

2018 MAY 24 AM 10:12

ORDINANCE NO. 18-26TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF ROGERS, ARKANSAS ON THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF REFINANCING AND FINANCING THE COST OF CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Rogers, Arkansas (the "City") has determined that the City is greatly in need of the following capital improvements of a public nature, including new facilities and/or improvements to existing facilities: (a) streets, roads, trails and bridges, including any curb, gutter, drainage, flood control and other related improvements, equipment and land acquisition to accomplish such improvements, and street lighting, utility adjustments, sidewalks and traffic signals related thereto (the "Street Improvements"); (b) new, and improvements to existing, park and recreational facilities and any necessary land acquisition and parking, furnishings, equipment, drainage, flood control, lighting, road, trail, and utility improvements therefor, and maintenance facilities therefor that may be relocated outside of a park (the "Park and Recreational Improvements"); (c) fire department facilities, radio communications and other equipment and apparatus, including particularly, without limitation, a new fire station, and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor (the "Fire Improvements"); and (d) new, and improvements to existing, police department facilities, including particularly, without limitation, radio communications and other equipment and apparatus, and police station and communications improvements and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor (the "Police Improvements"); and

WHEREAS, pursuant to a special election held September 13, 2011, the City has outstanding its Sales and Use Tax Refunding and Improvement Bonds, Series 2011 and Sales and Tax Bonds, Series 2015 (collectively, the "Series 2011 Voter Approved Bonds"); and

WHEREAS, the 2011 Voter Approved Bonds financed and refinanced various capital improvements and are secured by and payable from collections of a 1% City-wide sales and use tax levied pursuant to Ordinance No. 11-65 of the City adopted July 12, 2011 (the "2011 Tax"); and

WHEREAS, the City Council has determined that the Street Improvements, the Park and Recreational Improvements, the Fire Improvements and the Police Improvements (collectively, "Capital Improvements") can be immediately financed without a tax increase if the 2011 Voter Approved Bonds are refunded; and

2018 MAY 24 AM 10:12

WHEREAS, the City Council proposes to finance all or a portion of the costs of the refunding of the 2011 Voter Approved Bonds (the "Refunding") and the Capital Improvements by the issuance of capital improvement bonds (the "Bonds") under the authority of Amendment No. 62 to the Constitution of the State of Arkansas ("Amendment 62") and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation"), allocated as follows: \$178,000,000 in maximum principal amount for the Street Improvements; \$41,000,000 in maximum principal amount for the Park and Recreational Improvements; \$9,500,000 in maximum principal amount for the Fire Improvements; \$11,500,000 in maximum principal amount for the Police Improvements; and \$59,500,000 in maximum principal amount for the Refunding; and

WHEREAS, the City can pay the principal of and interest on the Bonds from the proceeds of a City-wide 1% sales and use tax to be levied under the authority of the Authorizing Legislation that will replace the 2011 Tax; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the questions of issuing the Bonds for the Capital Improvements and for the Refunding under Amendment 62 and the Authorizing Legislation at a special election to be called for that purpose and to levy a sales and use tax at the rate of one percent (1%) on the receipts from the sales at retail within the City of all items which are subject to taxation under the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. §§26-52-101, et seq.), and the receipts from storing, using, distributing or consuming within the City tangible personal property under the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §§26-53-101, et seq.) (collectively, the "2018 Tax" or the "Sales and Use Tax");

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

Section 1. There be, and there is hereby called, a special election to be held on August 14, 2018, at which election there shall be submitted to the electors of the City the questions of issuing the Bonds under Amendment 62 and the Authorizing Legislation to pay all or a portion of the costs of accomplishing the Refunding and the Capital Improvements in the maximum principal amounts described above, to be payable from collections of the Sales and Use Tax remaining after the State of Arkansas deducts its administrative charges and required rebates.

Section 2. In order to provide for the payment of the principal of and interest on the Bonds and all obligations of the City in connection therewith, there is hereby levied the Sales and Use Tax. The levy of the Sales and Use Tax shall not become effective until the special election called in Section 1 above has been held and the issuance of the Bonds for one or more of the purposes is approved by the voters; provided, however, that no Bonds will be issued unless the issuance of the Bonds for the refunding of the 2011 Voter Approved Bonds is approved. The effective date of the 2018 Tax will be the day following the date the 2011 Tax expires. The Sales and Use Tax shall be levied and collected on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time by Arkansas law, subject to rebates and limitations as from time to time required by Arkansas statutes for certain single transactions.

TEMA GIBBS
CLERK OF PROBATE CLERK
BENTON COUNTY, ARK

Section 3. The questions of issuing the Bonds shall be placed on the ballot for the election in substantially the following form:

The bonds described below that are approved may be combined into a single issue or may be issued in series from time to time. If the bonds for one or more of the purposes are approved, there will be levied a new 1% sales and use tax, the net collections of which remaining after the State of Arkansas deducts its administrative charges and required rebates, will be used solely to retire the bonds and obligations of the City with respect thereto. The tax will replace the City's existing 1% sales and use tax levied in 2011 for the sole purpose of retiring bonds. The effective date of the new tax will be the day following the date the existing tax expires. The rate of taxation will be 1% even if bonds for more than one purpose are approved. No bonds will be issued for any purpose unless the Refunding Bonds are also approved.

REFUNDING BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$59,500,000 for the purpose of refunding the City's outstanding Sales and Use Tax Refunding and Improvement Bonds, Series 2011 and Sales and Use Tax Bonds, Series 2015, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

- FOR.....
- AGAINST.....

STREET IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$178,000,000 for the purpose of financing all or a portion of the costs of streets, roads, trails and bridges, including any curb, gutter, drainage, flood control and other related improvements, equipment and land acquisition to accomplish such improvements, and street lighting, utility adjustments, sidewalks and traffic signals related thereto, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

- FOR.....
- AGAINST.....

2018 MAY 24 AM 10:12

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

PARK AND RECREATIONAL IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$41,000,000 for the purpose of financing all or a portion of the costs of new, and improvements to existing, park and recreational facilities and any necessary land acquisition and parking, furnishings, equipment, drainage, flood control, lighting, road, trail, and utility improvements therefor and maintenance facilities therefor that may be relocated outside of a park, and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST.....

FIRE IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$9,500,000 for the purpose of financing all or a portion of the costs of fire department facilities, radio communications and other equipment and apparatus, including particularly, without limitation, a new fire station, and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST.....

POLICE IMPROVEMENT BONDS

An issue of bonds of the City of Rogers in the maximum principal amount of \$11,500,000 for the purpose of financing all or a portion of the costs of new, and improvements to existing, police department facilities, including particularly, without limitation, radio communications and other equipment and apparatus, and police station and communications improvements and any necessary land acquisition and parking, furnishings, drainage, flood control, lighting, road, and utility improvements therefor and, in order to pay the bonds, the levy and pledge of a 1% local sales and use tax within the City.

FOR.....

AGAINST.....

Section 4. 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

2018 MAY 24 AM 10:12

unless otherwise provided in the Authorizing Legislation and only qualified voters of the City shall have the right to vote at the election.

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

Section 5. The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 6. A copy of this Ordinance shall be filed with the Benton County Clerk at least 60 days prior to the date of the special election. A copy of this Ordinance shall be given to the Benton County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 7. 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 to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 8. When provision has been made for the retirement of the 2011 Voter Approved Bonds as a result of the issuance of the Refunding Bonds, the 2011 Tax shall be abolished at the proper time so that the 2011 Tax and the 2018 Tax are not in effect at the same time. Collections of the 2011 Tax received after the date the Bonds are issued shall be used if necessary or appropriate, to provide for the payment of the Bonds.

Section 9. If the Bonds are approved, the City intends to negotiate with Stephens Inc. and Crews & Associates, Inc., which have assisted the City in preparation of the Bond size and repayment structure, for the sale of the Bonds.

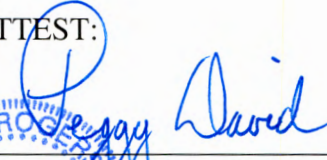
Section 10. The provisions of this Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

Section 11. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: May 22, 2018.

APPROVED:

Mayor

ATTEST:


City Clerk



FILED

2018 MAY 24 AM 10:12

CERTIFICATE

TENA O'BRIEN
CO. & PROBATE CLERK

The undersigned, City Clerk of the City of Rogers, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. 18-26, passed at a regular session of the City Council of the City, held at the regular meeting place of the City Council, at 6:30 o'clock p.m. on the 23rd day of May, 2018, and that the Ordinance is of record in Ordinance Record Book No. 27 at Page 6651, now in my possession.

GIVEN under my hand and seal this 23rd day of May, 2018.

Peggy David
City Clerk

