

## **ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO CALL A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF TEXARKANA, ARKANSAS, THE QUESTIONS OF ISSUING BONDS AND LEVYING AND PLEDGING A TAX OF 5 MILLS TO REFUND THE CITY'S CAPITAL IMPROVEMENT AND REFUNDING LIMITED TAX GENERAL OBLIGATION BONDS DATED SEPTEMBER 1, 2012, FOR STREET IMPROVEMENTS, AND FOR DRAINAGE IMPROVEMENTS; PROVIDING PROCEDURES FOR THE ELECTION; PRESCRIBING OTHER MATTERS RELATING THERETO; FOR OTHER PURPOSES; AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Texarkana, Arkansas, (the "City") is a City of the first class duly organized and existing under the laws of the State of Arkansas (the "State"); and

**WHEREAS**, pursuant to an election held on June 26, 2012, the City has outstanding an issue of Capital Improvement and Limited Tax General Obligation Bonds dated September 1, 2012, (the "2012 Bonds") issued under Amendment 62 to the Constitution of the State ("Amendment 62") and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code Annotated (the "Act"); and

**WHEREAS**, the Board of Directors of the City has determined that it would be in the best interest of the City to refinance and refund the 2012 Bonds to achieve debt service savings (the "Refunding"); and

**WHEREAS**, it is estimated the cost of the Refunding will be approximately \$2,375,000; and

**WHEREAS**, the Board of Directors of the City has also determined that it would be in the best interest of the City to construct, reconstruct, or acquire improvements to, current streets, roads, trails, bridges, and viaducts, and any necessary intersection improvements, traffic signalizations, speed calming measures, lighting, equipment, land and easement acquisition and drainage improvements (collectively called the “Improvements”); and

**WHEREAS**, the estimated cost of the Improvements will be approximately \$47,275,000; and

**WHEREAS**, pursuant to Amendment 62 and the Act the City can issue Capital Improvement and Refunding Limited Tax General Obligation Bonds in principal amount not to exceed \$49,650,000, to finance the Refunding and the Improvements and pay costs of issuance as hereinafter specifically described in Section 2 (the “Bonds”); and,

**WHEREAS**, the issuance of the Bonds for each separate purpose is subject to the approval of the electors of the City; and

**WHEREAS**, the Bonds that are approved may be issued in series from time to time; and

**WHEREAS**, the Board of Directors has determined that in order to retire the Bonds it will be necessary to levy an ad valorem tax on taxable property within the City at the rate of 5.0 mills on the dollar of the assessed value of the property; and

**WHEREAS**, the new tax at the rate of 5.0 mills will replace the ad valorem tax levied by the City at the rate of 2.5 mills pledged to the 2012 Bonds, which bonds will be fully redeemed on or about the time the Bonds are issued; and

**WHEREAS**, the purpose of this Ordinance is to submit to the electors of the City the questions of approving the issuance of the Bonds and the levy of the new tax to retire the Bonds at a special election called for that purpose:

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Directors of the City of Texarkana, Arkansas, that:

**Section 1.** There be, and there is hereby, called a special election to be held on Tuesday, November 18, 2025, at which election there shall be submitted to the electors of the City the questions of whether to issue the Bonds for each of the purposes in the respective principal amounts hereinafter specified in Section 2, and which shall state on the ballot the rate of tax to retire the Bonds.

**Section 2.** The ballot for the election shall be in substantially the following form:

**FORM OF BALLOT**  
**For Special Election in**  
**THE CITY OF TEXARKANA, ARKANSAS**  
**NOVEMBER 18, 2025**

The bonds that are approved may be combined into a single issue of bonds (the “Bonds”), which may be issued at one time or in series from time to time. In order to retire the Bonds, there will be levied a continuing annual ad valorem tax on taxable property located within the City of Texarkana, Arkansas (the “City”) at a rate of 5.0 mills on the dollar of the assessed value of the property. As long as the Refunding Bonds are approved and either of the Street Improvement Bonds or the Drainage Improvement Bonds are approved the new 5.0 mill tax will replace the 2.5 mill and valorem tax that is currently levied and pledged to the bonded debt of the City that is proposed to be refunded. The new tax will be levied and collected until all bonds approved shall have been retired in full at which time the tax shall no longer be levied and collected. If either the Refunding Bonds or both the Street Improvement Bonds and the Drainage Improvement Bonds are not approved, no Bonds will be issued, and the City will not levy the new 5.0 mill tax but will continue to levy and collect the existing 2.5 mill tax.

**QUESTION ONE: REFUNDING BONDS**

Vote FOR or AGAINST the issuance of bonds in the maximum aggregate principal amount Two Million, Three Hundred Seventy-Five Thousand Dollars (\$2,375,000.00) to finance the refunding of the City’s outstanding Capital Improvement and Refunding Limited Tax General Obligation Bonds dated September 1, 2012.

FOR the issuance of Refunding Bonds..... ☐

AGAINST the issuance of Refunding Bonds..... ☐

**QUESTION TWO: STREET IMPROVEMENT BONDS**

Vote FOR or AGAINST the issuance of bonds by the City in the maximum aggregate principal amount of Forty-One Million, Nine Hundred Twenty-Five Thousand Dollars (\$41,925,000.00) to finance Street Improvements. The Street Improvements include the construction, reconstruction, or acquisition of, or improvements to, current streets, roads, trails, bridges, and viaducts, and any

necessary intersection improvements, traffic signalizations, speed calming measures, lighting, equipment, land and easement acquisition and related drainage improvements of the City.

FOR the issuance of Street Improvement Bonds ..... ☐

AGAINST the issuance of Street Improvement Bonds ..... ☐

### **QUESTION THREE: DRAINAGE IMPROVEMENT BONDS**

Vote FOR or AGAINST the issuance of bonds by the City in the maximum aggregate principal amount of Five Million, Three Hundred Fifty Thousand Dollars (\$5,350,000.00) to finance Drainage Improvements. The Drainage Improvements include the construction, reconstruction, or acquisition of, or improvements to facilities for drainage and flood control and any necessary land and easement acquisition, therefore.

FOR the issuance of Drainage Improvement Bonds ..... ☐

AGAINST the issuance of Drainage Improvement Bonds ..... ☐

**Section 3.** The City Clerk is hereby authorized and directed to give notice of the election by one publication in a newspaper having general circulation within the City not less than ten days prior to the election.

**Section 4.** The election shall be held and conducted and the vote canvassed, and the results declared in the same manner provided for special municipal elections under the election laws of the State as then in effect, and only qualified voters of the City shall have the right to vote at the election.

**Section 5.** The results of the election shall be proclaimed by the Mayor. The Proclamation shall be published once in a newspaper having general circulation within the City. The Proclamation shall advise that the results as proclaimed shall be conclusive unless suit is filed within 30 days after the date of publication.

**Section 6.** A certified copy of this Ordinance shall be (a) filed with the Miller County Clerk at least seventy (70) days prior to the special election date; and (b) given to the Miller County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

**Section 7.** Stephens Inc. is hereby selected to serve as Underwriter and Rose Law Firm, a Professional Association, is hereby selected to serve as Bond Counsel for the Bonds. The City Manager is hereby authorized to execute and deliver an engagement agreement with Bond Counsel.

**Section 8.** This ordinance shall constitute an “official intent” under the United States Treasury Regulation § 1.150-2 for the reimbursement from proceeds of the Bonds for expenditures made by the City prior to the date of the Bonds are issued for capital improvements and expenses of authorizing and issuing the Bonds.

**Section 9.** All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 10.** The Board of Directors hereby determines that there is an immediate need for the City to take advantage of a favorable opportunity to refund the 2012 Bonds and for accomplishing and providing essential capital improvements; that an appropriate way to provide such refunding and capital improvements is by the issuance of bonds payable from a pledge of and lien upon the five mill ad valorem tax in the City as authorized by the Arkansas Constitution, Amendment 62, and the Act; and that this ordinance shall be given immediate effect so that the essential capital improvements may be acquired, constructed, and equipped as soon as possible. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public health, safety, and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 18<sup>th</sup> day of August 2025.

**APPROVED:**

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Allen L. Brown, Mayor

**ATTEST:**

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Heather Soyars, City Clerk

**APPROVED:**

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Joshua Potter, City Attorney