

ORDINANCE NO. 6372

AN ORDINANCE APPROVING AN INTERLOCAL GOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF HOT SPRINGS, ARKANSAS AND GARLAND COUNTY, ARKANSAS PURSUANT TO A.C.A. §§25-20-101 ET SEQ. AND A.C.A. §§26-74-401 ET SEQ.; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Quorum Court of Garland County and the Board of Directors of the City Hot Springs have determined that the continued growth and development within Hot Springs and its environs, extending throughout the countywide geographical boundaries of Garland County, is to the mutual benefit of Garland County, Hot Springs, and its residents and businesses; and

WHEREAS, Hot Springs owns, maintains, and operates a municipal waterworks system pursuant to A.C.A. §§14-234-101 *et seq.*; and

WHEREAS, Hot Springs owns, maintains, and operates a municipal sewage collection and treatment system pursuant to A.C.A. §§14-235-201 *et seq.*; and

WHEREAS, Garland County and Hot Springs acknowledge that the extension of the municipally owned waterworks and sewage systems throughout Garland County, less and except any service areas of another established district or municipal provider, provides the requisite infrastructure for the economic development of both Garland County and Hot Springs; and

WHEREAS, Garland County levies a countywide one-half percent (0.5%) sales and use tax pursuant to A.C.A. § 26-74-402, as approved by the voters of Garland County, Arkansas on November 22, 1993; and

WHEREAS, Garland County and Hot Springs acknowledge that the provision of utility services such as the waterworks and sewage systems owned, maintained, and operated by Hot Springs has a positive impact on the revenue collected from the countywide sales and use tax(es) as approved by the countywide electorate; and

WHEREAS, Garland County and Hot Springs desire to provide for an equitable allocation of the revenue collected from the countywide levy of sales and use taxes, as same is positively impacted by the provision of utility services such as the waterworks and sewage systems owned, maintained, and operated by Hot Springs; and

WHEREAS, A.C.A. § 26-74-409(c) provides: "Funds received by the counties pursuant to the provisions of this subchapter may be used by the counties for any purpose for which the county general fund or county road fund may be used, including allocating portions to municipalities located therein;" and

WHEREAS, the parties hereto desire to enter into an Interlocal Governmental Cooperative Agreement pursuant to A.C.A. §§25-20-101 *et seq.* for the purpose of delineating the provision of water and sewer collection, and the allocation of the revenue collected from the countywide sales and use tax(es) as approved by the countywide electorate.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF HOT SPRINGS, ARKANSAS, THAT:

SECTION 1: The Mayor is hereby authorized and directed to execute the attached Interlocal Governmental Cooperative Agreement on behalf of the City of Hot Springs, Arkansas; and the City Manager is further authorized to take such action as may be required from time to time to carry out the intents and purposes as stated therein.

SECTION 2: Emergency Clause. Adoption of this Ordinance and the provision of water and sewer collection with the Interlocal Governmental Cooperative Agreement are essential to the public health, safety, and welfare of the inhabitants of the City of Hot Springs and its environs. An emergency is therefore declared to exist, and this Ordinance shall be in full force and effect from and after the time of its passage.

PASSED: February 23, 2021



PAT MCCABE, MAYOR

ATTEST: Harmony Hurst Morrissey
HARMONY HURST MORRISSEY, CITY CLERK

APPROVED AS TO FORM: 

BRIAN W. ALBRIGHT, CITY ATTORNEY