

RESOLUTION NO. 2011-20

A RESOLUTION DETERMINING NOT TO ADVANCE THE CITY OF ELKINS, ARKANSAS, TO CITY OF FIRST CLASS STATUS AND TO REMAIN A CITY OF THE SECOND CLASS

WHEREAS, ACA § 14-37-103(a)(1) provides that all municipal corporations having over two thousand five hundred (2500) inhabitants shall be deemed cities of the first class.

WHEREAS, Arkansas Code Annotated §14-37-104(a) and (b) also address the issue that cities with over 2500 inhabitants shall be deemed cities of the first class.

WHEREAS, Arkansas Code Annotated § 14-37-107(c) provides that when a city of the second class becomes a city of the first class the recorder automatically becomes the city clerk when the change in classification occurs.

WHEREAS, many grants available to rural fire departments and communities may not be available to Elkins if the city becomes a city of the first class.

WHEREAS, the 2010 Federal Census determined that the City of Elkins has 2648 inhabitants.

WHEREAS, the State of Arkansas has declared that Elkins now qualifies for the status of city of the first class.

WHEREAS, Arkansas Code Annotated §14-37-114 provides that cities of the first class having a population of less than 5000 inhabitants may be reduced to a city of the second class upon adoption of a resolution requesting such reduction.

BE IT RESOLVED BY THE CITY COUNCIL OF ELKINS, ARKANSAS, That:

Section 1: After considerable investigation, research and discussion the City Council has determined that advancing to the status of a city of the first class is not in the best interest of the City or its citizens at this time, therefore the City of Elkins, Arkansas, shall continue to be a city of the second class despite its increase in population.

Section 2: In the event that the City of Elkins, by virtue of the results of the 2010 Federal Census has already advanced to the status of a city of the first class, then the Council

hereby requests (pursuant to ACA §14-37-114) to have the City's status reduced to that of a city of the second class.

Section 3: Insofar as the timing of the change in status seems to be when the Census shows the increase in inhabitants (ACA §§14-37-103(a)(1) and 14-37-104), with the advice of the city attorney, the current and previous recorder-treasurer have used the title city clerk in the interim awaiting the official recognition by the Governor and Secretary of State, the Council hereby ratifies and affirms all actions taken, all documents signed and all certificates made by Sunny Ledford and Jason Bathon as officials of the City irrespective of the title indicated on such document/certificate.

Section 4: Jason Bathon has been appointed by this council to fill the unexpired term of Sunny Ledford as Recorder/Treasurer of the City of Elkins and all actions taken by him in such office (irrespective of any indicated title) are hereby ratified and affirmed.

PASSED AND APPROVED this 15th day of September, 2011.


L. BRUCE LEDFORD, Mayor

ATTEST:


JASON BATHON, Recorder-Treasurer

State of Arkansas
City of Elkins
I hereby certify that the attached
are true, correct and exact copies of
the original documents on file in my
Office as Recorder/Treasurer of the
City of Elkins, AR. Dated this 15th
Day of September, 2011.

Recorder/Treasurer