

IN THE CIRCUIT COURT OF PHILLIPS COUNTY, ARKANSAS
CIVIL DIVISION

Howard Newsome,
Rev. Cedric Pride, and
Leon Rinke

PLAINTIFFS

vs.

No. CIV -2012- 158-2 At 8:00 O'Clock 9 M

FILED

JUL 11 2012

City of Helena-West Helena;
Honorable Arnell Willis in his official capacity as Mayor
of the City of Helena-West Helena; and
Sandy Ramsey in her official capacity as the City Clerk of the
City of Helena-West Helena

LYNN STILLWELL
PHILLIPS COUNTY CIRCUIT CLERK
By D.C.

DEFENDANTS

COMPLAINT FOR DECLARATORY JUDGMENT AND MANDAMUS

Comes the Plaintiffs Howard Newsome,, Rev. Cedric Pride, and Leon Rinke and for their
Complaint for Declaratory Judgment under Arkansas Code Ann.§16-111 101 et. seq. and -104 as
to municipal ordinances of the City of Helena-West Helena and for a writ of mandamus against
the Defendants, Mayor Arnell Willis and City Clerk Sandi Ramsey under Ark. R. Civ Pro. 78 (d)
and state:

1. The Plaintiffs Howard Newsome, Rev. Cedric Pride, and Leon Rinke are citizens and residents of the City of Helena-West Helena, in Phillips County, Arkansas.
2. That Helena-West Helena, Arkansas is a municipal corporation existing under the laws of the State of Arkansas.
3. Effective Dec. 31, 2005 the City of Helena-West Helena was merged from the consolidation of the City of Helena and the City of West Helena.
4. Existing city ordinances were codified by the Arkansas Municipal League and adopted by the new city council of Helena-West Helena with Ordinance 01-2006. Exhibit A.
5. That Arnell Willis is the duly elected mayor and chief executive officer for the City of



Helena-West Helena, Arkansas.

6. Sandy Ramsey is the duly elected city clerk for the City of Helena-West Helena, Arkansas.

7. That Arkansas Statute Code Ann. §14-42-206(b) governs municipal elections. (See Attached Exhibit B)

8. There exists a provision for changing the filing period for a municipal elections under 14-42-206(d)(1)(a). For the change to occur, the Ordinance must be enacted no later than 90 days prior the filing deadline according to Arkansas Code Ann. §14-42-206(d)(2)(a) and under subsection (b) that the ordinance shall be published at least 1 time a week for 2 consecutive weeks immediately following the adoption of the ordinance in a newspaper having a general circulation in the city.

9. Some citizens are attempting to use Ordinance 21-2010, which allowed for revised codification of existing ordinances as a basis for a change in the municipal office holder filing period. (See Ex. C)

10. Individuals for the 2012 municipal election presented to the Phillips County Clerk a purported City Ordinances codified as Section 2.3801. Candidates for the office. Independent candidates for the municipal office who shall be electors of the ward or the city as required by state law, shall file petitions for nomination of independent candidates with the county clerk (1) and no earlier than 20 days prior to the preferential primary election; and no later than 12:00 noon on the day before the preferential primary election. (See Attached Exhibit D)

11. No Ordinance has been passed by the city of Helena-West Helena to lawfully change the filing period.

12. There exist uncertainty and insecurity for the electors and potential municipal

candidates as to their right to elect the candidate of their choice and right to file for election to municipal office in Helena-West Helena.

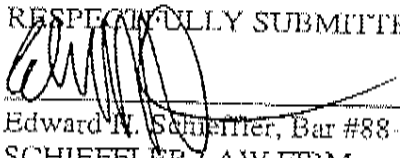
13. That the proper filing period should be determined to start July 27, 2012.

14. That due to the approaching filing deadline an emergency exists and under Rule 78 of Arkansas Rules of Civil Procedure a hearing shall be held within 7 days.

WHEREFORE, Plaintiffs pray that the court enter a Declaratory Judgment that the filing period for municipal offices for the City of Helena-West Helena, are as set out in 14-42-206(b), that the filing period starts July 27, 2012, and that the city official be mandated to notify the election officials of the proper filing date and see that all citizens have access to filing for any municipal office and for all other relief that they may be entitled to including attorney fees and costs.

Plaintiffs
Howard Newsome,
Rev. Cedric Pride
Leon Rinke

RESPECTFULLY SUBMITTED



Edward N. Schieffler, Bar #88-159
SCHIEFFLER LAW FIRM
PO Box 2309
West Helena, AR 72390
Main (870) 572-2161
Fax (870) 572-2513

STATE OF ARKANSAS

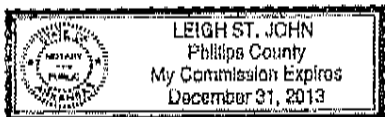
COUNTY OF PHILLIPS

VERIFICATION

Comes Howard Newsome and states on oath that the facts as set forth in the above and foregoing Complaint are true and correct to the best of his knowledge and belief.

Howard Newsome
Howard Newsome

Subscribed and sworn to before me this 6 day of July, 2012.



Leigh St. John
NOTARY PUBLIC
My Commission expires: 12-31-2013

STATE OF ARKANSAS

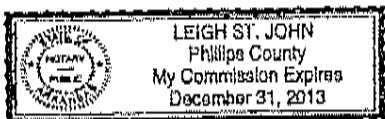
COUNTY OF PHILLIPS

VERIFICATION

Comes Rev. Cedric Pride and states on oath that the facts as set forth in the above and foregoing Complaint are true and correct to the best of his knowledge and belief.

Rev. Cedric Pride
Rev. Cedric Price Pride

Subscribed and sworn to before me this 6th day of July, 2012.



Leigh St. John
NOTARY PUBLIC
My Commission expires: 12-31-2013

STATE OF ARKANSAS

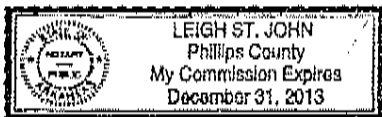
COUNTY OF PHILLIPS

VERIFICATION

Comes Leon Rinke and states on oath that the facts as set forth in the above and foregoing Complaint are true and correct to the best of his knowledge and belief.

Leon Rinke
Leon Rinke

Subscribed and sworn to before me this 06 day of JULY, 2012.



Leigh St. John
NOTARY PUBLIC
My Commission expires: 12-31-2013

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1-1-00

EAA

ORDINANCE NO. 01-2006

AN ORDINANCE ADOPTING AND ENACTING A
NEW MUNICIPAL CODE OF ORDINANCES OF
THE CITY OF HELENA-WEST HELENA,
ARKANSAS, ESTABLISHING THE SAME; PROVIDING
FOR THE REPEAL OF CERTAIN ORDINANCES NOT
INCLUDED THEREIN, EXCEPT AS HEREIN
EXPRESSLY PROVIDED; PROVIDING FOR THE
EFFECTIVE DATE OF SUCH CODE AND A PENALTY
FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE
MANNER OF AMENDING SUCH CODE; PROVIDING FOR THE
EFFECTIVE DATE OF THIS ORDINANCE, AND FOR OTHER
PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA-
WEST HELENA ARKANSAS.

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Helena-
West Helena Municipal Code." Such code shall be treated and considered as a new and original
comprehensive ordinance which shall supersede all other general and permanent ordinances
passed by the City Council on or before January 1, 2006, to the extent provided in Section 2
hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after
the first day of January, 2006. All ordinances of a general and permanent nature not specifically
included in such code are hereby repealed from and after the first day of January, 2006, except as
herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the
following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred or any
contract or right established or accruing before the effective date of such code;
- B. Any ordinance promising or guaranteeing the payment of money for the city or
authorizing the issuance of any bonds of the city or any evidence of the city's
indebtedness;
- C. Any contract or obligation assumed by the city;

- D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- E. Any appropriation ordinance;
- F. Any ordinance which, by its own terms, is effective only for a stated or limited time;
- G. Any ordinance providing for local improvements and assessing taxes therefor;
- H. Any ordinance dedicating or accepting any subdivision plat; or
- I. Any ordinance enacted after January 1, 2006.

Section 4. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 5. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Helena-West Helena Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

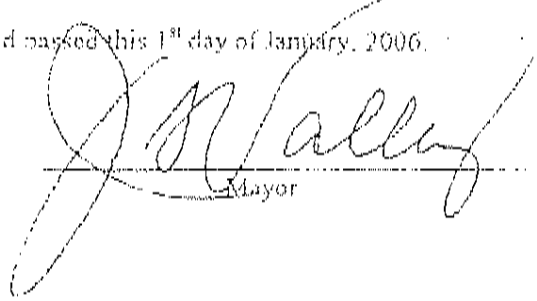
Section 7. That three copies of such code shall be kept on file in the office of the City Clerk preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by the City Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city of Helena-West Helena to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith and, to the extent of such conflict, hereby repealed.

Section 10. It is hereby found that the consolidation of the former cities of Helena, Arkansas, and West Helena, Arkansas, has created a potentially confusing and contradictory situation with regard to the new, consolidated city of Helena-West Helena, Arkansas, and its employees, officers, offices, and departments. Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Approved and passed this 1st day of January, 2006.



Mayor

(SEAL)

ATTEST:



Recorder/Treasurer

14-02-501

LOCAL GOVERNMENT

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14-02-501. Election of municipal officers generally.

(a) The general election for the election of municipal officials in all cities and incorporated towns shall be held on the Tuesday following the first Monday in November.

(b) All municipal officials of the cities and towns of the State of Arkansas shall take office January 1 of the year following their election. In addition to other residency requirements imposed by state law for municipal office holders, candidates for the positions of mayor, clerk, recorder or treasurer must reside within the corporate municipal limits at the time they file as candidates and must continue to reside within the corporate limits to retain elective office.

(c) In cities of the first class and cities of the second class, candidates for a position of alderman shall reside within the corporate limits and shall, respectively wards at the time they file as candidates for alderman and when holding that office.

History: Acts 1949, No. 597, § 1-3; Acts 1967, § 12-021 — 19-028, Acts 1968, No. 556, § 1; 1993, No. 671, § 1; 1998, No. 642, § 1; 2001, No. 1439, § 1. Former subsection (c) was repealed prior to the 2001 amendment. Bellfisher's Votes, Subsection (d) was

14-02-503. Special elections of city mayors.

(a) Special elections of mayors of cities of the first class and cities of the second class shall be held at such time and place as the council directs in accordance with § 7-11-101 et seq.

(b) In all cities there shall be a place appointed in each ward for holding elections, except in cities of the second class electing their aldermen citywide, where there may be one (1) public place only for holding elections.

(c) Any person who, at the time of the election of municipal officers, is a qualified elector and registered to vote in the city precinct where he or she resides shall be deemed a qualified elector.

(d) All elections shall be held and conducted in the manner prescribed by law for holding state and county elections, so far as the laws may be applicable.

History: Acts 1975, 1st 1st 7, § 1; C. S. M. Dir., § 7515, Acts 1957, No. 295, § 1; Pipes Dir., § 4574, Acts 1958, No. 118, § 1; 1960, No. 402, § 1; A.S.A. 1947, § 19-022, Acts 1997, No. 645, § 2; 2005, No. 9145, § 20; 2007, No. 1049, § 44; 2009, No. 1450, § 82.

14-02-505. Municipal elections — Nominating petitions.

(A) The city or town council of any city or town with the mayor-council form of government, by resolution passed before January 1 of the year of the election, may request the county party committees of

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GOVERNMENT OF MUNICIPALITIES GENERALLY 14-02-506

recognized political parties under the laws of the state to conduct party primaries for municipal offices for the forthcoming year.

(2) The resolution shall remain in effect for the subsequent elections unless revoked by the city or town council.

(3) When the resolution has been adopted, the clerk or recorder shall mail a certified copy of the resolution to the chairs of the county party committees and to the chairs of the state party committees.

(4) Candidates nominated for municipal office by political primaries under this section shall be certified by the county party committees to the county board of election commissioners and shall be placed on the ballot at the general election.

(5) Any person desiring to become an independent candidate for municipal office in cities and towns with the mayor-council form of government shall file not more than ninety (90) nor less than seventy (70) days prior to the general election by 12:00 noon with the county clerk the petition of nomination in substantially the following forms:

(A) For all candidates except aldermen in cities of the first class and cities of the second class.

PETITION OF NOMINATION

We, the undersigned qualified electors of the city (town) of _____ Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of _____ be placed on the ballot for the office of _____ at the next election of municipal officials in 20 _____.

Printed Name _____ Signature _____ Street Address _____ Date of Birth _____ Date of Signing _____

(B) For candidates for alderman elected by ward in cities of the first class and cities of the second class, the nominating petitions shall be signed only by qualified electors of the ward in the following manner:

PETITION OF NOMINATION

We, the undersigned qualified electors of Ward _____ of the city of _____ Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of _____ be placed on the ballot for the office of Alderman, Ward _____, position _____ of the next election of municipal officials in 20 _____.

Printed Name _____ Signature _____ Street Address _____ Date of Birth _____ Date of Signing _____

EXB

14-02-208

LOCAL GOVERNMENT

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(C) For at-large candidates for alderman of a ward in cities of the first class and cities of the second class, the nominating petitions shall be signed by any qualified elector of the city in the following manner:

"PETITION OF NOMINATION"

We, the undersigned qualified electors of the city of _____, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the second (2nd) class, and not less than thirty (30) for cities of the first (1st) class, do hereby petition that the name of _____ be placed on the ballot for the office of Alderman, Ward _____, position _____ of the next election of municipal officials in 20 _____.

Filed _____ Signature _____ Street Address _____ Date of _____ Date of _____
Name _____ Birth _____ Signing _____

(2)(A) An independent candidate for municipal office may qualify by a petition of not fewer than ten (10) electors for incorporated towns and cities of the second class and not fewer than thirty (30) electors for cities of the first class of the ward or city in which the election is to be held.

(B) The county clerk shall determine within ten (10) days of filing whether the petition contains the names of a sufficient number of qualified electors.

(C) The county clerk promptly shall notify the candidate of the result.

(3) Independent candidates for municipal office shall file a political practices pledge and an affidavit of eligibility at the time of filing their petitions.

(4)(A) An independent candidate shall state the position, including the position number, if any, on his or her petition.

(B) When a candidate has identified the position sought on the notice of candidacy, the candidate shall not be allowed to change the position but may withdraw a notice of candidacy and file a new notice of candidacy designating a different position before the deadline for filing.

(5) The sufficiency of a petition filed under this section may be challenged in the same manner as election contests under § 7-5-801 et seq.

(6) A person who has been defeated in a party primary shall not file as an independent candidate in the general election for the office for which he or she was defeated in the party primary.

(7)(A) If no candidate receives a majority of the votes cast in the general election, the two (2) candidates receiving the highest number of votes cast for the office to be filled shall be the nominees for the respective offices, to be voted upon in a runoff election pursuant to § 7-5-108.

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GOVERNMENT OF MUNICIPALITIES GENERALLY 14-02-208

(B) In any case, except for the office of mayor, in which only one (1) candidate has filed and qualified for the office, the candidate shall be declared elected and the name of the person shall be certified as elected without the necessity of putting the person's name on the general election ballot for the office.

(2) If the office of mayor is unopposed, then the candidate for mayor shall be printed on the general election ballot and the votes for mayor shall be tabulated as in all contested races.

(d)(1)(A) The governing body of any city of the first class, city of the second class, or incorporated town may enact an ordinance requiring independent candidates for municipal office to file petitions for nomination as independent candidates with the county clerk:

(i) No earlier than twenty (20) days prior to the preferential primary election; and

(ii) No later than 12:00 noon on the day before the preferential primary election.

(B) The governing body may establish this filing deadline for municipal offices even if the municipal offices are all independent or otherwise nonpartisan.

(2)(A) The ordinance shall be enacted no later than ninety (90) days prior to the filing deadline.

(B) The ordinance shall be published at least one (1) time a week for two (2) consecutive weeks immediately following adoption of the ordinance in a newspaper having a general circulation in the city.

(e) Nothing in this section shall repeal any law pertaining to the city administrator's form of government or the city manager form of government.

(f) This section does not apply in any respect to the election of district judges.

History: Acts 1991, No. 59, §§ 2, 3; No. 430, §§ 2, 3; 1995, No. 37, § 1; No. 685, § 1; 1997, No. 645, § 2; 1999, No. 752, § 1; 2001, No. 1789, § 3; 2003, No. 542, § 3; No. 1084, § 1; No. 1165, § 10; No. 1185, § 24; 2007, No. 1020, § 21, No. 1049, § 45; 2008, No. 1450, § 63.

A.C.R.C. Notes: Pursuant to § 1-2-207, subsection (b)(1) is set out as amended by Acts 2007, No. 1649. The introductory language of Subdivision (b)(1) was also amended by Acts 2007, No. 149, to read as follows:

"(b)(1) Any person desiring to become an independent candidate for municipal offices in cities and towns with the mayor-council form of government shall file not more than eighty (80) days not less than sixty (60) days prior to the general election by 12:00 noon with the county clerk the petition of nomination in substantially the following form:"

Amendments: The 2007 amendment by No. 149 substituted "not more than eighty (80) days" for "not more than sixty (60) days" in the introductory paragraph of (b)(1); substituted "at the time of filing their petitions" for "no later than sixty (60) days prior to the date of the general election by 12:00 noon" in (b)(3); and deleted former (d) and redesignated the remaining subsections accordingly.

CITY OF HELENA WEST HELENA 2 FEB 16 2010 5:14 PM
HELENA WEST HELENA ARKANSAS Codification
14/54

Feb 12, 2010 51

ORDINANCE NO. 21 2010

AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF HELENA-WEST HELENA, ARKANSAS, ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA-WEST HELENA ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Helena- West Helena Municipal Code." Such code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before February 16, 2010, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after February 16, 2010. All ordinances of a general and permanent nature not specifically included in such code are hereby repealed from and after February 16, 2010, except as herein provided. No resolution of the city, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- A. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code;
- B. Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- C. Any contract or obligation assumed by the city;
- D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- E. Any appropriation ordinance;

CITY OF HELENA WEST HELENA 2 FEB 12, 2010 5 HELENA WEST HELENA Ordinance Of

- F. Any ordinance which, by its own terms, is effective only for a stated or limited time;
- G. Any ordinance providing for local improvements and assessing taxes therefor;
- H. Any ordinance dedicating or accepting any subdivision plat; or
- I. Any ordinance enacted after January 1, 2009.

Section 4. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 5. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Helena-West Helena Municipal Code shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That three copies of such code shall be kept on file in the office of the City Clerk preserved in looseleaf form or in such other form as the City Council may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by the City Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Council. These copies of such code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city of Helena-West Helena to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. It is hereby found that the ordinances of the City of Helena-West Helena are not easily accessible to citizens and municipals officials and thereby has rendered it difficult for many persons to determine the actual laws in effect; and that the city has made unusual efforts to have the laws of the City of Helena-West Helena adopted and published. Therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health and safety, shall be in

CITY OF WEST HELENA, AR. FEB 12, 2010 5 Helena West Helena Ordinance 16/54

Feb 12, 2010

Approved and Passed this August 17, 2010

[Handwritten Signature]
Mayor

(SEAL)

ATTEST: *[Handwritten Signature]*

Recorder/Treasurer

#21-2010
8-17-10
EX1

FILED AT _____ O'CLOCK _____ M

MAY 21 2012

LINDA WHITE, COUNTY & PROBATE CLERK

CHAPTER 2.36

CITY ATTORNEY

Sections:

- 2.36.01 Election
- 2.36.02 Duties
- 2.36.03 Salary
- 2.36.04 Retirement benefits

2.36.01 Election The City Attorney of the city of Helena-West Helena, Arkansas, shall be elected at the November, 2006 General Election and every four (4) years thereafter.

REFERENCE: A.C.A 14-43-315

2.36.02 Duties It shall be the duty of the City Attorney to prosecute all cases in the District Court for violation of the city's ordinances, to advise the city on legal matters, to prepare legal papers and documents and to prosecute and defend, as the case may require, for the city, all cases in which the city may be interested, whether civil or criminal, in all courts, state and federal.

2.36.03 Salary The salary of the City Attorney shall be established by the City Council.

REFERENCE: A.C.A. 14-43-410; 14-43-315, West Helena Ord. No. 1477

CHAPTER 2.38

ELECTIONS

Sections:

- 2.38.01 Candidates for Office

2.38.01 Candidates for Office Independent candidates for municipal office, who shall be qualified electors of the ward or the city as required by state law, shall file petitions for nomination as independent candidates with the county clerk:

- (i) No earlier than twenty (20) days prior to the preferential primary election; and
- (ii) No later than 12:00 noon on the day before the preferential primary election.

REFERENCE: A.C.A. 14-42-206(d)(1)(A)

2.36.04 Retirement benefit In compliance with Arkansas Code Annotated § 24-12-120, any person who shall serve as city attorney of the city for a period of not less than ten (10) years, upon reaching age sixty (60), or any person who shall serve as a city attorney for a period of not less than twenty (20) years, without regard to age, shall be entitled to retire at an annual retirement benefit during the remainder of his or her natural life, payable at the rate of one-half (1/2) of the salary payable to the city attorney at the time of his or her retirement.

All payments of retirement benefits under this section shall be payable monthly and shall be paid from the general funds of the city.

Any person who shall serve as city attorney shall have the opportunity to opt out of retirement benefits to the extent provided by state law.

REFERENCE: A.C.A. 24-12-120; 24-4-303.

CHAPTER 2.40

FIRE DEPARTMENT

Sections:

- 2.40.01 Established
- 2.40.02 Appointment of Fire Chief
- 2.40.03 Duties of Fire Chief
- 2.40.04 Training of firemen
- 2.40.05 Registration of volunteer firefighters
- 2.40.06 Firefighters' Pension and Relief Fund
- 2.40.07 Taxes to support Pension and Relief Fund
- 2.40.08 LOPFI

2.40.01 Established There shall be a Fire Department for the city of Helena-West Helena.

REFERENCE: A.C.A. 14-42-110.

2.40.02 Appointment of Fire Chief There shall be one Fire Chief for the Fire Department who shall be the Department Head and shall be appointed in accordance with state law.

2.40.03 Duties of Fire Chief The Fire Chief shall be the head of the department and shall be fully responsible for the operation and the equipment of the department. It shall be his duty to determine all matters in connection with the operation of the department except the expenditure of city funds.