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**GENERAL INVESTIGATING
& ETHICS COMMITTEE**

RECEIVED

JUN 07 2010

OPINION COMMITTEE

June 7, 2010

RQ - 0892 - 8A
FILE # ML-46473-10
I.D. # 46473

The Honorable Greg Abbott
Attorney General of Texas
ATTN: Opinion Committee
Price Daniel Building
Austin, Texas 78701

Request for an Opinion: Whether the elected position as councilmember of the City Council of the City of Texarkana, Texas, is incompatible with the municipal employment position of firefighter in the City of Texarkana, Arkansas, because ordinances enacted by the Arkansas city which establish parity pay for its fire department employees to equal yearly base pay approved by the City of Texarkana, Texas, for Texas fire department employees.

Dear General Abbott:

As Chairman of the House Committee on General Investigating and Ethics, I respectfully request an opinion from you about the following issue:

Pursuant to the common-law self-employment incompatibility doctrine, is the elected position of councilmember of the City Council of the City of Texarkana, Texas, incompatible with the municipal employment position of firefighter of the city of Texarkana, Arkansas, because of ordinances enacted by the Arkansas city establishing parity pay for its fire department employees to equal yearly base pay approved by the City of Texarkana, Texas, for its fire department employees?

Josh Davis is a resident of the City of Texarkana, Texas. He is a firefighter employed by the City of Texarkana, Arkansas, in that city's fire department. On May 8, 2010, Josh Davis was elected to the City Council of the City of Texarkana, Texas.

In 1996, the voters of the City of Texarkana, Arkansas, approved a specific tax levy for base pay parity between the fire departments of Texarkana, Arkansas and Texarkana, Texas. The Board of Directors for the City of Texarkana, Arkansas (i.e., the governing body of the Arkansas city) has enacted multiple ordinances dealing with this parity pay. [See attached ordinances K-598, K-601, L-234, L-236.]

Paul Hanna, Chief Committee Clerk
Cheryl Lively, Assistant Committee Clerk
P.O. Box 2910 • Austin, Texas • 78768-2910
(512) 463-0592

June 7, 2010

Page 2

Ordinance L-236 defines parity in this context: "the yearly base pay for each member of the Texarkana, Arkansas Fire Department is equal to the yearly base pay of their Texarkana, Texas Fire Department counterparts." That ordinance also provides various formulas for achieving parity in the Arkansas city fire department employees' salaries based upon municipal fund balance levels.

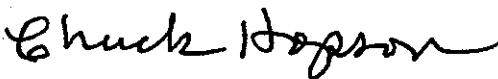
Consistent with Texas Attorney General Opinions GA-0031 (2003) and DM-267 (1993), it is presumed that the City of Texarkana, Arkansas, would not be deemed a 'business entity' within Local Government Code Chapter 171, and therefore Chapter 171 would not be applicable to the issue presented. If, however, in your opinion, Chapter 171 would be applicable, then please address that issue. DM-267 left open the issue of the common-law doctrine of incompatibility. Mr. Davis has stated publicly he will abstain from voting on any budget item dealing with fire department salaries because of the parity pay ordinances of Texarkana, Arkansas. (See attached May 9, 2010, news article from the *Texarkana Gazette*.) However, abstention on a matter which gives rise to incompatibility does not remedy such incompatibility.

The Office of Attorney General has frequently held that the "self-employment" portion of the common-law doctrine of incompatibility prohibits "an individual from holding an office and at the same time holding an employment that is subordinate to the office." [Letter Opinion No. 94-070, 1994; Attorney General Opinion DM-55, 1991]

Letter Opinion No. 97-034 makes clear that an employee of a municipal fire department may not simultaneously serve as a city commissioner of the same municipality. If Mr. Davis was a firefighter employed by the City of Texarkana, Texas, prior Attorney General opinions make clear while he could become a candidate for the City Council of the City of Texarkana, Texas, without resigning his municipal employment, he could not simultaneously serve as both a municipal employee and a councilmember. It makes sense, both from legal and public policy perspectives, that a municipal employee cannot hold a municipal office which would allow him to vote for a raise of his own municipal salary.

With the parity pay ordinances enacted by the City of Texarkana, Arkansas, a councilmember of the City of Texarkana, Texas is in a position to vote for an increase in the salary of the Arkansas city's fire department employees when approving salary increases for the Texas city's fire department employees. Because of the Arkansas city's parity pay ordinances, is Mr. Davis' elected position as councilmember of the City Council of the City of Texarkana, Texas, incompatible with his employment position as firefighter with the City of Texarkana, Arkansas, under the common-law self-employment incompatibility doctrine? Under the circumstances presented, does Texas law require Mr. Davis to choose between his elected Texas position and his Arkansas municipal employment?

I respectfully request an opinion from you regarding this issue.



Chuck Hopson
State Representative
District 11

Enclosures

ORDINANCE NO. K-598**AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE-FOURTH OF ONE PERCENT (¼%) SALES AND USE TAX WITHIN THE CITY OF TEXARKANA, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

WHEREAS, electors of the City of Texarkana, Arkansas, pursuant to the provisions of *Arkansas Code Annotated* §26-75-213, have filed petitions requesting the levy of a one-fourth of one percent (¼%) sales and use tax within the City of Texarkana, Arkansas, for the purpose of Texarkana, Arkansas, Fire Department salary increases and maintaining base pay parity between the fire departments of Texarkana, Arkansas, and Texarkana, Texas; any excess funds generated by such tax shall fund, equally, each year (a) the Texarkana, Arkansas, Fire Department Pension Fund and (b) a Public fire Prevention Education Program within the public schools and low income families to be operated and maintained by an independent board of the Texarkana, Arkansas Firefighters Association;

WHEREAS, said petitions have been filed with and verified by the City Clerk as containing the signatures of at least fifteen percent (15%) of the electors of the City as determined by the total number of votes cast for all candidates for Mayor of the City at the last preceding general election;

WHEREAS, under the circumstances described above, *Arkansas Code Annotated* §26-75-213 obligates the governing body of the City to levy the sales and use tax sought in said petitions and to call a special election to approve such levy;

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

Section 1: Under the authority of *Arkansas Code Annotated* §26-75-218, there is hereby levied a one-fourth of one percent (¼%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. §26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use or other consumption within the City of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §26-53-101, et seq.), at a rate of one-fourth of one percent (¼%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only on the first \$2,500 for each single transaction.

Section 2: "Single transaction" is defined according to the nature of the goods purchased as follows:

A. When two or more devices in which, upon which, or by which any person or property is, or may be, transported or drawn, including but not limited to, on-road vehicles, whether required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles and mobile homes, are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of the Sales and Use Tax.

B. The charges for utility services, which are subject to the Sales and Use Tax, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly, or annually, for the purposes of the Sales and Use Tax, shall be computed in daily increments, and each such daily

charge increment shall be considered to be a single transaction for the purposes of the Sales and Use Tax.

C. For sales of building materials and supplies to contractors, builders, or other persons, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the State of Arkansas.

D. When two or more items of major household appliances, commercial appliances, major equipment, and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Sales and Use Tax.

E. For drug items, dry goods, and other tangible personal property and/or services not otherwise expressly covered in this Section, a single transaction shall be deemed to be any single sale which is reflected on a single invoice, receipt, or statement, on which an aggregate sales tax figure has been reported and remitted to the State of Arkansas.

Section 3: That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: That this Ordinance shall not take effect until an election is held on the question of levying the Sales and Use Tax at which a majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax.

PASSED AND APPROVED this 16th day of September, 1996.


Danny Gray, Mayor

ORDINANCE NO. K-601**AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF TEXARKANA, ARKANSAS, ON THE QUESTION OF LEVYING A ONE-FOURTH OF ONE PERCENT (¼%) SALES AND USE TAX WITHIN THE CITY OF TEXARKANA, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY**

WHEREAS, electors of the City of Texarkana, Arkansas, pursuant to the provisions of *Arkansas Code Annotated* §26-75-213, have filed petitions requesting the levy of a one-fourth of one percent (¼%) sales and use tax within the City of Texarkana, Arkansas, for the purpose of Texarkana, Arkansas, Fire Department salary increases and maintaining base pay parity between the fire departments of Texarkana, Arkansas, and Texarkana, Texas; any excess funds generated by such tax shall fund, equally, each year (a) the Texarkana, Arkansas, Fire Department Pension Fund and (b) a Public fire Prevention Education Program within the public schools and low income families to be operated and maintained by an independent board of the Texarkana, Arkansas, Firefighters Association;

WHEREAS, said petitions have been filed with and verified by the City Clerk as containing the signatures of at least fifteen percent (15%) of the electors of the City as determined by the total number of votes cast for all candidates for Mayor of the City at the last preceding general election;

WHEREAS, under the circumstances described above, *Arkansas Code Annotated* §26-75-213 obligates the governing body of the City to levy the sales

and use tax sought in said petitions and to call a special election to approve such levy:

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

Section 1: That there be, and there is hereby called, a special election to be held on November 5, 1996, at which election there shall be submitted to the electors of the City the question of the levy of said Sales and Use Tax.

Section 2: That the question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

Vote on measure by placing and "X" in the square opposite the measure either for or against:
FOR adoption of a 1% local sales and use tax within the City of Texarkana, Arkansas, for the purpose of Texarkana, Arkansas, Fire Department salary increases, and maintaining base pay parity between the fire departments of Texarkana, Arkansas, and Texarkana, Texas. Any excess funds generated by such tax shall fund, equally, each year (a) the Texarkana, Arkansas, Fire Department Pension Fund; and (b) a Public Fire Prevention Education Program within the public schools and low income families to be operated and maintained by an independent board of the Texarkana, Arkansas, Firefighters Association.....
AGAINST adoption of a 1% local sales and use tax within the City of Texarkana, Arkansas, for the purpose of Texarkana, Arkansas, Fire Department salary increases, and maintaining base pay parity between the fire departments of Texarkana, Arkansas, and Texarkana, Texas. Any excess fund generated by such tax shall fund, equally, each year (a) the Texarkana, Arkansas, Fire Department Pension Fund; and (b) a Public Fire Prevention Education Program within the public schools and low income families to be operated and maintained by an independent board of the Texarkana, Arkansas, Firefighters Association.....

Section 3: That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Authorizing

Legislation") and only qualified voters of the City shall have the right to vote at the election.

Section 4: That the results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper published in the City and having a general circulation therein, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attached in the courts within thirty days after the date of publication.

Section 5: That a copy of this Ordinance shall be given to the Miller County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 6: That the Mayor and City Board of Directors, for and on behalf of the City be, and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected in accordance with the Authorizing Legislation, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 7: That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: It is hereby ascertained and declared that there is a great need to establish a stable source of revenue to finance vital municipal services in order to promote and protect the health, safety, and welfare of the City and its inhabitants. It is, therefore, declared that an emergency exists, and this Ordinance being necessary for the immediate preservation of public peace,

health, and safety shall be in force and take effect immediately from and after its passage.

PASSED AND APPROVED this 17th day of September, 1996.



Danny Gray, Mayor

ATTEST:



Sandra Powell, City Clerk

APPROVED:

Ned A. Stewart, Jr., City Attorney

ORDINANCE NO. L-234**AN ORDINANCE TO ESTABLISH PARITY
PAY RULES AND TO REGAIN AND
MAINTAIN PARITY PAY FOR THE
TEXARKANA, ARKANSAS FIRE
DEPARTMENT**

WHEREAS, the Board of Directors of the City of Texarkana, Arkansas, desire to establish parity pay rules and to regain and maintain parity pay for the Texarkana, Arkansas Fire Department to better effectuate the 1/2-cent sales and use tax increase for the purpose of Texarkana, Arkansas Fire Department salary increases, and maintaining base pay parity between the fire departments of Texarkana, Arkansas, and Texarkana, Texas, approved by the voters of Texarkana, Arkansas, at the special election held on November 5, 1996; and

WHEREAS, the board of Directors has consulted with the Fire Department and a mutually satisfactory agreement has been reached in this connection;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas, that the following definitions and rules are enacted to carry out the purpose stated above:

Section 1. Definitions:

A. Parity—the yearly base pay for each member of the Texarkana, Arkansas Fire Department is equal to the yearly base pay of their Texarkana, Texas Fire Department counterparts.

B. Cost of Parity—The amount of money it takes to pay for the increase in base pay, together with all increases in employer contributions related to such base pay increases, i.e., Workers Compensation, Holiday Pay, Medicare, and retirement.

Section 2. Rules:

A. Parity pay sales tax funds can be used to fund all pay increases of civil service employees of the City's Fire Department without regard to pay increases the City might give to its non-civil service employees.

B. For all new civil service employees of the City, no cost of such employees' base pay shall apply to the cost of parity pay during such employees' first year of employment.

C. Any years that parity pay sales tax funds exceed the funds necessary to pay for parity, parity will be met.

D. Any years that parity pay sales tax funds are insufficient to pay for parity and the City's unappropriated fund balance is less than 15%, civil service employees of the City will receive an increase of at least 3% towards parity.

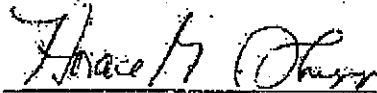
E. Any years that the City of Texarkana, Arkansas's unappropriated fund balance is more than 15% and parity is not being met, civil service employees of the City will receive the greater of a 4% increase or 1% higher than the increase given to the Texarkana, Texas, counterparts of such employees.

F. If the civil service employees of the City's Police Department are given parity with their Texarkana, Texas, counterparts in a given year, the civil service employees of the City's Fire Department will be given parity that same year.

G. This agreement is conditioned on adoption of financial policies not related to parity pay by the Board of Directors. These policies would begin the process of rebuilding the City's General Fund unappropriated balance to a minimum of 15% of the budgeted expenses. For example, if the City should consider a policy that would limit the rate of growth in expenditures to 4-5%.

H. If the City has not achieved an unrestricted general fund balance of 15% at the end of a five-year period, then the City agrees to meet with the City's civil service employees to discuss how to achieve parity.

PASSED AND APPROVED this 21st day of November, 2005.



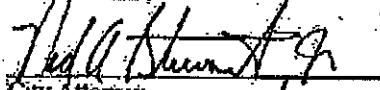
Horace G. Shipp, Mayor

ATTEST:



Patti Scott Grey, City Clerk

APPROVED:



City Attorney

ORDINANCE NO. L-236**AN ORDINANCE TO AMEND
ORDINANCE L-234 TO ESTABLISH
REVISED PARITY PAY RULES AND
TO REGAIN AND MAINTAIN PARITY
PAY FOR THE TEXARKANA,
ARKANSAS FIRE DEPARTMENT; FOR
DECLARING AN EMERGENCY; AND
FOR OTHER PURPOSES.**

WHEREAS, the Board of Directors of the City of Texarkana, Arkansas, desire to establish parity pay rules and to regain and maintain parity pay for the Texarkana, Arkansas Fire Department to better effectuate the ¼-cent sales and use tax increase for the purpose of Texarkana, Arkansas Fire Department salary increases, and maintaining base pay parity between the fire departments of Texarkana, Arkansas, and Texarkana, Texas, approved by the voters of Texarkana, Arkansas, at the special election held on November 5, 1996; and

WHEREAS, the Board of Directors has consulted with the Fire Department and a mutually satisfactory agreement has been reached in this connection;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas, that ordinance L-234 is amended, and that the following revised definitions and rules are enacted to carry out the purpose stated above:

Section 1. Definitions:

- A. Parity—the yearly base pay for each member of the Texarkana, Arkansas Fire Department is equal to the yearly base pay of their Texarkana, Texas Fire Department counterparts.
- B. Cost of Parity—The amount of money it takes to pay for the increase in base pay, and the incremental increases in benefits, that causes increases in employer contributions related to such base pay increases, i.e., Workers Compensation, Holiday Pay, Medicare, and retirement.

Section 2. Rules:

- A. The City shall fund parity raises for the members of the Texarkana, Arkansas Fire Department from the Texarkana, Arkansas Fire Department parity tax revenues, general revenues, or both.
- B. For a new employee of the Texarkana, Arkansas Fire Department no cost of the employee's base pay shall apply to the cost of parity pay during their first year of employment.
- C. Any years that the Texarkana, Arkansas Fire Department Parity Pay Tax collects enough money to pay for parity, parity will be met.
- D. Any years that the Texarkana, Arkansas Fire Department Parity Pay Tax does not collect enough money to pay for parity, and the City's unappropriated fund balance is less than 15%, and parity is not being met, the members of the Texarkana, Arkansas Fire Department will receive an increase of at least 3% towards the parity.
- E. Any years that the City of Texarkana, Arkansas's unappropriated fund balance is more than 15%, and parity is not being met, the members of the Texarkana, Arkansas Fire Department will receive the greater of a 4% increase, or 1% higher than the increase given to the Texarkana, Texas Fire Department members, each year until parity is met.

- F. If any department is given parity with their Texarkana, Texas counterpart, the Texarkana, Arkansas Fire Department will also receive an increase to meet parity.
- G. This agreement is conditioned on adoption of financial policies by the Board of Director's. These policies would begin the process of rebuilding the City's General Fund unappropriated balance to a minimum of 15 percent of the budgeted expenses. For example, the City should consider a policy that would limit the rate of growth in expenditures to 4-5%.
- H. If at the end of a five year period, if the City has not achieved an unrestricted general fund balance of 15%, then the City agrees to meet with Fire Department to discuss how to achieve parity.

Section 3. Emergency Clause:

This Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is therefore declared to exist, and, this Ordinance shall be in full force and effect from and after its passage and approval.

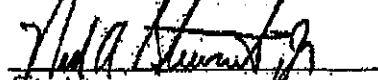
PASSED AND APPROVED this 19th day of December, 2005.


Horace G. Shipp, Mayor

ATTEST:


Patti Scott Grey, City Clerk

APPROVED:



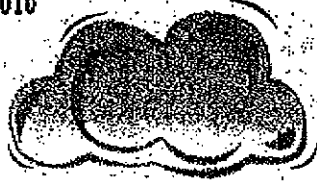
City Attorney

SUNDAY

May 9, 2010

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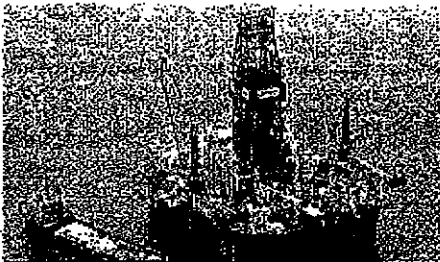
30%
chance
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Low: 57



INSIDE

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Texarkana Gazette



4 SECTIONS, 36 PAGES ★ VOLUME 134, No. 129

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TEXARKANA TEXA



POTTER

COLEMAN

HARRISON

Incumbents retain seats

By MARIE MARTIN
Texarkana Gazette

Texarkana College Board of Directors incumbents fended off challengers Saturday and were re-elected, according to complete but unofficial results.

See TC on Page 6A

Voters reject bond is

By MARIE MARTIN
Texarkana Gazette

Most of Texarkana Independent School District voters in Saturday's election gave a thumbs down to the \$29 million bond issue.

TISD Superintendent James Henry Russell remains optimistic despite the loss.

"We appreciate the incredible support that the Texarkana community has given us for

the past 10 years. We knew that this was a risk but, after consulting with the community, TISD Board of Trustees and the Tiger Pride Commission, felt that it was one worth taking," Russell said.

Of the 1,387 votes cast in the bond election, 809 voted against the proposal and 578 voted for it, according to complete but unofficial results.

The district's plan was to

add classrooms to campuses districtwide.

The district won in early voting 287 for and 136 against.

In a mock-vote in February, the majority of Tiger Pride Committee members recommended a \$70 million bond issue.

Later it was pared down to \$40 million. By March, the TISD school board approved a \$29 million proposed plan

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EYES ON THE PRIZE



Davis w Ward 6

Voters reject bond issue

By MARIE MARTIN
Texarkana Gazette

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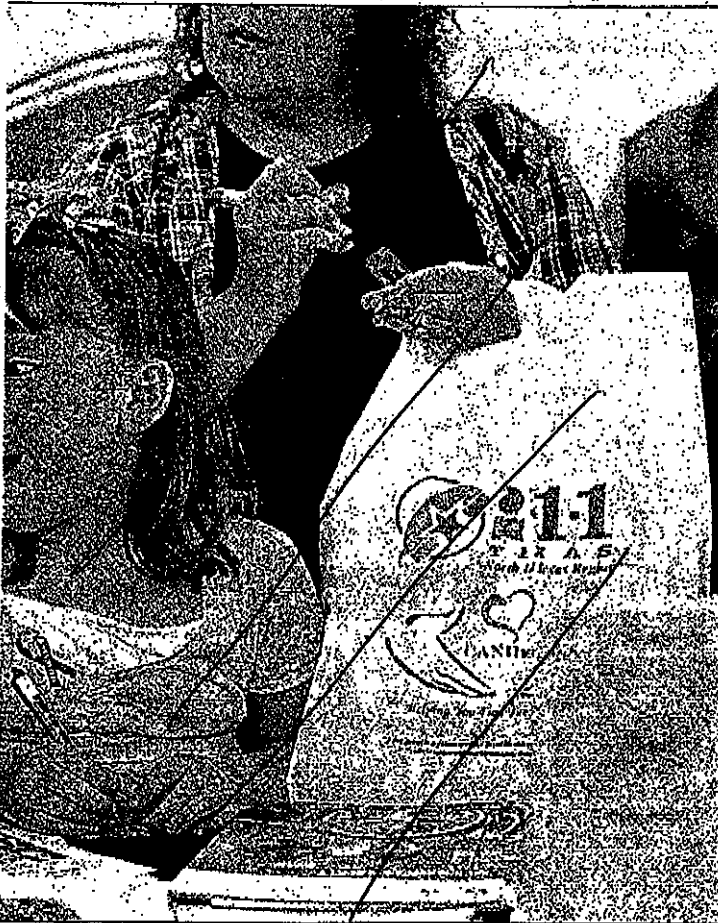
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to present to the voters. If the plan had been approved

The projects TISD proposed were upgrades for Dunbar Eved, the \$29 million would be distributed in two phases—an initial issuance of \$23 million followed by a possible \$6 million as needed, according to documents. Elementary School, Theron Jones Early Literacy Center, Spring Lake

See **BOND** on Page 10A



Staff photo by Eric J. Shelton

one of the prizes that were given away during the Summer Bash.

Davis wins Ward 6 council spot

By BRANDY S. CHEWNING
Texarkana Gazette

The only contested Texarkana, Texas, City Council race was an upset Saturday as challenger Josh Davis defeated Robin Court in Ward 6.

Complete but unofficial results gave Davis the win, 591-291.



DAVIS

"Never in my wildest dreams did I feel like we could do what we did tonight," he said after the results. "It's groundbreaking and history making at its finest."

"This is how the people of Texarkana, Texas, feel right now," Davis said. "They are looking for positive change, that the status quo cannot stay as it has been. People want someone to champion openness and transparency and work for the people."

Early voting numbers were 143 for Davis, 134 for Court.

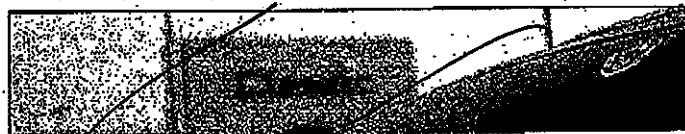
On election day Ward 6A supported Davis 193 to 72 and Ward 6B cast votes in his favor, 255 to 85.

Davis said the win only comes second to the birth of his daughter, 9-year-old Lora, who was his biggest cheerleader during the campaign.

Just before the announcement was made, Lora picked a four-leaf clover outside City Hall and gave it to her

See **COUNCIL** on Page 6A

dealership expands wide more brands



Gregg Orr and his Classic Auto Park recently

6A FROM PAGE ONE

Henry

Continued from Page 1A

"He taught me everything I know about the game. The Dallas Cowboys were our team."

Henry's mom, Mary Jane, still lives in Texarkana.

Though a gymnast while attending Arkansas High School and earning a gymnastic scholarship to the University of Central Arkansas, football has always been in Henry's blood and her life in some fashion.

"A graduate professor said she had a book on sports law for me to read, thinking I'd like it," Henry said. "I never thought about being a lawyer. I didn't know anyone who was one, had never been exposed to it. But the book opened up a whole new world for me. I feel like my life now is that book."

After applying to law school, Henry worked for then-U.S. Sen. David Pryor, D-Ark., in Washington, D.C.

A girlfriend of Henry's lived close by and she would often go to visit her family.

The girl's father, Don Breaux, had been a backfield coach with the University of Arkansas football team.

Breaux left Arkansas to work with the NFL's Washington Redskins team.

"When I'd go over to her house, it would be her dad and Joe Gibbs talking. There were pieces of paper, napkins, with X's and O's all over the place," Henry said.

"I got to hear them and talk to them. They would talk about negotiations with the players. Her dad even let us go to the player negotiations."

It was there the desire to help the players grew into a passion.

"I learned football players are under-represented. Coaches have wonderful lawyers and representation, but not the players," said Henry.

"The players would either come to the negotiations alone, with their father or another family member. I wanted to be on the players' side."

Back in Arkansas at the University of Arkansas at Fayetteville, working as a lifeguard, Henry's love of football became the love of her life.

While working, she met her hus-

band, Cliff, who was a Razorback defensive back under Coach Lou Holtz.

Henry's oldest son, Joseph, played for Arkansas, too, under coaches Houston Nutt and Bobby Petrino.

"Petrino's hired him as a student coach, sending him to a graduate school for sports management," Henry said. "He'll be working with special teams."

Henry's youngest son David, studying chemistry, biology and German at Davidson College in North Carolina, is living in Berlin, Germany, until August.

"With the boys in college, and now an attorney herself, Henry and her family decided the time was right to head to the end zone.

"We all sat down and decided it was time for me to go after my dream of helping athletes. We all were willing to commit the time, whatever that commitment and time looked like," said Henry.

Enrolling in the contract adviser program, Henry used every waking moment, literally, to study.

"I studied every morning before work, came home from work, stud-

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Henry atte in Indianapc players by in through the scouts and c do in hopes a team.

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Council

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father. It's now in his wallet and he said he will keep it forever.

"She told me, 'Daddy, I knew you could do this,'" Davis said through tears.

Davis said he will hold to promises made during his campaign and thanked his supporters.

"Thank you for believing in me and having the faith to vote for me," he said. "I'm overwhelmed. I wanted to send a message and I think we did."

Court said she is proud of the direction the city has taken and is grateful for friends who supported her through the campaign.

"Serving on the City Council has been a great honor, a learning experience and something I am very proud of," Court said. "I am disappointed but I wish

Josh Davis the best of luck. I think he'll do a great job."

Court said Texarkana is poised to grow and do great things and she looks forward to seeing the progress.

"There are great opportunities for growth in Texarkana," she said. "I am proud of Mayor (Steve) Mayo and Dr. (Larry) Sullivan and the direction they have taken the city and I feel like I was part of that for two years."

It was a heated campaign and whether Davis can and should serve was called into question. Davis is a Texas-side resident but is employed by the City of Texarkana, Ark., as a firefighter.

Davis said he does not see any conflict in serving both Texarkanas. He said he can vote on budgets but will abstain from the line-item dealing with fire department salaries because of a parity arrangement in the Twin Cities.

Fire and police pay in

Texarkana, Texas, must be matched by Texarkana, Ark.

Davis said the campaign was hard but he believes serving on the current council will be even more challenging.

"I am concerned about the reception," Davis said of other council members. "I believe it's going to be very tough. I know that they did not want me, I was not the person that was supposed to be there."

Davis has issues he wants to review, such as an animal shelter, but will spend his early days on the council catching up.

"We have a mess with the water department, I want to be brought up to speed on what the council knows and start working toward solutions," he said.

Ward 6 was the only council seat determined by election. Mayo, Ward 1 Council Member Derrick McGary and Ward 4 Council Member Bob Bruggeman were unopposed.

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Incumbent Tom Coleman will serve until 2016. His opponent,

"I gave it my all and I didn't make it," Cotten said, who ran her campaign on keeping tuition low, increasing minority hirings, pro-

Eight die as blast hits largest coal mine in Russia

