

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX UPON THE GROSS RECEIPTS OR GROSS PROCEEDS FROM RENTING, LEASING OR FURNISHING HOTEL, MOTEL, HOUSE, CABIN, BED AND BREAKFAST, CAMPGROUND, CONDOMINIUM OR OTHER SIMILAR RENTAL ACCOMMODATIONS FOR SLEEPING, MEETING OR PARTY ROOM FACILITIES FOR PROFIT IN THE CITY AT THE RATE OF 3% AND UPON THE GROSS RECEIPTS OR GROSS PROCEEDS RECEIVED FROM THE SALE OF PREPARED FOOD AND BEVERAGES FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION BY RESTAURANTS, CAFES, CAFETERIAS, DELICATESSENS, DRIVE-IN RESTAURANTS, CARRY-OUT RESTAURANTS, CONCESSION STANDS, CONVENIENCE STORES, GROCERY-STORE RESTAURANTS OR SIMILAR BUSINESSES AT THE RATE OF 2%; AUTHORIZING THE USES OF THE COLLECTIONS OF THE TAX AS FOLLOWS: (A) IF COLLECTIONS OF THE TAX ARE NOT PLEDGED TO BONDS, FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW OR (B) IF COLLECTIONS OF THE TAX ARE PLEDGED TO BONDS, SUCH COLLECTIONS SHALL BE USED, FIRST, TO PAY OR PROVIDE FOR THE PAYMENT OF PRINCIPAL OF, INTEREST ON, AND FEES AND EXPENSES IN CONNECTION WITH SUCH BONDS AND EIGHTY-SEVEN PERCENT (87%) OF THE REMAINING TAX COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND THIRTEEN PERCENT (13%) OF THE REMAINING TAX COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Bryant, Arkansas (the "City") has determined that it would be in the best interest of the City to levy a tax pursuant to Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Tax Legislation"); and

WHEREAS, the collections of the tax will be used as set forth herein;

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

Section 1. (a) There is hereby levied a tax upon the gross receipts or gross proceeds from renting, leasing or furnishing hotel, motel, house, cabin, bed and breakfast, campground, condominium or other similar rental accommodations for sleeping, meeting or party room facilities for profit in the City at the rate of 3% and upon the gross receipts or gross proceeds received from the sale of prepared food and beverages for on-premises or off-premises consumption by

restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants or similar businesses at the rate of 2%.

(b) Subsection (a) does not include the rental or lease of accommodations described in subsection (a) for a period of thirty (30) days or more.

(c) The tax levied in subsection (a) shall not apply to the gross receipts or gross proceeds of organizations qualified under 26 U.S.C. § 501(c)(3), as it existed on January 1, 2023.

Section 2. The City shall establish the City of Bryant Advertising and Promotion Commission (the "Commission") by ordinance at a subsequent meeting.

Section 3. (a) If collections of the tax are not pledged to bonds, such collections shall be used as follows:

(1) 50% for the development, construction and maintenance of City parks; and

(2) 50% by the Commission as permitted by the Tax Legislation, as amended from time to time.

(b) If collections of the tax are pledged to bonds, such collections shall be used, first, to pay or provide for the payment of principal of, interest on, and fees and expenses in connection with such bonds, and the remaining tax collections shall be used as follows:

(1) 87% for the development, construction and maintenance of City parks; and

(2) 13% by the Commission as permitted by the Tax Legislation, as amended from time to time.

Section 4. The Commission shall be authorized to provide judicial relief to taxpayers and to issue certificates of indebtedness and shall have all the power and authority as set forth in Arkansas Code Annotated Section 26-75-603(d) and (e).

Section 5. When used in this Ordinance, the words "hotel," "motel," "house," "cabin," "bed and breakfast," "campground," "condominium," "restaurants," "cafes," "cafeterias," "delicatessens," "drive-in restaurants," "carry-out restaurants," "concession stands," "convenience stores," and "grocery store-restaurants," shall have their commonly accepted English meanings, and shall apply to business establishments and activities affected by this Ordinance regardless of the name of characterization applied by the owner or operator of such establishment or business activity.

Section 6. The provisions of this Ordinance are hereby declared to be severable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance.

Section 7. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: August 29, 2023.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, passed at a regular session of the City Council of Bryant, Arkansas, held at 6:30 o'clock p.m., on the 29th day of August, 2023, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this 29th day of August, 2023.

City Clerk

(SEAL)

RESOLUTION NO. _____

A RESOLUTION REFERRING ORDINANCE NO. _____ TO THE VOTERS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Bryant, Arkansas (the "City") has adopted Ordinance No. _____ on August 29, 2023 ("Ordinance No. _____"); and

WHEREAS, the City Council desires to refer Ordinance No. _____ to the voters for approval or rejection;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bryant, Arkansas:

Section 1. There is hereby called a special election to be held on November 14, 2023, at which election there shall be submitted to the electors of the City the question of whether Ordinance No. _____ shall be approved or rejected.

Section 2. The question of approving or rejecting Ordinance No. _____ shall be placed on the ballot in substantially the following form:

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX UPON THE GROSS RECEIPTS OR GROSS PROCEEDS FROM RENTING, LEASING OR FURNISHING HOTEL, MOTEL, HOUSE, CABIN, BED AND BREAKFAST, CAMPGROUND, CONDOMINIUM OR OTHER SIMILAR RENTAL ACCOMMODATIONS FOR SLEEPING, MEETING OR PARTY ROOM FACILITIES FOR PROFIT IN THE CITY AT THE RATE OF 3% AND UPON THE GROSS RECEIPTS OR GROSS PROCEEDS RECEIVED FROM THE SALE OF PREPARED FOOD AND BEVERAGES FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION BY RESTAURANTS, CAFES, CAFETERIAS, DELICATESSENS, DRIVE-IN RESTAURANTS, CARRY-OUT RESTAURANTS, CONCESSION STANDS, CONVENIENCE STORES, GROCERY-STORE RESTAURANTS OR SIMILAR BUSINESSES AT THE RATE OF 2%; AUTHORIZING THE USES OF THE COLLECTIONS OF THE TAX AS FOLLOWS: (A) IF COLLECTIONS OF THE TAX ARE NOT PLEDGED TO BONDS, FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW OR (B) IF COLLECTIONS OF THE TAX ARE PLEDGED TO BONDS, SUCH COLLECTIONS SHALL BE USED, FIRST, TO PAY OR PROVIDE FOR THE PAYMENT OF PRINCIPAL OF, INTEREST ON, AND FEES AND EXPENSES IN CONNECTION WITH SUCH BONDS AND EIGHTY-SEVEN PERCENT (87%) OF THE REMAINING TAX

COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND THIRTEEN PERCENT (13%) OF THE REMAINING TAX COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

FOR Ordinance No. _____

AGAINST Ordinance No. _____

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. A copy of this Resolution shall be (a) filed with the Saline County Clerk at least 70 days prior to the election date and (b) given to the Saline County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 5. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

PASSED: August 29, 2023.

APPROVED:

ATTEST:

City Clerk

Mayor

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Resolution No. _____, passed at a regular session of the City Council of Bryant, Arkansas, held at the regular meeting place of the City Council at 6:30 o'clock p.m., on the 29th day of August, 2023.

GIVEN under my hand and seal this 29th day of August, 2023.

City Clerk

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BRYANT, ARKANSAS ON THE QUESTION OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF CAPITAL IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Bryant, Arkansas (the "City") has determined that it would be in the best interest of the City to acquire, construct, furnish and equip a new indoor tennis and pickleball facility and any parking, street, utility, signage, landscaping, lighting and utility improvements related thereto (the "Improvements"); and

WHEREAS, the Improvements will attract a substantial number of additional visitors to the City and thereby promote the development of tourism in the City; and

WHEREAS, the City Council hereby finds and determines that the Improvements are capital improvements of a public nature within the meaning of Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") and are tourist-oriented facilities within the meaning of Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Tax Legislation"); and

WHEREAS, the City can finance all or a portion of the costs of the Improvements by the issuance of capital improvement bonds in one or more series in the maximum aggregate principal amount of \$16,900,000 (the "Bonds") under the authority of Amendment No. 62 to the Constitution of the State of Arkansas, the Authorizing Legislation and the Tax Legislation; and

WHEREAS, the City can pay the principal of and interest on the Bonds from a pledge of collections of the tax upon the gross receipts or gross proceeds from renting, leasing or furnishing hotel, motel, house, cabin, bed and breakfast, campground, condominium or other similar rental accommodations for sleeping, meeting or party room facilities for profit in the City at the rate of 3% and upon the gross receipts or gross proceeds received from the sale of prepared food and beverages for on-premises or off-premises consumption by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants or similar businesses within the City at the rate of 2% levied by the City under the authority of the Tax Legislation and Ordinance No. _____, adopted August 29, 2023 (the "Tax"), if the levy of the Tax is separately approved by the voters; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the question of issuing the Bonds at a special election to be called for that purpose;

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

Section 1. There is hereby called a special election to be held on November 14, 2023, at which election there shall be submitted to the electors of the City the question of issuing the Bonds in one or more series, in the aggregate principal amount of not to exceed \$16,900,000, to be payable from a pledge of collections of the Tax.

Section 2. The question of issuing the Bonds shall be placed on the ballot for the election in substantially the following form:

CAPITAL IMPROVEMENT BONDS

Bonds of the City of Bryant in one or more series in the maximum aggregate principal amount of \$16,900,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, furnishing and equipping a new indoor tennis and pickleball facility and any parking, street, utility, signage, landscaping, lighting and utility improvements related thereto. The bonds will be payable from a pledge of collections of the tax levied by the City upon the gross receipts or gross proceeds from renting, leasing or furnishing hotel, motel, house, cabin, bed and breakfast, campground, condominium or other similar rental accommodations for sleeping, meeting or party room facilities for profit in the City at the rate of 3% and upon the gross receipts or gross proceeds received from the sale of prepared food and beverages for on-premises or off-premises consumption by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants or similar businesses within the City at the rate of 2%, if the levy of such tax is separately approved by the voters.

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 unless otherwise provided in the Authorizing Legislation 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 having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 5. A copy of this Ordinance shall be (a) filed with the Saline County Clerk at least 70 days prior to the election date and (b) given to the Saline County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 6. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

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

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

PASSED: August 29, 2023.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, passed at a regular session of the City Council of Bryant, Arkansas, held at 6:30 o'clock p.m., on the 29th day of August, 2023, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this 29th day of August, 2023.

City Clerk

(SEAL)