

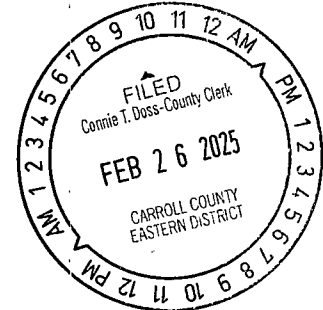
VIA EMAIL

February 26, 2025

TO: Mayor Tim McKinney
Jay Lee

FROM: D. Michael Moyers

RE: City of Berryville, Arkansas Sales and Use Tax Bonds



In connection with the election to be held on May 13, 2025, I am enclosing the form of ballot. The absentee ballots must be on file with the County Clerk at least 47 days before the election. Please send me a proof of the ballot to review prior to final printing.

Thank you very much for your help. Please call if you have any questions.

Enclosure

INSTRUCTIONS FOR PRINTING BALLOT

The first page is the front. The fifth page is the back.

Absentee Ballots should be on file with the County Clerk at least 47 days before the Election.

OFFICIAL BALLOT

SPECIAL ELECTION – CITY OF BERRYVILLE, ARKANSAS

May 13, 2025

Vote on each measure by placing an "X" in the square opposite the measure either FOR or AGAINST

ORDINANCE NO. 1146

AN ORDINANCE AMENDING ORDINANCE NO. 970 (AS PREVIOUSLY AMENDED) IN ORDER TO CHANGE THE EXPIRATION DATE OF THE 0.50% SALES AND USE TAX LEVIED THEREBY TO EXTEND THE LEVY BY FIFTEEN (15) YEARS, FROM SEPTEMBER 30, 2030 TO SEPTEMBER 30, 2045; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

FOR Ordinance No. 1146

AGAINST Ordinance No. 1146

REFUNDING BONDS

An issue of bonds of the City of Berryville in the maximum aggregate principal amount of \$3,200,000 for the purpose of financing all or a portion of the costs of refunding the City's Sales and Use Tax Bonds, Series 2017, and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time. Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

SEWER IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$1,100,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, improving, and equipping extensions, betterments and improvements to the City's sewer facilities and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST

WATER IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$825,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, improving, and equipping extensions, betterments and improvements to the City's water facilities and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST

STREET IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$4,600,000 for the purpose of financing all or a portion of the costs of constructing and improving streets and roads, including particularly, without limitation, any paving, repair, curbing, gutter, sidewalks, signage and drainage improvements, equipment and land acquisition and street lighting, utility improvements and traffic signals related thereto or in support thereof and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

PARK AND RECREATIONAL IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$600,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, improving, renovating, and equipping park and recreational facilities, and any necessary parking, landscaping, signage, drainage, lighting, concession, road, parking, and utility improvements related thereto, and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

FIRE DEPARTMENT IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$125,000 for the purpose of financing all or a portion of the costs of acquiring apparatus, vehicles and equipment for the fire department and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

POLICE DEPARTMENT IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$350,000 for the purpose of financing all or a portion of the costs of acquiring apparatus, vehicles and equipment for the police department and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

(Perforation one inch from bottom of ballot)

NUMBER _____

(Reverse Side of Ballot)

OFFICIAL BALLOT

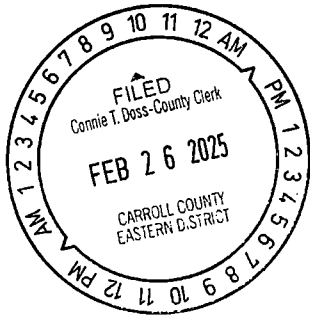
For Special Election in
CITY OF BERRYVILLE, ARKANSAS

May 13, 2025

(Perforation one inch from bottom of ballot)

NUMBER _____

ORDINANCE NO. 1146



AN ORDINANCE AMENDING ORDINANCE NO. 970 (AS PREVIOUSLY AMENDED) IN ORDER TO CHANGE THE EXPIRATION DATE OF THE 0.50% SALES AND USE TAX LEVIED THEREBY TO EXTEND THE LEVY BY FIFTEEN (15) YEARS, FROM SEPTEMBER 30, 2030 TO SEPTEMBER 30, 2045; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, pursuant to Ordinance No. 970 adopted February 17, 2015 ("Ordinance No. 970"), and an election held May 12, 2015, the City of Berryville, Arkansas (the "City") has levied a City-wide 0.50% sales and use tax (the "Tax"); and

WHEREAS, the City amended Ordinance No. 970 pursuant to Ordinance No. 1009 adopted April 18, 2017 to change the purpose of the Tax and extend the Tax, and such amendments was approved at an election held July 11, 2017; and

WHEREAS, pursuant to Ordinance No. 970, as previously amended, the net collections of the Tax, after deduction of the administrative charges of the State of Arkansas and required rebates, are used by the City (a) pay and secure the repayment of bonds approved by the voters and issued by the City from time to time ("Bonds"), and all obligations of the City with respect thereto, and/or (b) finance general operations of the City and other purposes of municipal government; and

WHEREAS, the Tax is currently scheduled to expire on September 30, 2030; and

WHEREAS, the City Council has determined that it would be in the best interest of the City to change the expiration date of the Tax to extend the levy of the Tax by fifteen (15) years, from September 30, 2030 to September 30, 2045; and

WHEREAS, it is necessary to further amend Ordinance No. 970 to provide for such change in the expiration date of the Tax;

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

Section 1. Section 2 of Ordinance No. 970 is hereby further amended to read as follows:

"Section 2. The Sales and Use Tax shall expire on September 30, 2045."

Section 2. The provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of this Ordinance.

Section 3. Ordinance No. 970, as previously amended and as further amended hereby, shall remain and be in full force and effect.

PASSED: February 25, 2025.

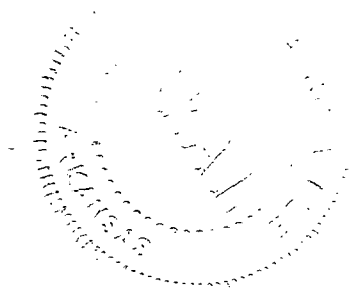
ATTEST:

Leonda Davis
City Clerk

APPROVED:

[Signature]
Mayor

(SEAL)



CERTIFICATE

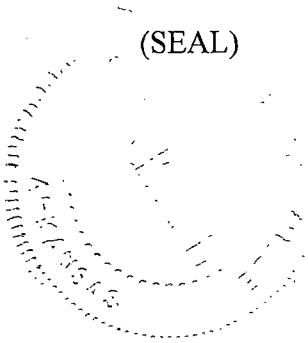
The undersigned, City Clerk of Berryville, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 1146, passed at a regular session of the City Council of Berryville, Arkansas, held at the regular meeting place of the City Council at 6:00 o'clock p.m., on the 25th day of February, 2025, and that the Ordinance is of record in Ordinance Record Book No. 15, Page N/A, now in my possession.

GIVEN under my hand and seal this 25th day of February, 2025.

Reonda Davis

City Clerk

(SEAL)



RESOLUTION NO. 1147

WHEREAS, the City Council of the City of Berryville, Arkansas (the "City") has passed Ordinance No. 1146 on February 25, 2025 ("Ordinance No. 1146"); and

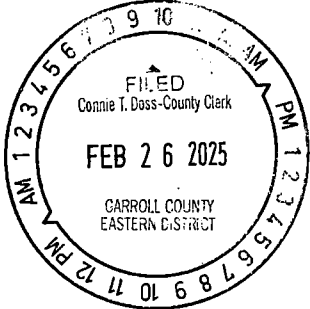
WHEREAS, the City Council desires to refer Ordinance No. 1146 to the voters for approval or rejection;

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

Section 1. That there be, and there is hereby called, a special election to be held on May 13, 2025, at which election there shall be submitted to the electors of the City the question of whether Ordinance No. 1146 shall be approved or rejected.

Section 2. That the question of approving or rejecting Ordinance No. 1146 shall be placed on the ballot in substantially the following form:

ORDINANCE NO. 1146



AN ORDINANCE AMENDING ORDINANCE NO. 970 (AS PREVIOUSLY AMENDED) IN ORDER TO CHANGE THE EXPIRATION DATE OF THE 0.50% SALES AND USE TAX LEVIED THEREBY TO EXTEND THE LEVY BY FIFTEEN (15) YEARS, FROM SEPTEMBER 30, 2030 TO SEPTEMBER 30, 2045; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

- FOR Ordinance No. 1146
- AGAINST Ordinance No. 1146

Section 3. That 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. That 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. That a copy of this Resolution shall be filed with the Carroll County Clerk at least seventy (70) days prior to the election date. A copy of this Resolution shall also be given to the Carroll County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Resolution shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

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

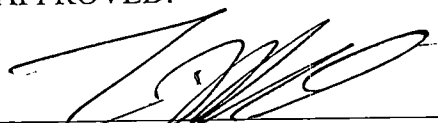
PASSED: February 25, 2025.

ATTEST:



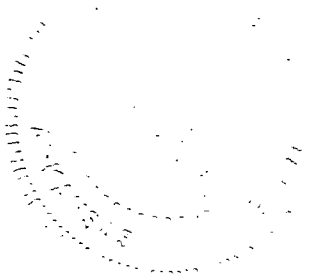
City Clerk

APPROVED:



Mayor

(SEAL)



CERTIFICATE

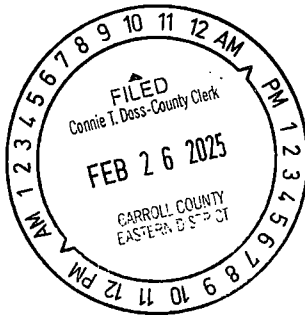
The undersigned, City Clerk of Berryville, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Resolution No. 1147, passed at a regular session of the City Council of Berryville, Arkansas, held at the regular meeting place of the City Council at 6:00 o'clock p.m., on the 25th day of February, 2025, and that the Resolution is of record in the Resolution Record Book now in my possession.

GIVEN under my hand and seal this 25th day of February, 2025.



City Clerk

ORDINANCE NO. 1148



AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BERRYVILLE, 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 COSTS OF CAPITAL IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Berryville, Arkansas (the "City") has determined that it would be in the best interest of the City to (a) acquire, construct, improve, and equip extensions, betterments and improvements to the City's sewer facilities (collectively, the "Sewer Improvements"); (b) acquire, construct, improve, and equip extensions, betterments and improvements to the City's water facilities (collectively, the "Water Improvements"); (c) construct and improve streets and roads, including particularly, without limitation, any paving, repair, curbing, gutter, sidewalks, signage and drainage improvements, equipment and land acquisition and street lighting, utility improvements and traffic signals related thereto or in support thereof (collectively, the "Street Improvements"); (d) acquire, construct, improve, renovate, and equip park and recreational facilities, and any necessary parking, landscaping, signage, drainage, lighting, concession, road, parking, and utility improvements related thereto or in support thereof (collectively, the "Park and Recreational Improvements"); (e) acquire apparatus, vehicles and equipment for the fire department (collectively, the "Fire Department Improvements"); and (f) acquire apparatus, vehicles and equipment for the police department (collectively, the "Police Department Improvements"); and

WHEREAS, pursuant to a special election held July 11, 2017, the City has outstanding its Sales and Use Tax Bonds, Series 2017 (the "2017 Voter Approved Bonds"); and

WHEREAS, the 2017 Voter Approved Bonds financed various capital improvements within the City and are secured by and payable from collections of a 0.50% City-wide sales and use tax levied pursuant to Ordinance No. 970 of the City adopted February 17, 2015, as amended by Ordinance No. 1009 of the City adopted April 18, 2017, and as it may be further amended from time to time (the "Tax"); and

WHEREAS, the City Council has determined that the Sewer Improvements, the Water Improvements, the Street Improvements, the Park and Recreational Improvements, the Fire Department Improvements, and the Police Department Improvements can be financed without a tax increase on a more timely basis if the 2017 Voter Approved Bonds are refunded; and

WHEREAS, the City Council proposes to finance all or a portion of the costs of the refunding of the 2017 Voter Approved Bonds (the "Refunding"), the Sewer Improvements, the Water Improvements, the Street Improvements, the Park and Recreational Improvements, the Fire Department Improvements, and the Police Department Improvements by the issuance of bonds (the "Bonds") in one or more series from time to time 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: (a) \$1,100,000 in maximum aggregate principal amount for the Sewer Improvements; (b) \$825,000 in maximum aggregate principal amount for the Water Improvements; (c) \$4,600,000 in maximum aggregate principal amount for the Street Improvements; (d) \$600,000 in maximum aggregate principal amount for the Parks and Recreational Improvements; (e) \$125,000 in maximum aggregate principal amount for the Fire Department Improvements; (f) \$350,000 in maximum aggregate principal amount for the Police Department Improvements; and (g) \$3,200,000 in maximum aggregate principal amount for the Refunding; and

WHEREAS, the City Council proposes to retire the Bonds with collections of the Tax; and

WHEREAS, collections of the Tax not necessary to make payments with respect to the Bonds will be used for other lawful purposes; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the question of issuing the Bonds for the Refunding, the Sewer Improvements, the Water Improvements, the Street Improvements, the Park and Recreational Improvements, the Fire Department Improvements, and the Police Department Improvements at a special election to be called for that purpose;

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

Section 1. There is hereby called a special election to be held on May 13, 2025, 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 finance all or a portion of the costs of accomplishing the Refunding, the Sewer Improvements, the Water Improvements, the Street Improvements, the Park and Recreational Improvements, the Fire Department Improvements, and the Police Department, in the maximum aggregate principal amounts described above, to be secured by collections of the Tax.

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

REFUNDING BONDS

An issue of bonds of the City of Berryville in the maximum aggregate principal amount of \$3,200,000 for the purpose of financing all or a portion of the costs of refunding the City's Sales and Use Tax Bonds, Series 2017, and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time. Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

SEWER IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$1,100,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, improving, and equipping extensions, betterments and improvements to the City's sewer facilities and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

WATER IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$825,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, improving, and equipping extensions, betterments and improvements to the City's water facilities and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

STREET IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$4,600,000 for the purpose of financing all or a portion of the costs of constructing and improving streets and roads, including particularly, without limitation, any paving, repair, curbing, gutter, sidewalks, signage and drainage improvements, equipment and land acquisition and street lighting, utility improvements and traffic signals related thereto or in support thereof and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the

"Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

PARK AND RECREATIONAL IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$600,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, improving, renovating, and equipping park and recreational facilities, and any necessary parking, landscaping, signage, drainage, lighting, concession, road, parking, and utility improvements related thereto, and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

FIRE DEPARTMENT IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$125,000 for the purpose of financing all or a portion of the costs of acquiring apparatus, vehicles and equipment for the fire department and, in order to pay the bonds, the pledge of a 0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

FOR.....

AGAINST.....

POLICE DEPARTMENT IMPROVEMENT BONDS

An issue of bonds of the City of Berryville in one or more series from time to time in the maximum aggregate principal amount of \$350,000 for the purpose of financing all or a portion of the costs of acquiring apparatus, vehicles and equipment for the police department and, in order to pay the bonds, the pledge of a

0.50% local sales and use tax levied within the City by Ordinance No. 970, adopted February 17, 2015, as amended, and as it may be further amended from time to time (the "Tax"). Collections of the Tax not necessary to pay bonds will be used for other lawful purposes.

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 filed with the Carroll County Clerk at least 70 days prior to the date of the special election. A copy of this Ordinance shall also be given to the Carroll 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, 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 7. If any Bonds are approved and issued, the City intends (a) to negotiate with Stephens Inc., which has assisted the City in preparation of the Bond size and repayment structure, for the sale of the Bonds that may be issued from time to time and (b) to work with Friday, Eldredge & Clark, LLP, as bond counsel, on the preparation of the documents authorizing the issuance of the Bonds that may be issued from time to time.

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


PASSED: February 25, 2025.

ATTEST:



City Clerk

APPROVED:



Mayor

(SEAL)



CERTIFICATE

The undersigned, City Clerk of Berryville, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 1148, passed at a regular session of the City Council of Berryville, Arkansas, held at the regular meeting place of the City Council at 6:00 o'clock p.m., on the 25th day of February, 2025, and that the Ordinance is of record in Ordinance Record Book No. 15, Page N/A, now in my possession.

GIVEN under my hand and seal this 25th day of February, 2025.



City Clerk

(SEAL)

