

RESOLUTION NO. 06 -2018

**A RESOLUTION FOR THE PURPOSE OF ACCEPTING THE RESIGNATION OF THE
MAYOR, JAN HUDSON;**

**NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF
DIAMOND CITY, ARKANSAS:**

WHEREAS, Mayor Jan Hudson executed a handwritten document tendering her resignation from the office of Mayor, effective June 13, 2018;

WHEREAS, the City Council of Diamond City, Arkansas, has been advised that under Arkansas law, a mayor's resignation is not effective until it is accepted by a majority of the City Council;

WHEREAS, it is the finding and conclusion of the City Council that accepting the resignation of Mayor Jan Hudson is in the best interest of the City of Diamond City, Arkansas and Mayor Jan Hudson.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
DIAMOND CITY, ARKANSAS:**

Section 1. The City Council for Diamond City, Arkansas hereby accepts the voluntary resignation of Mayor Jan Hudson on this 16th day of August, 2018.

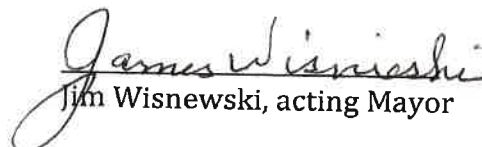
PASSED AND APPROVED this the 16 day of August, 2018, in a special meeting.

Aye 4 Nay 0 Absent 1 Abstain 1

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisnewski, acting Mayor



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August 1, 2018

Diamond City Council
P.O. Box 1300
Diamond City, AR 72630



RE: Attorney Opinion Concerning Mayor Jan Hudson's Resignation

Dear Town Council:

I sincerely appreciate being considered and chosen to be the attorney for Diamond City, Arkansas. I want to thank you for this opportunity, and I look forward to working with you to resolve all of your outstanding concerns.

It is my understanding that Mayor Jan Hudson appointed James Wisnieski as acting Mayor pursuant to the powers vested in her by Arkansas Code Annotated § 14-44-107 (c)(2), and that the acting Mayor and City Council have appointed me as the attorney for Diamond City. As city attorney, I will do my best to advise the City Council and Mayor to the best of my abilities.

One of the first issues brought to my attention is the current status of the position of Mayor in Diamond City. James Wisnieski has provided me with a copy of a letter of resignation signed by Jan Hudson. Considering the circumstances, I am advising each council member to sign the attached letter accepting Mayor Jan Hudson's resignation. Neither the city, nor any aldermen should have any liability as a result of accepting Jan Hudson's freely given letter of resignation. Although the letter of resignation has already been given, any letter of resignation must be accepted by the City Council to be effective. I have cited controlling Arkansas jurisprudence concerning resignations below.

Arkansas law requires that a city officer's resignation is not effective, and thus may be withdrawn, until it is accepted by the proper authority. See *Rider v. City of Batesville*, 220 Ark. 31; *Hopper v. Garner*, 328 Ark. 516, 525, 944 (Ark. 1997). The "proper authority" to accept the resignation of the Mayor is the Town Council, and because this acceptance is not an "ordinance of general or permanent" nature, it does not require any formalities to be adopted. It simply requires the acceptance of a majority of the City Council members.

In accordance with Arkansas law, I have prepared an acceptance of Mayor Jan Hudson's resignation. Please review the Acceptance of Resignation of Elected City Official and feel free to call me with any questions or concerns.

Sincerely,



Steven L. Grady

Enclosure



Mayor Hudson has requested in writing and signed by 4 current council members that the council request Mayor Hudson's resignation, for the best interest of the city due to her current situation with the DC Comm. Center.

With 4 council members signing she will resign as Mayor of the City of Diamond City, effective 6/13/2018.

Sarah Hudson

RESOLUTION NO. 07-2018

CITY OF DIAMOND CITY, BOONE COUNTY, ARKANSAS

A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF DIAMOND CITY FOR THE YEAR 2017 TO BE COLLECTED IN 2018.

WHEREAS, Ark. Code Ann. § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for general purposes, in any one year, pursuant to the provisions of the Arkansas Constitution, Article 12, Section 4, in such amounts not to exceed the maximum amount of levy fixed under this section of the Arkansas Constitution; and

WHEREAS, Ark. Code Ann. § 26-25-102 requires the City Council of any municipal corporation to make out and certify to the County Clerk the rate of taxation levied by the city on real and personal property within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Diamond City and its citizens to levy the rate of taxation on the real and personal property within said city as set forth herein, and to certify the same to the County Clerk and authorized the Quorum Court of the County of Boone to levy said tax for the year 2017 to be collected in 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DIAMOND CITY AS FOLLOWS:

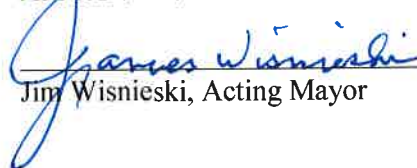
Section 1. That the said property tax for the City general purposes on the real and personal property situated within the city and to be collected in the year 2018 shall be fixed and levied at the rate of 5.0 mills on each dollar of assessed value of real and personal property.

Section 2. The rate of taxation levied herein on the real and personal property within the City shall, by the resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county Taxes are collected.

Section 3. The Quorum Court of the County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the city for the year of 2018, at its regular meeting in September according to law.

PASSED and APPROVED this 28 day of August, 2018.

APPROVED:


Jim Wisnieski, Acting Mayor

ATTEST:


Tina Jackson, City Recorder

CITY OF DIAMOND CITY, ARKANSAS
RESOLUTION 08-2018

**A RESOLUTION TO ENTER INTO A PARTNERSHIP WITH COMMUNITIES UNLIMITED
TO CONDUCT A RATE ANALYSIS OF THE DIAMOND CITY WATER AND SEWER
SYSTEM AND FOR OTHER RELATED MATTERS**

WHEREAS, the City of Diamond City, Arkansas has not had a rate study for the water and sewer systems in over 5 years; and

WHEREAS, the City of Diamond City wishes to enter into a partnership with Communities Unlimited to conduct the rate study at no cost to the City;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
DIAMOND CITY, ARKANSAS:**

The City Council authorizes the Mayor of Diamond City to sign the Comprehensive Technical Assistance Work Plan (Attached Hereto) for the City of Diamond City Water and Wastewater Systems prepared by Michelle Viney and dated August 8, 2018.

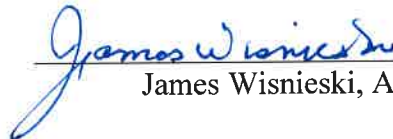
This analysis will be under the direction of the City Treasurer who may enlist other Diamond City employees as deemed necessary to complete the analysis.

The Diamond City City Council authorizes the Treasurer or the Treasurer’s designated representative to provide any financial and administrative data from Diamond City that is necessary to complete the analysis.

Approved and adopted by roll call vote as follows this 28 day of August, 2018.

Ayes 5 Nays 0 Abstentions 0 Absent 1

APPROVED:


James Wisnieski, Acting Mayor

ATTEST:


Tina Jackson, City Recorder

Comprehensive Technical Assistance Work Plan for The City of Diamond City Water & Wastewater Systems

August 8, 2018

Prepared by: Michelle Viney

Version 2018.04

TMF Assessment Deficiency	<u>Proposed</u> Technical Assistance Tasks to be Performed	Anticipated Completion Date
1-NA	Perform Analysis: TMF Assessment	7/26/2018
2-NA	RCAP Plans: TA Work Plan/Community Service Agreement	8/8/2018
3-F7	Perform Analysis: Budget and Financial Analysis	10/31/2018
4-M6	Perform Analysis: Vulnerability Assessment	12/31/2018
5-F5	On-site Training: Board Training	5/30/2019
6-F6	Write/Update Policies/Procedures: Managerial	8/31/2019

Anticipated Outcomes Resulting from the Proposed Technical Assistance:

- 1 Compliance w/ State & Federal Regulations
- 2 Financial Sustainability

BOARD CERTIFICATION OF APPROVAL AND ACCEPTANCE OF OFFER OF TECHNICAL ASSISTANCE

I hereby certify that this Technical Assistance Work Plan was approved and the offer for no-cost technical assistance was accepted by a motion properly made, seconded, and approved by the City of Diamond City City Council.


Jim Wisniewski, Mayor

8-28-18
Date

This Technical Assistance Work Plan was drafted by Michelle Viney, Communities Unlimited (CU) after interviewing staff members and conducting a preliminary assessment. This work plan is NOT a binding contract for services but provides a framework of anticipated technical services to be provided by CU. Communities Unlimited will make a good faith effort to complete the tasks outlined in this work plan but reserves the right to drop tasks that can not be completed, add tasks as needed, and / or terminate its technical assistance with Diamond City. This assistance is provided at NO COST to The City of Diamond City Water & Wastewater Systems by Communities Unlimited and is made possible by funding received by the US Department of Agriculture - Rural Development. Questions or Comments may be forwarded to the following persons:

Technical Assistance Provider

Michelle Viney
Development Specialist
3 East Colt Square Drive
479.443.2700 Ext. 129
Michelle.Viney@CommunitiesU.org

Supervisor

Jerry Kopke
Arkansas State Environmental Coordinator
3 East Colt Square Drive, Fayetteville, AR 72703
479.443.2700 Ext. 128
Jerry.Kopke@CommunitiesU.org

8H

RESOLUTION NO. 09 -2018

A RESOLUTION FOR THE PURPOSE OF APPOINTING A MAYOR TO SERVE THE UNEXPIRED TERM AND FOR OTHER PURPOSES;

WHEREAS, by way of resignation, a vacancy has occurred in the office of Mayor in the City of Diamond City, Arkansas;

WHEREAS, Arkansas Code Annotated § 14-44-106 provides that the city council shall proceed to elect by a majority vote of the council members a mayor to serve the unexpired term;

WHEREAS, it is necessary for the City Council of Diamond City, Arkansas to elect a mayor to serve the unexpired term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DIAMOND CITY, ARKANSAS:

Section 1. That Troy J. Burleson, a duly qualified elector of Diamond City, Arkansas, is hereby elected to and shall be the Mayor of Diamond City, Arkansas from and after the date of this resolution, to fill the unexpired term.

Section 2. That said Mayor shall qualify by taking the Oath of Office prescribed by Arkansas state law and shall enter upon and conduct his or her duties all as prescribed by applicable law.

Section 3. That this resolution shall become effective from and after the date of its adoption.

Section 4. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if

the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

Section 5. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

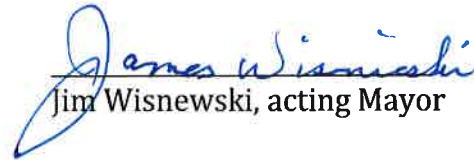
PASSED AND APPROVED this the 28 day of August, 2018, in a regular meeting.

Aye 5 Nay 0 Absent 1 Abstain 0

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisnewski, acting Mayor

RESOLUTION NO. 10 -2018

A RESOLUTION FOR THE PURPOSE OF REMOVING JAN HUDSON FROM HAVING ACCESS TO ANY BANK ACCOUNT OR SAFE DEPOSIT BOX AND FOR OTHER PURPOSES;

WHEREAS, by way of resignation, Jan Hudson has vacated the office of Mayor in the City of Diamond City, Arkansas;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas that Jan Hudson should be removed from having any access to any bank account or safe deposit box owned by Diamond City, Arkansas.

WHEREAS, it is necessary for the City Council of Diamond City, Arkansas to authorize the Mayor to remove Jan Hudson from having access to any bank account or safe deposit box owned by Diamond City, Arkansas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DIAMOND CITY, ARKANSAS:

Section 1. That the Mayor be authorized to execute any document that may be required to remove Jan Hudson’s access to any bank account or safe deposit box owned by Diamond City, Arkansas;

Section 2. That this resolution shall become effective from and after the date of its adoption.

Section 3. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the resolution which shall remain in full force and effect as if

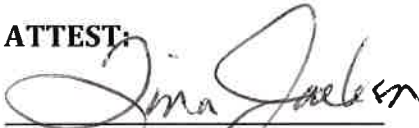
the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

Section 4. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

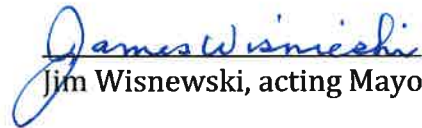
PASSED AND APPROVED this the 28 day of August, 2018, in a regular meeting.

Aye 5 Nay 0 Absent 1 Abstain 0

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisniewski, acting Mayor