

ORDINANCE NO. 06-2012

**AN ORDINANCE AMENDING ORDINANCE NO. 04-2012 OF
THE CITY OF AUSTIN, ARKANSAS; PRESCRIBING OTHER
MATTERS RELATING THERETO; AND DECLARING AN
EMERGENCY.**

WHEREAS, the City Council of the City of Austin, Arkansas (the "City") enacted Ordinance No. 04-2012 on February 27, 2012 (the "Ordinance"); and

WHEREAS, the Ordinance levied a 1% Sales and Use Tax (the "Tax") and submitted to the electors of the City the questions of approving the levy, issuing bonds to improve the street system of the City, and pledging the Tax to the repayment of bonds; and

WHEREAS, the Ordinance established the date of the election for May 8, 2012; and

WHEREAS, after consulting with the Lonoke County County Clerk and the Lonoke County Election Commission, a statewide special election is being held on May 22, 2012, and it is not feasible to conduct a special election on May 8, 2012; and

WHEREAS, the purpose of this ordinance is to amend Ordinance No. 04-2012 to change the date of the election to a date which meets the approval of the Lonoke County County Clerk and the Lonoke County Election Commission.

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

Section 1. That Section 1 of Ordinance No. 04-2012 be amended as follows:

"Section 1. That there be, and there is hereby called, an election to be held on June 26, 2012, at which election there shall be submitted to the electors of the City the question of approving the levy of a one percent (1%) tax on the receipts from the sales at retail within the City of all items, which are subject to taxation under Arkansas Gross Receipts Tax Act of 1941, as amended, and the receipts from storing, using or consuming within the City tangible personal property under the Arkansas Compensating Tax Act of 1949, as amended (the "Sales and Use Tax"), the proceeds of which tax will be used to retire bonds payable pursuant to Amendment 62 to the Arkansas Constitution and Arkansas Code Annotated §§26-75-301 *et seq.*, and issued to finance the construction of betterments and improvements to the street system of the City, and after the bonds are retired, to be deposited into the general fund of the City."

Section 2. All other provisions of Ordinance No. 04-2012 are hereby confirmed and ratified.

Section 3. That a copy of this Ordinance shall be given to the Lonoke 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 4. The Mayor and Recorder and Treasurer, 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 Tax is approved by the electors, to cause the Tax to be collected in accordance with the Authorizing Legislation (as defined in Ordinance No. 04-2012), and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 5. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.


Section 6. It is hereby ascertained and declared that the street system improvements must be accomplished as soon as possible, without which the life, health, safety and welfare of the City and its inhabitants are jeopardized, and that the election and the taking of the other action authorized by this Ordinance is necessary for the accomplishment thereof. It is, therefore, declared that an emergency exists and this Ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in force from and after its passage.

PASSED: March 26, 2012.

APPROVED:


Mayor

ATTEST:


Recorder and Treasurer