

RESOLUTION NO. 11 -2018**A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE PURCHASE OF A SAFETY TRI-POD, WINCH AND HARNESS AND FOR OTHER PURPOSES;**

WHEREAS, the City Council has been informed that it is necessary for the safety of the employees of Diamond City, Arkansas and is in the best interest of Diamond City, Arkansas for the City to purchase a tri-pod with a manual or mechanical winch and a harness to provide the City with equipment capable of recovering an injured or incapacitated employee from inside a manhole;

WHEREAS, the City Council has informed that the cost of a tri-pod with a manual or mechanical winch and a harness will be approximately \$5,500.00;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to authorize the Mayor and the Recorder to purchase the requested safety equipment for \$5,500.00;

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

Section 1. City Council of Diamond City, Arkansas, hereby authorizes the Mayor and the Recorder to purchase the requested equipment for \$5,500.00;

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

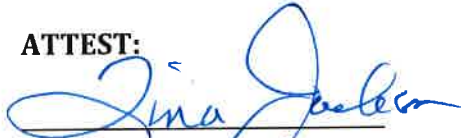
the portion so declared or adjudged invalid or unconstitutional were not originally a part of the resolution.

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resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

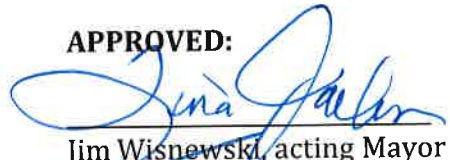

PASSED AND APPROVED this the 28 day of August, 2018, in a regular meeting.

Aye 5 Nay 0 Absent 1 Abstain 0

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisniewski, acting Mayor


RESOLUTION NO. 12-2018**A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE PURCHASE OF A GAS DETECTOR AND FOR OTHER PURPOSES;**

WHEREAS, the City Council has been informed that it is necessary for the safety of the employees of Diamond City, Arkansas and is in the best interest of Diamond City, Arkansas for the City to purchase a gas detector to provide the City with equipment capable of detecting gas inside the sewer to prevent employees from becoming injured or incapacitated as a result of gas that would not be detectable without the equipment;

WHEREAS, the City Council has informed that the cost of a gas detector will be approximately \$2,000.00;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to authorize the Mayor and the Recorder to purchase the requested safety equipment for \$2,000.00;

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

Section 1. City Council of Diamond City, Arkansas, hereby authorizes the Mayor and the Recorder to purchase the requested equipment for \$2,000.00;

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.

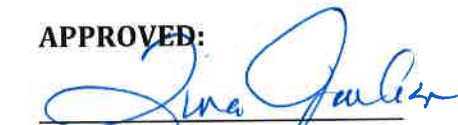
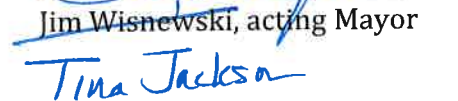
PASSED AND APPROVED this the 28 day of August, 2018, in a regular meeting.

Aye 5 Nay 0 Absent 1 Abstain 0

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisniewski, acting Mayor


RESOLUTION NO. 13 -2018**A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE PURCHASE OF A FRESH AIR BLOWER AND FOR OTHER PURPOSES;**

WHEREAS, the City Council has been informed that it is necessary for the safety of the employees of Diamond City, Arkansas and is in the best interest of Diamond City, Arkansas for the City to purchase a fresh air blower to provide the City with equipment capable of blowing fresh air into a manhole to prevent gas from building up inside a sewer to prevent employees from becoming injured or incapacitated as a result of gas;

WHEREAS, the City Council has informed that the cost of a fresh air blower will be approximately \$2,000.00;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to authorize the Mayor and the Recorder to purchase the requested safety equipment for \$2,000.00;

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

Section 1. City Council of Diamond City, Arkansas, hereby authorizes the Mayor and the Recorder to purchase the requested equipment for \$2,000.00;

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.

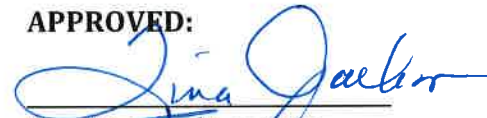
PASSED AND APPROVED this the 28 day of August, 2018, in a regular meeting.

Aye 5 Nay 0 Absent 1 Abstain 0

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisniewski, acting Mayor
Tina Jackson

RESOLUTION NO. 14-2018**A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE PURCHASE OF ONE AND ONE QUARTER INCH DISCHARGE HOSE AND FOR OTHER PURPOSES;**

WHEREAS, the Public Works Director has informed the City Council that it is in the best interest of Diamond City, Arkansas for the City to purchase twenty (20) rubber discharge hoses that are approximately one and one-quarter inches in diameter;

WHEREAS, the Public Works Director has informed the City Council that the twenty (20) hoses will be beneficial to the City because the rubber hoses will not deteriorate as quickly as metal pipe or hose and will prevent the public works employees from being exposed to unsanitary conditions unnecessarily;

WHEREAS, the Public Works Director has informed the City Council that the cost of twenty (20) hoses will be approximately \$3,822.00;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to authorize the Mayor and the Recorder to purchase the requested hoses for \$3,822.00;

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

Section 1. City Council of Diamond City, Arkansas, hereby authorizes the Mayor and the Recorder to purchase the requested hoses for \$3,822.00;

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.

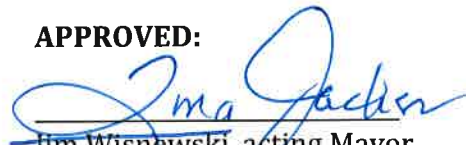
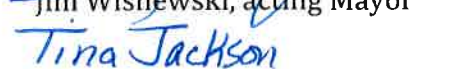
PASSED AND APPROVED this the 28 day of August, 2018, in a regular meeting.

Aye 5 Nay 0 Absent 1 Abstain 0

ATTEST:


Tina Jackson, Recorder

APPROVED:


Jim Wisniewski, acting Mayor


CITY OF DIAMOND CITY, ARKANSAS

RESOLUTION 15-2018

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING INTERIM MAYOR, TROY J. BURLESON CHECK SIGNING PRIVILEGES, BANK ACCOUNT ACCESS AND SAFE DEPOSIT BOX ACCESS TO ALL BANK ACCOUNTS OF DIAMOND CITY, ARKANSAS

WHEREAS, Troy J. Burleson has been appointed to the office of Interim Mayor in the City of Diamond City, Arkansas;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas that Troy J. Burleson should have all necessary access authorizing check signing privileges, bank account access and safe deposit box access to all bank accounts owned by the City of Diamond City, Arkansas

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

Section 1. That Interim Mayor, Troy Burleson be authorized to access to any bank accounts (see attached herein) 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 of 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 31 day of August 2018, in a special meeting.

Aye 4 Nay 0 Absent 2 Abstain 0

Diamond City, Arkansas

ON BULL SHOALS LAKE

In the heart of the Ozarks

P.O. Box 1300 – 232 Grand Avenue, Diamond City, Ar. 72630

Phone: 870-422-7212 Fax: 870-422-2970

Email: dcbullshoals@diamondcity.net

August 31, 2018

Brenda Riddle
Arvest Bank

To Whom It May Concern:

The City of Diamond City City Council has, by unanimous vote, during a Special Council meeting held on August 31, 2018 decided to make the following changes to the list of persons authorized to sign checks for the City of Diamond City. Add Interim Mayor Troy Burleson as an authorized check signer for the City of Diamond City. These changes will be for the below listed Diamond City bank accounts.

General Fund	203943
General Fund Capital Outlay	12737934
General Fund Large Maintenance Fund	12737947
Payroll Account	11571667

Water Account	203950
Water Account Capital Outlay	12737963
Water Account Large Maintenance Fund	12737950
Water Trust Account	203935


Sewer Account	203968
Sewer Account Capital Outlay	12737976
Sewer Account Large Maintenance Fund	12737989

Streets Account	203976
Streets Account Capital Outlay	37579326
Streets Account Large Maintenance Fund	12737772

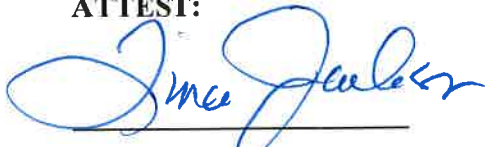
SID Account	203786
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Safety Depoit Box #87009823


Thank you,


Troy Burleson, Interim Mayor
City of Diamond City, Arkansas

ATTEST:


Tina Jackson, City Recorder

APPROVED:


Troy Burleson, Interim Mayor

8A

CITY OF DIAMOND CITY, ARKANSAS

RESOLUTION 16-2018

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE MAYOR TO PAY TINA L. JACKSON TO CORRECT THE IMPROPER REDUCTION OF THE SALARY FOR THE POSITION OF INTERIM TREASURER/RECORDER IN 2016

WHEREAS, Tina L. Jackson was appointed to the office of Treasurer-Recorder in June of 2016, to fill the vacancy in the position of Treasurer/Recorder for the City of Diamond City, Arkansas;

WHEREAS, the salary for the position of Treasurer-Recorder for the City of was \$ 28,930.⁹⁸ on the date Tina L. Jackson was appointed to the position of Treasurer-Recorder;

WHEREAS, Tina L. Jackson was entitled to receive the salary for the position of Treasurer-Recorder from the date of her appointment through December 31, 2016;

WHEREAS, Arkansas law prohibits the reduction of the salary for any elected position unless the reduction is at the request of the person holding that position;

WHEREAS, Tina L. Jackson did not request any reduction of the salary for the position of Treasurer/Recorder;

WHEREAS, Tina L. Jackson only received compensation in the amount of \$ 8,131.⁰⁰ from the date of her appointment through December 31, 2016;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas that the salary for the position of Treasurer/Recorder was improperly reduced in contravention of Arkansas law and that Tina L. Jackson is entitled to receive additional compensation;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas that Arkansas law requires that Tina L. Jackson be compensated for the difference between the amount Tina L. Jackson actually received and the amount of the salary for the position of Treasurer/Recorder;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas that Tina L. Jackson is entitled to receive additional compensation in the amount of \$6,334.52.

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

Section 1. That the Mayor and Treasurer are hereby authorized to pay Tina L. Jackson the sum of \$6,334.52 to correct an improper reduction in the salary of the position of Treasurer/Recorder;

Section 2. That the Mayor and Treasurer should pay Tina L. Jackson the sum of \$6,334.52, immediately or as soon as practical after the passing and approval of Resolution 16-2018.

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 of 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 23 day of October 2018.

Aye 6 Nay 0 Absent 0 Abstain 0

ATTEST:



APPROVED:



Tina Jackson, City Recorder

Troy Burleson, Interim Mayor

10 G

RESOLUTION NO. 17 -2018

**A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE MAYOR TO
REDEFINE THE CITY'S COMMITMENT TO THE LADY BASS ANGLERS
ASSOCIATION AND FOR OTHER PURPOSES;**

WHEREAS, on April 19, 2018, Diamond City's Mayor, Jan Hudson, executed a contract pledging that the City of Diamond City, Arkansas would provide \$4,000.00 to the Lady Bass Anglers Association for event funding for the Lady Bass Anglers Association Bass Classic on Bull Shoals Lake and in Diamond City, Arkansas.

WHEREAS, Arkansas Code Annotated Section 14-54-302 provides that the execution of all contracts shall be performed by the Mayor and Recorder, when authorized by a resolution in writing and approved by a majority vote of the governing body of the municipality present and participating.

WHEREAS, after review of City Records, it appears that the contract with the Lady Bass Anglers Association was not authorized by a resolution in writing and approved by a majority vote of the City Council and was not executed by the Recorder.

WHEREAS, although the contract made by the previous mayor was not in proper form and may not have ultimately been enforceable in a Court, the City of Diamond City, Arkansas, would have likely incurred significant legal expense as a result of disputing the contract.

WHEREAS, with these considerations, the Mayor has approved and paid the claim for payment made by the LBAA. This action was taken to satisfy the City of Diamond City's obligations under the contract and to avoid a likely source of potential legal expense.

WHEREAS, the City of Diamond City Arkansas has been donated \$2,000 by On the Lake Publications, LLC, which was earmarked to pay for the LBAA event funding, and has been donated another \$2,000.00 by various sources to reimburse the City of Diamond City, Arkansas for the cost of the LBAA event.

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of the City of Diamond City, Arkansas for the City Council to ratify and approve the contract with the LBAA and to ratify and approve the payment of the LBAA's claim.

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to ratify and approve the Mayor's action to pay the claim of the LBAA in the amount of \$4,000.00.

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that the City of Diamond City, Arkansas has been made whole by the donation of funds to the City to reimburse the City for the appropriation made to the LBAA.

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

Section 1. The City Council of Diamond City, Arkansas, hereby ratifies and approves the Mayor paying and settling the claim of the LBAA for \$4,000.00;

Section 2. The City Council of Diamond City, Arkansas, hereby finds that the City of Diamond City, Arkansas has been made whole by the donation of funds to the City to reimburse the City for the appropriation made to the LBAA.

Section ~~2~~³ That this resolution shall become effective from and after the date of its adoption.


Section ~~3~~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 ~~4~~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.

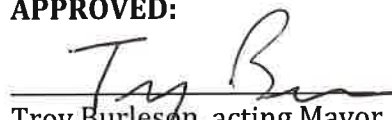
PASSED AND APPROVED this the 27 day of September, 2018, in a regular meeting.

Aye 3 Nay _____ Absent 3 Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, acting Mayor



The Law Office of Steven L. Grady, PLLC

Steven@northarkansaslaw.com
northarkansaslaw.com

200 E. Rush Avenue, Suite #5B | P O Box 1097
Harrison, AR 72601 | Harrison, AR 72602

Telephone: (870) 416-7226
Facsimile: (870) 292-3519

September 27, 2018

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

RE: Attorney Opinion Concerning Appropriation of \$4,000.00 for Event Funding for
LBAA Bass Tournament

Dear Mayor and City Council:

Please review this opinion letter concerning the City making an appropriation of funds for "event funding" to the Lady Bass Anglers Association Bass Classic (hereinafter "LBAA"). I am issuing this opinion letter in response to a request to prepare a Resolution ratifying, authorizing, and approving the appropriation of \$4,000.00 to the LBAA.

It is my understanding that the appropriation has already been completed, and the appropriated funds have been recovered by the City through donations from local businesses and citizens. It is also my understanding that the payment to LBAA was made to satisfy the City's obligation on a written contract executed by a previous mayor, and was made to avoid any potential liability that the City may have incurred as a result of breaching the contract with the LBAA. The purpose of the Resolution is to formally ratify these actions and to clarify the position of the City moving forward so that no similar issues arise in the future.

It is my legal opinion that the appropriation to the LBAA may have violated Arkansas Constitution Article 12, § 5 and the "public purpose" doctrine. For that reason, I must advise that the City not appropriate funds in this manner in the future without first obtaining an opinion from the Arkansas Attorney General concerning the appropriation.

Arkansas Constitution Article 12, § 5(a) and the "public purpose" doctrine are controlling on appropriations similar to the appropriation to the LBAA. Arkansas Constitution Article 12, § 5(a) provides: "No county, city, town or other municipal corporation, shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual." The leading case, *Halbert v. Helena-West Helena Industrial Development Corp.*, 226 Ark 620, 625-26, (1956), "establishes beyond all question that a municipality cannot contribute to a private,...corporation regardless of whether the corporation serves a 'public purpose'" *Ark. Op. Att'y Gen. No. 1999-408*. The "public

purpose" doctrine, further requires that any expenditure of public funds be for a "public purpose." *Chandler v. Board of Trustees of the Teacher Retirement System of the State of Arkansas*, 236 Ark. 256, 365 S.W.2d 447 (1963). The doctrine requires that "no expenditure can be allowed legally except in a clear case where it appears that the welfare of the community and its inhabitants is involved and direct benefit results to the public." *McQuillin, Municipal Corporations*, § 12, 190.

In *Ark. Op. Att'y Gen. No. 2001-135 (June 5, 2001)*, the Attorney General opined that it would be illegal for the City of Fayetteville to appropriate money to go to the Fayetteville Boys and Girls Club. The Attorney General reasoned that the appropriation would be illegal both because the Boys and Girls Club is a corporation and because the Boys and Girls Club only provided benefits to paying members of the Boys and Girls Club. The indirect benefits associated with having an improved Boys and Girls Club were not persuasive to the Attorney General.

In several instances, cities across the state have been permitted to hold festivals or events for the benefit of the citizens of the city. In those cases, the primary, direct effect of the appropriation was to provide a benefit the public at large. It is relatively clear from the law that cities may only appropriate funds if the funds will be used to directly benefit the public at large, and not any city officials, employees, their families or other discrete individuals.

In this case, I was provided with a copy of a letter dated April 19, 2018, from Shari L. Marshall and Jan Hudson to the LBAA, informing the LBAA that Diamond City, Arkansas, Parks and Recreation would appropriate \$2,000.00 for "event funding" for a bass tournament in Diamond City, Arkansas. I have also been given a copy of a letter dated May 18, 2018, from the LBAA to Shari L. Marshall and Gina Whited acknowledging the agreement.

After a review of the LBAA's corporate filings and discussing the matter with Secret York, Shari Marshall and others, it appears the LBAA is a private, for profit, limited liability company formed under Kentucky law. The LBAA website provides that "all anglers wishing to participate in any LBAA tournament event must be a current member in the Lady Bass Anglers Association." To become a member of the LBAA, it appears that you must be a female and must pay a significant membership fee. From a review of the LBAA website, it also appears that the tournament held in Diamond City, Arkansas is a closed event requiring that contestants qualify in other tournaments prior to competing in this tournament. It is also my understanding that the LBAA is partnering with other non-profit groups which may indirectly provide benefit to the public.

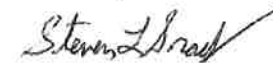
Determining if any appropriation violates the Constitution or the "public purpose" doctrine will necessarily involve a factual inquiry and determination that I am simply not equipped or authorized to make. Any final determination is subjective and would ultimately be made by a Court. Reasonable minds can disagree, and I am certainly mindful that many may disagree on this issue. Although the ultimate determination is subjective, it is my legal opinion that appropriating funds to the LBAA or any other private corporation or individual in this manner could result in liability for the City and may violate the Constitution and the "public purpose" doctrine. For these reasons, I must advise the City to refrain from making similar

appropriations, or in the least to exercise extreme caution in making similar appropriations in the future. In the event the City wishes to fund similar projects in the future, I believe it may be advisable to structure those projects in a different manner.

It has also come to my attention that the City of Diamond City, Arkansas has been refunded any and all of the appropriated funds, and that the City has been made whole. I believe that this was the best action to mitigate the City's liability. For that reason, I have prepared a Resolution ratifying, authorizing and approving the appropriation/settlement and have presented that Resolution to the Mayor.

Please review this opinion and feel free to call me with any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven L. Grady", with a stylized flourish at the end.

Steven L. Grady

RESOLUTION NO. 18 -2018**A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE MAYOR TO PAY THE OUTSTANDING CONTRACTUAL DEBT TO LEAD HILL, ARKANSAS, FOR THE REVENUE OFFICE SERVICES AND FOR OTHER PURPOSES;**

WHEREAS, the City of Diamond City, Arkansas properly entered into a contract and partnership with Lead Hill, Arkansas to jointly pay for the cost of a Revenue Office;

WHEREAS, the City of Diamond City, Arkansas has failed to pay its contractual share of the cost of the Revenue Office for forty-five (45) months from 2015 to September of 2018;

WHEREAS, the City Council has been informed that the City of Diamond City, Arkansas, currently owes a total of \$6,750.00 for the cost of the Revenue Office;

WHEREAS, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to authorize the Mayor to pay the outstanding debt of \$6,750.00 to Lead Hill, Arkansas in the form of a lump sum or to negotiate favorable payment terms with Lead Hill, Arkansas to pay the outstanding debt over time.

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

Section 1. City Council of Diamond City, Arkansas, hereby authorizes the Mayor to pay the outstanding debt of \$6,750.00 to Lead Hill, Arkansas, in the form of a lump sum or to negotiate favorable payment terms with Lead Hill, Arkansas, to pay the outstanding debt over time;

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.

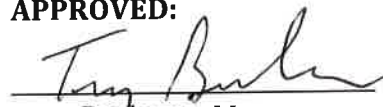
PASSED AND APPROVED this the 27 day of September, 2018, in a regular meeting.

Aye 3 Nay _____ Absent 3 Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, Mayor

City of Lead Hill

Gary Van Meter-Mayor
118 Highway 14 Main
PO Box 10, Lead Hill, AR 72644
(870)436-5221; Email: leadhill@leadhill.net

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

Invoice Date 1/28/2016
Due Date 2/15/2016

Item	Description	Unit Price	Quantity	Amount
Service	Revenue Office	150.00	12	\$1800.00
			2	\$ 300.00
			Subtotal	\$2100.00
			Total	\$2100.00
			Balance Due	\$ 2100.00

This is for January through December of 2015, and January and February of 2016.

Town of Lead Hill

Joe Inman-- Mayor

150 Highway 14

PO Box 10, Lead Hill, AR 72644

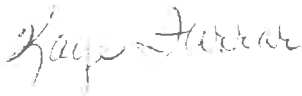
(870)436-5221; Email: leadhill@leadhill.net

September 6, 2018

Mayor Troy Burleson
Diamond City

The City of Diamond City owes Town of Lead Hill monies for their share of the Revenue Office. This amount is \$150 a month. Ex-Mayor Jan Hudson refused to pay this. This includes 2015, 2016, and 2017, and up thru September of 2018. The total amount due is \$6,750.00.

Thank you.



Kaye Farrar
Recorder/Treasurer

MUTUAL AID AGREEMENT

This Mutual Aid Agreement (the "Agreement") is made and entered into this 9th day of October, 2018, by and between the City of Dimond City, Arkansas, and the City of Lead Hill, Arkansas, who will each hereinafter be referred to as "Member City" or who may be collectively referred to as "Member Cities".

WHEREAS, the Member Cities are so located in relation to each other that it is to the advantage of each Member City to extend aid to the other in respect to police services and it is recognized that in certain situations the use of police officers to perform police duties outside of the territorial limits of the Member City where such officers are regularly employed may be desirable and necessary in order to preserve and protect the health, safety and welfare of the public; and

WHEREAS, it is the objective of this Agreement to allow for speedier service of warrants and other papers and to strengthen the law enforcement effort in the Diamond City and Lead Hill areas by the establishment of mutual police services.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter expressed, the parties agree as follows:

1. **AUTHORIZATION**: Each Member City does hereby authorize and direct its police chief, or other officer commanding in his absence, to render and request mutual police aid to and from the other Member City to the extent of available personnel and equipment not required for adequate protection of the Member City rendering aid. The judgment of the police chief, or officer commanding in his absence, of each Member City rendering aid, as to the amount of personnel and equipment available, shall be final.

2. **POWER AND AUTHORITY**: Police officers who shall be commanded by their superior authority to maintain the peace or perform police duties outside the territorial limits of the Member City which regularly employs such officers, shall be under the direction and authority of the commanding police officer of the Member City to which they are called to perform police or peace duties, and shall be peace officers thereof, pursuant to the provisions of Title 16 Practice, Procedure, and Courts, Subtitle 6 Criminal Procedure Generally, Chapter 81 Arrest, of the Arkansas Code, including but not limited to A.C.A. §16-81-106, which is hereby incorporated herein as if set out word for word. They shall have all powers and authority of police, deputies and peace officers as provided by law, including the power of arrest. However, at all times, officers shall adhere to the policies and procedures of their department and shall only be required to respond to lawful orders. Each Member City also grants to the other Member City, and their respective police chief, the power to arrest and to serve warrants and other papers on subjects within the corporate limits of the other Member City, provided however, that this authority is conditioned upon the prior approval or notification, on a case by case basis, of the Chief of Police of the other Member City or his duly appointed delegate.

3. **COMPENSATION**: Mutual aid police service shall be rendered without charge to a Member City, provided, however, that if as a result of having furnished aid, should the assisting Member City be required to seek assistance from another nonmember city which imposes a

charge for same, then in that event, the Member City originally requesting such aid shall seek an appropriation to reimburse the Member City in the amount equal to the charge imposed upon the assisting Member City by the nonmember city assisting it.

4. LIABILITY: All wage and disability payments, pension and workmen's compensation claims, damage to equipment and clothing, medical expense shall be paid by the Member City regularly employing such police officer.

5. WAIVER: Every Member City herein waives as to each and every other Member City hereto, any and all claims against the other Member City for compensation for any loss, damage, personal injury or death, that shall arise in consequence of the performance under this Agreement. No Member City hereto shall, under any circumstances, be held liable for any loss or damage by reason of its failure to effectively combat or handle any police problem in the territory of the other Member City.

6. EFFECTIVE DATE OF AGREEMENT: This Agreement shall go into effect on the date first above written, and shall continue for a period of one (1) year from the date of execution. Each Member City shall furnish a certified copy of the resolution approving mutual aid police service to the other Member City upon the execution of this Agreement.

7. AUTOMATIC RENEWAL: It is mutually understood that this Agreement shall be automatically renewed from year to year unless thirty (30) days written notice of termination is given. This notice of termination may be given to the other Member City at any time but it must be accompanied by a certified copy of a proper resolution passed by the governing body of the withdrawing Member City. The notification shall also be sent by certified mail, return receipt requested to the other Member City, in care of the Mayor or Chief of Police.

8. BINDING EFFECT: This Agreement shall be binding upon the parties, their successors and assigns.

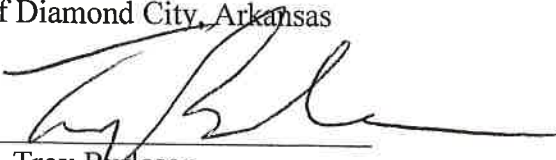
9. AMENDMENTS: All amendments to this Agreement shall be in writing and signed by authorized representatives of each Member City.

10. AUTHORITY: This Agreement is entered into under the authority and pursuant to the Constitution and Laws of the State of Arkansas, including Arkansas Code of 1987 annotated, Title 25, Chapter 20, Subchapter 1, the Interlocal Cooperation Act (the "Act"). The Agreement is entered into in accordance with A.C.A §25-20-108 which authorizes cities to contract to cooperate or join with each other to perform any service, activity or undertaking that each is authorized by law to perform alone. It is understood that this Agreement is entered into pursuant to appropriate authority granted by the governing body of each Member City.


IN WITNESS WHEREOF, this Agreement has been duly executed by the proper officers of the City of Diamond City and the City of Lead Hill.

City of Diamond City, Arkansas

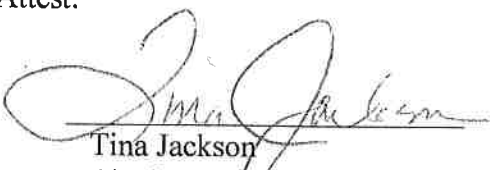
By:


Troy Burleson
Mayor

Approved:

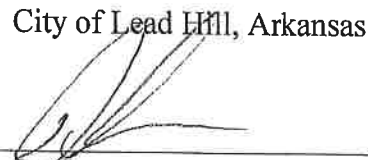

Chris Patrick
Chief of Police

Attest:



Tina Jackson
City Recorder

City of Lead Hill, Arkansas

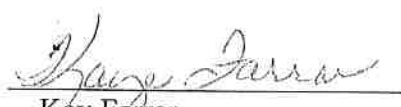
By:


Joe Inman
Mayor

Approved:


Fred Starnes
Chief of Police

Attest:


Kay Farrar
City Clerk


Passed and Approved this 23 day of October, 2018, in
a regular meeting.

Aye — Nay — Absent — Abstain —

Attest:


Tina Jackson, Recorder

Approved:


Troy Burleson, Mayor

Diamond City/Lead Hill/South Lead Hill Police

Police Department Structure

Mayors:

Diamond City Mayor: Troy Burelson 417-239-4451

Lead Hill Mayor: 417-207-6539

Police Department:

Chiefs/Assistant Chiefs

Diamond City Police Chief: Chris Patrick 870-416-9007

Lead Hill Police Department: Fred Starnes 989-859-8571

Sergeant:

Diamond City Police Sgt: Mark Rice 870-416-0603

Lead Hill Police : Brett Starnes 870-280-9593

Patrolman:

Lead Hill Police Patrolman: Dan Bensal 870-280-9630

Lead Hill Police Patrolman: Brian Starnes 870-577-5112

School Resource Officer:

Lead Hill Police: Larry Hill 870-204-2341

Diamond City Police Department

301 Chief Chris Patrick 870-416-9007
 501 Asst. Chief Fred Starnes 989-859-8571
 304 Sgt. Mark Rice 870-416-0603
 502 Sgt. Brett Starnes 870-280-9593
 503 PTL Dan Bensal 870-280-9630
 303 PTL Brian Starnes 870-577-5112

Lead Hill Police Department

501 Chief Fred Starnes 989-859-8571
 301 Asst. Chris Patrick 870-416-9007
 502 Sgt. Brett Starnes 870-280-9593
 304 Sgt. Mark Rice 870-416-0603
 503 PTL Dan Bensal 870-280-9630
 303 PTL Brian Starnes 870-577-5112

97D

RESOLUTION 20-2018

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE PURCHASE OF A PORTABLE GENERATOR AND FOR OTHER PURPOSES;

Whereas, the Public Works Department has informed the City Council that it is in the best interest of Diamond City, Arkansas for the City to purchase a portable generator;

Whereas, the Public Works Department has informed the City Council that the portable generator will be beneficial to the City for the use while working in field when electricity is needed;

Whereas, the Public Works Department has informed the City Council that the cost to purchase a portable generator will be approximately \$1,000.00;

Whereas, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to authorize the Mayor and the Recorder to purchase the requested portable generator for \$1,000.00;

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

Section 1. City Council of Diamond City, Arkansas, hereby authorizes Mayor and Recorder to purchase the requested portable generator for \$1,000.00;

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 the 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.

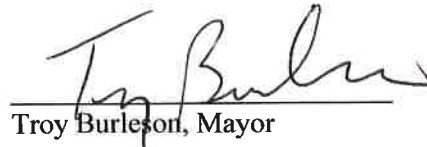
PASSED AND APPROVED this 23 day of October, 2018, in a regular meeting.

Aye 6 Nay _____ Absent _____ Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, Mayor

9E

RESOLUTION 21-2018

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING PAYMENT FOR CLEANING THE COMMUNITY CENTER

Whereas, the Community Center Board has informed the City Council that it is in the best interest of Diamond City, Arkansas for the City to authorize payment for cleaning the Community Center;

Whereas, the Community Center Board has informed the City Council that cleaning the Community Center will be beneficial to the employees and citizens;

Whereas, the Community Center Board has informed the City Council that the cost to pay for cleaning the Community Center is approximately \$400.00 per month;

Whereas, it is the opinion of the City Council of Diamond City, Arkansas, that it is in the best interest of Diamond City, Arkansas, to authorize the Mayor and the Recorder to pay for the cleaning of the Community Center;

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

Section 1. City Council of Diamond City, Arkansas, hereby authorizes Mayor and Recorder to pay approximately \$400.00 per month for cleaning the Community Center;

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 the 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.

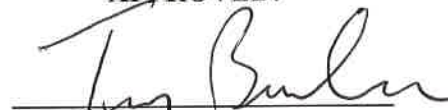
PASSED AND APPROVED this 23 day of October, 2018, in a regular meeting.

Aye 6 Nay _____ Absent _____ Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, Mayor

RESOLUTION 22-2018**A RESOLUTION AUTHORIZING THE CITY OF DIAMOND CITY, ARKANSAS TO COLLECT OUTSTANDING LIEN ASSESSMENTS OF THE MUNICIPAL IMPROVEMENT DISTRICT #1**

WHEREAS, the City of Diamond City, Arkansas, has the responsibility to the citizens of the city of Diamond City, Arkansas to provide efficient sewer services; and

WHEREAS, the City of Diamond City, Arkansas, has a vested interest in ensuring that all outstanding liens and assessments continue to be collected after the satisfaction of the Municipal Improvement District #1 loan obligations;

WHEREAS, the loan obligations of the Municipal Improvement District #1 will be satisfied completely in the 4th quarter of 2018. Although all loan obligations of the Municipal Improvement District #1 will be satisfied in full, many properties will continue to have outstanding assessments or liens for delinquent improvement district assessments.

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

Section 1. After all of the Municipal Improvement District #1's loan obligations have been satisfied in full, the City of Diamond City will assume the responsibility and authority to collect all outstanding assessments and liens for delinquent improvement district assessments. This resolution authorizes the City of Diamond City, Arkansas to collect funds to satisfy all outstanding assessments or liens for delinquent improvement district assessments, to place liens on properties in which the assessments have not been paid.

Section 2. Any amounts collected by the City of Diamond City, Arkansas will be deposited into a specific designated account titled Diamond City Municipal Improvement District #1 Fund. The revenues will be dedicated to, and only be used for improving the water

and sewer system, grading, paving and improving streets in subdivisions Kings Row, Campbell Point, Crown Point and acreages in Diamond City.

Section 3. After the starting date of this process the Mayor of the City of Diamond City, Arkansas will cause a quarterly report to be submitted to the City Council accounting for any amounts collected by the City and accounting for all expenditures, including an itemized statement of all purchases and all improvements made to Diamond City streets.

Section 4. That this resolution shall become effective from and after the date of its adoption.

Section 5. 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 6. 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 27 day of November, 2018, in a regular meeting.

Aye 5 Nay _____ Absent 1 Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, acting Mayor

RESOLUTION 23-2018**A RESOLUTION AUTHORIZING THE CITY OF DIAMOND CITY, ARKANSAS TO COLLECT OUTSTANDING LIEN ASSESSMENTS OF THE MUNICIPAL IMPROVEMENT DISTRICT #2**

WHEREAS, the City of Diamond City, Arkansas, has the responsibility to the citizens of the city of Diamond City, Arkansas to provide efficient sewer services; and

WHEREAS, the City of Diamond City, Arkansas, has a vested interest in ensuring that all outstanding liens and assessments continue to be collected after the satisfaction of the Municipal Improvement District #2 loan obligations;

WHEREAS, the loan obligations of the Municipal Improvement District #2 will be satisfied completely in the 4th quarter of 2018. Although all loan obligations of the Municipal Improvement District #2 will be satisfied in full, many properties will continue to have outstanding assessments or liens for delinquent improvement district assessments.

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

Section 1. After all of the Municipal Improvement District #2's loan obligations have been satisfied in full, the City of Diamond City will assume the responsibility and authority to collect all outstanding assessments and liens for delinquent improvement district assessments. This resolution authorizes the City of Diamond City, Arkansas to collect funds to satisfy all outstanding assessments or liens for delinquent improvement district assessments, to place liens on properties in which the assessments have not been paid.

Section 2. Any amounts collected by the City of Diamond City, Arkansas will be deposited into a specific designated account titled Diamond City Municipal Improvement District #2 Fund. The revenues will be dedicated to, and only be used for improving the water

and sewer system, grading, paving and improving streets in subdivisions Gold Coast I & II, Sugarloaf Peninsula and Whitey's Acres I & II in Diamond City.

Section 3. After the starting date of this process the Mayor of the City of Diamond City, Arkansas will cause a quarterly report to be submitted to the City Council accounting for any amounts collected by the City and accounting for all expenditures, including an itemized statement of all purchases and all improvements made to Diamond City streets.

Section 4. That this resolution shall become effective from and after the date of its adoption.

Section 5. 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 6. 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 27 day of November, 2018, in a regular meeting.

Aye 5 Nay _____ Absent 1 Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, acting Mayor

RESOLUTION 24-2018**A RESOLUTION AUTHORIZING THE CITY OF DIAMOND CITY, ARKANSAS TO SHARE THE COST FOR SERVICES PROVIDED BY THE REVENUE DEPARTMENT IN LEAD HILL, ARKANSAS**

WHEREAS, in the past, the City of Diamond City, Arkansas and Lead Hill, Arkansas, entered into an agreement providing that both municipalities would share the costs of the Arkansas Department of Finance and Administration Revenue Office located in Lead Hill, Arkansas;

WHEREAS, it is in the best interest of the citizens of the City of Diamond City, Arkansas, for the City of Diamond City, Arkansas to fulfill its obligation to pay its share of the costs for the Arkansas Department of Finance and Administration Revenue Office located in Lead Hill, Arkansas; and

WHEREAS, it is in the best interest of the City of Diamond City, Arkansas, that the citizens of Diamond City, Arkansas continue to have access to the services provided by the Arkansas Department of Finance and Administration Revenue Office located in Lead Hill, Arkansas;

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

Section 1. The City of Diamond City, Arkansas will assume shared financial responsibility for the cost of the services provided by the Arkansas Department of Finance and Administration Revenue Office located in Lead Hill, Arkansas. This resolution authorizes the Mayor of the City of Diamond City, Arkansas to pay Lead Hill, Arkansas, for Diamond City, Arkansas' share of these costs.

Section 4. That this resolution shall become effective from and after the date of its adoption.

Section 5. 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 6. 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 27 day of November, 2018, in a regular meeting.

Aye (5) Nay _____ Absent (1) Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, Acting Mayor

PAYMENT AGREEMENT

NOVEMBER 2018

This agreement between the City of Lead Hill represented by its current mayor, Joe Inman and the City of Diamond City represented by its current mayor, Troy Burleson both state:

Monthly payments for Revenue Office which is located in the Lead Hill City Hall for rent from January 2015 through September 2018 is currently past due for 45 months @ \$150 per month for a total amount due and payable of \$6,750.

Both parties agree to the following payment plan.

City of Diamond City will make a monthly payment of \$150 per month to the City of Lead Hill to be applied to this back rent beginning October 2018 and continuing until a total of \$6,750 has been paid in full to satisfy this obligation.

City of Lead Hill


Joe Inman, Mayor

11/29
Date

2018

City of Diamond City


Troy Burleson, Mayor

11-5-18
Date

2018

**CITY OF DIAMOND CITY, ARKANSAS
RESOLUTION NO: 25-2018**

**A RESOLUTION BY THE CITY COUNCIL OF DIAMOND CITY, BOONE COUNTY,
ARKANSAS TO RESOLVE PAST DUE WATER ACCOUNTS THAT ARE DECLARED
UNRECOVERABLE**

Whereas, the City of Diamond City has water accounts that are significantly past due from accounts that have been closed but the final bills were not paid; and

Whereas, the cost to pursue legal means to collect these past due accounts would be close to or equal to the amount that needs to be collected from the past due accounts; and

Whereas, the City of Diamond City does not wish to pursue the collection of these accounts because to do so would be cost prohibitive;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DIAMOND CITY DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION I

The below listed accounts are past due with the value of the past due accounts being \$5,099.82.

0874-02	\$216.98	0067-03	\$22.66	1757-00	\$184.70
0435-02	\$274.29	0435-01	\$67.62	0033-00	\$36.00
1744-01	\$49.49	0342-02	\$872.47	1706-00	\$96.12
0501-02	\$55.82	0119-01	\$8.23	1707-00	\$40.00
0503-02	\$87.41	0429-04	\$123.07	0562-00	\$151.84
0209-03	\$44.26	0087-01	\$63.59	0046-00	\$262.26
0565-02	\$714.44	0503-02	\$87.41	1670-00	\$35.98
0209-05	\$30.39	0094-00	\$78.25		
0874-01	\$957.63	1751-00	\$64.74		
0429-05	\$85.85	1759-00	\$64.81	Total	\$5,099.82
0522-01	18.91	0002-03	\$22.11		

SECTION II

As of the date of passage of this Resolution these accounts will be declared unrecoverable and will be "written off" so that the Finance Officer for the City of Diamond City may reconcile the yearly Accounts Receivables for the year of 2017 and 2018.

SECTION III

This resolution and the various parts thereof are hereby declared to be severable. Should any section or subsection be declared by the courts to be unconstitutional or invalid, such decision shall not affect the resolution as a whole, or any portion thereof other than the section or subsection to be declared unconstitutional or invalid.

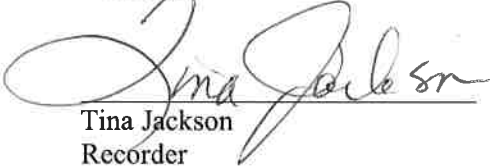
This resolution shall be in full force and effect from and after its passage.

Approved and adopted by roll call vote as follows this 18 day of December, 2018.

Ayes 4 Nays _____ Abstentions _____ Absent 2

We, the undersigned, hereby certify that the foregoing Resolution 25-2018 was duly adopted by the City Council of Diamond City, Arkansas.

ATTEST:


Tina Jackson
Recorder

APPROVED:


Troy Burleson
Mayor

RESOLUTION 26-2018**A RESOLUTION AUTHORIZING THE CITY OF DIAMOND CITY, ARKANSAS TO
PAY CELL PHONE STIPEND TO THE PUBLIC WORKS DIRECTOR**

WHEREAS, the City of Diamond City, Arkansas agrees to pay the Public Works Director a monthly stipend allowance, in lieu of providing the Public Works Director with a city owned cell phone and cell phone service plan; and

WHEREAS, it is in the best interest of the citizens of the City of Diamond City, Arkansas, for the City of Diamond City, Arkansas to offer to pay the Public Works Director a stipend allowance of up to \$35.00 per month in lieu of providing the Public Works Director with a city owned cell phone and cell phone service plan;

WHEREAS, because the cell phone is owned personally by the Public Works Director, the stipend provided is considered taxable income and the Public Works Director may use the phone for both business and personal purposes, as needed. While receiving a cell phone stipend, the Public Works Director must be able to show, if requested by the Mayor or City Council, a copy of the monthly bill or contract confirming that the Public Works Director continues to have personal expenses for the cost of providing cell phone service during the each period the stipend is given. If the Public Works Director terminates the cell phone service and/or contract at any point, she or he must notify the Mayor within five (5) business days to terminate the stipend.

WHEREAS, the Public Works Director should be informed of the potential personal privacy concerns and should be aware that there may be consequences to using privately owned electronic communications equipment (including privately owned cell phones) for work related purposes. By using privately owned equipment for work related purposes, such as work related

text messages or emails, the records of the Public Works Director's privately owned equipment might be subject to disclosure to the public by the Arkansas Freedom of Information Act.

WHEREAS, to receive stipend allowance, the Public Works Director must execute a waiver of his or her right to privacy in anything created, stored, sent, or received on the telecommunications system and an acknowledgment that the Public Works Director understands that any information created, stored, sent, or received on the telecommunications system may be subject to the provisions of the Freedom of Information Act, regardless of whether the information is business-related or personal to the Public Works Director.

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

Section 1. Upon receipt of the above described waiver and acknowledgment ^{from} ~~form~~ the Public Works Director, the City of Diamond City, Arkansas will award a monthly stipend of up to \$35.00 for the cost of the Public Works Director's cell phone and cell phone service provided by the Public Works Director. This resolution authorizes the Mayor of the City of Diamond City, Arkansas to pay the Public Works Director a monthly stipend of up to \$35.00 for the cost of the Public Works Director's cell phone and cell phone service provided by the Public Works Director..

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

Section 5. 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 6. 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.

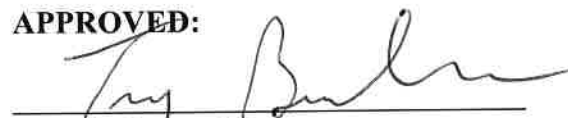
PASSED AND APPROVED this the 18 day of December, 2018, in a regular meeting.

Aye 4 Nay _____ Absent 2 Abstain _____

ATTEST:


Tina Jackson, Recorder

APPROVED:


Troy Burleson, Mayor

WAIVER AND ACKNOWLEDGEMENT

I, Donald E Brown JR Public Works Director for the City of Diamond City, Arkansas, hereby understand and acknowledge that I have agreed to use my privately owned cellular phone for City work related purposes. I understand and acknowledge that because I own the cell phone personally, the stipend provided by the City is considered taxable income and I may use the phone for both business and personal purposes, as needed.

I understand and acknowledge that there are potential personal privacy concerns associated with using my personal cellular phone for City work purposes. I understand and acknowledge that there may be consequences to using privately owned electronic communications equipment (including privately owned cell phones) for work related purposes. I understand and acknowledge that, by using privately owned equipment for work related purposes, such as work related text messages or emails, the records on my privately owned cellular phone might be subject to disclosure to the public by the Arkansas Freedom of Information Act.

I hereby agree to waive my right to privacy in anything created, stored, sent, or received on the cellular telecommunications system that I use for City work purposes and I acknowledge that I understand that any information created, stored, sent, or received on the cellular telecommunications system that I use for City work purposes may be subject to the provisions of the Freedom of Information Act, regardless of whether the information is business-related or personal.

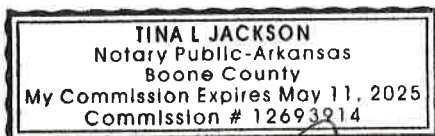
While receiving a cell phone stipend, I further agree to show, if requested by the Mayor or City Council, a copy of the monthly bill or contract confirming that the I continue to have personal expenses for the cost of providing cell phone service during each period the stipend is given. If I terminate the cell phone service and/or contract at any point, I hereby agree to notify the Mayor within five (5) business days to terminate the stipend.

I hereby understand and agree that my execution of this Waiver and Acknowledgment is completely voluntary and that my employment is not contingent, in any way, on the execution of this Waiver and Acknowledgment. I hereby understand that I am only required to execute this Waiver and Acknowledgment if I intend to request that the City pay me the Cell Phone Stipend authorized in Resolution 26-2018. I hereby understand that this Waiver and Acknowledgment is necessary to inform me of my rights and responsibilities concerning the use of a personal cellular phone for City work related purposes.

IN WITNESS WHEREOF, I have executed this Waiver and Acknowledgment effective as of this, the 2 day of January, 2018.

Diamond City Public Works Director

By: Donald E Brown JR



82

RESOLUTION 27-2018

A RESOLUTION TO CONTINUE THE 2018 BUDGET

WHEREAS, the City Council and Mayor of Diamond City needs to further study the budget needs of the City,

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


SECTION 1. That the 2018 budget be continued until such time as a new budget can be developed and adopted for 2019.

SECTION 2. All resolutions and parts of resolutions or any other legislation of the City of Diamond City, Arkansas, in conflict with this resolution are hereby repealed to the extent of such conflict.

SECTION 3. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

PASSED AND APPROVED THIS 18 day of December, 2018

APPROVED:



Troy Burleson, Mayor

ATTEST:



Tina Jackson, City Recorder

RESOLUTION 28-2018

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE MAYOR AND RECORDER TO EXECUTE A LEASE WITH THE SUGARLOAF MARINA AND FOR OTHER PURPOSES;

WHEREAS, the Diamond City Police Department currently owns and operates a Police Boat;

WHEREAS, the Diamond City Police Department has informed the Mayor and the City Council that the Diamond City Police Department could respond to emergencies more quickly and could more effectively use the Police Boat if the Diamond City Police Department were able to store the Police Boat in a boat slip at Sugarloaf Marina;

WHEREAS, the City Council of the City of Diamond City, Arkansas, has determined that it is in the best interest of the citizens of the City of Diamond City Arkansas for the Diamond City Police Department to be able to respond to emergencies as quickly as possible and to be able to effectively use the Police Boat, when necessary;

WHEREAS, the City Council of the City of Diamond City, Arkansas, has determined that it is in the best interest of the citizens of the City of Diamond City Arkansas for the Diamond City Police Department to be able to store the Police Boat in a boat slip at Sugarloaf Marina; and

WHEREAS, Sugarloaf Marina will lease the City of Diamond City, Arkansas a 10'x24' boat slip for a period of one (1) year in exchange for \$1,513.80;

WHEREAS, the City Council of the City of Diamond City, Arkansas, has determined that authorizing the Mayor and Recorder to execute a lease with Sugarloaf Marina for the use of a 10'x24' boat slip in exchange for the sum of \$1,513.80, is in the best interest of the citizens of the City of Diamond City, Arkansas; and

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

Section 1. That the Mayor and Recorder are hereby directed and authorized to execute a Lease with the Sugarloaf Marina, securing usage of a 10'x24' boat slip for the term of one (1) year in exchange for \$1,513.80;

Section 2. That the Mayor shall have the authorization and approval of the Council to negotiate any additional terms necessary;

Section 3. That the Mayor and Recorder are authorized to take such steps as are necessary to execute such Lease and any related documentation as is necessary to obtain for the citizens of Diamond City, Arkansas, the benefits of the Lease.

Section 4. That this resolution shall become effective from and after the date of its adoption.

Section 5. 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.

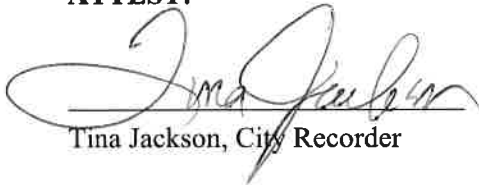
Section 6. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

PASSED AND APPROVED this the 18 day of December, 2018, in
a regular meeting.

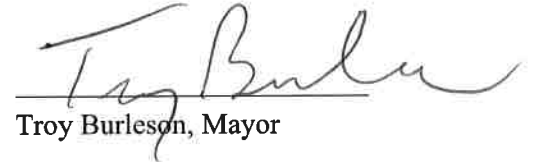
Resolution No. 28-2018

Ayes 4 Nays Abstentions Absent 2

ATTEST:


Tina Jackson, City Recorder

APPROVED:


Troy Burleson, Mayor