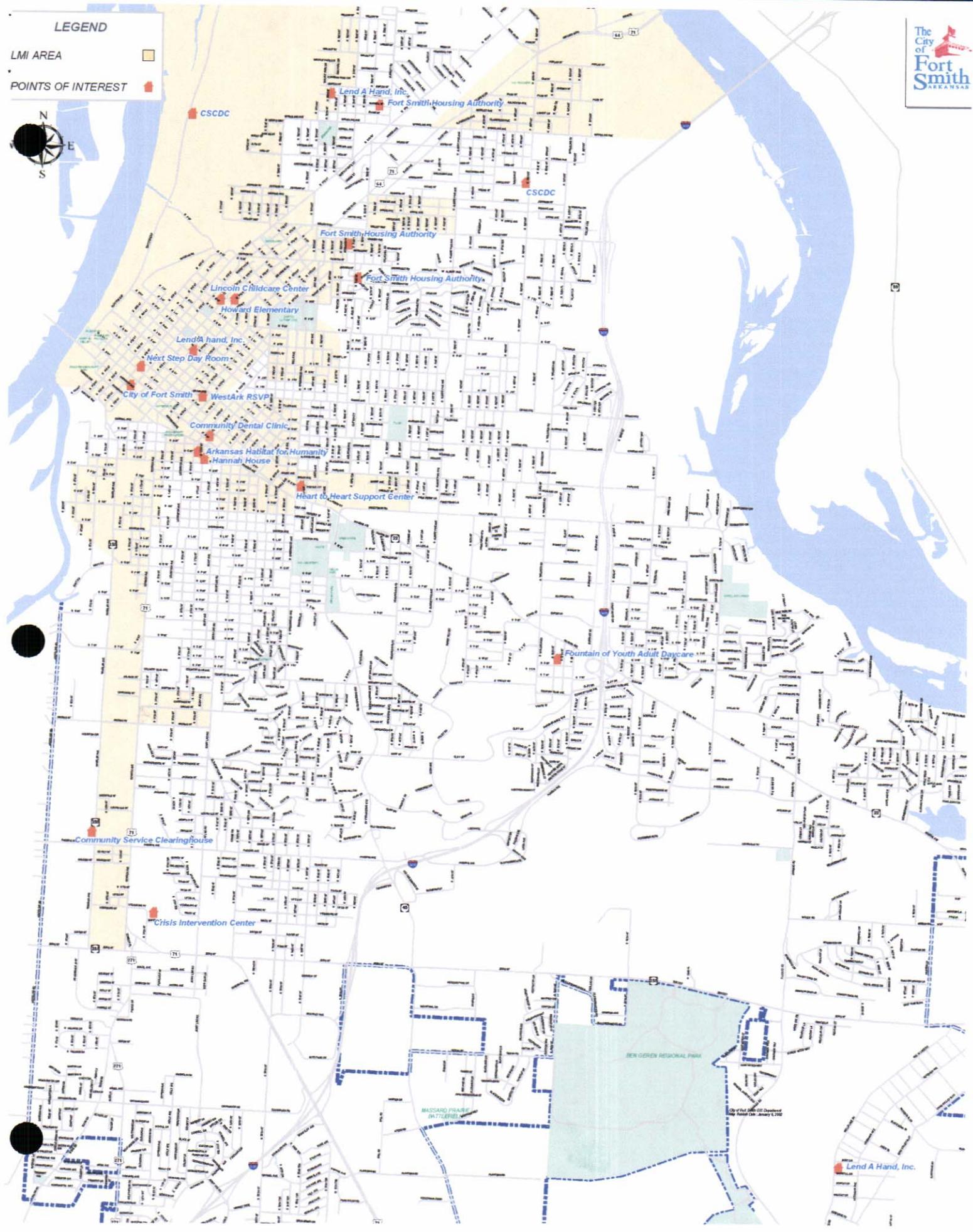
The AEDC has invited the City of Fort Smith to submit a full application for the project. The CDBG Disaster Assistance program requires that there can be no duplication of benefits, so the homeowner will have to prove that FEMA assistance or insurance proceeds are the first to be spent or provide invoices for a portion of the repairs. Homeowners will be required to sign a "Duplication of Benefits Affidavit". Contracting will be through the normal processes of the Housing Assistance Program, with grants being approved by the Housing Assistance Board. At a maximum grant of \$8,500 per house, it is expected that 29 homes or possibly more could be assisted.

The staff recommends that the Board of Directors approve the resolution authorizing the staff to file a full application with the AEDC to obtain the assistance and carry out the program.

I want to take the opportunity to point out that of the 14 CDBG Entitlement Cities in Arkansas, only Fort Smith and Texarkana received a funding allocation and that is due largely to the partnership that the city has enjoyed with the Western Arkansas Planning and Development District.

LEGEND

- LMI AREA
- POINTS OF INTEREST



December 29, 2008

TO: County Judges, Mayors and Other Community Leaders:

RE: CDBG Disaster Assistance

The State of Arkansas has been notified by the Department of Housing and Urban Development (HUD) that \$25,042,358 in Community Development Block Grant (CDBG) funds will be made available to the state to address damage done by the tornadoes and floods of last spring. The funding is tied to five different presidentially declared disasters. Between them, those disasters cover 71 of Arkansas's 75 counties. These funds are to be used for disaster relief, restoration of infrastructure and long term disaster recovery.

All projects funded under this supplemental CDBG allocation must meet one of the three national objectives of the CDBG program:

- Benefit to low or moderate income persons.
- Elimination of conditions of slum or blight.
- To address an imminent threat to the health and welfare of the community.

At least 50% of the funds must be used to address the objective of benefit to persons of low to moderate income. In addition, at least \$2,154,443 of the funds must be used for affordable rental housing.

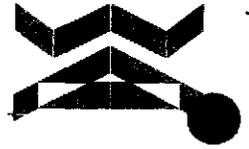
The Arkansas Economic Development Commission (AEDC) is in the process of preparing an Action Plan for Disaster Recovery that will explain to HUD how these funds are to be expended. We are seeking the assistance of the eight Planning & Development Districts in the state as well as other important stakeholders in the formulation of this Action Plan. It is anticipated that this Action Plan will be completed and submitted to HUD for review on or before March 13, 2009.

We are asking any cities or counties that are in one or more of the five disaster areas to contact the Planning & Development District that serves their area and update them on the extent of damage and losses incurred in the recent disasters, and the need for assistance to prevent future disasters and to assist in the long term economic recovery of the affected areas.

If you have questions about the use of these funds or about the formulation of the Action Plan, contact me at (501)682-7392, or by e-mail at bjulian@arkansasedc.com.

Sincerely,


Basil Julian
Grants Division Director



TO: Members of the WAPDD Board
FR: John Guthrie, Executive Director, WAPDD
DA: March 9, 2009
RE: Distribution of Supplemental DHUD CDBG Funds

We have been notified that the Arkansas Economic Development Commission (AEDC) will receive approximately \$17 million in supplemental DHUD (U.S. Department of Housing & Urban Development) CDBG (Community Development Block Grants) Program funds for disbursement to local governments that were included in one of last year's nationally declared disasters. For WAPDD, these counties are Crawford, Franklin, Logan, Scott and Sebastian. Polk County is the only one of WAPDD's six counties that was not part of a disaster declaration last year and is, therefore, not eligible for the supplemental funding.

AEDC has allocated the \$17 million in supplemental funds among the state's eight planning and development districts. AEDC wants the PDDs to solicit, process and prioritize applications for the funds. The amount that has been allocated to WAPDD is \$971,015.

The \$971,015 is available for funding city and county projects in the five eligible counties, including funding for DHUD entitlement city projects in the City of Fort Smith. Neither DHUD nor AEDC is telling the PDDs where or how the funds are to be spent – as long as it's for CDBG-eligible projects in eligible counties.

For projects to be eligible, they must meet one of the following three CDBG criteria:

- 1) Principal benefit to low-and moderate-income persons.
- 2) Elimination or reduction of slum or blight conditions.
- 3) Address an imminent threat to public health, safety and welfare.

It is up to each PDD to recommend to AEDC what projects it wants to see funded based on pre-applications it receives from city and county applicants in its area. For the WAPDD staff to do that, we want the board's guidance and concurrence.

To move this decision along, for your consideration we have prepared a proposal for an allocation of the funds among the five counties and the City of Fort Smith.

The basis for the allocation is this: one-half of the \$970,000 (\$485,508) is split evenly among the six areas, which is \$80,918 each; and one-half (\$485,507) is divided among the six jurisdictions on a per capita basis (using 2000 census). This approach produces the following allocation:

<u>Jurisdiction Area</u>	<u>Amount</u>
Crawford County	\$198,656
Franklin County	\$120,213
Logan County	\$130,638
Scott County	\$105,232
Sebastian County	\$157,873
City of Fort Smith	<u>\$258,404</u>
Totals	\$971,015

Further, we are proposing that the county judge and the mayors of the cities represented on the WAPDD board of each county decide among themselves what projects are to be recommended for funding in that county.

As I mentioned, the final decision relating to the allocation of the supplemental CDBG funds rests with the WAPDD board. At the March 20th meeting, I hope the Board can agree on that so the District staff can soon begin soliciting and processing project applications.

ARKANSAS DISASTER FUNDS

Pre-Application Form

Applicant (City/County): City of Fort Smith
Mailing Address: P. O. Box 1908; Fort Smith, AR 72902
Contact (Mayor/Judge): Ray Baker, Mayor
Phone: 479-784-2201 or 479-784-2209
Project Narrative (attach additional pages if needed): The proposed project is to provide emergency housing assistance for the exterior of owner-occupied single family homes that were damaged by Disaster # 1751. Every project will be a direct benefit to an LMI person/family/household which will be a 100% LMI project. The city staff estimates that 29 homes can be completed at an average cost of \$8,500.00 per residential structure qualifying for assistance. We are requesting 5% administration and a city staff member that has worked our housing assistance program for 5 years will be in charge of qualifying, preparing work descriptions, bidding out the work, providing contract management and close-out. This will mitigate damage from the storm event itself.
Preliminary Cost Estimate: \$246,500.00 + \$11,904.00(Admin)= \$258,404.00
Grant Funds Requested: \$258,404.00
Matching Funds (if applicable): Not Applicable
Project Readiness and Estimated Construction Start Date: Upon notification, completion within 9-12 months
LMI Percentage: 100%
National Objective (please circle one): <input checked="" type="radio"/> LMI Slum/Blight Imminent Health/Welfare Threat
Expenditure Category (please circle one): <input checked="" type="radio"/> Disaster Relief Long-term Recovery Infrastructure Restoration
Reimbursement Received /Agency (for this project):
Disaster Number(s): 1751
Prepared By: Matt Jennings, Director of Community Development
Date: August 14, 2009

HUD Community Development Block Grant Disaster Recovery Grant Funds Duplication of Benefits Affidavit

The Stafford Act §312 [42 U.S.C. § 5155] prohibits persons, business concerns or other entities suffering losses as a result of a major disaster or emergency from receiving benefits for any project which has received financial assistance under any other program or from insurance or any other source.

I also acknowledge that should there be a Duplication of Benefits discovered; Arkansas Economic Development Commission (AEDC) will require the grantee to reimburse all funds expended from the referenced grant.

Prior to the execution of a grant agreement the following information must be completed, the form signed and returned to the AEDC grants manager.

By signing below, I hereby certify that all information contained in this document is true.

Funding Received and/or Applied for this Project					
Funding Agency	Grants	Loans	Insurance	Other Awards	Total
FEMA					
USDA					
SBA					
Insurance					
Other					
Other					
Other					
Totals					

City/County _____

ACEDP Project Number _____

Address _____

Phone _____

Date _____

Mayor/Judge _____

Signature

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A SERVICES AGREEMENT WITH THE FORT SMITH CLASSIC**

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas that:

SECTION 1: The mayor and city clerk are hereby authorized to enter into a services agreement with the Fort Smith Classic in an amount not to exceed \$33,590 in cash payments and in-kind services as shown on attached Exhibit "A".

SECTION 2: It is hereby declared and determined by the Board of Directors that the subject matter of the agreement authorized by Section 1 above deals with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreements.

PASSED and APPROVED this _____ day of May, 2010.

Mayor

ATTEST:

City Clerk

Approved as to form:

JL

City Attorney

NO publication required

**ESTIMATE FOR IN-KIND ASSISTANCE
TO THE 2010 FORT SMITH CLASSIC**

SERVICE	DEPARTMENT	VALUE
Solid waste disposal during the tournament week	Sanitation	\$4,200
Law enforcement presence during tournament play	Police	\$5,050
Erection and removal of temporary "no parking" signs	Streets	\$560
Use of River Park for community concert	Parks	\$2,200
Other support for community concert (advertising, portable toilets, electrician)	Downtown Development	\$4,400
TOTAL		\$16,410



MEMORANDUM

April 29, 2010

TO: Dennis Kelly, City Administrator

FROM: Ray Gosack, Deputy City Administrator

SUBJECT: Fort Smith Classic

Last year, the board of directors determined to support the Fort Smith Classic golf tournament with \$50,000 in cash and in-kind assistance. In its first 12 years, the tournament has:

- ▶ Donated more than \$1.4 million to over 40 local charities.
- ▶ Produced a regional economic impact of \$40 million.
- ▶ Attracted 70,000+ out of town visitors.

The 2010 tournament week will run June 14-20 with competitive professional play on June 17-20 at Hardscrabble Country Club. Many community events occur throughout the week.

Attached are estimates for the city's in-kind assistance to this year's tournament based on past experience. The cost of the in-kind assistance totals \$16,410.

If the board desires to provide a total of \$50,000 in support for the 2010 Fort Smith Classic, the cash support would be \$33,590 (\$50,000 less the in-kind support of \$16,410). The 2010 General Fund budget has funds appropriated for this cash support. The board will need to approve an outside agency service agreement with the Fort Smith Classic. Such an agreement is attached.

As a sponsor, the tournament offers the city certain benefits including participation in the pro-am playing events, skybox tickets, clubhouse badges and VIP parking passes. Rather than accepting these, the staff has requested that the tournament provide free grounds admission for all city employees and their

immediate families during the tournament week. The tournament staff has agreed to this request. The city will receive the marketing and branding benefits such as its logo being included in advertising and on scoreboards, and having displays in the expo tent at the golf course.

If there's any questions or a need for more information, please contact me.

Ray

cc: Patricia Brown, Fort Smith Classic

AGREEMENT

THIS AGREEMENT made and entered into this _____ day of May, 2010, by and between the City of Fort Smith, Arkansas ("City"), and Fort Smith Classic, a city wide, non-sectarian, incorporated, community organization ("The Community Organization"),

WITNESSETH:

WHEREAS, The Community Organization has possession and control of physical facilities suitable for providing to the City's residents certain services, as enumerated in paragraph one (1) below, which services fulfill a governmental function to provide for the health, safety, and welfare of the City's inhabitants; and

WHEREAS, the parties desire to provide a program of such services and facilities for the City's inhabitants;

NOW, THEREFORE, it is agreed by the parties that in exchange for the mutual covenants and agreements set forth below;

1. The Community Organization will provide to the City and its inhabitants, for the year 2010, services which will include: a professional golf tournament on the Nationwide Tour to be played at Hardscrabble Country Club; a free community concert at the Fort Smith River Park; prayer breakfasts; golf clinics; a family festival; and a pink on the links fashion show, among other activities.

2. In consideration for the providing of the services described in the preceding paragraph, the City agrees to pay The Community Organization up to a maximum of \$33,590 in installments as follows: Lump Sum Distribution. Amount is subject to adjustment should additional in kind funds be realized.

3. It is agreed by The Community Organization that the City shall have the right, at all reasonable times, to inspect the facilities and programs being provided by The Community Organization under this Agreement, and shall have the right, at all reasonable times, to inspect the financial and other records of The Community Organization. After inspection or investigation, the City shall have the right to notify The Community Organization, in writing, of any deficiencies in the program and/or facilities provided under this Agreement, and, if such deficiencies are not cured within thirty (30) calendar days from the date of such written notice, the City shall have the absolute right to terminate this Agreement. To assist the City in monitoring its activities, The Community Organization shall, on a quarterly or more frequent basis, provide to the City Administrator, or his/her designated agent, a report of The Community Organization's financial and service activities during the period preceding such report.

4. Furthermore, the City shall have the right to cancel this Agreement upon the happening of any of the following:

- a. Any substantial damage to or destruction of The Community Organization's facilities within the City by fire, wind, or other casualty; or
- b. A determination by the Board of Directors that the services provided hereunder are no longer needed as a governmental function, or, otherwise, a determination by the Board of Directors that the City, for whatever reason, no

longer desires to have such services provided by The Community Organization;
or

c. A determination by the Board of Directors that The Community Organization, its employees, or agents, in the providing of the services hereunder, have violated the City's policy against discrimination on the basis of age, sex, religion, race, national origin, political affiliation, handicap, veteran status, or have violated the City's policy in favor of a drug-free work place.

In addition to any of the other rights of cancellation stated herein, either party shall have the right to cancel this Agreement because of the breach by the other party of that party's obligations hereunder, such cancellation to be effective as of the date of the breach. Failure by either party immediately to declare the contract canceled by reason of a particular breach shall not preclude a party from raising that breach subsequently as a reason for cancellation. Should the Agreement be canceled, for any reason, The Community Organization understands and agrees that the City shall immediately cease paying any further monies under this Agreement, and agrees additionally The Community Organization will refund to the City, on a pro-rated basis, monies paid by the City for services not rendered by The Community Organization.

5. The Community Organization shall indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on 42 U.S.C. subsection 1983), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property), cost of liabilities (including the City's cost with respect to its employees and cost of defending any and all such actions and proceedings described herein), arising out of or pertaining to the providing of services hereunder by The Community Organization.

6. It is agreed by the parties that there will be no assignment or transfer of this Agreement, nor of any interest in this Agreement.

7. The parties to this Agreement agree that it is not a contract of employment, but is, instead, a contract to fulfill a specific governmental purpose. Accordingly, in the performance of this Agreement, The Community Organization shall be considered an independent agent, and neither it nor its employees or agents shall be considered employees or agents of the City.

8. Because The Community Organization will be receiving monies from the City under this Agreement, The Community Organization understands that its records and meetings may become subject to the provisions of the Arkansas Freedom of Information Act.

9. It is understood and agreed by the parties that, if any part, term, or provision of this Agreement is held by The courts to be illegal or in conflict with any law of Arkansas, the entire Agreement shall by null and void.

10. This Agreement shall not be specifically enforceable in equity, by either party; nor shall any injunction be applied for or issued at the instigation of either party in case of dispute or alleged breach of this Agreement.

11. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement

shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties.

12. This Agreement is executed on the City's behalf by its officials as set forth below pursuant to Ordinance No. _____ adopted on May 4, 2010.

IN WITNESS WHEREOF, the parties have set their hands this _____ day of May, 2010.

CITY OF FORT SMITH

By: _____
Mayor

Attest:

City Clerk

FORT SMITH CLASSIC, INC.

By: _____
President

Attest: _____
Secretary

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
A SERVICES AGREEMENT WITH THE
JUNETEENTH PLANNING COMMISSION, INC.**

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas that:

SECTION 1: The mayor and city clerk are hereby authorized to enter into a services agreement with the Juneteenth Planning Commission, Inc. in an amount not to exceed \$15,000.00.

SECTION 2: It is hereby declared and determined by the Board of Directors that the subject matter of the agreement authorized by Section 1 above deals with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreements.

PASSED and APPROVED this _____ day of May, 2010.

Mayor

ATTEST:

City Clerk

Approved as to form:

JPC

City Attorney
No publication required



MEMORANDUM

April 28, 2010

TO: Dennis Kelly, City Administrator

FROM: Ray Gosack, Deputy City Administrator

SUBJECT: Juneteenth

At the April 20th board of directors meeting, the board requested a study session to review the funding application of Juneteenth. The festival is scheduled for June 11-13. Since the date is rapidly approaching, there isn't enough time to schedule a study session review of this request.

Attached is the application submitted by the Juneteenth Planning Commission, Inc. for outside agency funding. As you'll recall, the citizen award committee recommended no funding for the festival. Attached is a list of applications considered by the committee and the funding amounts.

The festival organizers are requesting a 2010 allocation of \$15,000. Attached is an ordinance and outside agency services agreement which would provide this amount to assist with the 2010 Juneteenth festival. Funds will be transferred from the finance department's budget to cover the amount. Representatives of Juneteenth will attend the May 4th board meeting to make a presentation.

Ray

Attachments

cc: Tonya Novak, Juneteenth Planning Commission, Inc.
Greg Herschel, Juneteenth Planning Commission, Inc.

Gosack, Ray

From: Tonya Novak [zippy752@yahoo.com]
Sent: Tuesday, April 27, 2010 2:30 PM
To: Gosack, Ray
Cc: gregghershel@yahoo.com; spitkwik@yahoo.com
Subject: 05/04/2010 Board Meeting.

Dear Mr. Gosack,

The JPCI is currently requesting only \$15,000 with the understanding that our original request for Outside Agency Funding was \$20,000. But since we are no longer in that process, we understand that no agency that was awarded funds from the Outside Agency Funding was awarded 100% of their request. We also understand that it would not be in good faith of the process to ask for and expect \$20,000, but we do also want the same consideration as the other non-profits that were funded in this process and the other festivals that are supported financially through the general fund, which is our tax dollars at work. The JPCI has no paid or compensated members. We are all community volunteers from the region.

We appreciate the opportunity and the consideration.

Tonya Novak
510 North 22nd Street
Fort Smith, AR 72901

2010 Outside Agency Funding Requests & Award Amounts Summary

Recreation

<i>Organization</i>	<i>Requested</i>	<i>Recommended</i>	<i>Difference</i>
Fort Smith Boys & Girls Club	\$ 43,500	\$ 40,052	\$ (3,448)
Girls Inc	\$ 20,000	\$ 18,417	\$ (1,583)
Lincoln Youth Center	\$ 18,000	\$ 16,572	\$ (1,428)
First Tee	\$ 10,000	\$ 9,208	\$ (792)
TOTALS	\$ 91,500	\$ 84,249	\$ (7,251)

Arts & Humanities

<i>Organization</i>	<i>Requested</i>	<i>Recommended</i>	<i>Difference</i>
Fort Smith Museum of History	\$ 20,000	\$ 19,378	\$ (622)
Fort Smith Heritage Foundation	\$ 4,500	\$ 4,360	\$ (140)
Fort Smith Symphony Assoc	\$ 15,000	\$ 14,534	\$ (466)
Fort Smith Art Center	\$ 7,000	\$ 6,782	\$ (218)
Fort Smith Little Theatre, Inc	\$ 7,000	\$ 6,782	\$ (218)
Fort Smith Chorale	\$ 6,500	\$ 6,298	\$ (202)
Juneteenth Planning Commission	\$ 20,000		\$ (20,000)
Second Street Live	\$ 15,000	\$ 10,173	\$ (4,827)
TOTALS	\$ 95,000	\$ 68,307	\$ (26,693)

Social/Community Services

<i>Organization</i>	<i>Requested</i>	<i>Recommended</i>	<i>Difference</i>
Hannah House	\$7,500	\$4,058	-\$3,442
Fountain of Youth Adult Day Care	\$17,330	\$9,268	-\$8,062
Girls Shelter	\$9,060	\$4,530	-\$4,530
Heart to Heart Pregnancy Center	\$8,000	\$2,380	-\$5,620
Next Step Day Room	\$26,000	\$8,528	-\$17,473
Alzheimer's Association	\$5,000	\$1,500	-\$3,500
Crisis Intervention Center	\$15,000	\$8,117	-\$6,884
Community Dental Clinic	\$20,000	\$6,822	-\$13,178
Community Services Clearinghouse	\$25,000	\$8,528	-\$16,473
Children's Emergency Shelter	\$10,000	\$5,411	-\$4,589
Gregory Kistler Treatment Center	\$7,500	\$4,058	-\$3,442
Lincoln Child Care Center	\$12,600	\$6,818	-\$5,782
River Valley Regional Food Bank	\$15,000	\$5,117	-\$9,884
TOTALS	\$177,990	\$75,133	-\$102,857

AGREEMENT

THIS AGREEMENT made and entered into this _____ day of May, 2010, by and between the City of Fort Smith, Arkansas ("City"), and Juneteenth Planning Commission Inc., a city wide, non-sectarian, incorporated, community organization ("The Community Organization"),

WITNESSETH:

WHEREAS, The Community Organization has possession and control of physical facilities suitable for providing to the City's residents certain services, as enumerated in paragraph one (1) below, which services fulfill a governmental function to provide for the health, safety, and welfare of the City's inhabitants; and

WHEREAS, the parties desire to provide a program of such services and facilities for the City's inhabitants;

NOW, THEREFORE, it is agreed by the parties that in exchange for the mutual covenants and agreements set forth below;

1. The Community Organization will provide to the City and its inhabitants, for the year 2010, services which will include amusements and entertainment, concerts, arts and crafts, engendering common understanding among people of varying religions, ethnicities, genders and ages.

2. In consideration for the providing of the services described in the preceding paragraph, the City agrees to pay The Community Organization the sum of \$15,000.00 in installments as follows: Lump Sum Distribution.

3. It is agreed by The Community Organization that the City shall have the right, at all reasonable times, to inspect the facilities and programs being provided by The Community Organization under this Agreement, and shall have the right, at all reasonable times, to inspect the financial and other records of The Community Organization. After inspection or investigation, the City shall have the right to notify The Community Organization, in writing, of any deficiencies in the program and/or facilities provided under this Agreement, and, if such deficiencies are not cured within thirty (30) calendar days from the date of such written notice, the City shall have the absolute right to terminate this Agreement. To assist the City in monitoring its activities, The Community Organization shall, on a quarterly or more frequent basis, provide to the City Administrator, or his/her designated agent, a report of The Community Organization's financial and service activities during the period preceding such report.

4. Furthermore, the City shall have the right to cancel this Agreement upon the happening of any of the following:

a. Any substantial damage to or destruction of The Community Organization's facilities within the City by fire, wind, or other casualty; or

b. A determination by the Board of Directors that the services provided hereunder are no longer needed as a governmental function, or, otherwise, a determination by the Board of Directors that the City, for whatever reason, no

longer desires to have such services provided by The Community Organization;
or

c. A determination by the Board of Directors that The Community Organization, its employees, or agents, in the providing of the services hereunder, have violated the City's policy against discrimination on the basis of age, sex, religion, race, national origin, political affiliation, handicap, veteran status, or have violated the City's policy in favor of a drug-free work place.

In addition to any of the other rights of cancellation stated herein, either party shall have the right to cancel this Agreement because of the breach by the other party of that party's obligations hereunder, such cancellation to be effective as of the date of the breach. Failure by either party immediately to declare the contract canceled by reason of a particular breach shall not preclude a party from raising that breach subsequently as a reason for cancellation. Should the Agreement be canceled, for any reason, The Community Organization understands and agrees that the City shall immediately cease paying any further monies under this Agreement, and agrees additionally The Community Organization will refund to the City, on a pro-rated basis, monies paid by the City for services not rendered by The Community Organization.

5. The Community Organization shall indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on 42 U.S.C. subsection 1983), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property), cost of liabilities (including the City's cost with respect to its employees and cost of defending any and all such actions and proceedings described herein), arising out of or pertaining to the providing of services hereunder by The Community Organization.

6. It is agreed by the parties that there will be no assignment or transfer of this Agreement, nor of any interest in this Agreement.

7. The parties to this Agreement agree that it is not a contract of employment, but is, instead, a contract to fulfill a specific governmental purpose. Accordingly, in the performance of this Agreement, The Community Organization shall be considered an independent agent, and neither it nor its employees or agents shall be considered employees or agents of the City.

8. Because The Community Organization will be receiving monies from the City under this Agreement, The Community Organization understands that its records and meetings may become subject to the provisions of the Arkansas Freedom of Information Act.

9. It is understood and agreed by the parties that, if any part, term, or provision of this Agreement is held by The courts to be illegal or in conflict with any law of Arkansas, the entire Agreement shall be null and void.

10. This Agreement shall not be specifically enforceable in equity, by either party; nor shall any injunction be applied for or issued at the instigation of either party in case of dispute or alleged breach of this Agreement.

11. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement

shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties.

IN WITNESS WHEREOF, the parties have set their hands and seals this _____ day of May, 2010.

City of Fort Smith

By: _____
Mayor

Attest:

City Clerk

Juneteenth Planning Commission, Inc.

By: _____
President

Attest: _____
Secretary

**OUTSIDE AGENCY FUNDING REQUEST
CITY OF FORT SMITH 2010 BUDGET
SUBMISSION REQUIREMENTS CHECKLIST**

Agency Requesting Funding: Nineteenth Planning Commission, Inc. (NPCI)

Amount of Funding Requested: \$ 20,000

Completed Request Form: yes

Cover Letter Requesting Funding: yes

Financial Audit: ** SEE NOTE 1 yes
Audits must be no more than 1 year old ✓

Cash Receipt & Disbursement Audit, Audit Review/Compilation N/A
(only applicable for agencies w/ SEE NOTE 1
total operating budget of less than \$25,000.)

****NOTE** If not received by the City by November 30, 2009.- the application will not be considered for final approval. ****

Form 990 Filed with the IRS (No more than 1 year old) yes

Budget Summary Sheet: yes

Must include the following information:

Agency, Information Source(Budget, audit, statement) Date of report, Number of paid employees, total payroll, total expenses, payroll as a % of budget.

* No paid employees
All Volunteers

501 (c) (3) non-profit designation ** yes
** Agencies currently funded with the City need not submit

Registration with the Secretary of State yes
** Agencies currently funded with the City need not submit

Federal Identification Number yes

Administrative Profile yes

1745

**Copy of Agency's Board of Directors
Minutes or Resolution authorizing and
approving request for funding.**

YES

**Description of Services and Outreach
Organization Provides to Elderly and Low Income
Persons in Community.**

**NOTE 1: Beginning with the 2007 Applications, all submitted financials
are reviewed by the City's Internal Auditor.**

1746

OFFICE USE ONLY

Account Number _____
 Class Code _____

CITY OF FORT SMITH
BUSINESS REGISTRATION APPLICATION
 (PLEASE TYPE OR CLEARLY PRINT ALL INFORMATION)
 AND RETURN TO: PLANNING DEPT. 623 GARRISON AVE. FT. SMITH, AR 72901

APPLICATION ID: _____

Business Status New Relocating (Optional) I am a Minority and/or Woman Owned Business. Please include my business in the Minority & Women's Business Directory.

DATE		BUSINESS ADDRESS	P.O. Box 8083 Fort Smith, AR 72902	
CORPORATE BUSINESS NAME	Luneteenth Planning Commission, Inc.		PREVIOUS BUSINESS ADDRESS	N/A
BUSINESS NAME	JPCI		MAILING ADDRESS (IF DIFFERENT)	Same as above
NAME	Lawrence Wood, Jr. <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> CEO - JPCI President		EMAIL (optional)	luneteenth.fortsmith@yahoo.com
APPLICANT NAME	Andre' Good C/o JPCI		NUMBER OF EMPLOYEES	0
	BUSINESS PHONE	479-420-6682	CELL PHONE	479-414-7175
ALTERNATE PHONE	FAX NUMBER	479-646-0983	EMERGENCY PHONE	479-782-2622

PREVIOUS USE OF STRUCTURE _____

PLEASE PROVIDE A DETAILED DESCRIPTION OF YOUR BUSINESS INCLUDING A LIST OF THE PRODUCTS OR SERVICES OFFERED _____

WILL THIS BUSINESS BE OPERATED OUT OF A RESIDENCE (HOME)?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
WAS THE PREVIOUS USE OF THIS STRUCTURE A HOUSE?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
WILL THIS BE A SEXUALLY ORIENTED BUSINESS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WILL THIS BE A FOOD SERVICE BUSINESS? (REQUIRES HEALTH APPROVAL)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WILL THIS BE A PAWN SHOP? (SEE COLLECTIONS MANAGER)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WILL THIS BE A PRIVATE CLUB? (SEE COLLECTIONS MANAGER)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WILL THIS BE A CHILD CARE SERVICE? (REQUIRES DHS APPROVAL)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WILL THIS BE A FLEA MARKET? _____ INDOOR _____ OUTDOOR	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
WILL ALCOHOL BE SERVED OR ALLOWED AT THIS BUSINESS?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
IS THIS BUSINESS A HUMAN/PET CREMATORIUM? (SEE COLLECTIONS MANAGER)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

NOTICE: IF RUNNING MORE THAN ONE BUSINESS OUT OF THE SAME STRUCTURE, YOU ARE REQUIRED TO FILL OUT SEPARATE APPLICATIONS FOR EACH BUSINESS. BUILDING/SIGN PERMITS REQUIRED FOR REMODELING/ADDITIONS AND SIGNS.

BY SIGNING THIS DOCUMENT, I UNDERSTAND THAT ANY FALSE STATEMENTS MADE IN THIS APPLICATION SHALL RESULT IN DENIAL. I FURTHER UNDERSTAND THAT VIOLATION OF ANY LOCAL, STATE, OR FEDERAL LAW, MAINTAINING A NUISANCE OR UNSANITARY PREMISES, OR OPERATING A BUSINESS CONTRARY TO THAT PERMITTED BY THE APPROVED BUSINESS REGISTRATION SHALL BE CAUSE TO REVOKE THE BUSINESS LICENSE.



SIGNATURE Andre' D. Good APPLICANT OWNER

1747

EXHIBIT A

**OUTSIDE AGENCY SERVICES CONTRACT APPLICATION
CITY OF FORT SMITH 2010 BUDGET**

For service providers seeking City of Fort Smith General Fund dollars in exchange for services, the following form and required attachments must be completed and submitted to the City Finance Department no later than 4:30p.m. on Monday, November 23, 2009. Requests received after this date and time will not be reviewed nor submitted for consideration by the Awards Committee.

ORGANIZATION: Twentieth Planning Commission, Inc. (TPCI)

CONTACT PERSON: (ALL QUESTIONS AND NOTICES WILL BE DIRECTED TO THIS PERSON AT THE ADDRESS LISTED BELOW DURING THE APPLICATION PROCESS AND REVIEW) :

NAME: Greg Hershel OR Andre' Good

ADDRESS: P.O. Box 8083

Fort Smith, Ar. 72902

PHONE: 479-420-6682 OR 479-285-4932

*E-MAIL ADDRESS: greghershel@yahoo.com or twentieth.fortsmith@yahoo.com
*Please use an address where e-mail is checked frequently

NUMBER OF YEARS SERVICE TO COMMUNITY: 8

AWARD CATEGORY: (Refer to Overall Program Purpose & Goals for Description of Category Parameters)

ARTS AND HUMANITIES

RECREATION

SOCIAL & COMMUNITY SERVICES

1748

Copy of Agency's Board of Directors

Minutes or Resolution authorizing and approving request for funding.

Yes

Description of Services and Outreach

Organization Provides to Elderly and Low Income Persons in Community.

* See Grant Applications for the STATE AASIS & VERIZON

Yes

NOTE 1: Beginning with the 2007 Applications, all submitted financials are reviewed by the City's Internal Auditor.

SECTION 1 – STOP HERE!

APPLICANT MUST MEET ALL OF THE FOLLOWING REQUIREMENTS FOR PARTICIPATION IN THE SERVICE PROGRAM! (Yes or No Y/N)

- Located in the city limits of the City of Fort Smith, Arkansas
- Registered with the State of Arkansas Secretary of State's office
- Registered through the City of Fort Smith as a business and/or non-profit
- Received an independent audit in the past 12 months
- Filed IRS form 990 in the past 12 months
- Have regular board meetings
(monthly, quarterly, semi-annually, or annually)

Exclusion from awarding public funds: faith-based organizations when the program will only benefit the organization and its members.

If the applicant meets all of these minimum requirements, the organization may be eligible to participate in the City of Fort Smith's partnership with local service agencies that provide specialized services to citizens.

NOTICE: By applying for funds within the scope of this program, applicant may be subject to an unannounced site visit by citizen review panelists during normal business hours.

PURPOSE OF THIS PROGRAM

The purpose of partnering with local service agencies is to enable and assist non-profit organizations providing specialized services to citizens.

These services are deemed by the City of Fort Smith Board of Directors to be either necessary or beneficial to the economic, social or cultural well-being of Fort Smith, its citizens and guests of the community.

Contracts should allow the agency to accomplish at least one of these objectives:

- 1. Improving, expanding, or enhancing citizen services**
- 2. Achieving an important step in the organization's business model**
- 3. Meeting an unexpected demand for services or facilities construction or repair**

1750

SECTION 2

Section 2 is divided into three sections. Please complete ONLY the section corresponding with the category in which your organization is applying. These questions must be answered "yes" or "no" as designated by a "Y" or an "N." The section is worth a maximum of 70 points. A minimum of 55 points is required to proceed to Section 3. The questions are designed so that it is difficult, if not impossible, for any one organization to achieve a perfect score on this section. You will have an opportunity to address exceptions and other qualities unique to your organization in Section 3.

Arts & Humanities

ARTS & HUMANITIES PURPOSE AND GOALS

Contracts should encompass at least one of the following objectives:

1. Recruitment and retention of knowledge-based workers
2. Recruitment and retention of health care professionals
3. Increasing accessibility of arts & humanities programs to the entire community, including non-traditional populations

If applicant seeks a partnership contract as an arts & humanities organization, answer these questions as Yes or No Y/N:

- Charges a fixed admission fee?
- Offers free admission and/or accepts donations for admission?
- Discounted or free admission to senior citizens or students?
- Belongs to or participates in a state, regional or national professional association?
- Accepts private donations?
- Applies for outside grants (this funding not included)?
- Engages in at least one annual fund raising campaign activity – for capital or operating expenses?
- Will the requested funds through the City of Fort Smith be depleted before the end of the year or project for which they are requested?
- Is one person responsible for continuity in decision-making and/or fiduciary responsibilities?
- Does this organization use volunteers?
- Does this organization have facilities for corporate and community meetings?
Circle best response: 50 or fewer – 50 or more
- Does this organization offer any programs designed for school presentations?
- Does this organization offer an attraction to entice companies or industry to our area?
- Is your facility – or are your services - available more than 5 days per week or evenings, either regular hours or by special request?

(5 points each)

1751

SECTION 3

1. What benefits do residents of the City of Fort Smith receive from services provided by your agency that are otherwise not available through other agencies or the municipality?

FREEDOM is a desire of the Human Spirit. Education is Freedom, Music is Freedom. The JPCI is the ONLY Juneteenth Celebration in the region that Host National Recording Artist to our Venue. The other ~~cities~~ Cities Near us are Tulsa, Little Rock and Dallas. Tulsa and Little Rock focus on education and health as the JPCI does. No other event in Fort Smith is Free to the public Always, that focuses on bringing people together to unite & celebrate Freedom & Diversity; Not the Mayor's 4th of July, Not the Blues Fest, Not the Pub Crawl, Not Cinco De Mayo nor the Rodeo. WE ALL ARE FT Smith. "It takes diverse groups of individuals who are appreciated for their differences, who learn to work synergistically so that the whole becomes greater than the sum of its parts." - DE LA PAINE

2. If agency is awarded funding, it is agreed that said agency will provide the following additional services for the benefit of the elderly and low income citizens of Fort Smith:

- 1) Continue our annual River Valley Juneteenth Festival which will include Local & National Recording Artist to help draw people to Ft. Smith, its downtown & Riverfront.
- 2) Continue our outreach programs: REF Verizon-Sponsorship Grant
 - A) Education / Literacy
 - B) Health (minority issues)
 - C) Community Revitalization
 - D) Support Downtown, Riverfront, US Marshal's Museum & BASS Reeves Legacy Initiative
- 3) Continue to be examples of volunteerism, leaders & servants of others.

1752

OUTSIDE AGENCY CONTRACT PROPOSAL

Page 7 of 8

3. Number of persons served by your organization – RECREATION OR SOCIAL/COMMUNITY SERVICES APPLICANTS, THIS NUMBER MUST REPRESENT FORT SMITH RESIDENTS ONLY. ARTS AND HUMANITIES APPLICANTS PLEASE PROVIDE TOTAL NUMBER OF PERSONS SERVED:

Cost/Benefit Ratio: Divide the money requested by number of persons served annually

TOTAL REQUEST FROM 2010 BUDGET:

\$ 20,000 money requested divided by
20,000 persons served annually =
1/1 cost/benefit ratio

(PLEASE INCLUDE EXPLANATION IF NECESSARY)

For example, 1 day of the 2009 Event (Sat) @ Harry E Kelley Park,
Approximately 5,000 people filled the grounds of our 1st ever "CARNIVAL ON
The River" in the location of the future U.S. Marshal's Museum.
Belle Point Beverages Manager Rick Taylor, who was @ the event, said
this, "There are as many people here as there is @ the Blues Festival..."
With our Cultural Literacy Initiative Program, the UPCI can reach
thousands more people through schools, libraries & businesses. * Recd Program
0 to 10 POINTS

* Purpose of request must directly relate to the overall purpose and goals and at least one objective in the selected funding category

PURPOSE OF REQUEST:

To provide funding for our mission: To provide
opportunities for people to come together to celebrate and learn
about our culture(s) and our regions diversity. We believe
FREEDOM is our common bond. Music and Education help us find
common ground to develop deeper understanding of our culture(s)
as well as appreciating our own individual differences. The
most expensive part is our annual duniteenth Festival, in which
local & National Recording Artist bring people to Fort Smith's
Downtown & Riverfront. * Also see Sponsorship Grant #99#10.
0 to 10 POINTS

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OUTSIDE AGENCY CONTRACT PROPOSAL

Page 8 of 8

Please list all funding your agency receives in addition to funding from the City and the % with respect to your agency's annual budget (If you receive United Way funding, you may attach that funding sheet)

RECEIVED FROM: * Please See Sponsorship Grant #11 AMOUNT OF AWARD:

Cox Communications \$5,000

US Army \$5,000

Belle Point Beverages \$5,000

... and a HOST of other sponsors and contributors to our Community Outreach

* If your agency received funds from the 2009 City of Fort Smith budget and this request exceeds the 2009 allocation, please explain the reason for the increase below:

N/A

I, GREGORY HERSH (print name), hereby certify that to the best of my knowledge the above information is correct.


Signature

11-12-09
Date

1754

BUDGET SUMMARY SHEET

AGENCY: _____ JUNETEENTH PLANNING COMMISSION, INC _____

INFORMATION SOURCE: SEE ATTACHED
(Audit, budget, statement)

DATE OF REPORT: 11-12-09

NUMBER OF PAID EMPLOYEES: 0

TOTAL PAYROLL: N/A

TOTAL EXPENSES: \$82,250.00

PAYROLL AS A PERCENT OF BUDGET: 0

Event Budget for [RIVERVALLEY JUNETEENTH FEST 2010]

Expenses

12-Nov-09

Estimated Actual
\$82,250.00 \$0.00

	Estimated	Actual
Facility Rental Fees	\$500.00	
Security	\$2,500.00	
Misc		
Insurance	\$2,500.00	
Electrician	\$1,500.00	
Totals	\$7,000.00	\$0.00

	Estimated	Actual
Food	\$2,500.00	
Misc	\$1,000.00	
Drinks (Pepsi Products & Water)	\$2,000.00	
Entertainment's Rider (meals & ect)	\$1,500.00	
Totals	\$7,000.00	\$0.00

	Estimated	Actual
Television	\$5,000.00	
Radio	\$5,000.00	
Print Media	\$1,000.00	
Website	\$1,500.00	
Totals	\$12,500.00	\$0.00

	Estimated	Actual
National Recording Artist	\$30,000.00	
Sounds system/Stage	\$4,000.00	
Hotel	\$2,000.00	
Transportation	\$1,000.00	
Misc	\$1,000.00	
Totals	\$38,000.00	\$0.00

	Estimated	Actual
Graphics work	\$500.00	
T-Shirts	\$3,000.00	
Photocopying/Printing	\$1,000.00	
Postage	\$350.00	
Totals	\$4,750.00	\$0.00

	Estimated	Actual
George Fisher Memorial Scholarship	\$3,000.00	
Boys and Girls Club/Scholarships	\$5,000.00	
Totals	\$8,000.00	\$0.00

	Estimated	Actual
Telephone	\$1,000.00	
Miscellaneous	\$2,500.00	
Office Supplies	\$500.00	
Photography & MC/DJ	\$1,000.00	
Totals	\$5,000.00	\$0.00

* Denotes: Some donations in form of goods and services.
 ** Given to recipient in January of the following year
 *** Miscellaneous/Program: Cultural programs, local artist, historical reenactments, Bass Reeves/US Marshall Museum awareness opportunities sanitation services/waste disposal...

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Event Budget for [RIVERVALLEY JUNETEENTH FEST 2009]

Income

Total Income		Estimated	Actual
		\$90,250.00	\$0.00

Sponsors		Estimated	Actual
	4	Platinum @ \$10,000.00	\$40,000.00
	3	Gold @ \$5,000.00	\$15,000.00
	3	Silver @ \$5,000.00	\$15,000.00
			\$70,000.00
			\$0.00

Sponsors		Estimated	Actual
	3	Bronze @ \$1,000.00	\$3,000.00
	4	Copper @ \$500.00	\$2,000.00
	4	Onyx-In Kind @ \$250.00	\$1,000.00
			\$6,000.00
			\$0.00

Exhibitors/Vendors/Sale/Minister		Estimated	Actual
	10	Food Vendors @ \$100.00	\$1,000.00
	4	Corporate @ \$250.00	\$1,000.00
	2	Non Profit Org @ \$100.00	\$200.00
			\$2,200.00
			\$0.00

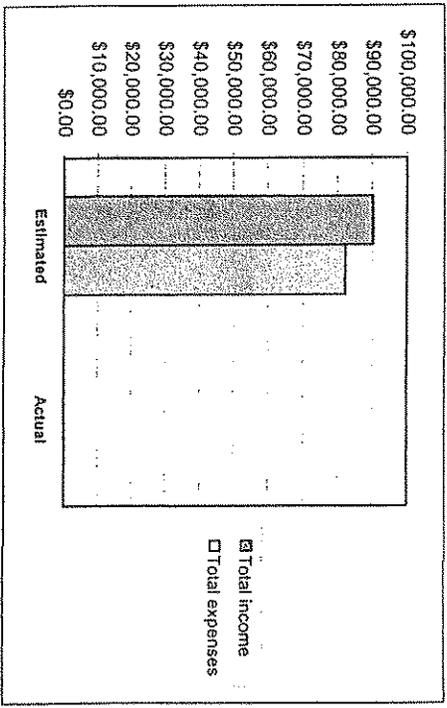
Sale of Items/Admission		Estimated	Actual
	50	Booklets @ \$1.00	\$50.00
	200	T-Shirts @ \$10.00	\$2,000.00
	2000	Beer @ \$3.00	\$6,000.00
	2000	Drinks @ \$2.00	\$4,000.00
			\$12,050.00
			\$0.00

1757

Event Budget for RIVERVALEY JUNETEENTH FEST 2009

Profit - Loss Summary

	Estimated	Actual
Total Income	\$90,250.00	\$0.00
Total expenses	\$82,250.00	\$0.00
Total Profit (Loss)	\$8,000.00	\$0.00



1758

1759

3 - Day sales forecast

Ends 6/13/09

	3 Day - Sales Forecast			Totals	Sales History	Total Weekly Sales Ending 06/13
	Jun-10	Jun-10	Jun-10			
Begins 6/11/10						
Total Hotel Rooms	100	200		300		300
Sale price @ unit	80.00	80.00				
Cat 1 TOTAL	8,000	16,000	0	24,000		24,000
Food - Total Visitors	2000	5000	100	7100		7100
Sale price @ unit	50.00	50.00	50.00			
Cat 2 TOTAL	100,000	250,000	5,000	355,000		355,000
Gas - Total Cars	500	750	25	1275		1275
Sale price @ unit	50.00	50.00	50.00			
Cat 3 TOTAL	25,000	37,500	1,250	63,750		63,750
Drink Total Visitors	2000	5000	100	7100		7100
Sale price @ unit	10.00	10.00	10.00			
Cat 4 TOTAL	20,000	50,000	1,000	71,000		71,000
Shoppers	2000	5000	100	7100		7100
Sale price @ unit	50.00	50.00	50.00			
Cat 5 TOTAL	100,000	250,000	5,000	355,000		355,000
Room Tax	100	200	0	300		300
Sale price @ unit	10.00	10.00	0.00			
Cat 6 TOTAL	1,000	2,000	0	3,000		3,000
Misc (Total Visitors)	2000	5000	100	7100		7100
Sale price @ unit	25.00	25.00	25.00			
Cat 7 TOTAL	50,000	125,000	2,500	177,500		177,500
Weekly totals: All Categories	304,000	730,500	14,750	1049,250		1,049,250

J.P.C.I.

(A Non-Profit Organization)



JUNETEENTH
COME TOGETHER AND CELEBRATE FREEDOM

Juneteenth Planning Commission, Inc.
P.O. Box 8083
Fort Smith, AR 72902
Phone (479) 420-6682
Fax (479) 646-0983
Juneteenth.fortsmith@yahoo.com
www.juneteenth-fortsmith.org

Lawrence Wood, Jr., President
Greg Hershel, Vice President
Pauline Novak, Secretary
Tonie Schaife, Asst. Secretary
Kim Whorton, Asst. Treasurer
Steven Lara, Parliamentarian
Jimmy Hadnot, Graphic Artist
C. Michael Perry, Web Designer
Alonzo Alexander, Marketing
Garland Bray
Tonya Novak
Evelyn Kasworm
Lee Prince
Kisha K. King
George Fisher (Honorary Member)

Consultants:
Scott Shaw
Doug Henely
Ray Fullmer

Board of Directors

Pauline Novak
Leo Good
David Harris
Deedra Hershel
Frank Bateman
Dr. Kathleen Mallory

"To bring all Americans together to celebrate our common bond of freedom through the recognition, education, observance and historical preservation of Juneteenth in America."
Rev. Dr. Ron Myers, Sr. NJOF Founder

November 19, 2009

City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901

This letter serves a request for financial support for the **RIVERVALLEY JUNETEENTH Festival 2010**. The festival will be held at Fort Smith River Park on June 11-13 2010,

Because of the thousands of dollars necessary for this festival to be successful and for the strong economic impact on the City of Fort Smith, we are respectfully asking the City of Fort Smith for \$20,000 to help defray costs of entertainment and activities.

In 2009, the RVJF, a five day event was held and a record breaking 12,000 people attended. For the first time in history, a carnival presented by Miller Carnival was included as part of the entertainment.

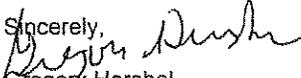
Because of the amount of activities planned and the type of entertainment scheduled this year, an estimated 15,000-18,000 people are expected to visit the City of Fort Smith for this 3 day event. **There will be different types of entertainment each day to include, R&B, Oldies, Blues, Rock, Gospel, Jazz, Motivational Speakers, Dancers, and Comedians.**

The theme of this historical event is "**HOPE**." The purpose is to bring all religious groups, ethnicities, genders, adults and children of all ages, together in one place, for one purpose, at one time.

The event will have a strong economic impact on the city of Fort Smith. An estimated \$1,000,000 dollars or more will be spent in the city Fort Smith, including hotel, food, gas, etc. (See attached).

For questions, please contact me at 420-6682

Thank you in advance for your support. Please, help us make history as we learn from our past and focus on the future! Our multicultural approach to entertainment and education is like none other! Like our motto says, "Together, we make our community stronger".

Sincerely,

Gregory Hershel
Vice President/Event Coordinator

"Struggle is a never-ending process. *Freedom* is never really won; you earn it and win it every generation."

— Coretta Scott King 1927 - 2006

1760

Andre Good

From: Andre Good [adgood@fedex.com]
Sent: Monday, October 26, 2009 5:18 PM
To: adgood@fedex.com; juneteenth.fortsmith@yahoo.com
Subject: Emailing: Form 990-N (e-Postcard) Online - View and Print Return.htm
Follow Up Flag: Follow up
Flag Status: Red

Form **990-N**
 Department of the Treasury
 Internal Revenue Service

Electronic Notice (e-Postcard)
 for Tax-Exempt Organizations not Required To File Form 990
 or 990-EZ

OMB No. 1545-
2085

2008

Open to Public
Inspection

A For the 2008 calendar year, or tax year beginning 1/1/2008, and ending 12/31/2008.

B Check if applicable

Terminated, Out of
Business

Gross receipts are
normally \$25,000 or less

C Name of organization: JUNETEENTH PLANNING
COMMISSION INC
d/b/a:

% Lawrence Wood Jr
PO Box 8083
Fort Smith, AR, US, 72902

D Employer
Identification
Number
01-0554252

E Website:
www.juneteenth-
fortsmith.org

F Name of Principal Officer: Lawrence Wood Jr
PO Box 8083
Fort Smith, AR, US, 72902

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

The organization is not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. The rules governing the confidentiality of the Form 990-N is covered in Code section 6104.

The time needed to complete and file this form and related schedules will vary depending on individual circumstances. The estimated average times is 15 minutes.

Note: This image is provided for your records only. Do NOT mail this page to the IRS. The IRS will not accept this filing via paper. You must file your Form 990-N (e-Postcard) electronically.

Andre Good

From: Andre Good [adgood@fedex.com]
Sent: Monday, October 26, 2009 5:13 PM
To: adgood@fedex.com; juneteenth.fortsmith@yahoo.com
Subject: Emailing: Check Filing Status990-2008.htm



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Check Filing Status

JUNETEENTH PLANNING COMMISSION INC
01-0554252
2008 IRS Form 990-N (e-Postcard)
1/1/2008 - 12/31/2008

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[View e-Postcard Image](#)

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[View Form 990-N \(e-Postcard\)](#)

Current Status: Transmitted

Your Form 990-N (e-Postcard) has been transmitted to the IRS.

Next Step:

Once the IRS processes your e-Postcard, we will send you an email telling you whether the e-Postcard was accepted or rejected. If rejected, the email will tell you why it was rejected and how to correct the problem.

Delivery Status

<u>No.</u>	<u>Filing</u>	<u>Delivery Status</u>	<u>Postmark</u>
1	Form 990-N	E-file Received	10/26/2009 6:02:13 PM

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Concerned about your privacy? Please view our [privacy policy](#).
This website is best viewed with Microsoft Internet Explorer 5.5+ or Mozilla Firefox with a screen resolution of 1024 X 768.
Last modified: October 14, 2009.

1762

05/28/2003 MON 11:56 FAX 479 700 7453 KATHERINE BUTLER LPN

005:007

06/10/2003 07:13 FAX 610 260 3750

TE/GE CINTI

005/006

Internal Revenue Service

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Date: April 8, 2003

Person to Contact:
Yvette Davis 31-0775
Customer Service Representative
Toll Free Telephone Number:
800 a.m. to 6:00 p.m. CST
877-829-5500

Junetsenth Planning Commission Incorporated
% Lawrence Wood Jr.
1812 N 33rd St
Fort Smith, AR 72804

Fax Number:
513-263-3756
Federal Identification Number:
01-0554252

Dear Sir,

This is in response to your telephone inquiry regarding your organization's tax exempt status.

Our records indicate that a determination letter issued in April 2003, granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 508(a)(1) and 170(b)(1)(A)(vi).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, those organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Requests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

1763

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **APR 09 2003**

Employer Identification Number:
01-0554252

DLN:

17053077014003

Contact Person:

NANCY L FILTER

ID# 31158

Contact Telephone Number:

(877) 829-5500

JUNETEENTH PLANNING COMMISSION
INCORPORATED
C/O LAWRENCE WOOD JR .
1612 N 33RD ST
FORT SMITH, AR 72904

Accounting Period Ending:

December 31

Form 990 Required:

Yes

Addendum Applies:

No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, if you are involved in an excess benefit transaction, that transaction might be subject to the excise taxes of section 4958. Additionally, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please contact your key district office.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware

Letter 947 (DO/CG)

1764



**Arkansas Secretary of State
Charlie Daniels**

State Capitol Building ♦ Little Rock, Arkansas 72201-1094 ♦ 501-682-3409

Certificate of Good Standing

I, Charlie Daniels, Secretary of State of the State of Arkansas, and as such, keeper of the records of domestic and foreign corporations, do hereby certify that the records of this office show

JUNETEENTH PLANNING COMMISSION, INCORPORATED.

authorized to transact business in the State of Arkansas as a Non-Profit Corporation, filed Articles of Incorporation in this office December 12, 2001.

Our records reflect that said entity, having complied with all statutory requirements in the State of Arkansas, is qualified to transact business in this State.



In Testimony Whereof, I have hereunto set my hand and affixed my official Seal. Done at my office in the City of Little Rock, this 15th day of May 2007.

Charlie Daniels

Charlie Daniels
Secretary of State

Online Certificate Authorization Code: 89cb9eb0288abf8

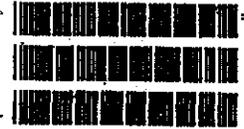
To verify the Authorization Code, visit sos.arkansas.gov

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Sharon Priest
SECRETARY OF STATE

State of Arkansas
SECRETARY OF STATE



To All to Whom These Presents Shall Come, Greeting:

I, Sharon Priest, Secretary of State of the state of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

ARTICLES OF INCORPORATION OF JUNETEENTH PLANNING COMMISSION, INCORPORATED.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal. Done at my office in the City of Little Rock, Arkansas this 19th day of November 2002.

Sharon Priest

Sharon Priest, Secretary of State
by: *J R Hendley*

J R Hendley

CC-1/Rev. 1-27-95

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Corporation and UCC Records • Elections • Capitol Building and Grounds

FILED
CORPORATIONS DIVISION
NOV 20 2002

01 DEC-12 PM 4:13

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS



Arkansas Secretary of State
Sharon Priest

State Capitol • Little Rock, Arkansas 72201-1094 • 501.682.1010

Articles of Incorporation of

Juneteenth Planning Commission, Incorporated

We, the undersigned, acting as incorporators of a corporation under the Arkansas Non profit Act (Act 1147 of 1993), adopt the following Articles of Incorporation of such corporation.

First: The name of the corporation shall be:

Juneteenth Planning Commission, Incorporated.

Purpose: The corporation is exclusively for charitable, educational, religious, or scientific purposes within the meaning of section 501(c) (3) of the Internal Revenue Code.

Second: This corporation is one of the following:

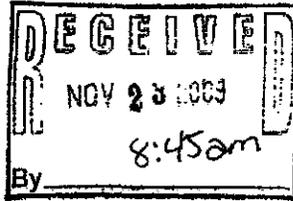
- (A) Public - Benefit Corporation
- (B) Mutual - Benefit Corporation
- (C) Religious Corporation

The Juneteenth Planning Commission, Inc. (JPC) will work to support, encourage, and perpetuate cultural awareness of our ancestors, community revitalization, health issues, health education, leadership and economic development, religious and cultural heritage of our people, by means of educational seminars, workshops, school presentations, festivals, and cultural events, musical events, theatrical performances, and community meetings

Third: Check whether this corporation will have members: Yes No

CERTIFIED COPY

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**JUNETEENTH PLANNING
COMMISSION, INCORPORATED**

FINANCIAL STATEMENTS

DECEMBER 31, 2008

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JUNETEENTH PLANNING COMMISSION, INCORPORATED
DECEMBER 31, 2008
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INDEPENDENT AUDITORS' REPORT

Board of Directors
Juneteenth Planning Commission, Incorporated
Fort Smith, Arkansas

We have audited the statement of assets, liabilities, and net assets – cash basis of **Juneteenth Planning Commission, Incorporated** (a nonprofit organization) as of December 31, 2008, and the related statement of revenue and expenses – cash basis for the year then ended. These financial statements are the responsibility of the Organization's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of the financial statements. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, these financial statements were prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the assets, liabilities and net assets of **Juneteenth Planning Commission, Incorporated** as of December 31, 2008 and its revenue and expenses for the year then ended, on the basis of accounting described in Note 1.


BEALL BARCLAY & COMPANY, PLC
Certified Public Accountants

Fort Smith, Arkansas
November 20, 2009

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JUNETEENTH PLANNING COMMISSION, INCORPORATED
STATEMENT OF REVENUE AND EXPENSES - CASH BASIS
DECEMBER 31, 2008

REVENUE			
Donations		\$ 43,300	
Advances from board member		5,000	
Interest income		<u>9</u>	
			\$ 48,309
EXPENSES			
Accounting		\$ 42	
Artist fees		18,900	
Donation		190	
Festival expense		10,429	
Insurance		477	
Martin Luther King banquet		3,820	
Office supplies and postage		1,622	
Repayment of cash advances		5,000	
Repayment of loans		6,578	
Scholarship		1,200	
Security		<u>1,071</u>	
			<u>49,329</u>
DEFICIENCY OF REVENUE OVER EXPENSES			(1,020)
CASH, BEGINNING OF YEAR			<u>2,666</u>
CASH, END OF YEAR			<u><u>\$ 1,646</u></u>

See Independent Auditors' Report and Notes to Financial Statements.

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JUNETEENTH PLANNING COMMISSION, INCORPORATED
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2008

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

Current Accounting Development - Continued

On December 30, 2008, the FASB Staff issued an amendment to this guidance impacting the effective date for certain nonpublic enterprises for implementation of the guidance for accounting for uncertainty in income taxes under FASB Codification topic *Income Taxes*. Under this amended guidance, the Organization is not required to implement the accounting for uncertainty in income taxes until fiscal years beginning after December 15, 2008.

Since the provisions of guidance have not been implemented in accounting for uncertain tax positions, the Organization continues to utilize its prior policy of accounting for these positions, following the guidance in FASB Codification Topic *Contingencies*. Disclosure or recognition is not required of a loss contingency involving an unasserted claim or assessment unless it is considered probable that a claim will be asserted and there is a reasonable possibility that the outcome will be unfavorable. Using that guidance, as of December 31, 2008, the Organization has no uncertain tax positions that qualify for either recognition or disclosure in the financial statements.

NOTE 2: CONCENTRATIONS

During the year ended December 31, 2008, approximately 48% of the Organization's donations were from four contributors.

NOTE 3: RELATED PARTY TRANSACTIONS

During the year ended December 31, 2008, the Organization received cash advances from its Vice President. All advances were repaid as of December 31, 2008.

NOTE 4: DESIGNATED NET ASSETS

As of December 31, 2008, the Organization's Board of Directors designated \$1,159 of unrestricted net assets for the George Fisher Memorial Scholarship Fund.

Print Your TPIN Notification Letter

View Your Trading Partner Profile



CENTRAL CONTRACTOR REGISTRATION BUSINESS PARTNER NETWORK SUPPORT ENVIRONMENT 74 WASHINGTON AVENUE NORTH, SUITE 7 BATTLE CREEK, MICHIGAN 49017-3084

5/10/2007

JUNETEENTH PLANNING COMMISSION, INC Attn: ANDRE D. GOOD 4716 MILL POND CT. FORT SMITH, AR 72904-6327

SUBJECT: Trading Partner Identification Number (TPIN) Assignment

Your confidential TPIN is: 89804021 Your Registration expires on: 05/07/2008 / 3-9-2010 This TPIN is for: JUNETEENTH PLANNING COMMISSION, INC 4716 MILL POND COURT FORT SMITH, AR 72904 -6327

The TPIN is a confidential number that is required for subsequent changes and/or yearly renewals of your registration. If at any time you feel your TPIN has been compromised, please contact our CCR Assistance Center toll free at 888-227-2423 or 269-961-4725 internationally. The maintenance of your registration, including yearly renewal, is your responsibility. It is imperative that you maintain an "Active" status in CCR, as contracts will be awarded and payments made only to "Active" vendors.

The preferred method for updating or renewing your registration is via the World Wide Web (WWW) at www.ccr.gov. All you need to do is click on "Register in CCR", click on "Update/Renew", and then "CCR Update TPIN" and enter your DUNS number and Trading Partner Identification Number (TPIN). Make any necessary changes and click the "Validate/Save" button to renew your registration for one year. You must click the "Validate/Save button" for yearly renewal, even if no changes were made.

For assistance, contact the Procurement Technical Assistance Center (PTAC) at www.dla.mil/db or the Small Business Administration (SBA) office in your area. For questions or further assistance, please call the CCR Assistance Center at 1-888-227-2423 or 269-961-4725 for international calls.

FOR OFFICIAL USE ONLY

When we come together, we make our community better.

www.juneteenth-fortsmith.org Juneteenth.fortsmith@yahoo.com P.O. Box 8083 Fort Smith, AR 72902 Juneteenth Planning Commission, Inc.

JUNETEENTH COME TOGETHER AND CELEBRATE FREEDOM



J.P.C.I. (A Non-Profit Organization)

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CCR Registration

Not to be used as certifications and representations. See QRCA for official certification.

Current Registration Status: Active In CCR; Registration valid until 03/09/2010.

DUNS: 797152910

DUNS PLUS4:

CAGE/NCAGE: 4R8E6

Legal Business Name: JUNETEENTH PLANNING COMMISSION, INC

Doing Business As (DBA):

TIN/EIN: 010554252

SSN:

Division Name:

Division Number:

Company URL:

Physical Street Address 1: 4716 MILL POND COURT

Physical Street Address 2:

Physical City: FORT SMITH

Physical State: AR

Physical Foreign Province:

Physical Zip/Postal Code: 72904-6327

Physical Country: USA

Mailing Name: ANDRE D. GOOD

Mailing Street Address 1: 4716 MILL POND CT.

Mailing Street Address 2:

Mailing City: FORT SMITH

Mailing State: AR

Mailing Foreign Province:

Mailing Zip/Postal Code: 72904-6327

Mailing Country: USA

Business Start Date: 04/09/2003

Fiscal Year End Date: 12/31

Number of Employees for This Location: 1

Number of Employees for All Affiliates: 1

Annual Receipts for This Location: \$1

Annual Receipts for All Affiliates: \$1

Company Security Level:

Highest Employee Security Level:

CORPORATE INFORMATION

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Type of Organization

Corporate Entity, Federal Tax Exempt
(State of Incorporation is AR)

Business Types/Grants

- 23 - Minority Owned Business
- 77 - Service Provider
- A8 - Nonprofit Organization
- H2 - Community Development Corporation
- OY - Black American Owned
- V2 - Grants

DISASTER RESPONSE INFORMATION

Bonding Levels

Construction Bonding Level, Per Contract
(dollars):

Construction Bonding Level, Aggregate
(dollars):

Service Bonding Level, Per Contract (dollars):

Service Bonding Level, Aggregate (dollars):

Geographic Areas Served

No geographic areas specified

GOODS / SERVICES

North American Industry Classification System (NAICS)

- 611110 - Elementary and Secondary Schools
- 611699 - All Other Miscellaneous Schools and Instruction
- 711310 - Promoters of Performing Arts, Sports, and Similar Events with Facilities
- 813311 - Human Rights Organizations
- 813410 - Civic and Social Organizations
- 923110 - Administration of Education Programs

Standard Industrial Classification (SIC)

- 7922 - THEATRICAL PRODUCERS AND SERVICES
- 7929 - ENTERTAINERS & ENTERTAINMENT GROUPS
- 7999 - AMUSEMENT AND RECREATION, NEC
- 8211 - ELEMENTARY AND SECONDARY SCHOOLS
- 8231 - LIBRARIES
- 8299 - SCHOOLS & EDUCATIONAL SERVICES, NEC
- 8399 - SOCIAL SERVICES, NEC
- 8999 - SERVICES, NEC
- 9229 - PUBLIC ORDER AND SAFETY, NEC

Product Service Codes (PSC)

- AQ95 - R&D-OTHER SOCIAL SVCS-OPSY DEV
- B521 - STUDY/HISTORICAL

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R409 - PROF SVCS/PROGRAM REVIEW-DEVEL
 R419 - PROF SVCS/EDUCATIONAL SERVICES
 R605 - ADMIN SVCS/LIBRARY SERVICES

Federal Supply Classification (FSC)

9999 - Miscellaneous Items

SMALL BUSINESS TYPES

SDB, 8A and HubZone certifications come from the Small Business Administration and are not editable by CCR vendors.

Business Types Expiration Date

North American Industry Classification System (NAICS)

The small business size status is derived from the receipts, number of employees, assets, barrels of oil, and/or megawatt hours entered by the vendor during the registration process.

NAICS Code	Description	Small Business	Emerging Small Business
611110	Elementary and Secondary Schools	No	No
611699	All Other Miscellaneous Schools and Instruction	No	No
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities	No	No
813311	Human Rights Organizations	No	No
813410	Civic and Social Organizations	No	No
923110	Administration of Education Programs	No	No

FINANCIAL INFORMATION

Electronic Funds Transfer (EFT)

Financial FIRST NATL BK

Institution:

ABA Routing 082900319
 Number:

Account Number: 2084156

Account Type: Checking

Lockbox Number:

Authorization 03/09/2009
 Date:

Remittance Information

Name: ANDRE D. GOOD

Address Line 1: 4716 MILL POND CT.

Address Line 2:

City: FORT SMITH

State: AR

Foreign Province:

Zip/Postal Code: 72904-6327

Country: USA

Automated Clearing House (ACH)

U.S. Phone: 479-285-4932

Non-U.S. Phone:

Fax:

Email Address: adgood@fedex.com

Accounts Receivable POC

Name: ANDRE D. GOOD

Email Address: adgood@fedex.com

U.S. Phone: 479-285-4932

Non-U.S. Phone:

Fax: 479-646-0983

Accepts credit cards as a method of payment: No

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CCR POINTS OF CONTACT

CCR Primary POC (Registrant Name)

Name: ANDRE GOOD
Email Address: juneteenth.fortsmith@yahoo.com
U.S. Phone: 479-285-4932
Non-U.S. Phone:
Fax: 479-646-0983

CCR Alternate POC

Name: ANDRE GOOD
Email Address: juneteenth.fortsmith@yahoo.com
U.S. Phone: 479-285-4932
Non-U.S. Phone:
Fax: 479-646-0983

Government Business Primary POC

Name: ANDRE D. GOOD
Email Address: adgood@fedex.com
Address Line 1: 4716 MILL POND CT.
Address Line 2:
City: FORT SMITH
State: AR
Foreign Province:
Zip/Postal Code: 72904-6327
Country: USA
U.S. Phone: 479-285-4932
Non-U.S. Phone:
Fax: 479-646-0983

Government Business Alternate POC

Name: LAWRENCE WOOD, JR.
Email Address: adgood@juneteenth-fortsmith.org
Address Line 1: 1612 NORTH 33RD STREET
Address Line 2:
City: FORT SMITH
State: AR
Foreign Province:
Zip/Postal Code: 72904-6408
Country: USA
U.S. Phone: 479-782-2622
Non-U.S. Phone:
Fax: 479-646-0983

Past Performance Primary POC

Name:
Email Address:
Address Line 1:
Address Line 2:
City:
State:
Foreign Province:
Zip/Postal Code:
Country:
U.S. Phone:
Non-U.S. Phone:
Fax:

Past Performance Alternate POC

Name:
Email Address:
Address Line 1:
Address Line 2:
City:
State:
Foreign Province:
Zip/Postal Code:
Country:
U.S. Phone:
Non-U.S. Phone:
Fax:

Electronic Business Primary POC

Name: ANDRE D. GOOD
Email Address: adgood@fedex.com
Address Line 1: 4716 MILL POND CT.
Address Line 2:
City: FORT SMITH
State: AR
Foreign Province:
Zip/Postal Code: 72904-6327
Country: USA

Electronic Business Alternate POC

Name: LAWRENCE WOOD, JR.
Email Address: adgood@juneteenth-fortsmith.org
Address Line 1: 1612 NORTH 33RD STREET
Address Line 2:
City: FORT SMITH
State: AR
Foreign Province:
Zip/Postal Code: 72904-6408
Country: USA

1777

U.S. Phone: 479-285-4932
Non-U.S. Phone:
Fax: 479-646-0983

U.S. Phone: 479-782-2622
Non-U.S. Phone:
Fax: 479-646-0983

Previous Business Name
Name:
Address Line 1:
Address Line 2:
City:
State:
Foreign Province:
Zip/Postal Code:
Country:

Government Parent
Name:
Address Line 1:
Address Line 2:
City:
State:
Foreign Province:
Zip/Postal Code:
Country:

Corporate POC
Name: ANDRE D. GOOD
Email Address: adgood@fedex.com
U.S. Phone: 479-285-4932
Non-U.S. Phone:
Fax: 479-646-0983

Marketing Partner Identification Number (MPIN)
MPIN: drdre1965

EDI

Value Added Network:
Interchange ID (ISA) Qualifier:
Interchange Sender ID (ISA) Qualifier:
Functional Group (GS02) Identifier:

EDI POC
Name:
Email Address:
U.S. Phone:
Non-U.S. Phone:
Fax

Receive Remittance Advice Notices (820's) through their VAN provider: ---

1778

Andre Good

From: Andre Good [adgood@fedex.com]
Sent: Wednesday, July 23, 2008 5:32 PM
To: 'Paula Grissom'
Cc: 'adgood@fedex.com'; juneteenth.fortsmith@yahoo.com
Subject: Juneteenth Planning Commission Inc. INFO

Registered Agent name & address : Juneteenth Planning Commission, Inc. (J.P.C.I.)
P.O. Box 8083
Fort Smith, AR 72902

Officers names & addresses : Lawrence Wood, Jr., JPCI President, 1612 N. 33rd St., F.S., AR 72904
Andre' Good, Treasurer, 4716 Mill Pond Ct., F.S. AR 72904
Greg Hershel, Vice President, 1923 Hillary Lane, F.S. AR., 72904
Kim Whorton, Secretary

Board of Directors names & addresses : George McGill, Fort Smith, AR., 72901
Pauline Novak, Fort Smith, AR., 72904
Leo Good, Fort Smith, AR., 72904
David Harris, Fort Smith, AR., 72901
Michael Helm, Fort Smith, AR., 72903
Lynn Roebuck, Fort Smith, AR., 72901
Jerelyn L. Duncan, Little Rock, AR., 72201
Frank Bateman, Little Rock, AR., 72201
Dr. Kathleen Mallory, Little Rock, AR., 72201

Paula Grissom
Bookkeeper
Beall Barclay & Company, PLC
Recipient of the Arkansas Small Business Association
2007 Financial Services Champion of the Year Award
3101 South 70th Street
Fort Smith, AR 72903
Phone: 479-484-5740 / 800-825-3608
Fax: 479-484-0670

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WWW.BEALL-CPA.COM

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If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. If this communication involves tax advice that constitutes a "covered opinion" under IRS Circular 230, then please be advised that such tax advice will not insulate you from tax penalties, if asserted by the IRS, unless we have been expressly engaged to render an opinion that satisfies the detailed criteria required by the IRS in Circular 230.

J.P.C.I.

(A Non-Profit Organization)



JUNETEENTH
COME TOGETHER AND CELEBRATE FREEDOM

Juneteenth Planning Commission, Inc.
P.O. Box 8083
Fort Smith, AR 72902
Phone (479) 420-6682
Fax (479) 646-0983
Juneteenth.fortsmith@yahoo.com
www.juneteenth-fortsmith.org

Lawrence Wood, Jr., President
Greg Hershel, Vice President
Pauline Novak, Secretary
Tonie Schaife, Asst. Secretary
Kim Whorton, Asst. Treasurer
Steven Lara, Parliamentarian
Jimmy Hadnot, Graphic Artist
C. Michael Perry, Web Designer
Alonzo Alexander, Marketing
Garland Bray
Tonya Novak
Evelyn Kasworm
Lee Prince
Kisha K. King
George Fisher (Honorary Member)

Board of Directors

Pauline Novak
Leo Good
David Harris
Deedra Hershel
Frank Bateman
Dr. Kathleen Mallory

Advisor:

Andre Good

"To bring all Americans together to celebrate our common bond of freedom through the recognition, education, observance and historical preservation of Juneteenth in America."
Rev. Dr. Ron Myers, Sr. NJOF Founder

November 3, 2009

**MINUTES OF JUNETEENTH PLANNING COMMISSION, INC
THURSDAY – November 12, 2009
Windsor Library Meeting Room**

The regular meeting of the Juneteenth Planning Commission, Inc was called to order at the Windsor Library at 6:00 P.M. Members present were, Lawrence Woods, President, Greg Hershel, Vice President, Pauline Novak, Secretary, and Mayanesia, committee member and Andre Good, Advisor. A guest was present.

The prayer was done by Lawrence Wood.

Old Business:

The financial report was read by the treasurer. A motion was called by Lawrence Wood to accept the report. It was seconded by Greg Hershel

New Business:

Discussion: A discussion was held regarding the making an application to the Fort Smith Outside Agency Funds. Greg Hershel suggested that we proceed with submitting an application. Ms Novak asked about the deadline. Mr. Good advised that we immediately get an audit completed because one is required with the application. Mr. Good said that he will assist with having an audit done. All receipts are needed for this to be accomplished. Mr. Hershel gave Mr. Good all of the receipts and will send the others via email on the following day. All agreed that we need to apply.

A Motion was made by Lawrence and seconded by MayaNeshia that we proceed with the application process.

The motion was approved unanimously by the committee.

The next regularly scheduled meeting of the Juneteenth Planning Commission will be Thursday, December 3, 2009 at the Windsor Library.

ADJOURNMENT

On motion by Pauline and second by Greg, the meeting was adjourned at 7:00 pm.

Respectfully,

Lawrence Wood
President

"Struggle is a never-ending process. Freedom is never really won; you earn it and win it every generation."

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APPLICATION FOR SUB-GRANT FUNDING
Arkansas General Improvement Fund FY2010

Applicant Organization: Juneteenth Planning Commission, Inc. (JPCI)

Address (per AASIS vendor file): P.O. Box 8083, Fort Smith, AR 72902

AASIS Vendor #: 100151478

Federal Tax ID #: 01-0554252

Name of primary point of contact: Andre' D. Good

Date: October 8th, 2009

Brief program description: The mission of the JPCI is to provide opportunities for people to come together to celebrate our culture and diversity. We believe FREEDOM is our common bond. Music and education help us find common ground to develop deeper understanding of other cultures as well as appreciating our own individual cultures. The JPCI works to encourage cultural awareness, community revitalization, health & educational issues and leadership by means of cultural events, school presentations & community meetings.

We begin w/ our Cultural Literacy Initiative Program, "CLIP". The JPCI partners with regional libraries, schools, boys and girls clubs and businesses & donates culturally significant & diverse books. Members of the JPCI visit these institutions often reading from these books aloud. This combination of mentoring & direct role modeling not only encourages reading & leadership values, but also promotes an understanding of the important historical contributions of all peoples, primarily African-Americans. FREEDOM is a desire of the Human Spirit. Building community takes more than buildings & businesses. It takes diverse groups of individuals who are "appreciated for their differences, who learn to work synergistically so that the whole becomes greater than the sum of its parts." (From Judith D. Palmer, Ph.D., Three Paradigms for Diversity Change Leaders, O.D. Practitioner, March 1989)

Anticipated benefits to be derived: To educate our region in areas of social non-violence, diversity and unity, minority health issues and youth literacy. Our community outreach revitalization efforts are targeted to low-moderate income housing areas. Our expected results have no "achieved" time as an end result. Education and personal growth are life-long objectives. It's our like passions to serve and educate that drives and motivates us. Having workable and successful partnerships, the joy of seeing satisfied crowds, seeing the "lights come on" when someone has an "ah-ha" moments understanding our messages, seeing the smiling faces on children as they run up to you in the mall or on the street and hear them say, "Hey! You're one of those guys that come to our school and taught us" this or that or "you guys put on the best events!" We strive to be good community servants, partners and role models...all to help the growth, happiness and well-being of others.

Funding amount requested: \$7,500

1781

Proposed budget: \$7,500

Of the funds requested, the JPC! will be able to continue to purchase our "C.L.I.P." books that we might continue the placement of these books as stated above in order to continue our mentoring and community service works primarily in low-moderate income areas. We will also use a portion of the funds to continue our partnerships through community revitalization efforts, such as our latest projects; the Lincoln High School gym upgrades and the completion of the Elm Grove Community Center at Martin Luther King, Jr. Park, which both are in low-moderate income areas.

CERTIFICATION: By signature below, applicant signifies agreement that these state general improvement funds are for expenditures within the state of Arkansas in support of the DHS mission to provide an effective statewide network of social services for the benefit of Arkansas residents.

Signature of Applicant

Title

Date

1782

Apply Online - Event / Sponsorship Grant

Your Submitted Application

The application you previously submitted appears below. No further changes may be made to this application. Click here to [return to the Welcome page](#).

Contact Information

1) Salutation	Mr.
2) Last Name (required)	Andre
3) First Name (required)	Good
4) Middle Name	D.
5) Title (required)	JPCI Director
Contact Type (required)	Executive Director
7) Address (required)	PO BOX 8083
8) City (required)	FORT SMITH
9) State (required)	Arkansas
10) Province	
11) ZIP Code (required)	72902-8083
12) Telephone (required)	479-285-4932
13) Fax	479-646-0983
14) E-mail Address (required)	juneteenth.fortsmith@yahoo.com

Organization Information

1) Legal Name (required)	Juneteenth Planning Commission, Inc. (JPCI)
2) AKA Name	JPCI
3) In Care Of Name	Lawrence Wood, Jr
4) Relationship to 'in care of' organization	JPCI President
5) Address (required)	PO BOX 8083
6) City (required)	FORT SMITH
7) State (required)	Arkansas
8) ZIP Code (required)	72902-8083
9) Province	
10) Country (required)	United States

1783

11) Telephone (required)	479-285-4932
12) Fax	479-646-0983
13) Web Site Address	www.juneteenth-fortsmith.org
14) E-mail Address	juneteenth.fortsmith@yahoo.com

15) Organization Mission (required)

The mission of the JPCI is to provide opportunities for people to together to celebrate our culture and diversity. We believe FREEDOM is our common bond. Music and education help us find common ground to develop deeper understanding of other cultures as well as appreciating our own individual cultures.

The JPCI works to encourage cultural awareness, community revitalization, health & educational issues and leadership by means of cultural events, school presentations & community meetings.

Organization Certifications

1) No Verizon employee, customer, or board members has a financial interest (required)	Yes
2) No branch offices, operations, or representation in U.S. sanctioned countries. (required)	Yes
3) Board, staff and organization are free of indictments, convictions, and conflicts of interest (required)	Yes
4) Organization has one separate financial or accounting person or function. (required)	Yes
5) Organization has conflict of interest policy and procedures (required)	Yes
6) The organization has at least 3 board members (required)	Yes
7) If answering "no" to any of the above questions, please explain. (required)	N/A
8) Organization Accuracy Certification (required)	Yes

509(A)(3) Tax Status Information
View 509(A)(3) Details for Request ID #422902

9) 509(a)(3) Supporting Organization Type

10) 509(a)(3) Type III Integrated with Support Organization

Proposal Information

1) Project Title (required)	Annual Community Outreach Programs
2) Request Date (required)	09/18/09
3) Request Amount (required)	\$10,000.00

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4) Project Budget	\$85,000.00
5) Funding Areas (required)	Literacy & Education
6) Project Start Date (required)	01/01/10
7) Project End Date (required)	12/31/10

8) Please specifically state/explain how Verizon Foundation's funding will be used in the proposed program/project. (required)

Item #5...The proper response as it relates to the JPCI is "All of the below" Arts & Culture, Healthcare, Literacy, Education & Communities. But we begin each of these areas w/ Education & Literacy.

Verizon will be contributing to a JPCI vision: To see area youth discover what's positive about themselves & others, realizing their self worth & value. Those feelings are the basis for how we all learn, grow, and treat others. Our region will be better equipped to live, serve & lead in an ever-changing, multicultural community. We begin w/ our Cultural Literacy Initiative Program, "CLIP". The JPCI partners with regional libraries, schools, boys and girls clubs and businesses & donates culturally significant & diverse books. Members of the JPCI visit these institutions often reading from these books aloud. This combination of mentoring & direct role modeling not only encourages reading & leadership values, but also promotes an understanding of the important historical contributions of all peoples, primarily African-Americans. FREEDOM is a desire of the Human Spirit. Building community takes more than buildings & businesses. It takes diverse groups of individuals who are "appreciated for their differences, who learn to work synergistically so that the whole becomes greater than the sum of its parts." (From Judith D. Palmer, Ph.D., Three Paradigms for Diversity Change Leaders, O.D. Practitioner, March 1989)

With Verizon's funding, the JPCI will be able to continue our community outreach programs which are both educational as well as entertaining. The JPCI's community outreach portfolio consist of the following:

Annual George Fisher Memorial Scholarship(s)

Annual "Encouraging Our Children to Read" Programs

Arts & Theater Partnership w/ARVEST BANK: Plantanos & Collard Greens
www.plantanosandcollardgreens.com

Cultural Literacy Initiative Program "C.L.I.P." book purchases

Promoting our regions US Marshal's Museum and the US Deputy Marshal BASS

1785

REEVES LEGACY INITIATIVE

Community Reinvestments opportunities: The Lincoln Center and The Mallalieu Church restoration project

Hosting our annual Juneteenth "Freedom and Unity" Celebration (payment of artists, insurance, advertising, ect.)

Partnership w/ the City of Fort Smith's Multicultural Center

Partnership w/ the City of Fort Smith's CDBG (Community Development Block Grant program)

Partnership w/ the City of Fort Smith's Old Fort Homeless Coalition

The benefits of an educated, diverse, well-rounded community and workforce are almost endless... they enable cities and companies to increase innovation, recruit top-notch talent and better connect with neighbors as well as customers, to name a few. * All JPCI events and programs are ALWAYS FREE!

9) What overall approach or strategy are you using to achieve results? (required)

Our grass-roots efforts are proven effective. The JPCI received a grant from the Walton Foundation for our minority health issues programs & community redevelopment. Fort Smith School & Library systems have partnered w/ the JPCI annually w/ our CLIP program. The JPCI has a college scholarship program and selection process to track a student's qualifications which allows them to apply for the GFM Scholarship annually. The JPCI hosts a Red Carpet Event that focuses on issues such as teenage pregnancies, self mutilation & STD's. Our annual "Freedom & Unity" Celebration is an opportunity to showcase our multicultural history(s) w/ re-enactments, music, food & dance while partnering w/ such sponsors as the US Army & COX Communications! The 2 largest cities to the East & to the West of us, Little Rock, AR (state capital) & Tulsa, OK (state capital) asked how to convert their cities Juneteenth events to work as well as that of the JPCI. Reference Public Service: www.juneteenth-fortsmith.org

10) Specifically state the social cause/issue you intend to address. (required)

Our children need an equal opportunity on life's "level" playing field. The fact is, in the real world, the playing field isn't always level. Our children need every tool possible to help them advance and excel in an ever-changing, increasingly diverse world. Our educational program must reflect the diversity so essential to success. This combination of mentoring and direct role modeling not only encourages reading, stronger health and social behaviors and improved quality of life, but also promotes an understanding of the important historical and current contributions of all peoples, primarily of African-Americans. Building community takes more than buildings and businesses. It takes diverse groups of individuals who are "appreciated for their differences, who learn to work synergistically so that the whole becomes greater than the sum of its parts." (From Judith D. Palmer, Ph.D., Three Paradigms for Diversity Change Leaders, O.D. Practitioner, March 1989)

11) Include additional program/project funding, if any. (required)

City of Fort Smith CDBG: \$19,279 (Community Development Block Grant/ Partner w/ Lincoln High School revitalization project.)

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COX Communications: \$5,000 and \$5,000
In-kind (Freedom and Unity Celebration /
national recording artist & advertising)

US Army: \$5,000 (Freedom and Unity
Celebration / national recording artist &
advertising)

Belle Point Beverages, Inc.: \$5,000
(Freedom and Unity Celebration / national
recording artist & advertising)

Wal-Mart / Sam's Club: \$5,000 (Cultural
Literacy Initiative Program & Elm Grove
Community Center @ MLK Park
partnership/ Community Redevelopment)

Stephen's Inc.: \$5,000 (Community
Outreach Partner)

First National Bank: \$1,000 (Community
Outreach Partner)

Yeagers ACE Hardware: \$1,000
(Community Outreach Partner)

C&H Tire Company: \$1,000 (Community
Outreach Partner)

Natioanal Family Parmacy: \$1,000 (Health
Partner)

City of Fort Smith: \$1,000 (Multicultural
Center/ Partner)

ARVEST BANK: \$1,000 (Arts & Theater
Partner)

David Harris: \$2,000 (Involved Citizen)

Arkansas State Senators Denny Altes and Tracey Steele: \$1,000

...and a host of other sponsors with financial contributions and/or in-kind contributions can be seen on our website: <http://www.juneteenth-fortsmith.org/about-sponsors.shtml>

12) How will you know when your expected results have been achieved? What information or evidence will you use to verify success? *(required)*

Our expected results have no "achieved" time as an end result. Education and personal growth are life-long objectives. It's our like passions to serve and educate that *drives and motivates us*. Having workable and successful partnerships, the joy of seeing satisfied crowds, seeing the "lights come on" when someone has an "ah-ha" moments understanding our messages, seeing the smiling faces on children as they run up to you in the mall or on the street and hear them say, "Hey! you're one of those guys that come to our school and taught us" this or that or "you guys put on the best events!" We strive to be good community servants, partners and role models...all to help the growth, happiness and well-being of others.

13) What approaches will you use to communicate Verizon's role as your partner in this work? *(required)*

Press releases, TV and Radio commercials and PSA's

Link to Verizon's website from our website: www.juneteenth-fortsmith.org and also advertising on our affillitate website www.19thofjune.com. Links and ad's remain on our website for 2 entire years!

Verizons logo will appear on all printed materials such as flyer, posters, T-shirts, novelty give-a-ways, souvenir sponsorship ad booklet, billboards, ect.

(Tell us what we can do for Verizon. Without partners like Verizon, our grass-roots efforts would be terribly limited.)

14) Number estimated to see Verizon as your partner. *(required)* 1000000

15) Project Budget Breakdown

[vz_budget.doc \(96.5 K\)](#)

Communities Served

1) Estimated Population Served *(required)* 100% General Public

2) Estimated Ethnicity Served *(required)* 5% American Indian or Alaska Native

1788

5% Asian or Pacific Islander
 60% Black or African American
 20% Hispanic or Latino
 10% White or Caucasian

3) Estimated Age Group Served <i>(required)</i>	100% All
4) Estimated Gender Served <i>(required)</i>	100% All
Grant Agreement Clauses	
1) Religious Proselytizing Restriction <i>(required)</i>	I Confirm
2) Non-Violence and Anti-Terrorism Certification <i>(required)</i>	I Confirm
3) Lobbying and Political Use Restrictions <i>(required)</i>	I Confirm
4) Use of Funds <i>(required)</i>	I Confirm
5) Confirmation of Charitable Intent <i>(required)</i>	I Confirm
6) Acceptance of Review <i>(required)</i>	I Confirm
7) Board Review and Approval of this Application <i>(required)</i>	I Confirm
8) Grant Accuracy Certification <i>(required)</i>	I Confirm
9) Is this grant being requested by, or at the behest of, a government official? <i>(required)</i>	No
10) Will this grant be used to provide any benefit, including, but not limited to, meals, entertainment, or travel, to a government official? <i>(required)</i>	No
a) If so, provide a description of the benefit that will be provided, and the government officials that will receive the benefits. <i>(required)</i>	Not Applicable
b) If so, certify that any benefits provided to government officials will be in compliance with all applicable laws, rules, and regulations, including, but not limited to, federal, state, and local restrictions relating to campaign finance, lobbying, and government ethics. <i>(required)</i>	Not Applicable

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Another JPCI Community Outreach Event!
The JPCI and Stephens Boys and Girls Club have partnered
with the City of Fort Smith's Multicultural Center to host another
CULTURAL LITERACY INITIATIVE PROGRAM:
"Encouraging Our Children to Read/Bringing the Community
Together Through Literature and the Arts."

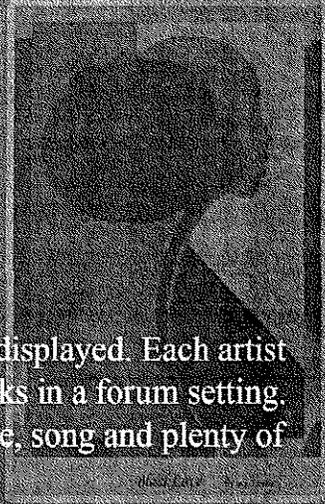


This Authors and Art workshop will include works and words from:

Patrick M. Oliver
 Editor, *Turn The Page and You Don't Stop*
 Founder, *Say It Loud! Readers and Writers Series* (Essence Magazine Best Seller)
 Celebrating 10 years of Reading, Writing and Telling Our Stories
www.speakloudly.com

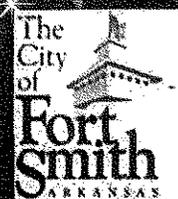


Hannibal B. Johnson:
 A Fort Smith native and
 Harvard Law School graduate,
 Johnson is an author, attorney, consultant,
 and college professor.
www.hannibalbjohnson.com



Local Artist Liz Robinson and Marvin Fentis will have their works of art displayed. Each artist will be available the entire time to answer questions and discuss their works in a forum setting. There will also be poetry/ spoken word, short story/ parable reading, dance, song and plenty of audience engagement.

Elm Grove Community Center
 Saturday, November 24th, 2007
 1:00 pm - 5:00 pm



For more information, please contact:
 Darneisha Adams, Program Coordinator
 Stephens Boys and Girls Club
 3101 North 6th Street
 Fort Smith, AR 72903
 Tel: 479.782.6392
www.juneteenth-fortsmith.org

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J.P.C.I.

(A Non-Profit Organization)



JPCI

JUNETEENTH
COME TOGETHER AND CELEBRATE FREEDOM

uneteenth Planning Commission, Inc.
P.O. Box 8083
Fort Smith, AR 72902
www.juneteenth-fortsmith.org

When we come together,
we make our community better.

Certificate of Recognition

GEORGE FISHER MEMORIAL SCHOLARSHIP 2008

Presented to

Anuradha Gorukanti

This award honors a High School student who embodies the spirit of diversity and of fostering change. George Fisher, JPCI member, a mentor, a husband, father, ABF employee and community activist and volunteer, exemplified this spirit in all activities in which he was involved.

The JPCI congratulates Anuradha for commitment to education, community and exemplifying compassion for her fellow man in which Dr. Martin Luther King, Jr. spoke, "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that."



JUNETEENTH
COME TOGETHER AND CELEBRATE FREEDOM

Lenche D. Good

The JPCI Committee, January 19, 2008

Lawrence Wood, Jr.

Lawrence Wood, Jr., JPCI President

2621

JUNETEENTH PLANNING COMMISSION, INC. (JPCI)
P.O. BOX 8083
FORT SMITH, AR 72902

81-31/829
2084156

836

DATE Aug 27, 2008

PAY TO THE ORDER OF

St. Louis University

\$ 1,200.00

One thousand two hundred Dollars DOLLARS



FIRST NATIONAL BANK
FORT SMITH, AR 72901
MEMBER FDIC

MEMO George Fisher Mem Scholarship

Lawrence Wood Jr

⑆08 29003 19⑆ 2084 156⑆ 0836

* ANU Rodha Gorukanti *

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FedEx Priority Overnight delivery is available on Monday through Friday. Delivery is guaranteed.

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Recipient

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Signature Required

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1 From 9/16/08
Sender's FedEx Account Number: 8667 5281 5740

Sender's Name: Andee O. Good
Phone: 1 479 285-4932

Company: Juneteenth Planning Commission Inc (JPCI)
Address: 4716 Mill Pond Ct

City: Fort Smith State: AR ZIP: 72904

2 Your Internal Billing Reference: George Fisher Memorial Scholarship

3 To Recipient's Name: Debbie Alexander
Phone: 314 977-4211

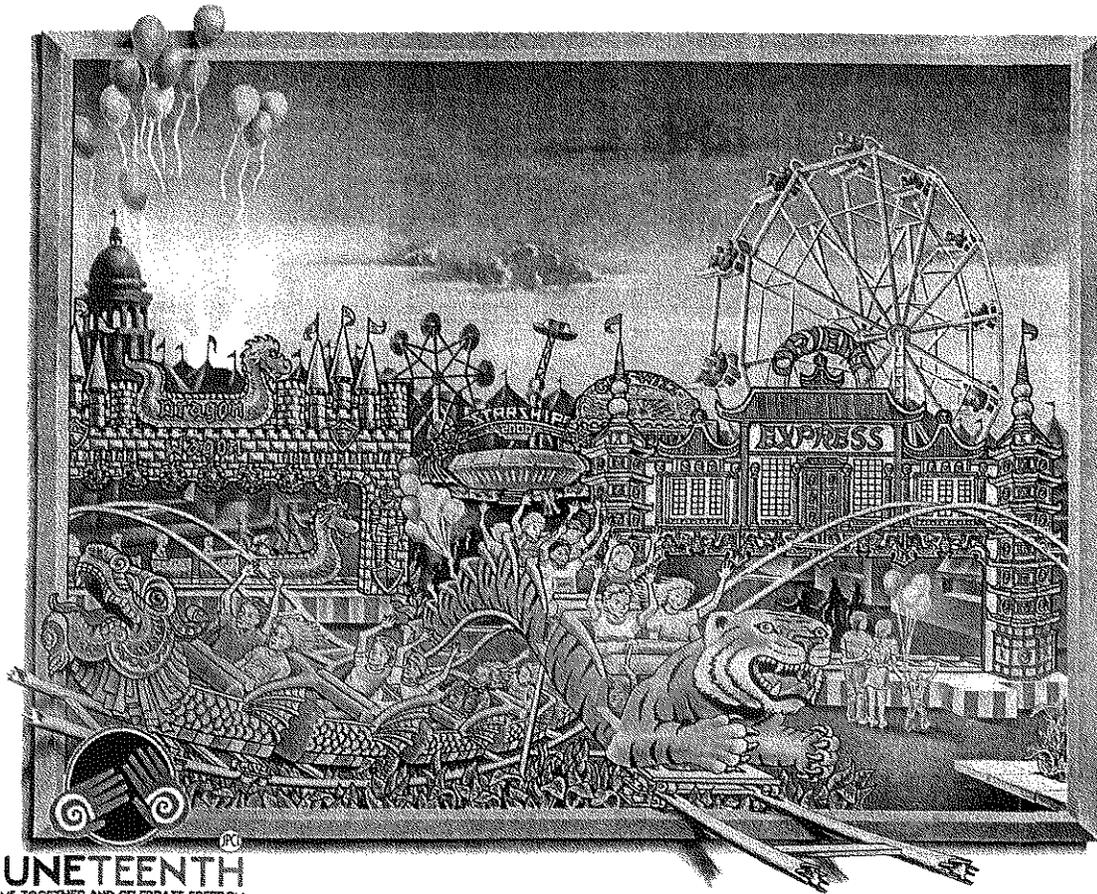
Company: Office of Student Funding Services
Recipient's Address: St. Louis University 96 Anu R. Gorukanti

Address: 221 N. Grand Ave
City: St. Louis State: Mo ZIP: 63103

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JUNETEENTH
COME TOGETHER AND CELEBRATE FREEDOM
www.juneteenth-fortsmith.org

JUNETEENTH FESTIVAL

FORT SMITH RIVER PARK

★ **CLAYTON EXPRESSWAY** ★

JUNE 9 THRU 14

Armbands - Tue., Wed. & Thur. Night

Music ★ Food ★ Games ★ Rides

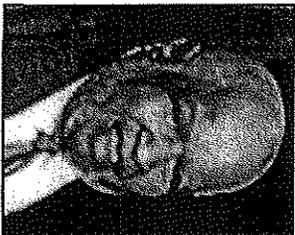
Midway By Miller Spectacular Shows Inc.

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STYLE NO. 545

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Hello! I am Lawrence Wood Jr. (a.k.a. Buzz and/or Pluff). As Chairman of the Juneteenth Planning Commission, Inc. (JPCI), I want to welcome everyone to this year's event in the great city of Fort Smith, Arkansas. We are glad that you are here and we're hoping that you enjoy everything this year's celebration has to offer---from the great food to the great entertainment line up.



During our recognition of Juneteenth let us not forget the significance in changing the course of history in the United States, not only for the African American, but for all men. We must never forget the work and sacrifices of those from our past, our present and yes, in our future to establish and maintain this freedom. As you well know, there are hurdles yet to make and problems yet to conquer. There is a small word that is very important and essential in our lives---no matter the circumstance, subject or accomplishment---and that word is RESPECT.

In closing, I want to give a GREAT BIG "THANK YOU" to the JPCI members---who have worked so hard in planning and bringing this year's celebration to fruition: the sponsors---without whom this would not have been possible: the entertainers, vendors, volunteers, electricians and security personnel---who all made this event a reality. Also, thanks to those who helped and supported in any other way, no matter how small they think their efforts were.

Last, but by no means least, thanks to all of you for your attendance and support in making this year's celebration a big success! Let's strive to keep the Juneteenth Celebration alive and look forward to it growing bigger and better with each year.

Lawrence Wood, Jr.
JPCI President



WHAT IS JUNETEENTH?

Juneteenth, or June 19, 1865 is considered the date the last slaves in America were freed. Although the rumors of the freedom were widespread prior to this, the actual emancipation did not come until General Gordon Granger rode into Galveston, Texas and issued General Order No. 3 on June 19, almost two and a half years after President Abraham Lincoln signed the Emancipation Proclamation, which had become official January 1, 1863.

What was General Order Number 3?

One of General Granger's first orders of business was to read to the people of Texas, General Order Number 3, which began most significantly with:

"The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer."

WHAT WAS HAPPENING HERE IN FORT SMITH?

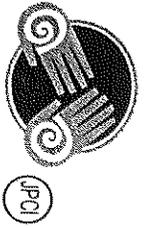
The border town of Fort Smith grew slowly around the walls of a small fort established in late 1817 on a high bluff overlooking the junction of the Potomac and Arkansas rivers. Straddling the border between what became the state of Arkansas and what was known then as "Indian Territory" in present-day Oklahoma, by the mid-19th century, Fort Smith was feared as "Hell on the Border," the gateway between "civilization" and the untamed West. Fort Smith had many slaves and there were no free people of color in the Fort Smith, Van Buren area in 1860. The state of Arkansas had passed a resolution in 1859 requiring all the free blacks to leave the state or relinquish their freedom and to be sold back into enslavement. In 1860, there were free blacks, but many had left by 1860 since living freely was no option. Slavery was limited to the larger landowners and noting the loyalty of the city to the Confederate cause, there does not appear to have been opponents to slavery. The eagerness of the males from the slavery community in Ft. Smith to enroll in the Union Army when the opportunity presented itself reflects the eagerness to abandon life as enslaved persons. Thus, when the 11th U.S. Colored Infantry was organized in Ft. Smith, it took hold. The unit was later designated as the 113th U.S. Colored Infantry when it merged with 112th.

WHERE IS FORT SMITH TODAY?

Since those early days, Fort Smith has become home for a wonderful diverse group of peoples. Today, Fort Smith is known as a Sister-City of Cisterna, Italy, because of the fostering friendships between the two cities, thanks to the heroics of General William O. Darby and the Darby Rangers. Fort Chaffee was the first "home" for thousands of Vietnamese and later Cuban refugees brought to this country. Fort Smith is currently a city of 80,268 with 77% European-American, 8.6% African-American, 8.8% Hispanic and 4.6% Asian- American and 1.7% Native-American population. According to the 2000 Census, African-Americans will soon be the third largest population group in the United States, instead of the second largest which will be the Hispanic population. According to one estimate, by 2020 the number of non-white or Hispanic inhabitants of America will have doubled, while the white population will remain essentially unchanged. By 2050, the percentage of Asian- Americans will have quintupled, with the total reaching 40 million.

Cultural diversity can be seen in most aspects of life in Fort Smith. Civic groups, churches, schools, businesses, festivals and celebrations reflect the make-up of Fort Smith. Diversity is more than an ethnic or race issue; it also covers age, sex, religion, social status and disabilities. We have to live, work and play together and Fort Smith has some attractions to prove it: The Old Fort Days Rodeo, the Riverfront Blues Festival, Juneteenth's "Freedom and Unity" celebration, the Arkansas-Oklahoma State Fair, The Cowboys of Color Rodeo, The Scottish Border Games and Gathering, the Old Fort Riverfest, Cinco de Mayo and Mardi Gras celebrations and more.

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JUNETEENTH COME TOGETHER

Juneteenth Planning Commission, Inc.

P.O. Box 8083

Fort Smith, AR 72902

Phone (479) 285-4932

Fax (479) 646-0983

adjgood@juneteenth-fortsmith.org
www.juneteenth-fortsmith.org

- Lawrence Ward, Jr., President
- Greg Hershel, Vice President
- DeeDra Hershel, Secretary
- Andre Good, Treasurer
- Alma Larr, Asst. Secretary
- Kim Whorton, Asst. Treasurer
- Sтивен Larr, Parliamentarian
- Jimmy Hudnot, Graphic Artist
- C. Michael Perry, Web Designer
- Garland Ray
- Tonya Novak
- Ahan C. Davis, Sr.
- Dameisha Adams
- Evelyn Kasworm
- Aletha Jones
- Beverly Henker
- Wanda Whitehead
- Lee Prince
- Kisha K. King
- George Fisher (Honorary Member)

Board of Directors

- George McGill
- Pauline Nozak
- Leo Good
- David Harris
- Michael Helm
- Karen Phillips
- Lynn Roebuck
- Jereyn L. Duncan
- Frank Bateman
- Dr. Kathleen Malloy

"To bring all Americans together to celebrate our common bond of freedom through the recognition, education, observance and historical preservation of Juneteenth in America." Rev. Dr. Ron Myers, Sr. NIOF Founder

Partners In Education Program (Cultural Literacy Initiative Program)

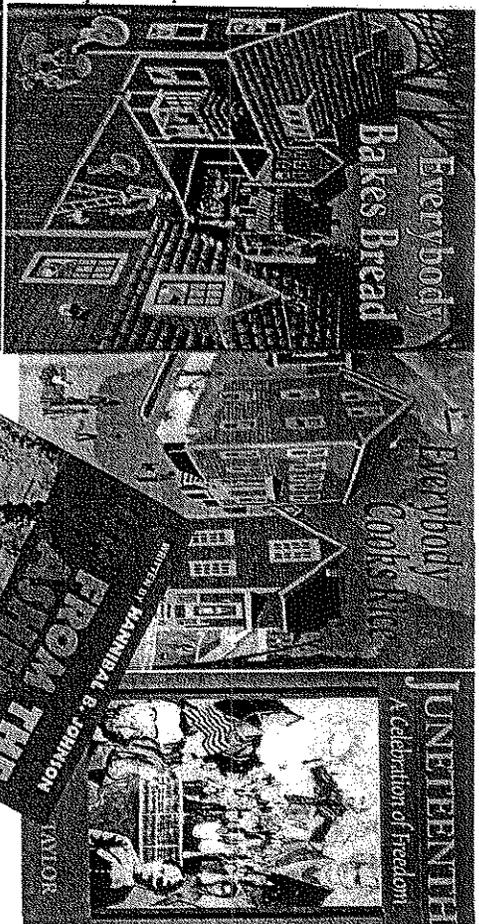
Juneteenth 2007-2009

As part of the educational program of the Juneteenth Planning Commission, Inc., (JPEC), we showcase 4 important books that will be donated to all 19 elementary schools, 4 Jr. High, 2 Sr. High Schools and 4 public libraries here in Fort Smith, Arkansas, then the rest of the Greater Fort Smith, River Valley, and Eastern Oklahoma area. Arkansas native, Hannibal B. Johnson is the author of two of our C.L.I.P. books.

- "Tell All the Children Our Story", Memories and Mementos of Being Young and Black in America. Tonya Bolden, author
- "No Place Like Home", A Story About An All-Black All-American Town. Hannibal B. Johnson, author
- "Unchained Memories", Readings From The Slave Narratives. Forward By Henry Louis Gates, Jr.
- "Mama Used to Say", Wit and Wisdom from the Heart & Soul. Hannibal B. Johnson, author

With all eyes on different aspects of education, programs such as Arkansas Kids First, Accelerated Reader and No Child Left Behind are fundamental in guaranteeing our children an equal opportunity on life's "level" playing field. The fact is, in the real world, the playing field isn't always level. Our children need every tool possible to help them advance and excel in an ever-changing, increasingly diverse world. Our educational program must reflect the diversity so essential to success. Let it start here and now. Help us get these books in the hands of our children. Won't you join us in making a difference in our community?"

Members of the JPEC will visit schools and other institutions that receive the books, often reading the stories aloud to children. This combination of mentoring and direct role modeling not only encourages reading, but also promotes an understanding of the important historical contributions of African-Americans. Building community takes more than buildings and businesses. It takes diverse groups of individuals who are "appreciated for their differences, who learn to work synergistically, so that the whole becomes greater than the sum of its parts." From Judith D. Palmer, Ph.D., Three Paradigms for Diversity Change Leaders. O.D. Practitioner, March 1989)



1795

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ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND REPLACING
ARTICLE II OF CHAPTER 2, SECTIONS 2-26 THROUGH 2-47,
OF THE FORT SMITH MUNICIPAL CODE**

BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas that:

SECTION 1: Article II of Chapter 2, including Sections 2-26 through 2-47, of the Fort Smith Municipal Code is hereby repealed in its entirety and replaced with the following language:

ARTICLE II. MAYOR AND BOARD OF DIRECTORS*

Sec. 2-26. Regular meetings of the board of directors.

Beginning January 1, 2010 and continuing through December 31, 2010, the regular meetings of the city board of directors shall be held at 6:00 p.m. in the board room at the Fort Smith Public Schools Service Center, 3205 Jenny Lind, on the first and third Tuesday evenings, unless such date is a legal holiday, in which case such meeting shall be held on the following evening at the same time and place.

Sec. 2-27. Special meetings.

Special meetings of the board of directors may be called by a majority of the board of directors as follows:

- (a) On oral motion stating the time, date, place (if then known) and item or items of business on the agenda for the proposed meeting adopted by the board of directors at any regular meeting or special meeting of the board which is attended by all directors and the mayor. The city clerk shall confirm the meeting called by notice to each director, the mayor, and the city administrator of the time, date, place and item or items of business on the agenda for the meeting called.

*Approved as to form
JSC
Publish/ time*

(b) When four (4) or more members of the board of directors are present and all members of the board and the mayor, whether present or absent, consent in writing to the holding of the meeting. The written consent shall contain the time, date, place and item or items of business on the agenda, and shall be recorded in the minutes of the board by the city clerk. Absent members and the mayor may give written consent to the meeting by facsimile or electronic mail addressed to the city clerk.

(c) When four (4) or more members of the board of directors give notice to the city clerk, either orally or in writing, of the time, date, and item or items of business on the agenda for the special meeting. Oral notice received by the city clerk shall be reduced to writing and recorded in the minutes of the board. Written notice of the special meeting of the board shall contain the time, date, place and item or items of business on the agenda, and shall be either delivered to each member of the board, the mayor and the city administrator at least twenty-four (24) hours before the time of the meeting called, or shall be sent by electronic mail or facsimile to each member of the board of directors and to the mayor to addresses or facsimile numbers provided by each for this purpose at least forty-eight (48) hours before the time of the meeting called. The city administrator may request all members of the board of directors to call a special meeting for any specified purpose by notice to each member of the board of directors and the mayor of the time, date, place and item or items of business on the agenda of the proposed meeting. The requested meeting may be called by four (4) or more members of the board of directors as provided in this subsection.

(d) If an emergency event, which could not have been reasonably anticipated but which, because of its importance and pressing urgency, requires immediate consideration, the board of directors may have a special meeting at any time and at any place when at least four (4) or more directors are present, and after written notice has been given of the time, place and item of business for consideration to each director, and to the news media by the most expeditious manner possible, at least two (2) hours prior to the meeting. Expeditious manner shall be deemed satisfied if attempted contact is by e-mail, telephone and facsimile copy. Any action taken at such meeting shall be reported promptly to the mayor and to all members of the board of directors who were absent, and any action taken shall be an item of business on the agenda at the next regular or special meeting of the board of directors duly called for reconsideration at the request of any member of the board of directors.

(e) The city clerk shall prepare and give all notice required by this section and the Freedom of Information Act of 1967 [A.C.A. 25-19-101], and when required such notice shall be given to each member of the board, the mayor, the city administrator, the public and the news media pursuant to the Freedom of Information Act of 1967 [A.C.A. § 25-19-101]. Said notice shall include the time, date, place and item or items of business on the agenda for the meeting called.

(f) No special meeting of the board of directors shall be called to order until the two (2) hour notice of the meeting is first given to the public and the representatives of the news media as required by the Freedom of Information Act of 1967 [A.C.A. § 25-19-101 et seq.]. The mayor and each member of the board of directors shall be deemed to have consented to any special

meeting of the board of directors and its consideration of the items of business stated on the agenda at the beginning of the meeting if they are present at the beginning of the meeting and do not object to the holding of the meeting.

Sec. 2-28. Executive sessions.

(a) Executive sessions of the board of directors shall be scheduled as the last item of business on a regular or special meeting agenda, subject to the provisions of Section 2-37(a) for re-arranging the order of the meeting agenda.

(b) Except as otherwise specifically provided by law, executive sessions will be permitted only for the purpose of discussing or considering employment, appointment, promotion, demotion, disciplining or resignation of any public officer or employee.

(c) Any item of business arising at a study session, regular or special meeting of the board, requiring the consideration of the board in executive session shall be automatically postponed for executive session at the next regular or special meeting of the board. A motion duly adopted to consider an item of business in executive session shall automatically postpone consideration of the item of business. All seven (7) directors may concur with adding the item to the agenda of the meeting in progress for an executive session before adjournment of the regular or special meeting in progress. If consideration at the regular or special meeting in progress does not occur, the matter shall be scheduled for an executive session at the next regular or special meeting.

(d) Any decision of the board of directors made in executive session, which decision is required by the Freedom of Information Act of 1967 [A.C.A. § 25-19-101 et seq.] to be presented and voted on at the public meeting, shall be the subject of formal action by the board which shall reconvene in public session after the executive session.

(e) Only the members of the board, the mayor, and the city administrator shall regularly attend executive sessions of the board. Persons specifically requested to attend a particular meeting may do so as allowed by the Arkansas Freedom of Information Act, and such person or persons shall leave the meeting at the conclusion of the matter pertaining to them.

Sec. 2-29. Study session meetings.

(a) The board of directors may hold study session meetings at such times, under such circumstances and on such conditions as the board may prescribe for the purpose of informing themselves of the business and affairs of the city, provided no official action of the board of directors shall be taken at such meetings. The city clerk shall not be required to keep minutes of study session meetings.

(b) The city clerk shall prepare and give notice of study session meetings. Such notice shall be given to each member of the board, the mayor, the city administrator, the public and the news media pursuant to the Freedom of Information Act of 1967 [A.C.A. § 25-19-101]. Said notice

shall include the time, date, place and item or items of business on the agenda for the meeting called.

(c) The regularly-scheduled study session meeting shall precede the regular meeting of the board by at least five (5) days.

(d) To the extent practical, items of business or matters which are complex or involve policy decisions shall be presented at a study session meeting together with a briefing of relevant facts and circumstances prior to being placed on the agenda of a regular meeting. Additionally, the city administrator shall provide a list of all then-known items contemplated to be on the next regular meeting agenda.

(e) The time and place of study session meetings shall be determined by a majority of the members of the board, and notice given as herein provided.

(f) Only the city administrator, the mayor, or a member of the board of directors may invite persons to address the board of directors at a study session, and a majority of the board of directors may limit the time of a presentation, or deny any presentation to the board. In all controversial and complex matters, such a briefing may be a condition precedent to further consideration of the item of business. The city administrator or his staff shall undertake reasonable efforts to give notice of the study session to persons having an existing direct interest, as contrasted with a general interest, in the item of business under study by the board of directors at a study session, and the board of directors may permit such directly interested persons to make informed presentations to the board if requested to do so.

(g) The study session meeting room shall be so arranged as to encourage and facilitate communication between the mayor, the members of the board of directors, the city administrator and any invited guests.

Sec. 2-30. Personnel to attend study session meetings.

(a) The city administrator or the deputy city administrator and city clerk or assistant city clerk shall attend all study session meetings of the board. The city administrator shall also require the presence at the study session meetings of other employees of the city having relevant superior personal knowledge or expert opinion of matters to be presented to the board for consideration.

(b) The board of directors may on a motion duly adopted require the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code, or in his absence an assistant qualified and licensed attorney at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code, or any other municipal employee to attend study session meetings of the board.

Sec. 2-31. Formulation of agenda.

Each item of business for consideration by the board of directors at any regular, special, study session or executive session meeting of the board shall be first placed on a written agenda. The agenda shall be formulated and disseminated according to the following directions.

(a) The preparation of the agenda for each regular, special, study session or executive session meeting of the board of directors shall be the duty of the city clerk, under the supervision of the mayor.

(b) An item of business may be placed on the agenda for any regular, special, study session or executive session meeting of the board at a study session meeting preceding the meeting of consideration by the city administrator, or by the concurrence of any two (2) members of the board. An item of business may be placed on the agenda for any regular, special, study session or executive session meeting of the board at any time by the city administrator provided notice of the specific subject of the addition to the agenda is given to the mayor and the members of the board of directors at least forty-eight (48) hours before the meeting of consideration.

(c) An item of business may be placed on the agenda at least forty-eight (48) hours prior to the time of the meeting of consideration by four (4) members of the board upon notice to the city clerk of the name of the proposed directors and the specific subject of the items of business to be considered. The city clerk shall immediately notify the directors, the city administrator and the mayor of the specific subject of the addition to the agenda.

(d) Any item of business may be denied a place on or removed from the agenda by notice of four (4) directors to the city clerk prior to the date of the meeting of the proposed consideration. The city clerk shall immediately notify the city administrator, the mayor, the directors and other interested persons of such action.

(e) An item of business requiring immediate action by the board may be placed on the agenda within forty-eight (48) hours or at the meeting of consideration by notice from all seven (7) members of the board to the city clerk pursuant to subsection (c) above or by unanimous vote of the entire membership of the board. An absent member of the board may express consent to consideration by those present in writing, or by facsimile or electronic mail communicated to the city clerk.

(f) An item of business presented at a regular or special meeting of the board, not placed on the agenda of the meeting at which presented, shall be automatically placed on the agenda of the following regular meeting unless its place on the agenda is denied, or it is removed as provided in this article.

(g) Any ordinance or resolution placed on the agenda of any regular or special meeting of the board requiring by its terms the appointment by the board of a person and the insertion of a person's name in the ordinance or resolution shall be automatically referred to and constitute a call of an executive session prior to adjournment of such meeting, and formal action on the ordinance or resolution shall take place in public session after the executive session.

Sec. 2-32. Briefing of board by the city administrator.

(a) The city administrator may present to the board of directors at any meeting any matter without detailed briefing for the purpose of determining whether the board desires that the matter be staffed and the board thoroughly briefed at a subsequent meeting of the board, or not. Available information relevant to the question of further consideration and briefing should be presented.

(b) It shall be the duty of the city administrator to keep the members of the board advised of all facts and circumstances pertaining to or affecting the legislative policy of the city, and it shall be the duty of the city administrator and his staff to investigate, assimilate relevant information, and brief the board of directors on all matters requiring consideration and legislative action by the board.

(c) Before any complex or controversial item of business is placed on the agenda of a regular, special, study session or executive session meeting of the board by the city administrator, the city administrator and his staff shall first present to the board so much of the following as is relevant and feasible:

- (1) Statement of the problem or the issue presented.
- (2) A statement of all pertinent and relevant facts together with available documentation.
- (3) Any expert opinion concerning the item of business for consideration.
- (4) Copies of other municipal legislation affecting the item of business.
- (5) Copies of pertinent comparable legislation in other municipalities.
- (6) Statement of the intended results of any proposed legislation or statement of policy on the problems sought to be eliminated, or the good to be accomplished by the proposed legislation.
- (7) A statement of the obstacles to accomplishment of the desired objective.
- (8) A statement of the possible solutions with advantages and disadvantages of each.
- (9) The course of action recommended by the city administrator, if any, and his reasons therefor.

(d) It shall be the duty of the city administrator and his staff to present to the board the same information outlined in this section for each item of business initiated by members of the board at their request, or by citizens presenting complex or controversial items of business, provided the city administrator may require as a condition precedent to his presentation of an item of business initiated by a citizen that the initiating person attend a meeting of the board and make a presentation of relevant facts and circumstances to the board and such other of the staff briefing

requirements outlined in the preceding subsection as is relevant and reasonable.

(e) The majority of the board may, by vote, if timely done pursuant to section 2-31, place a complex or controversial item of business on the agenda at the request of the city administrator without the complete and thorough briefing to the board required by this section.

(f) All or any part of the information to the board required by this section may be furnished either orally or in writing to each member of the board prior to or at the presentation of the item of business for a place on the agenda.

(g) The city administrator shall request the board of directors to authorize the necessary staff, equipment and material to perform the duties prescribed by this article.

Sec. 2-33. Meeting material, equipment and supplies.

(a) The city clerk shall have present at each meeting of the board of directors a copy of Robert's Rules of Order, a copy of this Code, and at the meeting of initial consideration, a copy of every other contract, resolution or ordinance of the city directly affecting matters of consideration by the board. The city administrator shall advise the city clerk prior to each meeting of the subject of matters proposed for consideration by the board which are not known by the city clerk to be already on the agenda. The city clerk shall provide necessary supplies for each director at each meeting. The city administrator shall have present at the meeting of initial consideration every legal opinion, and other letters, documents, charts, maps or photographs not in the possession of the city clerk directly affecting new matters of consideration by the board at each regular, special, study session or executive session meeting of the board, except where impractical because of the complexity or bulk of the documents, in which case available summaries shall be utilized.

(b) Upon request by any director, the city administrator and his staff shall have present at any subsequent meeting of consideration the relevant documents described in subsection (a) above.

Sec. 2-34. Presiding officer; vote; mayor's veto; overriding veto.

(a) The mayor shall preside at all regular, special, and study session meetings, including executive sessions, of the board of directors but shall not have a vote on any matter coming before the board. The mayor shall have the power of veto over all decisions made by the board of directors, except with respect to matters relative to city personnel, but a veto by the mayor may be overridden by the affirmative vote of five (5) or more members of the board of directors. In the absence of the mayor, the assistant mayor shall have the same duties and authority as chairman without veto, and also shall have the right to vote as a director.

(b) In the absence of both the mayor and the assistant mayor the board of directors shall elect from its membership a person to serve as chairman of the meeting. Such election of a chairman shall not occur before the designated starting time of the meeting and shall not occur before a

quorum is present.

Sec. 2-35. Rules of order.

(a) Robert's Rules of Order shall govern the proceedings of all regular, special, agenda and executive meetings of the board of directors, except as modified by A.C.A. tit. 14, ch. 48 [§ 14-48-101 et seq.], and the provisions of this article. The city administrator shall provide a copy of Robert's Rules of Order to each member of the board of directors, the mayor and the city clerk.

(b) The mayor, assistant mayor or other person presiding over the meeting shall have the affirmative duty and authority to require the members of the board of directors and other persons present at the meeting to comply with the rules of order. The chairman of the meeting shall constantly maintain the decorum of the meeting, and shall have authority to order the removal of persons not on the board of directors violating the rules of order or disturbing the meeting. The chairman of the meeting may require the city administrator to provide a person having police authority to be present at a meeting to assist in the performance of the duties of the presiding officer. It is the purpose of this subsection to require the chairman of the meeting to enforce the rules of order and to maintain the decorum of the meeting without a request for rule compliance or objection to rule violation by a member of the board of directors. If a member of the board of directors believes there is a violation of the foregoing by a citizen, he or she may make a motion to end the presentation or assert a point of order. If said motion receives a second, there shall immediately be taken a vote of the board of directors on the motion to end the presentation. The chairman may enforce the point of order or may submit same to a vote of the board of directors.

(c) A majority of the board may on a motion, without second, order the previous question, which shall have the effect to cut off all debate and bring the board to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the item of business to its passage or rejection. It shall be in order, pending the motion for the previous question, or after the previous question shall have been ordered on its passage, for the mayor to entertain and submit without debate a motion to commit, with or without instructions, to a standing or select committee. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate.

(d) No member of the board of directors shall speak or debate on any item of business, which is not on the agenda at any regular meeting of the board of directors, except on a motion to add the item of business to the agenda as provided in this article, without the unanimous consent of the members of the board who are present.

(e) The minutes of each regular or special meeting of the board of directors shall be accurately summarized by the city clerk, reduced to writing, and a copy provided to each member of the

board of directors and the mayor prior to the next regular meeting. No minutes of any past meeting of the board of directors shall be read at any subsequent meeting unless a reading is requested by a member of the board of directors.

(f) The chairman of each meeting of the board shall rotate the opportunity to first speak or debate on successive items of business among the members of the board.

(g) All special and standing committees of the board shall be appointed by the chairman of the meeting, subject to the approval of a majority of the board, which approval shall be recorded.

(h) The membership of standing committees shall terminate on December thirty-first of each year and new members appointed at the next regular meeting of the board. Special committees shall terminate upon the presentation to the board of a committee report stating that it is final or at the expiration of one (1) year, whichever event occurs first.

(i) The referral of a matter or item of business to a committee shall have the effect of requiring the city administrator and his staff to fully support the committee in its work.

Sec. 2-36. Presentation of information requiring no board action.

(a) Any information or report may be presented to the board of directors by the city administrator, by the mayor, or by a member of the board at any meeting of the board. No official action shall be taken on such matter unless first placed on the agenda as provided herein.

(b) Any member of the board may request the city administrator to remain after any meeting for the purpose of informing the city administrator of specific citizen complaints or other matters not requiring the attention of the entire board and the city administrator and his staff shall note the complaints or matters presented for action under section 2-45, or for other appropriate action, and the director presenting the complaint or the matter shall be advised of the action taken.

Sec. 2-37. Agenda consideration at opening of meeting; public comment on agenda items.

(a) After each regular or special meeting of the board of directors is called to order and the roll is called, the mayor shall inquire of the members of the board of directors if any director desires to present any item of business or other matter to the board during the meeting, or which is not already on the agenda of a regular or special meeting. If the mayor receives an affirmative response, the subject of all such items of business or matters for consideration shall be promptly determined. No person, except a member of the board of directors, shall be permitted by the mayor to discuss any item of business or other matter presented at the meeting for a place on the agenda until the item of business is placed on the agenda, or other matter is approved by the board for presentation at the meeting. The mayor shall submit separately to the board for vote without motion each item of business or other matter proposed by a director. A director presenting items requiring board action, but not placed on the agenda of the meeting at which presented, shall be told by the mayor that the item will be on the agenda for the next regular

meeting of the board, unless removed by a majority of the board. At each regular or special meeting of the board the mayor may then ascertain the number of persons present for each item on the agenda and shall rearrange the order of the agenda subject to the approval of the board, so that the business of the largest groups of people present is first on the agenda.

(b) After a motion is made and seconded for approval of each item on the agenda of any regular or special meeting of the board, and before such item is discussed by members of the board, the mayor shall inquire of those present if anyone has a statement to make concerning the item under consideration. An applicant before the board may have up to five (5) minutes to make an opening presentation. If a group of citizens opposes the applicant, they may have up to five (5) minutes to make an opposing presentation. Each side shall have up to three (3) minutes to make a rebuttal presentation. All other comments from citizens shall be limited to no more than two (2) minutes per citizen. Any of these time limits may be extended by a consensus of the members of the board. Citizen comments must be relevant to the agenda item under consideration.

Sec. 2-38. Ordinances and resolutions--Passage; one subject, title rule.

(a) All ordinances, resolutions or orders for the appropriation of money shall require for their passage or adoption the concurrence of a majority of the board of directors. All by-laws and ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days, unless five (5) members of the board of directors shall dispense with the rule. The affirmative vote of at least five (5) directors to suspend the rule shall dispense with the requirement to fully read the item and with the requirement of voting on three (3) different days. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title.

(b) The formality of suspending the rules regarding readings on successive dates shall not be required in the event of a unanimous vote of the entire board.

(c) If a by-law or ordinance is duly adopted, or amended, and a director voting against the measure states consents to dispensing with the rules, such director's vote on the measure adopted shall be recorded for the measure to reflect the unanimous vote required by subsection (b) above.

(d) If it shall be necessary for the preservation of the public peace, health and safety that a measure shall become effective immediately, and the measure contains an emergency section, a separate roll call vote by yea and nay shall be had on the emergency section. Five (5) or more votes in favor of the emergency shall be required. If the emergency section is not adopted, the remainder of the measure shall be considered passed.

Sec. 2-39. Same--Voting requirements.

(a) On the passage of every ordinance, resolution or order to enter into a contract by the board of

directors, the yeas and nays shall be called and recorded; and to pass any ordinance, resolution or order, a concurrence of at least four (4) members of the board of directors shall be required.

(b) When a motion for passage or adoption of an item of business which is the subject of an ordinance or resolution on the agenda at any regular, or special meeting of the board of directors is duly seconded, the ordinance or resolution shall be read prior to the first vote, subjected to any other parliamentary procedure including subsidiary and privileged motions, and then put to vote to end that only one (1) vote shall be taken on each main motion.

Sec. 2-40. Salaries.

(a) The mayor shall receive compensation in the amount of ten thousand dollars (\$10,000.00) per year. Additionally, the mayor shall receive as reimbursement for vehicle expense the sum of four hundred fifty dollars (\$450.00) per month.

(b) Each member of the board of directors shall receive compensation in the amount of one thousand dollars (\$1,000.00) per year. A member's compensation shall be reduced by one-twenty-fourth (1/24th) for each regular meeting at which a member is absent. No such compensation shall be paid for attendance at any special meeting called by the board of directors. Each member of the board of directors shall receive as reimbursement for vehicle expense the sum of four hundred dollars (\$400.00) per month.

Sec. 2-41. Actual expenses.

(a) The mayor and the members of the board of directors shall be reimbursed for actual out-of-pocket expenses incurred in the performance of their official duties, and they shall be reimbursed for personal automobile use on city business requiring travel more than twenty-five (25) miles one (1) way from the principal office location of the city.

(b) Application for reimbursement shall be made within thirty (30) days of the date the non-travel expense is incurred or within two (2) weeks of the date the travel is concluded and the application shall be supported by appropriate vouchers in the same manner as provided by the city administrator for reimbursement of expenses of other municipal personnel. Reconciliation of travel advances shall be made within two (2) weeks of the date the travel is concluded. In addition, the application for reimbursement shall state the date and item of municipal business requiring the expenditure or travel. All travel expense reimbursements and travel advances shall be made in accordance with the city's travel policy.

(c) To the extent feasible, the city administrator shall establish a procedure for providing direct services and supplies to the mayor and the members of the board necessary to an efficient and economical performance of their official duties.

Sec. 2-42. Administrative assistance to the board of directors.

(a) The city administrator shall provide such secretarial assistance to the board of directors and the mayor as is prescribed by the board for its members and the mayor. The city administrator shall provide adequate office space and the necessary furniture, equipment and supplies for one (1) member of the board, or the mayor to work effectively on city business. Available personnel, supplies, space, furniture and equipment now utilized by the mayor may be designated and assigned to the requirements of this section.

(b) Each member of the board of directors shall be provided with supplies, documents and information necessary to the proper performance of the duties of director in preparation for and in attending meetings of the board.

(c) Official stationery bearing the names of the mayor and the members of the board shall be provided to the board.

(d) The city administrator shall provide to each member of the board of directors on request an appropriately designed identification card for use by the members of the board on official business.

(e) Directors and the mayor may request information that is routine and readily available from any department or office head of the city. The department or office head shall furnish all available information and facts requested by the directors and mayor to the city administrator, who shall then forward such information and facts to all directors and the mayor. Requests from directors or the mayor for information that is not routine or is not readily available shall be made through the city administrator.

Sec. 2-43. Director approval procedure of city administrator personnel action.

Except as otherwise provided in this article, the city administrator shall obtain the approval of the board of directors prior to the employment or discharge of exempt personnel of the city who are heads of departments, city clerk, internal auditor, and the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code as follows:

(1) The city administrator shall notify all members of the board of directors either orally or in writing of the proposed action, the reasons therefor, and all relevant and pertinent facts bearing upon the decision of either employment or discharge. After notification from the city administrator, there shall be scheduled an executive session at the next regular or special meeting of the board of directors to discuss approval, denial or modification of the city administrator's proposed action.

(2) Following the board's action, the city administrator shall then notify in person or by telephone the individual subject to the approved action and may confirm the action in writing to

the individual.

(3) Where reasonable and feasible, employees of the city shall be first given an opportunity to resign at the request of the city administrator and the board of directors prior to notice of discharge.

(4) No director nor the mayor shall communicate the exempt personnel action proposed by the city administrator, except through the city administrator as herein provided.

Sec. 2-44. Citizen complaints and citizen initiated items of business.

(a) Any citizen having a complaint or an item of business with the city should present the complaint or the item of business to the city administrator's office for action prior to presentation of the complaint or item of business to the board of directors at a meeting. Before presentation of the complaint or item of business to the board of directors, the aggrieved citizen shall first notify the city administrator, or his designated representative, of the nature of the complaint, and the city administrator shall immediately cause an investigation to be made of the complaint or requested item of business and notify the citizen and board of directors of the results of the investigation and recommended action, if any. A citizen who remains aggrieved by the action of the city administrator may then present the matter to the board of directors at any subsequent regular meeting after giving notice to the city administrator at least seven (7) days before the regular meeting. The matter shall be scheduled as an item of business on the regular meeting agenda. The city administrator shall provide the board of directors with a briefing report on the citizen's request, any action taken by the city administrator or his staff, and other information deemed relevant by the city administrator. The citizen shall have up to three (3) minutes to present his or her request at the regular meeting. The board of directors may extend this time limit by its concurrence. After considering the citizen's request, the board of directors may:

- (1) take any action it deems appropriate, consistent with applicable law;
- (2) determine to not consider the matter any further;
- (3) request additional information from the citizen or the city administrator;
- (4) defer the matter for further consideration at a study session meeting or a subsequent regular meeting.

If the board of directors determines to not consider the matter any further, the city administrator shall not schedule on a regular, special or study session meeting agenda any identical or substantially similar request made by any citizen within one (1) year of the board of directors' determination to not consider the matter any further.

(b) At each regular meeting, there shall be an item on the agenda immediately preceding adjournment of the meeting, which item shall allow citizens to introduce matters to the board of directors. Each citizen shall have up to two (2) minutes to present his or her matters, which matters shall be limited to those involving the city government and shall not be directly related to

items considered on that meeting's agenda. If a matter presented by a citizen requires consideration of possible action by the board of directors or the city administrator, the matter shall be handled in accordance with Section 2-44(a).

Sec. 2-45. Record of action requested by the board.

The city clerk shall maintain a list of the items of business for which a member of the board has requested a staff briefing or other action, and a list of all items referred to the city administrator or other city official for action, the date of the request or referral, and the name of the person making the request or presenting the item referred, and the anticipated date for a report on the action requested. The date of the subsequent report or briefing shall be noted on the list.

Sec. 2-46. Notice.

Unless otherwise specifically provided in this article, any notice to the city clerk required by this article may be given orally or in writing. Notice received orally shall be first recorded in writing by the recipient. All notices shall be immediately communicated to the city clerk, who shall maintain a permanent record of all notices in the minutes of the meetings of the board. Unless otherwise specifically provided in this article, the city clerk shall give written notice of each item of business placed on the agenda of any regular, special, study session or executive meeting of the board to the members of the board, the mayor and the city administrator at least four (4) days prior to the date of the meeting of consideration. Actual notice of any item of business subsequently placed on the agenda as provided herein shall be immediately given by the city clerk to each member of the board, the mayor and the city administrator by the most effective and expeditious means available.

Sec. 2-47. Effect of noncompliance with article; procedures.

(a) Failure to comply with the provisions of this article shall not invalidate any action of the board which is otherwise in accordance with the law of this state, unless a member of the board states the objection at the time of the action, or files an objection to the action of the board at or prior to the next regular meeting of the board. If a member of the board makes or files an objection to a proceeding, the facts and grounds for the objection shall be stated by the objecting director and referred by him to the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code for opinion, which shall be presented to the board as an item of business on the agenda at the second regular meeting following the challenged action.

(b) If the opinion of the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code states that the challenged action violates the provisions of this article, the matter challenged shall automatically be reconsidered by the

board.

(c) If the opinion of the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code states that the challenged action does not violate the provisions of this article, no further consideration of the challenged action shall be required.

(d) At the adjournment of the second regular meeting following the challenged action, all violations of the provisions of this article shall be deemed waived, the action taken confirmed, and no violation of this article shall be grounds for invalidating any action of the board thereafter, if the action otherwise complies with the laws of this state.

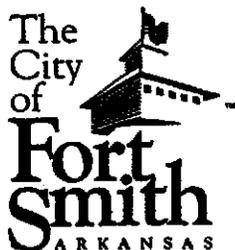
SECTION 2: Emergency Clause. The immediate effectiveness of this Ordinance establishing procedures for the governing body of the City is required to provide for the orderly conducting of the affairs of the governing body and the City. Therefore, an emergency is declared, and this Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED and APPROVED this _____ day of May, 2010.

Mayor

ATTEST:

City Clerk



3

MEMORANDUM

April 23, 2010

TO: Dennis Kelly, City Administrator

FROM: Ray Gosack, Deputy City Administrator

SUBJECT: Board Meetings - Municipal Code

At the March 23rd study session, the board of directors reviewed public participation at board meetings. The section of the Fort Smith municipal code which covers this topic isn't being followed. During the review, it was noted that this section of the code was outdated in some respects, was confusing in other respects, and wasn't being followed in some respects. This section of the code was written more than 40 years ago. The board asked the staff and city attorney to work on amendments to the code.

Attached is a *marked up* copy of the code with recommended changes. The changes are intended to:

- modernize the code
- streamline the myriad of procedural matters addressed in the code
- reflect the board's actual operating practices
- bring the code into compliance with the Arkansas Freedom of Information Act.

Recommended deletions are shown in ~~strikeout~~ typeface and recommended additions are in underline typeface. There's also comments provided to explain the more significant changes. A list of significant changes is attached.

Once the board is satisfied with the changes, we'll prepare this section of the municipal code for adoption.

- Ray

SIGNIFICANT CHANGES TO BOARD MEETING PROCEDURES

- ▶ Eliminating provisions that appear to violate the Arkansas Freedom of Information Act. (Section 2-27(a)(2); Section 2-43(2 & 3))
- ▶ Recognizing modern means for notifying board members of special meetings and other matters. (Section 2-27(a)(4 & 5); Section 2-31(5))
- ▶ Making it clear that executive sessions are part of regular or special meetings, and not separate meetings. (Section 2-28)
- ▶ Changing the term "agenda meetings" to "study session meetings" (Section 2-29), requiring that notice of study session meetings be given, and removing the requirement that all items for a regular meeting be reviewed at a study session (Section 2-29(c)).
- ▶ Allowing board members to call for a point of order if a board member believes a citizen is violating rules of order or decorum (Section 2-35(b)). The proposed language would require a majority vote of the directors to end the presentation or to enforce the point of order.
- ▶ The presentation of information requiring no board action would be limited to the city administrator, the mayor or a member of the board (Section 2-36(a)). The current language allows anyone to make such presentations. Presentations by citizens are now covered in sections 2-37 for scheduled agenda items and in section 2-44 for other items. The current language also requires a vote of the board before any such presentations (including those by the mayor or a director) may be made. It's recommended this voting requirement be deleted.
- ▶ The current code provides no language for citizen participation on scheduled agenda items. This has been added to Section 2-37(b), and incorporates the practice the board has followed for many years.
- ▶ The code currently provides for a "secretary to the board", which person shall be a stenographer. This position hasn't existed for 30 years. The code has been amended to delete this position. The city administrator and his staff will be responsible for

providing administrative assistance to the board.
(Section 2-42)

- ▶ Section 2-42(g) of the code requires department heads to "immediately provide . . . all available information and facts requested by the directors . . . concerning the affairs of the department . . ." This section has been re-written so that directors and the mayor may request information that is routine and readily available from department heads, and that such information will be furnished to all directors and the mayor. Requests for information that aren't routine or aren't readily available should be made through the city administrator.
- ▶ The process for the board's approval of the appointment and removal of department heads in the current code (Section 2-43) is flawed. The procedure doesn't flow from one step to the next, and likely violates the Arkansas Freedom of Information Act. The procedure allows for board approval to occur outside of a public meeting. The procedure has been streamlined so that board approval can occur only in a public meeting.
- ▶ Section 2-44 of the current code contains a procedure for citizens initiating items of business that aren't on the agenda. The code requires citizens to first present the matter to the city administrator before presenting the matter at a board meeting. This procedure has been further clarified with new language that provides for how a citizen would bring a matter before the board, and the board's options for acting on the citizen's request. There's also a provision to prevent the same request from being brought before the board repeatedly.

This procedure would result in the board and the public being informed in advance about a citizen-initiated matter when it is presented at a board meeting. A background report would be provided to the board. The procedure avoids surprises and uninformed discussion. If a citizen chooses to present his/her matter to the board, the matter would be scheduled as a regular agenda item. This would allow other stakeholders and interested citizens to comment on the matter if they desired.

If the board desires to continue with an open citizens forum, there's an alternative immediately following Section 2-44(a). This alternative would allow a

citizen up to 2 minutes to present matters at the end of the board meeting. The presentations would be limited to items involving city government and not directly related to items considered on that meeting's agenda (the opportunity to comment on agenda items is when those items are being considered, not at the end of the meeting). Under this alternative, a matter presented by a citizen which requires possible action by the board or city administrator would be handled according to the procedure in Section 2-44(a) (e.g., the citizen first meets with the staff to resolve the problem, and may then come to the board if not satisfied with the staff's action).

ARTICLE II. MAYOR AND BOARD OF DIRECTORS*

*Cross references: Elections, Ch. 8.

State law references: Board of directors, A.C.A. § 14-48-110 et seq.

Sec. 2-26. Regular meetings of the board of directors.

Beginning January 1, 2010 and continuing through December 31, 2010, the regular meetings of the city board of directors shall be held at 6:00 p.m. in the board room at the Fort Smith Public Schools Service Center, 3205 Jenny Lind, on the first and third Tuesday evenings, unless such date is a legal holiday, in which case such meeting shall be held on the following evening at the same time and place.

(Ord. No. 2878, § 1, 3-2-71; Ord. No. 2878, § 1, 1-15-73; Ord. No. 3480, § 1, 8-2-77; Ord. No. 17-83, § 1, 3-1-83; Ord. No. 68-91, § 1, 12-3-91; Ord. No. 72-92, § 1, 11-3-92; Ord. No. 53-93, § 1, 11-16-93; Ord. No. 65-94, § 1, 11-15-94; Ord. No. 77-95, § 1, 12-5-95; Ord. No. 54-96, § 1, 12-17-96; Ord. No. 82-97, § 1, 12-16-97; Ord. No. 101-98, § 1, 12-15-98; Ord. No. 74-00, § 1, 12-19-00; Ord. No. 84-01, § 1, 12-18-01; Ord. No. 73-02, § 1, 12-3-02; Ord. No. 107-03, § 1, 12-16-03; Ord. No. 85-04, § 1, 12-21-04; Ord. No. 77-05, § 1, 11-15-05; Ord. No. 114-06, § 1, 11-21-06; Ord. No. 79-07, 11-20-07; Ord. No. 71-08, 11-18-08)

State law references: Regular meetings of board of directors, A.C.A. § 14-48-120(b).

Sec. 2-27. Special meetings.

(a) Special meetings of the board of directors may be called by a majority of the board of directors as follows:

(1) On oral motion stating the time, date, place (if then known) (COMMENT: Since the city doesn't have its own meeting location, it may not be possible to state a place at the time an oral motion is made.) and item or items of business on the agenda for the proposed meeting adopted by the board of directors at any regular meeting or special meeting of the board which is attended by all directors and the mayor. The city clerk shall confirm the meeting called by notice to each director, the mayor, and the city administrator of the time, date, place and item or items of business on the agenda for the meeting called.

~~(2) When the mayor and all members of the board of directors are present at the meeting and all~~

~~members consent to the having of the meeting without formal notice, and all members consent to a consideration of the item or items of business presented.~~ (COMMENT: This section likely violates the FOIA, e.g., conducting a meeting without formal notice,)

(3) When four (4) or more members of the board of directors are present and all members of the board and the mayor, whether present or absent, consent in writing to the holding of the meeting. The written consent shall contain the time, date, place and item or items of business on the agenda, and shall be recorded in the minutes of the board by the city clerk. Absent members and the mayor may give written consent to the meeting by ~~telegram~~ facsimile or electronic mail addressed to the city clerk.

(4) When four (4) or more members of the board of directors give notice to the city clerk, either orally or in writing, of the time, date, ~~place~~ and item or items of business on the agenda for the special meeting. Oral notice received by the city clerk shall be first reduced to writing and recorded in the minutes of the board. Written notice of the special meeting of the board shall contain the time, date, place and item or items of business on the agenda, and shall be either delivered to each member of the board, the mayor and the city administrator at least twenty-four (24) hours before the time of the meeting called, or shall be ~~mailed to each member of the board of directors, and to the mayor by certified or registered mail sent by~~ electronic mail or facsimile to each member of the board of directors and to the mayor to addresses or facsimile numbers provided by each for this purpose at least forty-eight (48) hours before the time of the meeting called. The city administrator may request all members of the board of directors to call a special meeting for any specified purpose by notice to each member of the board of directors and the mayor of the time, date, place and item or items of business on the agenda of the proposed meeting. The requested meeting may be called by four (4) or more members of the board of directors as provided in this subsection.

(5) If an emergency event, which could not have been reasonably anticipated but which, because of its importance and pressing urgency, requires immediate consideration, the board of directors may have a special meeting at any time and at any place when at least four (4) or more directors are present, and after written notice has been given of the time, place and item of business for consideration to ~~both the business and the residence address of~~ each director, and to the news media by the most expeditious manner possible, at least two (2) hours prior to the meeting. Expeditious manner shall be deemed satisfied if attempted contact is by e-mail, telephone and facsimile copy. ~~All reasonable efforts shall be made to give actual notice of the meeting to the mayor and each of the directors in the most expeditious manner possible.~~ (COMMENT: These changes take into account technological advancements in providing notice to directors, the mayor and the media. The change would allow a hand-delivered notice, an e-mail, a FAX, or a telephone call.) Any action taken at such meeting shall be reported promptly to the mayor and to all members of the board of directors who were absent, and any action taken shall be an item of business on the agenda at the next regular or special meeting of the board of directors duly called for reconsideration at the request of any member of the board of directors.

(6) The city clerk shall prepare and give all notice required by this section and the Freedom of Information Act of 1967 [A.C.A. 25-19-101], and when required such notice shall be given to

each member of the board, the mayor, the city administrator, the public and the news media pursuant to the Freedom of Information Act of 1967 [A.C.A. § 25-19-101]. Said notice shall include the time, date, place and item or items of business on the agenda for the meeting called.

(7) No special meeting of the board of directors shall be called to order until the two (2) hour notice of the meeting is first given to the public and the representatives of the newspapers, radio stations and television stations news media as required by the Freedom of Information Act of 1967 [A.C.A. § 25-19-101 et seq.].

~~(b) It is the purpose of this section to permit the board of directors to have special meetings at any time or place when the mayor and all members of the board of directors agree to the holding of such meeting, to protect absent members, the public, and to require notice of the item or items of business on the agenda prior to the meeting, if required by any member. (COMMENT: The preceding sections already allow for this. This language is redundant. The following language, which is currently part of the code, will be added to paragraph (7) above.)~~ The mayor and each member of the board of directors shall be deemed to have consented to any special meeting of the board of directors and its consideration of the items of business stated on the agenda at the beginning of the meeting if they are present at the beginning of the meeting and do not object to the holding of the meeting ~~without formal notice.~~

(Ord. No. 2878, § 2, 3-2-71)

State law references: Special meetings, A.C.A. § 14-48-120(c); notice of special meetings, A.C.A. § 25-19-106(b)(2).

Sec. 2-28. Executive sessions.

~~(a) Executive sessions of the board of directors shall immediately follow regular or special meetings of the board be scheduled as the last item of business on a regular or special meeting agenda, subject to the provisions of Section 2-37(a) for re-arranging the order of the meeting agenda.~~

(b) Except as otherwise specifically provided by law, executive sessions will be permitted only for the purpose of discussing or considering employment, appointment, promotion, demotion, disciplining or resignation of any public officer or employee.

~~(c) Any item of business arising at an agenda, a study session, regular or special meeting of the board, requiring the consideration of the board in executive session shall be automatically postponed to the next for executive session at the next regular or special meeting of the board. A motion duly adopted to consider an item of business in executive session shall automatically postpone consideration of the item of business and constitute a call of an executive session to immediately follow the next regular meeting of the board in a conference room in the civic center, except as otherwise provided by ordinance. All seven (7) directors may concur with adding the item to the agenda of the meeting in progress for an executive session before adjournment of the regular or special meeting in progress. If consideration at the regular or~~

special meeting in progress does not occur, the matter shall be scheduled for an executive session at the next regular or special meeting. (COMMENT: This change would allow the board to continue discussion of the item at the same meeting in executive session if all 7 directors concur. If such concurrence doesn't happen, then the matter would be scheduled for an executive session at the next regular or special meeting.)

~~(d) An executive session may be called to follow any regular or special meeting of the board as provided herein for the call of special meetings of the board. Items for consideration at all executive sessions of the board shall be determined and an agenda prepared and notice given as provided herein for regular meetings of the board.~~ (COMMENT: This section is repetitive of the provisions in Section 2.28(a).)

(e) Any decision of the board of directors made in executive session, which decisions are is required by the Freedom of Information Act of 1967 [A.C.A. § 25-19-101 et seq.] to be confirmed at a presented and voted on at the public meeting, shall be the subject of formal action by the board which shall reconvene in public session after the executive session.

(f) Only the members of the board, and the mayor, and the city administrator shall regularly attend executive sessions of the board. Persons specifically requested to attend a particular meeting may do so as allowed by the Arkansas Freedom of Information Act, and such person or persons shall leave the meeting at the conclusion of the matter presented by pertaining to them.

(Ord. No. 2878, § 3, 3-2-71; Ord. No. 2968, § 1, 3-20-72)

State law references: Executive sessions, A.C.A. § 25-19-106(c).

Sec. 2-29. ~~Agenda meetings.~~ Study session meetings.

(a) The board of directors may hold ~~agenda meetings~~ study session meetings at such times, under such circumstances and on such conditions as the board may prescribe for the purpose of informing themselves of the business and affairs of the city, provided no official action of the board of directors shall be taken at such meetings. The city clerk shall not be required to keep minutes of study session meetings.

() The city clerk shall prepare and give notice of study session meetings. Such notice shall be given to each member of the board, the mayor, the city administrator, the public and the news media pursuant to the Freedom of Information Act of 1967 [A.C.A. § 25-19-101]. Said notice shall include the time, date, place and item or items of business on the agenda for the meeting called.

(b) The agenda regularly-scheduled study session meeting shall precede the regular meeting of the board by at least five (5) days.

(c) To the extent practical, ~~all items of business and matters for consideration at the next regular meeting of the board~~ items of business or matters which are complex or involve policy decisions shall be presented at the ~~preceding agenda~~ a study session meeting together with a briefing of relevant facts and circumstances prior to being placed on the agenda of a regular meeting. Additionally, the city administrator shall provide a list of all then-known items contemplated to be on the next regular meeting agenda. (COMMENT: The practice for many years has been to not review all items of business for the next board meeting. Rather, study sessions are used to review complex matters or policy decisions before being placed on a regular meeting agenda. The board also reviews a preliminary agenda of items for the next regular meeting.)

(d) The time and place of agenda study session meetings shall be determined by a majority of the members of the board, and notice given as herein provided.

(e) Only the city administrator, the mayor, or a member of the board of directors may invite persons to address the board of directors at an ~~agenda~~ a study session, and a majority of the board of directors may limit the time of a presentation, or deny any presentation to the board. In all controversial and complex matters, such a briefing may be a condition precedent to further consideration of the item of business. The city administrator or his staff shall undertake reasonable efforts to give notice of the study session to ~~persons having an existing direct interest, as contrasted with a general interest, in the item of business under study by the board of directors at an agenda~~ a study session, except as to personnel matters which are the subject of executive session, shall be given advance notice of the meeting of consideration of the item of business together with all assimilated information to be presented to the board prior to the agenda session preceding the regular or special meeting at which board action is anticipated and the board of directors may to permit such directly interested persons to make informed presentations to the board if requested to do so.

(f) The agenda study session meeting room shall be so arranged as to encourage and facilitate communication between the mayor, the members of the board of directors, the city administrator and any invited guests.

(Ord. No. 2878, § 4, 3-2-71; Ord. No. 3104, §§ 1, 2, 8-7-73)

State law references: Agenda meetings, A.C.A. § 14-48-120(i).

Sec. 2-30. Personnel to attend agenda study session meetings.

(a) The city administrator or the ~~assistant~~ deputy city administrator and city clerk or assistant city clerk shall attend all agenda study session meetings of the board. The city administrator shall also require the presence at the agenda study session meetings of other employees of the city having relevant superior personal knowledge or expert opinion of matters to be presented to the board for consideration.

(b) The board of directors may on a motion duly adopted require the qualified and licensed

attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code, or in his absence an assistant qualified and licensed attorney at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code, ~~the secretary to the board,~~ (COMMENT: There is no secretary to the board. See discussion in Section 2-42.) or any other municipal employee to attend ~~one (1) or more~~ study session meetings of the board.

(Ord. No. 2878, § 5, 3-2-71; Ord. No. 3-02, § 5, 1-22-02)

Sec. 2-31. Formulation of agenda.

Each item of business for consideration by the board of directors at any regular, special, study session or executive session meeting of the board shall be first placed on a written agenda, which shall be formulated and disseminated as follows:

- (1) The preparation of the agenda for each regular, special, study session or executive session meeting of the board of directors shall be the duty of the city clerk, under the supervision of the mayor.
- (2) An item of business may be placed on the agenda for any regular, special, study session or executive session meeting of the board at ~~an agenda~~ a study session meeting preceding the meeting of consideration by the city administrator, or by the concurrence of any two (2) members of the board. An item of business may be placed on the agenda for any regular, special, study session or executive session meeting of the board at any time by the city administrator provided notice of the specific subject of the addition to the agenda is given to the mayor and the members of the board of directors at least forty-eight (48) hours before the meeting of consideration. ~~Any member of the board of directors may cause the item of business added to the agenda by the city administrator after the preceding agenda session to be deferred for consideration at the following regular meeting in the manner provided in subsection (6) below by giving notice of a request for such deferral to the city clerk at least twenty-four (24) hours in advance of the meeting of consideration.~~ (COMMENT: The preceding sentence was deleted since paragraph 4 below provides a way to remove agenda items. Also, the preceding sentence allows only 1 director to defer an item, even if the other 6 directors disagree.)
- (3) An item of business may be placed on the agenda at least forty-eight (48) hours prior to the time of the meeting of consideration by four (4) members of the board upon notice to the city clerk of the name of the proposed directors and the specific subject of the items of business to be considered. The city clerk shall immediately notify the directors, the city administrator and the mayor of the specific subject of the addition to the agenda.
- (4) Any item of business may be denied a place on or removed from the agenda by notice of four (4) directors to the city clerk prior to the date of the meeting of the proposed consideration. The city clerk shall immediately notify the city administrator, the mayor, the directors and other interested persons of such action.
- (5) An item of business requiring immediate action by the board may be placed on the agenda

within forty-eight (48) hours or at the meeting of consideration by ~~unanimous notice from all seven (7) members of the board~~ to the city clerk pursuant to subsection (3) above or by unanimous vote of the entire membership of the board. An absent member of the board may express consent to consideration by those present in writing, or by ~~telegram facsimile or electronic mail~~ communicated to the city clerk. ~~No motion to defer, table or postpone any item of business not on the agenda for the meeting of consideration prior to the day of the meeting shall be necessary unless the item of business is first placed on the agenda by unanimous notice of the entire board to the city clerk prior to the meeting or by a unanimous vote of the entire board to place the item of business on the agenda after the meeting of consideration is called to order.~~ **(COMMENT: The preceding sentence was deleted because it's confusing and states the obvious.)** Every effort shall be made by the city administrator and the members of the board of directors to obviate the necessity for hasty consideration of items of business by the board pursuant to this subsection. **(COMMENT: This sentence was deleted because it's generic and isn't specific. The specific requirements for late additions to the agenda are addressed adequately in the preceding sentences.)**

(6) An item of business presented at a regular or special meeting of the board, not placed on the agenda of the meeting at which presented, shall be automatically placed on the agenda of the following regular meeting unless its place on the agenda is denied, or it is removed as provided in this article.

(7) Any ordinance or resolution placed on the agenda of any regular or special meeting of the board requiring by its terms the appointment by the board of a person and the insertion of a person's name in the ordinance or resolution shall be automatically referred to and constitute a call of an executive session immediately following prior to adjournment of such meeting, and formal action on the ordinance or resolution shall take place in public session after the executive session.

(Ord. No. 2878, § 6, 3-2-71; Ord. No. 3104, § 3, 8-7-73)

Sec. 2-32. Briefing of board by the city administrator.

(a) The city administrator may present to the board of directors at any meeting any matter without detailed briefing for the purpose of determining whether the board desires that the matter be staffed and the board thoroughly briefed at a subsequent meeting of the board, or not. Available information relevant to the question of further consideration and briefing should be presented.

(b) It shall be the duty of the city administrator to keep the members of the board advised of all facts and circumstances pertaining to or affecting the legislative policy of the city, and it shall be the duty of the city administrator and his staff to investigate, assimilate relevant information, and brief the board of directors on all matters requiring consideration and legislative action by the board.

(c) Before any complex or controversial item of business is placed on the agenda of a regular,

special, study session or executive session meeting of the board by the city administrator, the city administrator and his staff shall first present to the board so much of the following as is relevant and feasible:

- (1) Statement of the problem or the issue presented.
 - (2) A statement of all pertinent and relevant facts together with available documentation.
 - (3) Any expert opinion concerning the item of business for consideration.
 - (4) Copies of other municipal legislation affecting the item of business.
 - (5) Copies of pertinent comparable legislation in other municipalities.
 - (6) Statement of the intended results of any proposed legislation or statement of policy on the evils problems sought to be eliminated, or the good to be accomplished by the proposed legislation.
 - (7) A statement of the obstacles to accomplishment of the desired objective.
 - (8) A statement of the possible solutions with advantages and disadvantages of each.
 - (9) The course of action recommended by the city administrator, if any, and his reasons therefor.
- (d) It shall be the duty of the city administrator and his staff to present to the board the same information outlined in this section for each item of business initiated by members of the board at their request, or by citizens presenting complex or controversial items of business, provided the city administrator may require as a condition precedent to his presentation of an item of business initiated by a citizen that the initiating person attend a meeting of the board and make a presentation of relevant facts and circumstances to the board and such other of the staff briefing requirements outlined in the preceding subsection as is relevant and reasonable.
- (e) The majority of the board may, by vote, if timely done pursuant to section 2-31, place a complex or controversial item of business on the agenda at the request of the city administrator without the complete and thorough briefing to the board required by this section.
- (f) All or any part of the information to the board required by this section may be furnished either orally or in writing to each member of the board prior to or at the presentation of the item of business for a place on the agenda.
- (g) The city administrator shall request the board of directors to authorize the necessary staff, equipment and material to perform the duties prescribed by this article.

(Ord. No. 2878, § 7, 3-2-71)

Sec. 2-33. Meeting material, equipment and supplies.

- (a) The city clerk shall have present at each meeting of the board of directors a copy of Robert's

Rules of Order, a copy of this Code, and at the meeting of initial consideration, a copy of every other contract, resolution or ordinance of the city directly affecting matters of consideration by the board. The city administrator shall advise the city clerk prior to each meeting of the subject of matters proposed for consideration by the board which are not known by the city clerk to be already on the agenda. The city clerk shall provide necessary supplies for each director at each meeting. The city administrator shall have present at the meeting of initial consideration every legal opinion, and other letters, documents, charts, maps or photographs not in the possession of the city clerk directly affecting new matters of consideration by the board at each agenda, regular, special, study session or executive session meeting of the board, except where impractical because of the complexity or bulk of the documents, in which case available summaries shall be utilized.

(b) Upon request by any director, the city administrator and his staff shall have present at any subsequent meeting of consideration the relevant documents described in subsection (a) above.

(Ord. No. 2878, § 8, 3-2-71)

Sec. 2-34. Presiding officer; vote; mayor's veto; overriding veto.

(a) The mayor shall preside at all regular, special, and study session meetings, including executive sessions, of the board of directors but shall not have a vote on any matter coming before the board. The mayor shall have the power of veto over all decisions made by the board of directors, except with respect to matters relative to city personnel, but a veto by the mayor may be overridden by the affirmative vote of five (5) or more members of the board of directors. In the absence of the mayor, the assistant mayor shall have the same duties and authority as chairman without veto, and also shall have the right to vote as a director.

(b) In the absence of both the mayor and the assistant mayor the board of directors shall elect from its membership a person to serve as chairman of the meeting. Such election of a chairman shall not occur before the designated starting time of the meeting and shall not occur before a quorum is present.

(Ord. No. 2878, § 9(a)--(b), 3-2-71)

State law references: Similar provisions, A.C.A. §§ 14-48-111, 14-48-112.

Sec. 2-35. Rules of order.

(a) Robert's Rules of Order shall govern the proceedings of all regular, special, agenda and executive meetings of the board of directors, except as modified by A.C.A. tit. 14, ch. 48 [§ 14-48-101 et seq.], and the provisions of this article. The city administrator shall provide a copy of Robert's Rules of Order to each member of the board of directors, the mayor and the city clerk.

(b) The mayor, assistant mayor or other person presiding over the meeting shall have the affirmative duty and authority to require the members of the board of directors and other persons

present at the meeting to comply with the rules of order. The chairman of the meeting shall constantly maintain the decorum of the meeting, and shall have authority to order the removal of persons not on the board of directors violating the rules of order or disturbing the meeting. The chairman of the meeting may require the city administrator to provide a person having police authority to be present at a meeting to assist in the performance of the duties of the presiding officer. It is the purpose of this subsection to require the chairman of the meeting to enforce the rules of order and to maintain the decorum of the meeting without a request for rule compliance or objection to rule violation by a member of the board of directors. If a member of the board of directors believes there is a violation of the foregoing by a citizen, he or she may make a motion to end the presentation or assert a point of order. If said motion receives a second, there shall immediately be taken a vote of the board of directors on the motion to end the presentation. The chairman may enforce the point of order or may submit same to a vote of the board of directors. (COMMENT: This added provision allows board members, by majority vote, to end citizen presentations which violate rules of conduct or meeting decorum.)

(c) A majority of the board may on a motion, without second, order the previous question, which shall have the effect to cut off all debate and bring the board to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the item of business to its passage or rejection. It shall be in order, pending the motion for the previous question, or after the previous question shall have been ordered on its passage, for the mayor to entertain and submit without debate a motion to commit, with or without instructions, to a standing or select committee. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate.

(d) No member of the board of directors shall speak or debate on any item of business, which is not on the agenda at any regular meeting of the board of directors, except on a motion to add the item of business to the agenda as provided in this article, without the unanimous consent of the members of the board who are present.

(e) The minutes of each regular or special meeting of the board of directors shall be accurately summarized by the city clerk, reduced to writing, and a copy mailed provided to each member of the board of directors and the mayor prior to the next regular meeting. No minutes of any past meeting of the board of directors shall be read at any subsequent meeting unless a reading is requested by a member of the board of directors.

(f) The chairman of each meeting of the board shall rotate the opportunity to first speak or debate on successive items of business among the members of the board.

(g) All special and standing committees of the board shall be appointed by the chairman of the meeting, subject to the approval of a majority of the board, which approval shall be recorded.

(h) The membership of standing committees shall terminate on December thirty-first of each year and new members appointed at the next regular meeting of the board. Special committees

shall terminate upon the presentation to the board of a committee report stating that it is final or at the expiration of one (1) year, whichever event occurs first.

(i) The referral of a matter or item of business to a committee shall have the effect of requiring the city administrator and his staff to fully support the committee in its work.

(Ord. No. 2878, § 9(c)-(k), 3-2-71)

Editor's note: Resolution No. R-121-99, §§ 1-4, adopted May 18, 1999, set forth meeting protocol for the city board of directors. The resolution allows full discussion of all points of view on each issue brought before the board. The resolution also stipulates that all discussions will be conducted in a civil and dignified manner, and that all comments during a discussion will be pertinent. Last, it provides that all members of the board will call attention to the mayor when comments are irrelevant to the discussion.

State law references: Board of directors to adopt rules of order, A.C.A. § 14-48-120(j).

Sec. 2-36. Presentation of information requiring no board action.

(a) Any information or report may be presented to the board of directors by the city administrator, by the mayor, or by a member of the board (COMMENT: Items presented by citizens should follow the provisions of Section 2-44.) at any meeting of the board upon a majority vote of the board. (COMMENT: Remarks from the mayor and board members not requiring board action have historically been made without requiring a vote of the board. Given the requirements of the Freedom of Information Act, board meetings are the only opportunity for directors to share information among themselves.) ~~If a majority of the board express their consent by an affirmative vote, any information or report pertaining to an item of business not on the agenda may be presented to the board at any meeting of the board, provided~~ No official action shall be taken on such matter unless first placed on the agenda as provided herein.

(b) Any member of the board may request the city administrator to remain after any meeting for the purpose of informing the city administrator of specific citizen complaints or other matters not requiring the attention of the entire board and the city administrator and his staff shall note the complaints or matters presented for action under section 2-45, or for other appropriate action, and the director presenting the complaint or the matter shall be advised of the action taken.

(Ord. No. 2878, § 10, 3-2-71)

State law references: City administrator form of municipal government, A.C.A. § 14-48-101 et seq.

Sec. 2-37. Agenda consideration at opening of meeting; public comment on agenda items.

(a) After each regular or special meeting of the board of directors is called to order and the roll is

called, the mayor shall inquire of those present including the members of the board of directors if anyone any director desires to present any item of business or other matter to the board during the meeting, or which is not already on the agenda of a regular or special meeting.

(COMMENT: Citizen-initiated items are permitted by section 2-44. Section 2-37(a) should be limited to items requested by board members.) If the mayor receives an affirmative response, the subject of all such items of business or matters for consideration shall be promptly determined. No person, except a member of the board of directors, shall be permitted by the mayor to discuss any item of business or other matter presented at the meeting for a place on the agenda until the item of business is placed on the agenda, or other matter is approved by the board for presentation at the meeting. The mayor shall submit separately to the board for vote without motion each item of business or other matter proposed by ~~those present at the meeting~~ a director. ~~Persons~~ A director presenting items requiring board action, but not placed on the agenda of the meeting at which presented, shall be told by the mayor that the item will be on the agenda for the next regular meeting of the board, unless removed by a majority of the board. At each regular or special meeting of the board the mayor shall ~~may~~ then ascertain the number of persons present for each item on the agenda and shall rearrange the order of the agenda subject to the approval of the board, so that the business of the largest groups of people present is first on the agenda.

(b) After a motion is made and seconded for approval of each item on the agenda of any regular or special meeting of the board, and before such item is discussed by members of the board, the mayor shall inquire of those present if anyone has a statement to make concerning the item under consideration. An applicant before the board may have up to five (5) minutes to make an opening presentation. If a group of citizens opposes the applicant, they may have up to five (5) minutes to make an opposing presentation. Each side shall have up to three (3) minutes to make a rebuttal presentation. All other comments from citizens shall be limited to no more than two (2) minutes per citizen. Any of these time limits may be extended by a consensus of the members of the board. Citizen comments must be relevant to the agenda item under consideration.

(b) ~~The city administrator shall notify the person presenting the item of business placed on the agenda for the next regular meeting of the requirements for the briefing of the board of directors.~~
(QUESTION: This section isn't necessary since only directors may introduce items to be added to the agenda.)

(Ord. No. 2878, § 11, 3-2-71; Ord. No. 3104, § 4, 87-73; Ord. No. 3270, 7-1-75)

Sec. 2-38. Ordinances and resolutions--Passage; one subject, title rule.

(a) All ordinances, resolutions or orders for the appropriation of money shall require for their passage or adoption the concurrence of a majority of the board of directors. All by-laws and ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days, unless five (5) members of the board of directors shall dispense with the rule. The

affirmative vote of at least five (5) directors to suspend the rule shall dispose with the requirement to fully read the item and with the requirement of voting on three (3) different days. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title.

(b) The formality of suspending the rules regarding readings on successive dates shall not be required in the event of a unanimous vote of the entire board.

(c) If a by-law or ordinance is duly adopted, or amended, and a director voting against the measure states consents to dispensing with the rules, such director's vote on the measure adopted shall be recorded for the measure to reflect the unanimous vote required by subsection (b) above.

(d) If it shall be necessary for the preservation of the public peace, health and safety that a measure shall become effective immediately, and the measure contains an emergency section, a separate roll call vote by yea and nay shall be had on the emergency section. Five (5) or more votes in favor of the emergency shall be required. If the emergency section is not adopted, the remainder of the measure shall be considered passed.

(Code 1976, §§ 2-29--2-31)

State law references: Vote required for passage of legislation, A.C.A. §§ 14-55-203, 14-55-204; reading requirements for ordinances and bylaws, A.C.A. § 14-55-202; bylaws and ordinances to contain only one subject, A.C.A. § 14-55-201.

Sec. 2-39. Same--Voting requirements.

(a) On the passage of every ordinance, resolution or order to enter into a contract by the board of directors, the yeas and nays shall be called and recorded; and to pass any ordinance, resolution or order, a concurrence of at least four (4) members of the board of directors shall be required.

(b) When a motion for passage or adoption of an item of business which is the subject of an ordinance or resolution on the agenda at any regular, or special or executive **(COMMENT: The word "executive" was deleted since nothing is formally adopted during executive session and there's no readings in executive session)** meeting of the board of directors is duly seconded, the ordinance or resolution shall be read prior to the first vote, subjected to any other parliamentary procedure including subsidiary and privileged motions, and then put to vote to end that only one (1) vote shall be taken on each main motion.

(Code 1976, § 2-32)

State law references: Voting requirements for passage of legislation, A.C.A. § 14-55-203.

Sec. 2-40. Salaries.

(a) The mayor shall receive compensation in the amount of ten thousand dollars (\$10,000.00) per year. Additionally, the mayor shall receive as reimbursement for vehicle expense the sum of four hundred fifty dollars (\$450.00) per month.

(b) Each member of the board of directors shall receive compensation in the amount of one thousand dollars (\$1,000.00) per year. A member's compensation shall be reduced by one-twenty-fourth (1/24th) for each regular meeting at which a member is absent. No such compensation shall be paid for attendance at any special meeting called by the board of directors. Each member of the board of directors shall receive as reimbursement for vehicle expense the sum of four hundred dollars (\$400.00) per month.

(Code 1976, § 2-16; Ord. No. 100-98, §§ 1, 2, 12-8-98)

State law references: Salary of mayor, A.C.A. § 14-48-111(c); compensation of directors, A.C.A. § 14-48-120(h).

Sec. 2-41. Actual expenses.

~~(a) The mayor is hereby authorized a monthly vehicle expense allowance in the amount of four hundred fifty dollars (\$450.00) per month for the use of the mayor's personal vehicle on city business.~~ (COMMENT: The vehicle allowance is provided for in Section 2-40(a) above.)

(b) The mayor and the members of the board of directors shall be reimbursed for actual out-of-pocket expenses incurred in the performance of their official duties, and they shall be reimbursed for personal automobile use on city business requiring travel more than twenty-five (25) miles one (1) way from the city hall principal office location of the city.

(c) Application for reimbursement shall be made within thirty (30) days of the date the non-travel expense is incurred or within two (2) weeks of the date the travel is concluded and the application shall be supported by appropriate vouchers in the same manner as provided by the city administrator for reimbursement of expenses of other municipal personnel. Reconciliation of travel advances shall be made within ~~thirty (30) days~~ two (2) weeks of the date the travel is concluded. In addition, the application for reimbursement shall state the date and item of municipal business requiring the expenditure or travel. All travel expense reimbursements and travel advances shall be made in accordance with the city's travel policy.

(d) To the extent feasible, the city administrator shall establish a procedure for providing direct services and supplies to the mayor and the members of the board necessary to an efficient and economical performance of their official duties.

(Code 1976, § 2-17; Ord. No. 2878, § 15, 3-2-71; Ord. No. 12-82, 2-2-82; Ord. No. 7-95, §§ 1, 2, 1-17-95)

Sec. 2-42. Administrative assistance to the board of directors.

(a) The city administrator shall provide such secretarial assistance to the board of directors and the mayor as is prescribed by the board for its members and the mayor; ~~one (1) stenographer shall be designated secretary to the board and the mayor, subject to the prior approval of the board. The secretary to the board shall be primarily responsible to the mayor and the individual members of the board of directors to provide to the mayor and the members of the board of directors assistance requested by them in gathering information, drafting and preparing proposed legislation, and in handling the correspondence and administrative requirements of the members of the board of directors and the mayor in the performance of their official duties.~~

(COMMENT: The duties of the preceding sentence are typically the responsibility of more senior staff, not an administrative secretary. None of the present staff can recall a "secretary to the board" position ever having been in place for at least 30 years.) The city administrator shall provide adequate office space and the necessary furniture, equipment and supplies for the secretary to the board, and for one (1) member of the board, or the mayor to work effectively on city business. Available personnel, supplies, space, furniture and equipment now utilized by the mayor may be designated and assigned to the requirements of this section. The person designated as secretary to the board pursuant to this section shall not be discharged by the city administrator without the prior approval of a majority vote of the entire board of directors.

(b) Each member of the board of directors shall be provided with supplies, documents and information necessary to the proper performance of the duties of director in preparation for and in attending meetings of the board.

~~(c) The secretary to the board shall receive and maintain a copy of all correspondence from the city administrator to the members of the board, all correspondence initiated by the directors, all resolutions, ordinances, reports and other documents presented to or required for the board for the continuing use of the board of directors at the office of the secretary to the board. The permanent records of the city clerk shall not be duplicated. The files of the secretary to the board shall be maintained for the primary purpose of providing each director and the mayor with a file of information pertaining to a matter or item of business for consideration by the board so long as such matter or item of business continues as a matter of consideration by the board. Ordinances published in this Code, and files of completed action shall be destroyed after one (1) year under the supervision of the assistant mayor. (COMMENT: Records are maintained by the city clerk's office, city administration, and departments. There is no secretary to the board position.)~~

~~(d) The city administrator, with the approval of the board, may delegate the duties of secretary to the board to a stenographer as an additional primary duty, unless otherwise provided by a resolution of the board.~~

(e) Official stationery bearing the names of the mayor and the members of the board shall be provided to the secretary to the board.

(f) The city administrator shall provide to each member of the board of directors on request an

appropriately designed identification card for use by the members of the board on official business.

~~(g) Every department or office head of the city shall immediately provide to a member of the board, or to the secretary to the board, all available information and facts requested by the directors or the secretary to the board concerning the affairs of the department or office.~~

(COMMENT: This paragraph violates the chain of command and can result in information being provided to some directors but not to all directors. A suggested replacement follows.) Directors and the mayor may request information that is routine and readily available from any department or office head of the city. The department or office head shall furnish all available information and facts requested by the directors and mayor to the city administrator, who shall then forward such information and facts to all directors and the mayor. Requests from directors or the mayor for information that is not routine or is not readily available shall be made through the city administrator.

(Ord. No. 2878, § 16, 3-2-71)

Sec. 2-43. Director approval procedure of city administrator personnel action.

Except as otherwise provided in this article, the city administrator shall obtain the approval of the board of directors prior to the employment or discharge of exempt personnel of the city who are heads of departments, city clerk, internal auditor, ~~secretary to the board~~ and the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code as follows:

(1) The city administrator shall notify all members of the board of directors either orally or in writing of the proposed action, the reasons therefor, and all relevant and pertinent facts bearing upon the decision of either employment or discharge.

(COMMENT: The process which follows is broken. For example, the process allows for a board member to request an executive session after 4 or more board members have given their concurrence to the proposed action, but it doesn't provide for notification of board members when 4 or more directors have approved the action. How does a board member know when to call an executive session unless all board members have been notified that 4 or more have approved the personnel action? This "approval" outside of a public meeting violates the Arkansas Freedom of Information Act. Also, para. 3 below says that once the city administrator notifies the individual, the action is binding on the board. This seems to run afoul of a board member's ability to request an executive session to consider the matter. Should there be a time limit for a board member to request an executive session? Without a time limit, how would the city administrator know when to notify the affected employee/applicant? The following language is suggested to be added to paragraph 1 above to remedy these problems.)

After notification from the city administrator, there shall be scheduled an executive session at the next regular or special meeting of the board of directors to discuss approval, denial or modification of the city administrator's proposed action.

~~(2) Each member of the board of directors may express approval or disapproval of the proposed action by either oral or written notice to the secretary of the board of directors who shall maintain permanent record thereof. At such time as four (4) or more members of the board of directors have given notice to the secretary of the board of the approval of the proposed action and if no executive session is requested, the secretary of the board shall notify, in writing, the city administrator that the required approval has been obtained and recorded. If any member of the board requests consideration of the proposed action in executive session, the secretary of the board shall notify the city clerk, a meeting shall be called and all action shall be deferred to the meeting.~~

(3) Upon receipt of the written notice of the approval of a majority of the board of directors of the action proposed by the city administrator, the city administrator shall then notify in person or by telephone the individual subject to the approved action and may confirm the action in writing to the individual, ~~which action shall be binding on the board of directors, and who shall then each be immediately notified of the action taken by a majority of the board.~~ (COMMENT: This last clause isn't necessary since the board will have taken action in a public meeting.)

~~(4) The recorded action of the board as provided in subsections (2) and (3) above shall be confirmed by resolution at the next regular meeting of the board following notification of the action taken by the city administrator. The resolution shall be automatically placed on the agenda of the next regular meeting.~~ (COMMENT: This section isn't necessary since the board will have taken action in a public meeting.)

~~(5) The majority of the board may express its approval of the proposed exempt personnel action of the city administrator at any regular, special or executive meeting of the board as herein provided for other items of business on the agenda, provided the city administrator may brief the board on the item of business at the meeting of consideration.~~ (COMMENT: This section isn't necessary since the board will have considered the proposed action in an executive session and public meeting as provided for in the sentence added to paragraph (1) above.)

(6) Where reasonable and feasible, employees of the city shall be first given an opportunity to resign at the request of the city administrator and the board of directors prior to notice of discharge.

(7) No director nor the mayor shall communicate the exempt personnel action proposed by the city administrator, except through the city administrator as herein provided.

(Ord. No. 2878, § 17, 3-2-71)

Sec. 2-44. Citizen complaints and citizen initiated items of business.

(a) Any citizen having a complaint or an item of business with the city should present the complaint or the item of business to the city administrator's office for action prior to presentation of the complaint or item of business to the board of directors at a meeting. Before presentation of the complaint or item of business to the board of directors, the aggrieved citizen shall first notify

the city administrator, or his designated representative, of the nature of the complaint, and the city administrator shall immediately cause an investigation to be made of the complaint or requested item of business and notify the citizen and board of directors of the results of the investigation and recommended action, if any. A citizen who remains aggrieved by the action of the city administrator may then present the matter to the board of directors at any subsequent regular meeting for action pursuant to section 2-31(6) after giving notice to the city administrator at least seven (7) days before the regular meeting. The matter shall be scheduled as an item of business on the regular meeting agenda. The city administrator shall provide the board of directors with a briefing report on the citizen's request, any action taken by the city administrator or his staff, and other information deemed relevant by the city administrator. The citizen shall have up to three (3) minutes to present his or her request at the regular meeting. The board of directors may extend this time limit by its concurrence. After considering the citizen's request, the board of directors may:

- (1) take any action it deems appropriate, consistent with applicable law;
- (2) determine to not consider the matter any further;
- (3) request additional information from the citizen or the city administrator;
- (4) defer the matter for further consideration at a study session meeting or a subsequent regular meeting.

If the board of directors determines to not consider the matter any further, the city administrator shall not schedule on a regular, special or study session meeting agenda any identical or substantially similar request made by any citizen within one (1) year of the board of directors' determination to not consider the matter any further.

(COMMENT: The following section is offered as another option for citizens introducing items to the board of directors.)

(1) At each regular meeting, there shall be an item on the agenda immediately preceding adjournment of the meeting, which item shall allow citizens to introduce matters to the board of directors. Each citizen shall have up to two (2) minutes to present his or her matters, which matters shall be limited to those involving the city government and shall not be directly related to items considered on that meeting's agenda. If a matter presented by a citizen requires consideration of possible action by the board of directors or the city administrator, the matter shall be handled in accordance with Section 2-44(a).

~~(b) Matters presented by citizens to the city administrator requiring action by the board shall be staffed as required in this article and placed on the agenda by the city administrator.~~

(COMMENT: This requirement is included in paragraph (a) above.)

~~(c) Persons appearing at agenda meetings of the board may be permitted by a majority of the board to present items of business for consideration for a place on the agenda of the next regular or special meeting of the board. The city administrator shall cause the board of directors to be briefed as required by the item presented at the next agenda meeting of the board. Matters not considered for a place on the agenda shall be referred by the mayor to the city administrator and~~

~~his staff for action. The action taken shall then be reported to the board. (COMMENT: The opportunity for citizens to present matters to the board is provided for in paragraph (a) above.)~~

~~(d) Matters presented to the board at any meeting requiring no action by the board, or which are not appropriate for immediate action by the board shall be referred by the mayor to the city administrator and his staff for action. The person presenting the referred matter shall be advised of the specific action taken and the reasons therefor. The city administrator, or a member of the administrator's staff, shall report the action taken on the referred matter to the board at the next meeting of the board. The city clerk shall include the subject matter of the item referred and the name and address of the person presenting the item, in the minutes of the meeting of the board, and the city clerk shall automatically place the referred item on the agenda of the next meeting of the board as a report by the city administrator, or the administrator's staff, on the referred item, unless removed or deferred by a majority of the board as provided herein. (COMMENT: The opportunity for citizens to present matters to the board is provided for in paragraph (a) above.)~~

~~(e) The city administrator shall promptly notify the citizen presenting a complaint or item of business, and the originating director, if any, of the action taken on the complaint or item of business presented. (COMMENT: This is provided for in paragraph (a) above.)~~

(Ord. No. 2878, § 18, 3-2-71; Ord. No. 3104, § 5, 8-7-73)

Sec. 2-45. Record of action requested by the board.

The city clerk shall maintain a list of the items of business for which a member of the board has requested a staff briefing or other action, and a list of all items referred to the city administrator or other city official for action, the date of the request or referral, and the name of the person making the request or presenting the item referred, and the anticipated date for a report on the action requested. The date of the subsequent report or briefing shall be noted on the list, and all items remaining open shall be read at each agenda meeting of the board at or after the stated anticipated date for report on the action requested.

(Ord. No. 2878, § 19, 3-2-71)

Sec. 2-46. Notice.

Unless otherwise specifically provided in this article, any notice to the city clerk ~~or the secretary to the board~~ required by this article may be given orally or in writing. Notice received orally shall be first recorded in writing by the recipient. All notices shall be immediately communicated to the city clerk, who shall maintain a permanent record of all notices in the minutes of the meetings of the board. Unless otherwise specifically provided in this article, the city clerk shall give written notice of each item of business placed on the agenda of any regular, special, study

session or executive meeting of the board to the members of the board, the mayor and the city administrator at least four (4) days prior to the date of the meeting of consideration. Actual notice of any item of business subsequently placed on the agenda as provided herein shall be immediately given by the city clerk to each member of the board, the mayor and the city administrator by the most effective and expeditious means available.

(Ord. No. 2878, § 20, 3-2-71)

Sec. 2-47. Effect of noncompliance with article; procedures.

(a) Failure to comply with the provisions of this article shall not invalidate any action of the board which is otherwise in accordance with the law of this state, unless a member of the board states the objection at the time of the action, or files an objection to the action of the board at or prior to the next regular meeting of the board. If a member of the board makes or files an objection to a proceeding, the facts and grounds for the objection shall be stated by the objecting director and referred by him to the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code for opinion, which shall be presented to the board as an item of business on the agenda at the second regular meeting following the challenged action.

(b) If the opinion of the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code states that the challenged action violates the provisions of this article, the matter challenged shall automatically be reconsidered by the board.

(c) If the opinion of the qualified and licensed attorneys at law contracted to provide legal services pursuant to sections 2-111--2-113 of this Code states that the challenged action does not violate the provisions of this article, no further consideration of the challenged action shall be required.

(d) At the adjournment of the second regular meeting following the challenged action, all violations of the provisions of this article shall be deemed waived, the action taken confirmed, and no violation of this article shall be grounds for invalidating any action of the board thereafter, if the action otherwise complies with the laws of this state.

(Ord. No. 2878, § 21, 3-2-71; Ord. No. 3-02, § 5, 1-22-02)

Secs. 2-48--2-65. Reserved.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II, OF THE FORT SMITH CITY CODE OF ORDINANCES REGULATING THE DISCHARGE OF FIREARMS; AND, AUTHORIZING INDOOR SHOOTING GALLERIES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS that:

Chapter 14, Article II, of the Fort Smith Municipal Code is amended to read as follows and is amended to add Sections 14-30 and 14-31:

Sec. 14-27. Discharging firearms.

(a) It shall be unlawful to discharge any firearm in the city limits, except as provided in sections (b), (c) and (d).

(b) The chief of police shall have authority to issue permits to individuals, entities, or groups for the discharging of firearms within the city limits for properly supervised public or civic functions. The permit shall contain the following:

- (1) Limitation on the hours of the day during which the discharge of the firearm(s) may take place;
- (2) Specific expiration date; and,
- (3) Event location.

(c) The chief of police may issue a special permit to the state game and fish commission for the purpose of conducting an Arkansas Youth Shooting Sports Program (AYSSP) in a specific zone and restricted area or for an event sponsored by the state game and fish commission at the Janet Huckabee River Valley Nature Center. These events may include shooting of shotgun, archery or air rifle only. The permit issued shall contain the following:

- (1) Name of the event;
- (2) Limitation on the hours of the day during which the shooting may take place; and,
- (3) Specific expiration date.

(d) The chief of police shall have authority to issue permits for the discharge of firearms, archery equipment, air rifles, air pistols, or paintball guns in an indoor shooting gallery ("shooting gallery" means and includes any place or premises where facilities or devices for target shooting for practice or amusement with any firearm, archery equipment, air rifle, air pistol or paintball gun are provided for the use of any person for a fee, pay or compensation of any kind to be paid, directly or indirectly, by such person) as provided in Section 14-30.

This section shall not apply to active law enforcement officers or active military in the execution of their official duties.

Sec. 14-30. Indoor shooting galleries. Permit required.

(a) Any operator of an indoor shooting gallery (as defined in Section 14-27) established for the discharge of firearms, archery, air rifles, air pistols, or paintball guns shall first apply to and obtain a "shooting gallery operator's permit" from the chief of police. It shall be unlawful for any person to establish, keep, conduct or operate any shooting gallery without a permit.

(b) Application for a permit shall be made in writing to the chief of police and shall be signed and verified under oath by the applicant. The application shall set forth:

- (1) The location where the indoor shooting gallery will be operated;**
- (2) The hours of operation for the indoor shooting gallery;**
- (3) The types of implements, e.g., firearms, archery, air rifles, air pistols, or paintball guns to be permitted at the location.**
- (4) The full name, age, and address of the applicant and of any persons, other than the applicant, who are to be in charge of and responsible for managing and/or operating the indoor shooting gallery or who are to be employed in connection with such operation;**
- (5) The name and address of the person owning the property where the indoor shooting gallery will be operated;**
- (6) A statement that neither the applicant nor any agent or employee connected with the shooting gallery has been convicted of any crime of violence;**
- (7) The term for which the applicant desires a permit, i.e., whether for one day, a month or year, provided that in no case shall the permit be valid for more than one year.**

(c) Prior to issuing or renewing a shooting gallery operator's permit, the chief of police shall:

- (1) cause an inspection of the premises for the purpose of ascertaining whether such premises have the necessary systems in place to permit the discharge of firearms, archery, air rifles, air pistols, or paintball guns without endangering the safety of the public; and,**
- (2) cause a background investigation to be performed on the person or persons managing and/or operating the indoor shooting gallery, to include a criminal history check to be conducted at the expense of the person or persons requesting the indoor shooting gallery permit.**

(d) If, at any time, the chief of police has reasonable cause to believe the indoor shooting gallery is being operated in an unsafe or reckless manner, or otherwise in non-compliance with the requirements of this article or of the issued permit, he may immediately suspend the shooting gallery operator's permit.

(e) As soon as possible, but no more than five (5) days after the suspension, the chief of police shall cause a letter to be issued to the permittee, detailing the reasons for the suspension and the steps that must be taken to have the permit reinstated.

(f) No permit shall be transferable.

(g) Nothing contained in this article shall be construed to lessen or abrogate any requirements prescribed by any other ordinance or statute.

Sec. 14-31. Indoor shooting galleries. Supervision required.

(a) No person shall operate or maintain an indoor shooting gallery where firearms are discharged except under the personal and direct supervision of a qualified firearms instructor who is at least 21 years of age.

(b) No person shall operate or maintain an indoor shooting gallery where archery, air rifles, air pistols, or paintball guns are operated except under the personal and direct supervision of a person at least 18 years of age.

Emergency Clause. It is hereby determined that an emergency exists so that it is determined that the health, safety and welfare of the City's inhabitants requires the immediate effectiveness of this Ordinance.

This Ordinance adopted this ____ day of _____, 2010.

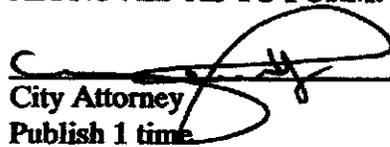
APPROVED:

Mayor

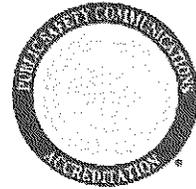
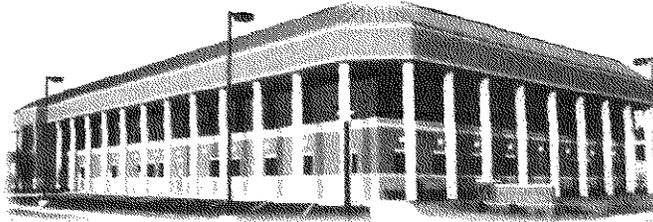
ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
Publish 1 time



Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Dennis Kelly, City Administrator

From: Kevin Lindsey, Chief of Police

Subject: Firearm Ordinance Amendment

Date: April 28, 2010

Staff has reviewed Chapter 14, Article II, of the Fort Smith Municipal Code in reference the discharging of firearms within the city limits of Fort Smith. After reviewing the current ordinance it was determined that there are no current provisions governing the installation and operation of indoor "shooting galleries" within the city limits of Fort Smith. The Fort Smith Police Department would like to propose an amendment to Chapter 14, Article II, of the Fort Smith Municipal Code to regulate the installation and operation of indoor "shooting galleries".

The proposed amendment will, first of all, give the Chief of Police authority to issue permits for indoor "shooting galleries". Second, the proposed amendment establishes a process for application, as well as requirements for review and reapplication. Third, the amendment establishes requirements for the supervision of indoor "shooting galleries" by the proprietor.

It will be the responsibility of the Chief of Police, or his designee, to ensure that any entity seeking a permit for an indoor "shooting gallery" is in full compliance with this ordinance. It is a priority of the Fort Smith Police Department to ensure the safety of our citizens by regulating businesses of this nature.

7A

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING SOFTWARE ACQUISITION
AND MAINTENANCE CONTRACT WITH MICROSOFT LEASING, GP**

**BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS, THAT:**

Section 1: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Software Acquisition and Maintenance Agreement between the City of Fort Smith and Microsoft Leasing, GP (through its reseller, Software House, Inc.), substantially in the form attached hereto, providing to the City of Fort Smith an enterprise enrollment arrangement for 500 installations of identified software with software services and maintenance at a cost of \$90,674.00 per year for three (3) years, plus an annual true-up for any additional City installations of the identified software at an annual estimated cost of \$600 per year, subject to annual appropriation of the funds necessary to pay for such software and maintenance services in the subsequent years' annual budgets.

Section 2: The City Administrator, through his authorized representatives, is authorized to take any and all necessary actions to administer the contract approved by Section 1 of this Ordinance.

Section 3: The City of Fort Smith participates in the State of Arkansas Cooperative Purchasing Program and the Program has been utilized to determine the availability of the desired software and the costs associated with the contract approved by this Ordinance. Based on the information in the Cooperative Purchasing Program, it is determined that the contract provides the lowest cost and best purchase option for the City of Fort Smith. To the extent that subsequently it should be determined that some defect existed under the State of Arkansas and the City of Fort Smith purchasing procedures, it is hereby found and determined by the Board that the required purchasing procedures are waived as not being feasible under this situation where the City desires to purchase the identified software with services and maintenance of same from a single source.

Section 4: Emergency Clause. It is hereby determined that an emergency exists by reason of the need for the purchase of the identified software and maintenance services and the availability of contracted terms requires immediate execution of the agreement. Based on these determinations, this Ordinance shall be in full force and effect from and after the date of passage.

PASSED AND APPROVED THIS _____ DAY OF MAY, 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

*Approved - to [unclear]
[unclear] [unclear]
NPR*

Memorandum

To: Mr. Dennis Kelly, City Administrator

CC: Mr. Ray Gosack, Deputy City Administrator

From: Russell Gibson, Director of Information and Technology Systems (ITS) *RG*

Date: 4/29/2010

Re: Microsoft EA Agreement

In May of 2007, the Board of Directors approved Ordinance #36-07 thereby allowing the City to enter into an Enterprise Software Agreement (EA) with Microsoft. Essentially with the EA the City has one centralized software license/agreement to use essential Microsoft software. The EA simplifies managing the legal use and disbursement of Microsoft products, enhances software support, and ensures that the software covered via the EA is the most-current version available. However the most-significant benefit of renewing the EA is the continued cost-avoidance over traditional methods of purchasing multiple network licenses for each product in use by the City.

The cost for the 2007 EA (three-year agreement) was roughly **\$141,000** per year. However ITS has negotiated with Microsoft to bring down the cost to **\$90,674** per year. So over the three year renewal period (2010-2012) we will realize a savings of approx **\$150,000**. Staff from ITS, and in particular Graham Henry, have done a exemplary job in this negotiating effort.

Again, the EA agreement is for a three-year period (2010-2012) and will be subject to annual appropriation of the funds necessary to pay for the yearly cost.

Please contact me if you have any questions or would like additional information. At the May 4th meeting we will be asking the Board of Directors to approve an ordinance authorizing the renewal of the enterprise software agreement with Microsoft at a cost of \$90,674 per year through 2012.

Best regards,

Russell



SHI
 State of Arkansas Gov't & Education Sales Team
 800-509-2295 Fax: 512-732-0232
 www.shi.com
 email: David_Rounds@shi.com

Microsoft Enterprise Agreement - State of Arkansas Government Pricing

David Rounds - Account Executive

1250 Capitol of Texas Hwy, I-350

Austin, Texas 78746

Phone 512-732-8024

Fax 512-732-0232

Quote to: Graham Henry - City of Fort Smith

Phone: _____

Fax: _____

Qty	Part Number	Description	Desktop Price	Extended Price
500	A07-00042	MS Full Platform Enterprise Agreement L&SA - Year 1 (includes Office Pro, Windows OS, CORE CAL)	\$153.00	\$76,500.00
1		Add-On Products Annual Payment - Year 1	\$14,174.00	\$14,174.00
500	A07-00042	MS Full Platform Enterprise Agreement L&SA - Year 2 (includes Office Pro, Windows OS, CORE CAL)	\$153.00	\$76,500.00
1		Add-On Products Annual Payment - Year 2	\$14,174.00	\$14,174.00
500	A07-00042	MS Full Platform Enterprise Agreement L&SA - Year 3 (includes Office Pro, Windows OS, CORE CAL)	\$153.00	\$76,500.00
1		Add-On Products Annual Payment - Year 3	\$14,174.00	\$14,174.00

Qty	Additional Products		Annual Unit	Annual Extended
14	P73-00203	Windows Server - Std Edition L&SA	\$282.00	\$3,948.00
1	P72-00188	Windows Server - Enterprise Edition SA	\$392.00	\$392.00
3	395-02504	Exchange Server - Enterprise Edition SA	\$2,021.00	\$6,063.00
1	PHJ-00176	Expression Blend SA	\$76.00	\$76.00
1	H04-00268	Office Sharepoint Server SA	\$827.00	\$827.00
1	810-04760	SQL Server Enterprise SA	\$1,442.00	\$1,442.00
1	228-03148	SQL Server - Std Edition - 1 Processor SA	\$1,204.00	\$1,204.00
1	J4A-00155	System Center Ops Manager Server w/SQL SA	\$222.00	\$222.00
Total Annual Cost - Add-On Products				\$14,174.00

**NOTE: ORDER FOR ENTERPRISE AGREEMENT MUST BE
 ACCOMPANIED BY TWO SIGNED ORIGINAL MS ENTERPRISE
 ENROLLMENT FORMS**

Annual Cost - EA Desktop + Add-Ons	\$90,674.00
Total 3 Year EA Cost	\$272,022.00

Annual Desktop True-Up Prices
Year 1 - \$712 ; Year 2 - \$594 ; Year 3 - \$477
Date Quoted: 4/12/10

Enterprise Signature Form

State and Local

Master Agreement number or Enrollment number*

8054888

SGN-

Microsoft to complete if applicable

***Note:** Enter the applicable active numbers associated with the below documents. Microsoft requires the associated active number be indicated here, or listed below as new.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Document Number or Code
<	
<	
<	
<	
Enterprise Enrollment Renewal Form	X20-01109
<	
<	
<	
<	

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any web sites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer	Microsoft Affiliate
Name of Entity * CITY OF FORT SMITH	Microsoft Licensing, GP
Signature _____	Signature _____
Printed Name: Ray Baker	Printed Name _____
Printed Title: Mayor	Printed Title _____
Signature Date _____	Signature Date _____ <small>(date Microsoft Affiliate countersigns)</small>
Tax ID 71-6003637	Effective Date _____ <small>(may be different than Microsoft's signature date)</small>

* indicates required field

Optional 2nd Customer signature or Outsourcer Signature (if applicable)

Customer	Outsourcer
Name of Entity *	Name of Entity *
Signature * _____	Signature * _____
Printed Name *	Printed Name *
Printed Title *	Printed Title *
Signature Date *	Signature Date *

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form. If no media form is included, no physical media will be sent.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Licensing, GP
Dept. 551, Volume Licensing
6100 Neil Road, Suite 210
Reno, Nevada 89511-1137
USA

Prepared By: _____

Enterprise Update Statement

Complete within 15 days following each anniversary of entity's enrollment effective date as described in the Microsoft Enterprise Agreement. Submit this form to entity's Software Advisor or Reseller who will remit to Microsoft.

For the purposes of this form, "entity" can mean the signing entity, Customer, Enrolled Affiliate, Integrator, Institution, or other party entering into a volume licensing program agreement.

Enterprise agreement number 01E66548

Enrollment number 8054888

Company name CITY OF FORT SMITH

In accordance with the terms of entity's Enterprise Agreement, this Enterprise Enrollment Update Statement must be submitted within 60 days prior to or 15 days after the enrollment anniversary (including the 3rd year anniversary before any renewal). Entity must submit a statement when there has been no change in the number of qualifying desktops, qualifying users (if selecting user based licenses), and copies of additional products during the previous year.

If any of the above increase, entity must submit a true up order to its Reseller/Software Advisor accordingly.

- In checking this box, entity confirms that there has been no increase in the number of qualifying desktops, qualifying users, and copies of additional products under this Enrollment. Entity understands that it is the responsibility of the entity to ensure that all licenses installed are used according to the Enterprise Agreement.

Select applicable year for this Update statement. Please select only one box.

- Year 1
 Year 2
 Year 3

Customer	
Name of Entity *	CITY OF FORT SMITH
Signature *	
Printed Name *	Ray Baker
Printed Title *	Mayor
Signature Date *	

* indicates required fields

Enterprise Enrollment Renewal Form

State and Local

Enrollment Number
(Reseller to complete)

8054888

Please return this form along with Entity's order to the Microsoft Affiliate on the signature form. **This form must be attached to a signature form to be valid.**

For the purposes of this form, "Entity" can mean the signing entity, Customer, Enrolled Affiliate, Integrator, Institution, or other party entering into a volume licensing program agreement.

Use this form to renew the Enrollment specified above. If this form is not submitted, or a new Enrollment executed prior to or at the expiration of the above Enrollment, the Enrollment will expire on the original expiration date.

Please select Entity's Enrollment renewal choice:

36 months

Entity's renewal will be complete when it returns this form and places a valid order for Products and/or services. The Reseller is to help Entity complete its order.

Changing Reseller. If Entity chooses to change its Reseller, Entity must notify Microsoft and the former Reseller, in writing on a form provided at <http://microsoft.com/licensing/contracts> at least 30 days prior to the date on which the change is to take effect. The change will take effect 30 days from the date of Entity's signature on the change of channel partner form.

By renewing, Entity agrees that the Enrollment expiration date will change as provided in this form. The renewal term starts one day following the expiration of the previous term. All other terms and conditions of the Enrollment will apply.

Check if the renewal order will be financed through Microsoft financing.

Reminder: Please be sure to provide a renewal order along with this renewal form.

Reseller acknowledgement:

Name of Reseller

Printed Name

Printed Title

Date

Reseller Signature

RESOLUTION NO. _____

A RESOLUTION ACCEPTING COMPLETION OF AND AUTHORIZING
FINAL PAYMENT TO CREATIVE DESIGN POOLS LLC, FOR THE
CREEKMORE POOLS PVC MEMBRANE LINING SYSTEM PROJECT 09-03

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS, that:

SECTION 1: The City of Fort Smith hereby accepts construction of the above
captioned project as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$14,397.19 to the
contractor, Creative Design Pools LLC, for the above captioned project.

This resolution adopted this _____ day of May, 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

JSC

npr



Memo:

April 29, 2010

To: Dennis Kelly, City Administrator
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*
Re: Creekmore Pools PVC membrane lining system project, final payment and acceptance as complete

Creekmore Park swimming pools were renovated twenty years ago with the end result being the 50 meter competition pool and diving well we know today. A new pool shell was built inside the original pool shell. The anticipated life of a marbelite pool shell is ten to twelve years.

Creative Designs Pools LLC (Burton Pools) of Fort Smith was the low bidder and has completed this project. A PVC liner was installed; the liner carries a fifteen year manufacturer's warranty. I recommend approval of the contract as being complete and authorization to proceed with the final payment. Please call me if you have any questions.

attachment

City of Fort Smith

Project Status: Complete
Today's Date: December 23, 2009
Staff contact name: Mike Alsup
Staff contact phone: (479) 784-1006
Contract time (no of days): 45
Notice to proceed issued: December 18, 2009

Project name: Creekmore Pools PVC Membrane Lining System
Project number: 09-03
Project engineer: Mickle Wagner Coleman
Project contractor: Creative Design Pools LLC

	Dollar Amount	Date	Estimated Completion Date
Original bid award	140,471.85	11/17/2009	1/31/2009
Field change orders:			
1			
Change orders:			
1 Concrete Work	3,500.00	1/5/2009	2/7/2009
2			
3			
Adjusted contract amount	<u>3,500.00</u> <u>143,971.85</u>		
Payments to date (as negative):	-63,212.34 -66,362.32		
Amount of this payment	14,397.19		
Contract balance remaining	0.00		
Retainage held			
Final payment	14,397.19		
Amount Over (under) original as a percentage			2%

Final Comments:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO ESTABLISH A FEE FOR FINGERPRINTING SERVICES PROVIDED TO INDIVIDUALS BY THE FORT SMITH POLICE DEPARTMENT

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

The Chief of Police shall be authorized to establish a fee of three dollars (\$3.00) per set of two (2) cards for fingerprinting services provided to individuals by the Fort Smith Police Department.

This ordinance passed and approved this _____ day of _____, 2010.

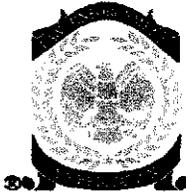
APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form: W. [Signature] npr
City Attorney



Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Dennis Kelly, City Administrator

From: Kevin Lindsey, Chief of Police

Subject: Charging for Fingerprint Services

Date: April 28, 2010

The Fort Smith Police Department currently provides fingerprinting service free of charge to any individual requesting such service, regardless of the reason. There are various reasons individuals come to the police department requesting these services, to include, job applicants for private entities and individuals seeking concealed carry permits.

This service is carried out by officers who work the Information Desk at the Fort Smith Police Department. Typically it takes ten minutes to fingerprint one person (two fingerprint cards per person). On average, the Fort Smith Police Department provides this service to over 100 individuals per month. The time that an officer spends providing this service takes away from his other duties at the desk, at times causing a backlog of citizens waiting to pick up or file reports. Many of the other jurisdictions surrounding Fort Smith charge for the service of fingerprinting, which increases the number of people, inside and outside our jurisdiction, who come to our department to take advantage of the service.

Staff would propose that the Chief of Police be allowed to establish a fee of three dollars (\$3.00) per set of two (2) fingerprint cards. This is a nominal fee for the service provided and is in line with the fair service charge which other department's practice for services provided.

7 D

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE SETTLEMENT OF JUST COMPENSATION ISSUES
WITH JERRY D. MAYBERRY AND KREY MAYBERRY FOR REAL PROPERTY
ACQUIRED FOR THE P STREET WET WEATHER IMPROVEMENTS PROJECT,
PROJECT NO. 05-14-C1

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, THAT:

Section 1: The just compensation issues with Jerry D. Mayberry and Krey Mayberry for real property acquired by the City of Fort Smith for the P Street Wet Weather Improvements Project, Project No. 05-14-C1, are hereby authorized to be settled via a payment by the City of Fort Smith in the amount of \$15,000.00 to Jerry D. Mayberry and Krey Mayberry.

Section 2: The City Administrator and the City Attorney are authorized to take any and all necessary actions to conclude the current litigation based upon the agreed amount of just compensation.

This Resolution adopted this _____ day of May, 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Fort Smith City Attorney
NPR

INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

DATE: April 23, 2010

FROM: Steve Parke, Director of Utilities

SUBJECT: Settlement of Eminent Domain Action with Jerry D. Mayberry and Krey Mayberry for the P Street - Wet Weather Improvements Project No. 05-14-C1

The "P" Street Wet Weather Improvements Project No. 05-14-C1 required the acquisition of a portion of property owned by Jerry D. Mayberry and Krey Mayberry. The Board authorized the acquisition of the needed property by the process of eminent domain in 2007. An exhibit depicting the acquisition is attached.

The property, originally consisting of approximately 5.25 acres, is used to store wrecked vehicles, prior to their salvage and demolition. Mr. Mayberry's business office and main retail salvage yard are located nearby on North 5th Street. The project required the acquisition of approximately 1.44 acres off the west side of their property, and did not affect any improvements. The city's appraisers, Calmo Realty Services and Lawrence Dupree, estimated the value of the 1.44 acres at \$7,200.00 and \$6,900.00. Since 2007, the Mayberry's have declined the city's offer based on their belief that the property acquired by the city was worth more, however, the Mayberry's did not offer an appraisal or other credible evidence to support such value. As the trial date approached, the Mayberry's reduced their latest offer to settle from \$48,000.00 to \$15,000.00. Staff believes this offer falls within a reasonable range of value to settle the lawsuit, rather than to proceed to trial.

Staff recommends that the Resolution accepting the Mayberry's settlement offer be submitted to the Board for approval at its next regular scheduled meeting, authorizing the City Administrator and the City Attorney to conclude this eminent domain case, and pay \$15,000.00 for the real property.

Should you or the Board have any questions or desire additional information, please let me know.

attachment

pc: Ray Gosack

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

58 SOUTH 6TH STREET
POST OFFICE BOX 1446
FORT SMITH, ARKANSAS 72902
TELEPHONE (479) 782-0361
FACSIMILE (479) 782-6160

COMMERCE PARK II BUILDING
2049 EAST JOYCE BOULEVARD, SUITE 401
FAYETTEVILLE, ARKANSAS 72703
TELEPHONE (479) 582-0361
FACSIMILE (479) 251-8111

JAMES E. WEST
PHILLIP J. NORVELL
DALE CARLTON
OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
ROBERT R. BRIGGS, P.A. +
C MICHAEL DAILY +
COBY W. LOGAN +
L. MATTHEW DAVIS
COLBY T. ROE

* CERTIFIED MEDIATOR
+ ALSO LICENSED IN OKLAHOMA

WRITER'S E-MAIL ADDRESS:
CLOGAN@DAILYWOODS.COM

April 22, 2010

Mr. Steve Parke
Director of Utilities
City of Fort Smith
Utilities Administration Building
3900 Kelley Highway
Fort Smith, Arkansas, 72904

RECEIVED

APR 23 2010

UTILITY DEPARTMENT

Re: City of Fort Smith, Arkansas v. Jerry D. Mayberry and Krey Mayberry, Sebastian County
Circuit Court Case No. CIV-2007-1264 (V)

Dear Mr. Parke,

The parties have engaged in settlement discussions in the above referenced matter. Mr. Lawrence D. Dupree has appraised the value of the real property interests needed and acquired by the City of Fort Smith in this matter at \$6,900.00. Mr. R. Dale White has appraised the value of the said real property interests in this matter at \$7,200.00. After various proposals, the parties have agreed that the sum of \$15,000.00 be paid to the landowners, Mr. Jerry D. Mayberry and Mr. Krey Mayberry, to completely settle the above referenced matter, with no other work or conditions to be performed by the City of Fort Smith, subject to approval of the City's Board of Directors.

We recommend the settlement. We understand that your office likewise recommends the settlement. Please find enclosed a resolution draft for your review, and if said resolution draft meets with your approval, for submission to the Board of Directors of the City of Fort Smith.

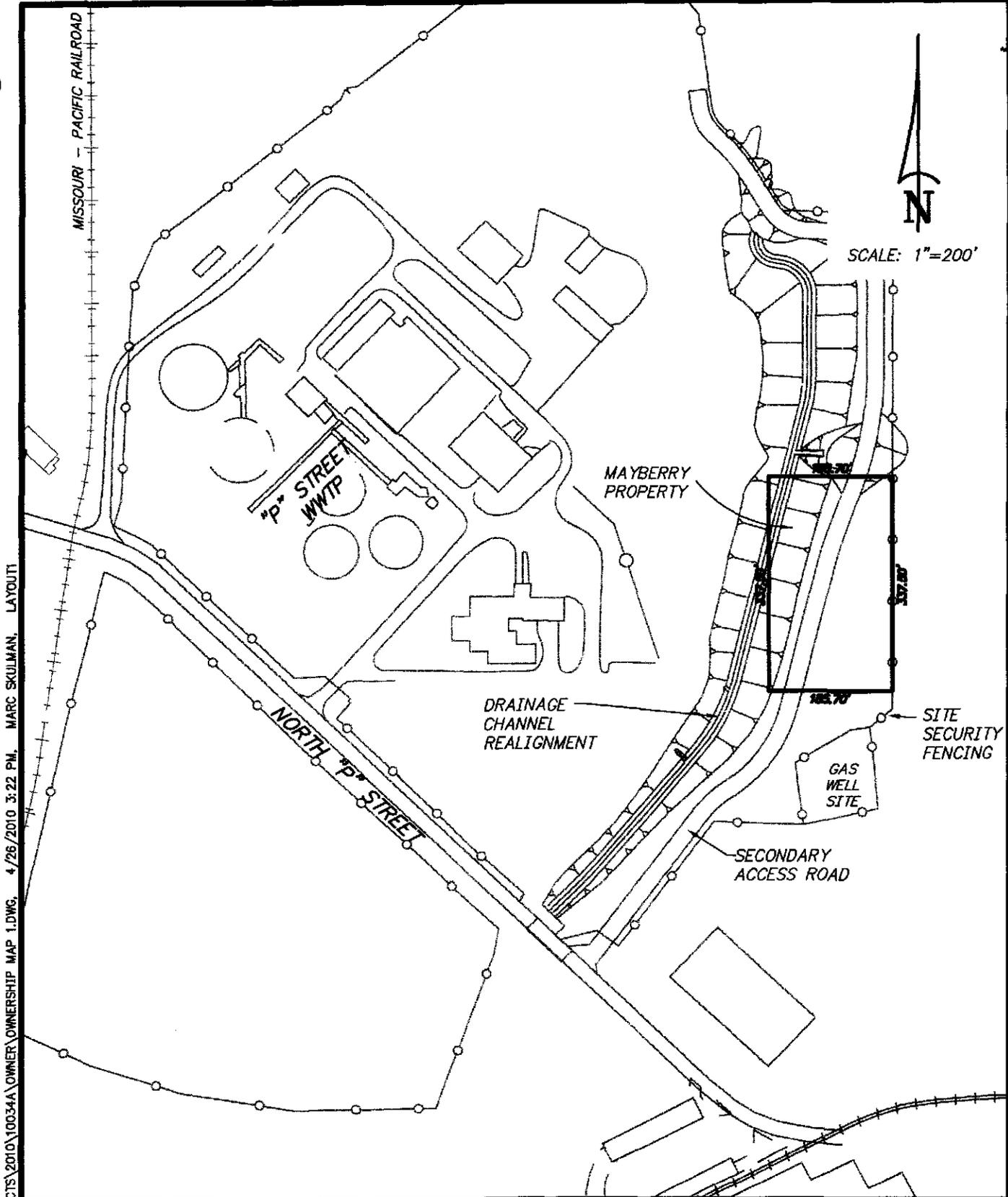
Thank you for your attention to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Coby W. Logan', with a large, sweeping flourish extending to the right.

Coby W. Logan
CWL/cmm

CC: Mr. Larry Guthrie



U:\DRAWINGS\PROJECTS\2010\10034A\OWNER OWNERSHIP MAP 1.DWG. 4/26/2010 3:22 PM. MARC SKULMAN. LAYOUT

HW **Hawkins-Weir Engineers, Inc.**
 Engineers Surveyors Consultants

110 So. 7th Street | 200 So. Commerce, Suite 250
 Van Buren, AR 72956 | Little Rock, AR 72201
 479 474-1227 | www.hawkins-weir.com | 501 374-4846

OWNERSHIP MAP - JERRY D. MAYBERRY
"P" STREET WASTE WATER TREATMENT PLANT

FOR:
THE CITY OF FORT SMITH

DATE: 04/26/10 | SCALE: 1"=200' | JOB NO. 10034A

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AMENDMENT OF PAYMENT TO ARKANSAS OKLAHOMA GAS CORPORATION FOR UTILITY RELOCATION ASSOCIATED WITH THE MIDLAND BOULEVARD 30-INCH WATER TRANSMISSION LINE

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Arkansas Oklahoma Gas Corporation is relocating facilities that conflict with construction of the Midland Boulevard 30-Inch Water Transmission Line, Project Number 07-04-E1.

SECTION 2: The Payment to Arkansas Oklahoma Gas Corporation is amended from \$57,496.00 to \$60,519.75 for relocating said facilities, is hereby approved.

This Resolution adopted this _____ day of May 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Jse

npr

INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

DATE: April 27, 2010

FROM: Steve Parke, Director of Utilities

SUBJECT: Midland Boulevard 30-Inch Water Transmission Line
Project Number 07-04-E1

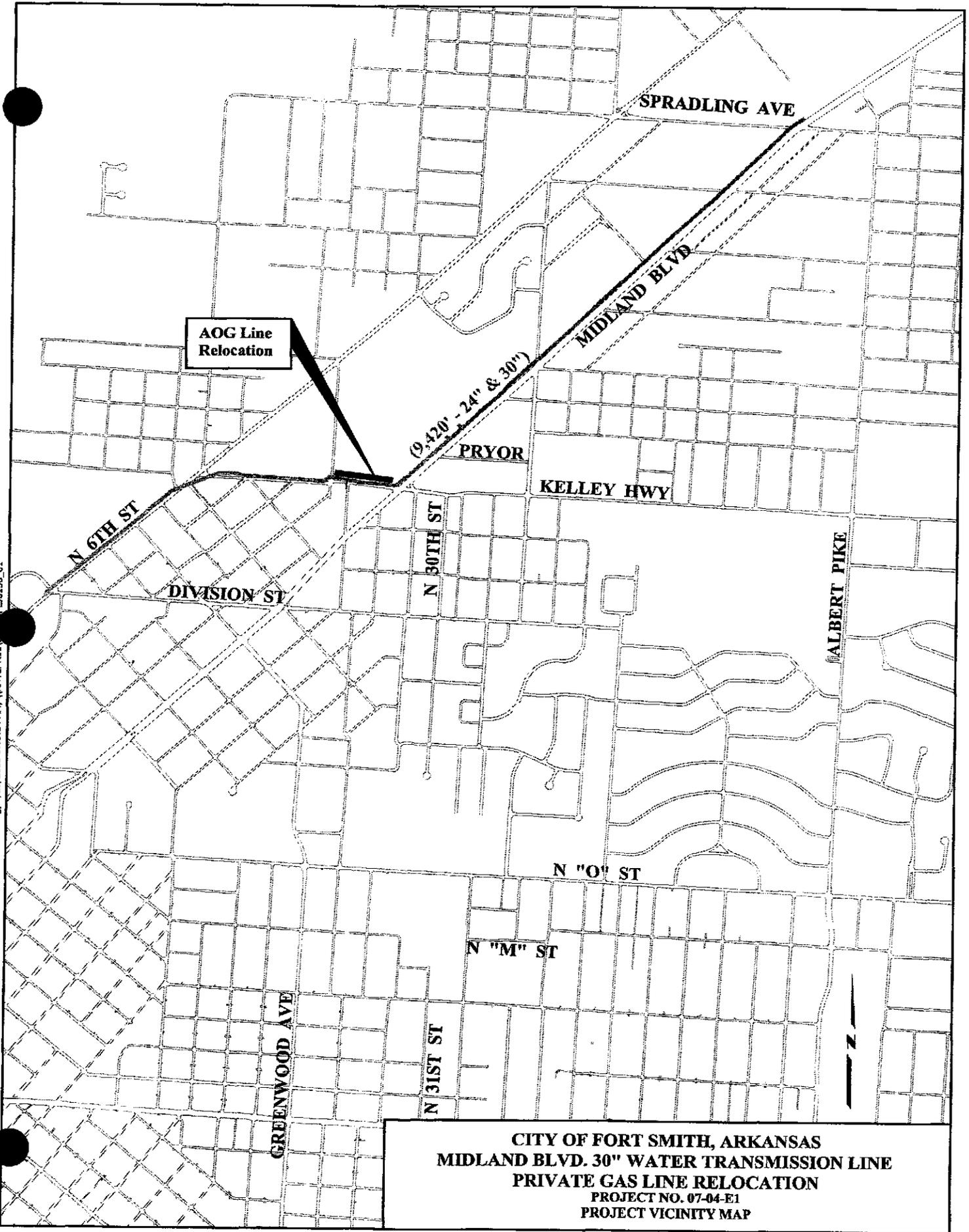
The above captioned project is currently under construction by The Burgess Company, Inc., and consists of about 9,420 feet of 24 and 30-inch water transmission line along Midland Boulevard, Kelly Highway and North 6th Street corridor. This project required adjustment of facilities owned by Arkansas Oklahoma Gas Corporation (AOG) to void conflicts with the new water transmission line. AOG estimated their adjustment cost at \$57,496.00, however, the actual cost of the relocation was \$60,519.75. The attached exhibit shows the location of these improvements.

The attached Resolution authorizes payment to AOG in the amount of \$60,519.75 for adjusting their facilities. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Ray Gosack

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CITY OF FORT SMITH, ARKANSAS
MIDLAND BLVD. 30" WATER TRANSMISSION LINE
PRIVATE GAS LINE RELOCATION
PROJECT NO. 07-04-E1
PROJECT VICINITY MAP

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH INSITUFORM TECHNOLOGIES, INC., FOR THE WALNUT STREET 30-INCH SEWER REHABILITATION

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

Change Order Number One in the amount of \$180,250.00 to the contract with Insituform Technologies, Inc., for the construction of the Walnut Street 30-Inch Sewer Rehabilitation, Project Number 09-15-C1, and adjusting the contract amount to \$617,750.00, is hereby approved.

This Resolution adopted this _____ day of May 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

DATE: April 28, 2010

FROM: Steve Parke, Director of Utilities

SUBJECT: Walnut Street 30-Inch Sewer Rehabilitation
Project Number 09-15-C1

This project consists of relining 2,400 feet of 30-inch and 105 feet of 36-inch sewer line which flows to the sewer lift station at the west end Walnut Street. This project was intended to avoid emergency repairs such as those that occurred in 2008 and 2009 when portions of this sewer line collapsed. Each of these emergency repairs cost more than \$200,000.00. The failure mechanism which occurs is that the line sinks into the underlying fine sand deposits when the groundwater table is high resulting in a pipe joint separation. The fine sand then flows into the pipeline which creates a blockage and sewer overflow condition.

During construction of the sewer relining, another collapse occurred which damaged one manhole beyond repair and will require approximately 100 feet of the sewer line to be replaced by open cut. If the collapse is not repaired at this time, a sewer overflow will occur which may result in enforcement actions due to the risk of environmental damage or endangerment of public health. Insituform Technologies, the contractor for the relining work, has bypass pumping on-site as part of their construction which is capable of pumping around the collapsed area and preventing the sewer overflow condition. Staff asked them to provide a quote for repairing the collapsed area instead of initiating an emergency repair project. The attached map shows the locations of the improvements.

Insituform Technologies, Inc., has submitted a change order amount of \$180,250.00 to perform the needed work. The change order adjusts the contract amount to \$617,750.00. It is my recommendation that the attached Resolution authorizing Change Order Number One is approved.

Should you or members of the Board have any questions or need additional information, please let me know.

attachment

pc: Ray Gosack

Project Summary
 City of Fort Smith
 Utility Department

Project Status: In progress

Project name: **Walnut Street 30-Inch Sewer Rehabilitation**

Today's Date: April 28, 2010

Project number: **09-15-C1**

Staff contact name: Steve Parke

Project engineer: Mickle Wagner Coleman, Inc.

Staff contact phone: 784-2231

Project contractor: Havens Construction Company

Notice to proceed issued: March 15, 2010

Completion date: May 9, 2010

	Dollar Amount	Contract Time (Days)
Original contract	\$437,500.00	55
Change orders: Number One	\$180,250.00	35
Total change orders	\$180,250.00	<u>35</u>
Adjusted contract	<u>\$617,750.00</u>	<u>90</u>
Payments to date (as negative):	\$-366,686.70	59.4%
Amount of this payment (as negative)	\$0.00	0.0%
Retainage held	\$0.00	
Contract balance remaining	\$251,063.30	40.6%
Amount Over (under)- as a percentage	41.2%	

Final Comments:

RESOLUTION NO. _____

**RESOLUTION ACCEPTING RESIGNATION
OF WARD 4 CITY DIRECTOR**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, THAT:**

The resignation of Bill Maddox as Ward 4 City Director, effective May 4, 2010, is hereby accepted.

PASSED AND APPROVED this _____ day of May, 2010.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

*Approved as to form
Assist City Attorney
NRC*

Remler, Cindy

From: Bill Maddox [bilox@cox.net]
Sent: Friday, April 23, 2010 11:31 AM
To: Kelly, Dennis; Gosack, Ray; Baker, Mayor Ray; Tyler, Steve; 'Andre' Good'; Hutchings, Don (Board of Directors); Campbell, Gary (Board of Directors); Settle, Kevin (Board of Directors); R Cole Goodman; Maddox, Bill (Board of Directors); Gard, Sherri; Remler, Cindy
Subject: Resignation

As you know my resignation e-mail dated February 7, 2010 was reviewed by Mr. Wyman Wade, City Attorney. He indicated that the manner in which I wanted to resign was in conflict with the State law concerning same. Therefore please consider this e-mail as my resignation from the Fort Smith Board of Directors Ward 4 effective May 4, 2010. This should allow an orderly manner in which a replacement can be elected during a regular General Election with no cost to the City of Fort Smith as a special election would have been.

Bill Maddox
City Director Ward 4

City Clerk
FILED 4/23/10
Chember

9.

RESOLUTION NO. _____

**RESOLUTION DECLARING VACANCY IN WARD 4
CITY DIRECTOR POSITION AND MAKING APPOINTMENT
TO FILL SAID VACANCY**

WHEREAS, Bill Maddox, the duly elected City Director for Ward 4 has resigned effective May 4, 2010, and;

WHEREAS, the vacancy in the position of Ward 4 City Director has occurred less than six months prior to the next general municipal election so that the Board is authorized by Arkansas Code Section 14-48-115(a) (Supp. 2009) to appoint a person to fill the vacancy until the vacancy is filled by election as indicated in Arkansas Code Section 14-48-109(8)(A) (Supp. 2009);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

_____ is hereby appointed to fill the existing vacancy in the position of Ward 4 City Director, and shall serve until the remainder of the unexpired term shall be filled by election as set forth in Arkansas Code Section 14-48-109(8)(A) (Supp. 2009).

PASSED AND APPROVED this _____ day of May, 2010.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved - to [unclear]
[Signature]
NPR
A.F.'s City Clerk

MEMORANDUM
April 28, 2010

TO: Dennis Kelly, City Administrator

FROM: Cindy Remler, City Clerk 

RE: Ward 4 City Director Position

Bill Maddox, Ward 4 City Director, has submitted his resignation effective May 4, 2010. The timing of his resignation allows the position to be included with the upcoming elections for mayor and directors-at-large positions 5, 6, and 7.

The attached resolution declares the director vacancy, and provides for the appointment of an individual to fill the vacancy. Because the vacancy occurs less than six months before the general municipal election, the directors may appoint a person who will serve until the position is filled at either the August 10 City Primary or the November 2 General Election. If more than two persons file for the position, it will be on the primary election ballot (with a runoff at the general election if necessary). Also, in the event only one person files by the filing deadline on June 1, and their candidate petition is deemed sufficient, that individual will be declared elected without necessity of being on the ballot.

The candidate packets for Ward 4 will be made available through my office once the vacancy has been declared. The filing period for mayoral and city director candidates begins May 12 and ends at 12:00 Noon on June 1.

Director Maddox has also served as the board member representative on the Advertising & Promotion Commission (A&P); therefore, in the event he is appointed to fill the ward director vacancy, he will also need to be reappointed to the A&P Commission.

Please advise if there are any questions.

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(b) The result of the election shall be certified by the election board to the city clerk or recorder;

✓ (7) The names of all candidates at the election shall be printed upon the ballot in an order determined by draw. If more than two (2) candidates qualify for an office, the names of all candidates shall appear on the ballot at the primary election;

✓ (8)(A) If no candidate receives a majority of the votes cast in the primary, the two (2) candidates receiving the highest number of votes for mayor and for each director position to be filled shall be the nominees for those respective offices to be voted upon in the general election.

(B) If no more than two (2) persons qualify as candidates for the office of mayor or for any director position to be filled, no municipal primary election shall be held for these positions, and the names of the two (2) qualifying candidates for each office or position shall be placed upon the ballot at the municipal general election as the nominees for the respective positions. Primary elections shall be omitted in wards in which no primary contest is required.

(C) In any case in which only one (1) candidate shall have filed and qualified for the office of mayor or any director position, or if a candidate receives a clear majority of the votes cast in a primary election, that candidate shall be declared elected. The name of the person shall be certified as elected without the necessity of putting the person's name on the general municipal election ballot for the office; and

(9) Any candidate defeated at any municipal primary election or municipal general election may contest it in the manner provided by law for contesting other elections.

(b) Each member of the board of directors, before entering upon the discharge of his or her duties, shall take the oath of office required by Arkansas Constitution, Article 19, Section 20.

History. Acts 1967, No. 36, §§ 5, 9; 1971, No. 439, § 1; A.S.A. 1947, §§ 19-805, 19-809; Acts 1989, No. 347, §§ 2, 3; No. 905, § 7; 1997, No. 879, §§ 1, 2; 2005, No. 67, §§ 27, 28; 2005, No. 489, §§ 1, 2; 2007, No. 1049, § 56; 2009, No. 1480, § 74.

A.C.R.C. Notes. Pursuant to § 1-2-207, subsection (a) is set out as amended by Acts 2007, No. 1049, § 56. Acts 2007, No. 580, § 1 also amended subsection (a) to read as follows:

"(a) Candidates for the office of director and mayor shall be nominated and elected as follows:

(1)(A)(i) A special election for the election of the initial membership of the board of directors and mayor shall be called by the Secretary of State as provided in § 14-48-108.

"(ii) The proclamation shall be published through one (1) insertion in some newspaper having a bona fide circulation in the municipality. The publication shall be not less than eighty (80) days before the date of the primary election.

"(iii) For the initial election of directors and mayor, any person desiring to become a candidate shall file within twenty (20) days following the date of the proclamation by the Secretary of State with the city clerk or recorder a statement of candidacy in the form and with the supporting signatures as provided in this section. In all other respects, the initial elections shall be governed by the provisions of this chapter for holding municipal elections.

"(B)(i) Special elections to fill any vacancy under § 14-48-115 shall be called through a resolution of the board.

WARD RESIDENT 7

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(B) If a majority of the qualified electors voting on the question at the election shall vote against the removal of the officer, the officer shall continue to serve during the term for which elected.

(c) No recall petition shall be filed against any officer until he or she shall have held his or her office for at least six (6) months.

History. Acts 1967, No. 36, § 17; A.S.A. 1947, § 19-817; Acts 1991, No. 49, § 1; 2005, No. 2145, § 37; 2007, No. 1049, § 57; 2009, No. 1480, § 75.

Amendments. The 2005 amendment redesignated former (b)(3) as present

(b)(3)(A)(i); substituted "sixty (60)" for "forty (40)" in present (b)(3)(A)(i); and added (b)(3)(A)(ii) and (b)(3)(B)-(E).

The 2007 amendment rewrote (b)(3).

The 2009 amendment substituted "§ 7-11-201 et seq." for "§ 7-5-103(b)" in (b)(3).

RESEARCH REFERENCES

ALR. Constitutionality of state and local recall provisions. 13 ALR.6th 661.

14-48-115. Mayor or director vacancy.

(a) In the case of a vacancy in the office of mayor or in the office of a member of the board of directors as a result of death, resignation, a recall election as provided for in § 14-48-114, or for any other reason, the board, by majority vote, shall appoint a person to fill the vacancy if the vacancy occurs less than six (6) months before the next general municipal election at which the remainder of the unexpired term shall be filled.

(b) If the vacancy occurs more than six (6) months prior to the next general municipal election, a special election to fill the vacancy shall be called by proclamation issued in accordance with § 7-11-101 et seq., by:

- (A) The mayor, if the vacancy is in a board position; or
- (B) The highest ranking member of the board of directors, if the vacancy is in the mayor's position.

History. Acts 1967, No. 36, § 10; A.S.A. 1947, § 19-810; Acts 2005, No. 2145, § 38; 2007, No. 1049, § 58; 2009, No. 1480, § 76.

A.C.R.C. Notes. Pursuant to § 1-2-207, subsection (b) is set out as amended by Acts 2007, No. 1049, § 58. Subsection (b) was also amended by Acts 2007, No. 234, § 2, to read as follows:

"(b)(1)(A) If the vacancy occurs more than (6) months prior to the next general municipal election, a special election shall be called to fill the vacancy.

"(B)(i) A primary election may be conducted to determine candidates for the special election.

"(ii)(a) The primary election shall be held not less than thirty (30) days nor more than seventy-five (75) days from the calling of the special election and shall

occur pursuant to subdivision (b)(2) of this section.

"(b) The special election shall occur on the second Tuesday of the month following the primary election, except as provided in subdivisions (b)(2)(B)-(E) of this section.

"(iii) If a primary election is not conducted, the special election shall be held not less than thirty (30) days nor more than seventy-five (75) days from the calling of the special election.

"(2)(A) The special election and any primary election to determine candidates for the special election shall occur on the second Tuesday of any month, except as provided in subdivisions (b)(2)(B)-(E) of this section.

"(B) A special election or a primary election held in a month in which a presidential preferential primary election,

AGENDA ~ *Summary*

FORT SMITH BOARD OF DIRECTORS REGULAR MEETING

MAY 4, 2010 ~ 6:00 P.M.

**FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD**

THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

All present

MAYOR'S ANNOUNCEMENTS AND RECOGNITIONS

APPROVE MINUTES OF THE APRIL 20, 2010 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. *~~ This item withdrawn ~~*
2. Public hearing and resolution authorizing the submission of an application for CDBG Disaster Assistance Funds from the State of Arkansas for damage related to the wind and storm damage in March and April 2008 and for other purposes
*Approved 7 in favor, 0 opposed / **Resolution No. R-84-10***
3. Ordinance authorizing the Mayor to enter into a services agreement with the Fort Smith Classic
*Approved 6 in favor, 1 opposed (Maddox) / **Ordinance No. 19-10***
4. Ordinance authorizing the Mayor to enter into a services agreement with the Juneteenth Planning Commission, Inc.
*Approved 5 in favor, 1 opposed (Maddox), 1 abstention (Good) as amended for \$9,800 funding, \$5,200 in-kind services, and the aforementioned to be utilized for the Juneteenth Festival and audit expenses only / **Ordinance No. 20-10***

5. Ordinance repealing and replacing Article II of Chapter 2, Sections 2-26 through 2-47 of the Fort Smith Municipal Code
Due to the request for further discussion at an upcoming study session regarding the position of the internal auditor, this item was tabled to the May 18, 2010 regular meeting by vote of 6 in favor, 1 opposed (Settle).
6. Ordinance amending Chapter 14, Article II of the Fort Smith Code of Ordinances regulating the discharge of firearms; and, authorizing indoor shooting galleries
Approved 7 in favor, 0 opposed / **Ordinance No. 21-10**
7. Consent Agenda
 - A. Ordinance authorizing software acquisition and maintenance contract with Microsoft Leasing, GP
Approved 7 in favor, 0 opposed / **Ordinance No. 22-10**
 - B. Resolution accepting completion of and authorizing final payment to Creative Design Pools, LLC for the Creekmore Pools PVC Membrane Lining System, Project No. 09-03 (\$14,397.19)
Approved 7 in favor, 0 opposed / **Resolution No. R-85-10**
 - C. Ordinance authorizing the Chief of Police to establish a fee for fingerprinting services provided to individuals by the Fort Smith Police Department
Approved 7 in favor, 0 opposed / **Ordinance No. 23-10**
 - D. Resolution authorizing the settlement of just compensation issues with Jerry D. Mayberry and Krey Mayberry for real property acquired for "P" Street Wet Weather Improvements Project, Project No. 15-14-C1 (\$15,000.00)
Approved 7 in favor, 0 opposed / **Resolution No. R-86-10**
 - E. Resolution authorizing amendment of payment to Arkansas Oklahoma Gas Corporation for utility relocation associated with the Midland Boulevard 30 inch water transmission line (\$60,519.75)
Approved 7 in favor, 0 opposed / **Resolution No. R-87-10**
 - F. Resolution authorizing Change Order Number One with Insituform Technologies, Inc. for the Walnut Street 30-Inch Sewer Rehabilitation (\$180,250.00)
Approved 7 in favor, 0 opposed / **Resolution No. R-88-10**
8. Resolution accepting the resignation of Ward 4 City Director
Approved 7 in favor, 0 opposed / **Resolution No. R-89-10**

DIRECTORS FORUM

Information available by viewing rebroadcast of the meeting on City Access Channel 6 or City website

CITY ADMINISTRATOR'S REPORT

Information available by viewing rebroadcast of the meeting on City Access Channel 6 or City website

EXECUTIVE SESSION

Appointments:

Ward 4 Director

Bill Maddox

Term expires upon election of new Ward 4 Director

(See Item No. 9 below)

Advertising and Promotions Commission

Director Bill Maddox (reappointment)

(to fill unexpired term of Ward 4 director who resigned)

Term is indefinite

(Reconvene from Executive Session)

9. Resolution declaring vacancy in Ward 4 City Director position and making appointment to fill said vacancy

Approved 6 in favor, 0 opposed / **Resolution No. R-90-10**

ADJOURN

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 4, 2010 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Ray Baker, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, Bill Maddox, Gary Campbell, Kevin Settle and Cole Goodman. The Mayor declared a quorum present.

Mayor Baker along with the Board, and Administration, presented a framed picture of the recently purchased bomb truck to Fire Chief Mike Richards. The picture was provided by Pierce Manufacturing. Chief Richards noted that the bomb truck was obtained exclusively from The Department of Homeland Security; therefore, the City incurred no financial expense for the purchase.

Administrator Kelly presented wristbands with the message "On the Hunt for a Cure" which are being sold to raise funds for City employee Scott Winstead. Scott has an unknown illness and will soon travel to Mayo Clinic for medical tests. Several fund raisers have been held and the wristbands are being sold for \$3 to assist with expenses incurred by Scott and his family.

Mayor Baker recognized members of the Citizens Academy who were in attendance.

The minutes of the April 20, 2010 regular meeting were presented for approval. Settle, seconded by Campbell, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

May 4, 2010 Regular Meeting

With regard to the time limit policy for persons wishing to address the Board, Mayor Baker communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side.

Mayor Baker announced that Item No. 1 had been withdrawn.

The Mayor further announced that this was the time and place set for a public hearing regarding the submission of an application for CDBG Disaster Assistance Funds from the State of Arkansas for damage related to the wind and storm damage in March and April 2008 and for other purposes. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 2).

Director of Development Services Wally Bailey briefed the Board on the item advising the City of Fort Smith received notice from the State of Arkansas that CDBG Disaster Assistance funds were available relating to declared disasters within the state in 2008. The Arkansas Economic Development Commission (AEDC), who is overseeing the distribution of said funds, has invited the City of Fort Smith to submit a full application. The City is requesting \$258,404.00 which could assist 29 property owners with a maximum of \$8,500 per house. The program requires that there can be no duplication of benefits, so the homeowner must prove that FEMA assistance or insurance proceeds are the first to be spent and each homeowner must also sign a "Duplication of Benefits Affidavit". Upon approval of funding to the City, the Housing Assistance Board will approve grants for homes that meet the criteria whereby Neighborhood Services Division has identified multiple homes who preliminarily meet the criteria.

May 4, 2010 Regular Meeting

Director Good questioned how staff will determine if the homes receiving assistance were actually damaged by the 2008 storms.

Mr. Bailey advised the City has identified multiple storm damaged homes and clarified that the funding is recommended, but not limited to, homes damaged in the 2008 storms. With regard to criteria or ranking, the homes selected will be first come, first served.

There being no individual present to address the Board, the Mayor declared the public hearing closed.

Campbell, seconded by Good, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given number R-84-10.

Item No. 3 was an ordinance authorizing the Mayor to enter into a services agreement with the Fort Smith Classic

Administrator Kelly briefed the Board on the item advising the Fort Smith Classic golf tournament is scheduled for June 14 - 20. The recommended total funding of \$50,000 includes \$33,590 in cash and \$16,410 in-kind services, i.e. Police, Sanitation and Parks and Recreation services. The proposed amount was approved in the 2010 General Fund Budget.

Hutchings, seconded by Campbell, moved adoption of the ordinance. The members voted as follows: ayes - Tyler, Good, Hutchings, Campbell, Settle and Goodman; nays - Maddox. The Mayor declared the motion carried and the ordinance was adopted and given No. 19-10.

May 4, 2010 Regular Meeting

Item No. 4 was an ordinance authorizing the Mayor to enter into a services agreement with the Juneteenth Planning Commission, Inc. (JPCI)

Director of Finance Kara Bushkuhl briefed the Board on the item advising the proposed agreement authorizes an amount not to exceed \$15,000. The amount includes \$5,163 for in-kind services for park usage, staffing and sanitation fees. A portion of consulting fees was transferred from the Finance Department budget to the General Fund to accommodate the proposed funding.

Director Good requested a brief explanation of the in-kind services provided by the Parks and Recreation Department.

Director of Parks and Recreation Mike Alsup advised the majority of the in-kind services is the waiver of \$3,300 in park rental fees and additional staffing.

Director Maddox expressed concern with the item citing the Outside Agency Review Panel did not recommend funding.

Director Settle noted that an error was made and alleged JPCI is the only organization denied funding.

Tracy Winchell, Office of Economic Development, clarified that multiple organizations were denied funding due to various reasons, i.e. clerical errors or the requests were beyond the scope of program. She conceded that an error was discovered with regard to the JPCI request; however, after the discovery, the Outside Agency Review Panel reconsidered their request and unanimously determined that they would not have recommended the funding in the initial consideration.

Director Campbell conveyed no objection to funding the Juneteenth Celebration;

May 4, 2010 Regular Meeting

however, he expressed much concern with amending the recommendations of various board and commissions. Such action basically discounts the time and effort of those serving on the boards, commissions or review panels.

Director Good noted that the Juneteenth Celebration recognizes other ethnicity's whereby multiple groups such as the Irish, Laotian, Hispanic, Native American and others participate and perform at the Juneteenth Celebration. The event is not coordinated as an African-American event, but a celebration of freedom for all ethnic groups. He further conveyed much discontent that the JPCP has applied for funding for nine (9) years and has received funding only once due to an approved group not utilizing their funding and returning the funds. Although no funding has been recommended, he conveyed much appreciation to the work and amount of hours expended by the Outside Agency Review Panel.

Mayor Baker clarified that the Advertising and Promotion Commission (A & P) has provided funding to the JPCI for the event for several years.

Director Tyler again inquired as to the reason funding was not recommended for the Juneteenth Celebration.

Ms. Winchell advised the applications submitted by other groups contained very specific information as to the intended use of the funding whereas the application submitted by the JPCI did not. The Outside Agency Review Panel has discussed scheduling workshops for applicants during the 2011 funding cycle; therefore, she feels such instances will not be an issue in the future.

Settle, seconded by Hutchings, moved adoption of the ordinance with an

May 4, 2010 Regular Meeting

amendment for \$9,800 cash; \$5,200 in-kind services and that both shall be utilized for the Juneteenth Festival and audit expenses only. The members voted as follows: ayes - Tyler, Hutchings, Campbell, Settle, Goodman; nays - Maddox; abstention - Good. The Mayor declared the motion carried and the ordinance was adopted and given No. 20-10.

Item No. 5 was an ordinance repealing and replacing Article II of Chapter 2, Sections 2-26 through 2-47 of the Fort Smith Municipal Code

Administrator Kelly advised that due to concern with certain language regarding protocol procedures of the Internal Auditor, he requested the matter be postponed to the May 18, 2010 regular meeting to allow clarification and/or direction from the Board.

Director Settle spoke in opposition to postponing consideration citing the proposed ordinance contains matters of much importance with regard to citizen input at board meetings. Due to such, he recommended adoption of the ordinance as is and if an amendment is warranted, the matter can be presented at a later date. He further recommended the issue regarding the Internal Auditor be scheduled for the next study session.

Campbell, seconded by Maddox, moved to table consideration of the item to the May 18, 2010 regular meeting. The members voted as follows: ayes - Tyler, Good, Hutchings, Maddox, Campbell and Goodman; nays - Settle. The Mayor declared the motion carried.

Item No. 6 was an ordinance amending Chapter 14, Article II of the Fort Smith Code of Ordinances regulating the discharge of firearms; and, authorizing indoor shooting galleries

May 4, 2010 Regular Meeting

Police Chief Kevin Lindsey briefed the Board advising an application for an indoor shooting range was recently submitted to the Planning Commission. Prior to their approval, the Planning Commission recommended the anticipated operations of the facility be reviewed by the Police Department. Such prompted a review of the existing ordinances regarding the discharge of firearms within the city and it was discovered that no provision currently exists in the Fort Smith Municipal Code regarding the installation and operation of indoor "shooting galleries". Minor wording amendments to the existing code are included within the proposed ordinance, along with the addition of a section which accommodates the following:

- ▶ Provide authority to the Chief of Police to issue permits for indoor "shooting galleries"
- ▶ Establishes a process for application, review and reapplication
- ▶ Establishes requirements for supervision by the proprietor

Director Settle questioned the affect the proposed regulations will have on Umarex, who manufactures firearms and maintains a 'shooting gallery' at their facility to test their product.

Chief Lindsey advised the proposed amendments address retail facilities and will not affect current practices of Umarex.

Director Hutchings noted than an issue discussed at the Planning Commission meeting was the age requirement for supervision at the proposed facility; therefore, he questioned if the matter was considered.

Chief Lindsey noted that individuals must be 21 years of age and the owners of such facilities must be a certified firearm instructor. With regard to other facilities such as

May 4, 2010 Regular Meeting

archery, paintball, etc., the age is 18 years of age.

Campbell, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Good, moved adoption of the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 21-10.

Mayor Baker announced that Item No. 7A of the consent agenda contained an emergency clause; therefore, requested the item be removed from the consent agenda and voted on as a separate item.

Maddox, seconded by Hutchings, moved to remove the item from the consent agenda and consider as a separate item. The members all voting affirmatively, the Mayor declared the motion carried and Item No. 7A was introduced for consideration.

Item No. 7A was an ordinance authorizing software acquisition and maintenance contract with Microsoft Leasing, GP

Director of Information Technology Russell Gibson briefed the Board on the item advising the proposed ordinance essentially continues the existing agreement for one centralized license to use Microsoft software for each product in use by the City. The original agreement approved in 2007 was for \$141,000 per year; however, ITS negotiated with Microsoft to bring down the cost to \$90,674 per year, as cost savings of approximately \$150,000. The proposed agreement is for a period of three (3) years (2010 - 2012).

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Director Good questioned if it is a common practice to compare costs for various software purchases whereby Mr. Gibson responded that is and clarified that such is done when there is competing software. No cost comparison was initiated for the proposed software as Mircosoft is the sole provider.

Goodman, seconded by Maddox, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Hutchings, moved adoption of Section 4 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 22-10.

The remaining Consent Agenda (Item No. 7) items were introduced for consideration, the items being as follows:

- B. Resolution accepting completion of and authorizing final payment to Creative Design Pools, LLC for the Creekmore Pools PVC Membrane Lining System, Project No. 09-03 (\$14,397.19)
- C. Ordinance authorizing the Chief of Police to establish a fee for fingerprinting services provided to individuals by the Fort Smith Police Department
- D. Resolution authorizing the settlement of just compensation issues with Jerry D. Mayberry and Krey Mayberry for real property acquired for "P" Street Wet Weather Improvements Project, Project No. 15-14-C1 (\$15,000.00)
- E. Resolution authorizing amendment of payment to Arkansas Oklahoma Gas Corporation for utility relocation associated with the Midland Boulevard 30 inch water transmission line (\$60,519.75)

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- F. Resolution authorizing Change Order Number One with Insituform Technologies, Inc. for the Walnut Street 30-Inch Sewer Rehabilitation (\$180,250.00)

Regarding Item No. 7B, Director Good noted the change order was for a very small amount of concrete; therefore, he requested a brief explanation.

Director of Parks and Recreation Mike Alsup noted that such was to simply adjust the upper grade of the pool to allow water to flow back into the pool properly.

With regard to Item No. 7C, Director Settle questioned if the fingerprinting of children was considered.

Police Chief Lindsey noted that the proposed fees are for fingerprinting services for job related services such as taxicab drivers, etc.

Regarding Item No. 7D, Mayor Baker inquired if the Mayberrys are satisfied with the proposed settlement and Director of Utilities Steve Parke responded that they are.

Director Good questioned the legal costs associated with the settlement.

City Attorney Jerry Canfield noted that such information was not readily available, but, he would forward the information at a later date.

With regard to Item No. 7F, Mayor Baker questioned if the project was initiated due to the collapse of a sewer line.

Mr. Parke advised the project was initiated for such; however, the proposed change order is due to an additional collapse that occurred during construction.

Settle, seconded by Campbell, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and ordinance and resolutions were adopted with the ordinance given No. 23-10 and the resolutions

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numbered R-85-10 through R-88-10 respectively.

Item No. 8 was a resolution accepting the resignation of Ward 4 City Director

City Attorney Jerry Canfield briefed the Board on the item advising Director Maddox has indicated his intent to resign in a timely manner to ensure the vacancy can be considered at the upcoming general election, essentially saving the City the cost of a special election. According to the State of Arkansas election provisions and upon approval of the proposed resolution, such will accommodate Director Maddox's intent.

Upon approval, Director Maddox announced his willingness and desire to be appointed to fill the unexpired term until a new director is elected (reference Item No. 9).

Settle, seconded by Campbell, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-89-10.

Mayor Baker opened the Directors Forum with the following directors wishing to comment:

▶ Director Campbell

Re: Expressed much appreciation to Director Maddox for his service to the citizens of Fort Smith and Ward 4, and his intent to save the City the cost of a special election.

▶ Director Settle

Re: Announced that Forbes Magazine recently ranked Fort Smith 85 out 200 "Best Place to do Business and Careers" and provided detailed statistical information which prompted the ranking.

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▶ **Director Good**

- Re:
1. Expressed much appreciation to the Chamber of Commerce for hosting the Honors Banquet last evening. The host and guest speaker was Mr. Phillip Murray, who spoke highly of upcoming graduates and encouraged the students to receive their college degrees and return to Fort Smith.
 2. Requested the City create a task force to provide citizen input regarding the Maybranch and Town Branch drainage projects.

Director Goodman posed no objection to the request; however, he expressed concern with doing so at this time since the EPA could potentially require the City proceed with other projects they deem as a higher priority.

The Mayor offered the floor to Administrator Kelly for the City Administrator's Report whereby Mr. Kelly announced the distribution to each member of the Board of a letter from the Historic Preservation Alliance of Arkansas. Such announced that the Mallalieu building at 800 North 9th Street has been nominated and selected for inclusion on their 2010 list of Arkansas's Most Endangered Historic Places.

At the invitation of Director Good, Mr. Monte Wilson, who is working to obtain funding to renovate the structure, addressed the Board alleging the designation will be a valued tool to assist in obtaining necessary funding for the project.

Mayor Baker conveyed the following:

1. Questioned if the City has done everything possible to ensure an accurate census for Fort Smith

Administrator Kelly conveyed much assurance that the City has done all that could be done.

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2. Commented on the budget crisis in Fayetteville, and steps taken to reduce work hours for their employees, and questioned if the City of Fort Smith's budget is in tact.

Administrator Kelly confirmed such; however, revenues are being watched closely and the budget will be reviewed in mid-summer to determine if additional budget cuts are necessary.

An executive session was held and after reconvening, the Mayor announced the following appointment nominations:

WARD 4 DIRECTOR

Bill Maddox

(to fill the unexpired term of Ward 4 Director who resigned)

Term expires upon election of new director

(See Item No. 9)

ADVERTISING AND PROMOTIONS COMMISSION

Director Bill Maddox (reappointment)

(to fill the unexpired term of Ward 4 Director who resigned)

Term expires December 31, 2012

Item No. 9 was a resolution declaring vacancy in Ward 4 City Director position and making appointment to fill said vacancy

Campbell, seconded by Goodman, moved adoption of Item No. 9 with the appointment of Mr. Bill Maddox to fill the vacancy until a new director is declared elected. The motion was offered by acclamation; however, Mayor Baker requested a roll call vote on the motion. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-90-10.

Goodman, seconded by Hutchings, moved acceptance of the appointment nomination to the Advertising and Promotions Commission. The members all voting affirmatively, the Mayor declared the motion carried.

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There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Hutchings and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

APPROVED:



MAYOR

ATTEST:



CITY CLERK