

ORDINANCE NO. 99-18

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF FORT SMITH, ARKANSAS ON THE QUESTION OF LEVYING A ONE PERCENT (1%) SALES AND USE TAX WITHIN THE CITY OF FORT SMITH, ARKANSAS FOR A PERIOD OF NINE (9) MONTHS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Board of Directors of the City of Fort Smith, Arkansas (the "City") has passed on December 18, 2018, Ordinance No. 98-18 providing for the levy of a one percent (1%) sales and use tax within the City (the "Sales and Use Tax") for a period of nine (9) months; and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Sales and Use Tax;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Fort Smith, Arkansas:

Section 1. There is hereby called a special election, to be held on March 12, 2019, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax.

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

1% SALES AND USE TAX

Adoption of a one percent (1%) local sales and use tax within the City of Fort Smith, Arkansas (the "City") for a period of nine (9) months with the tax ending on the last day of the nine (9) month period. The net collections of the tax after deduction of the administrative charges of the State of Arkansas and required rebates will be used to acquire a facility to be known as the United States Marshals Museum (the "Marshals Museum"). The City will form an independent public facilities board which will purchase the Marshals Museum and lease it back to the U. S. Marshals Museum, Inc., an Arkansas nonprofit corporation, under a long-term lease with a nominal rental, free and clear of any further expense to the City or the public facilities board.

FOR

AGAINST

Section 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections and only qualified voters of the City shall have the right to vote at the election.

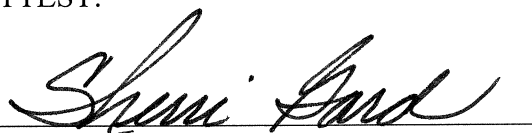
Section 4. The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper published in the City and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 5. A copy of this Ordinance shall be filed with the Sebastian County Clerk at least 60 days prior to the election date. A copy of this Ordinance shall also be given to the Sebastian County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 6. The Mayor and City Clerk, for and on behalf of the City, be, and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Authorizing Legislation, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

PASSED: December 18, 2018.

ATTEST:

  
\_\_\_\_\_  
City Clerk

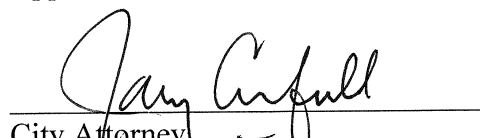
APPROVED:

  
\_\_\_\_\_  
Mayor

(SEAL)



Approved as to form:

  
\_\_\_\_\_  
City Attorney  
*Patrick Stone*