

ORDINANCE NO. 383

AN ORDINANCE ESTABLISHING THE SURCHARGE TO THE RESIDENTS OF GREENLAND, ARKANSAS FOR SEWER SERVICES PROVIDED BY THE CITY OF FAYETTEVILLE, ARKANSAS; REPEALING ORDINANCE NOS. 350 AND 359; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Greenland, Arkansas (the "City") owns a sewer system (the "System"); and

WHEREAS, the System is operated by the City of Fayetteville, Arkansas ("Fayetteville") pursuant to that certain Fayetteville and Greenland Sewer Contract of 2017 dated as of December 13, 2017 (the "Sewer Contract"); and

WHEREAS, according to the terms of the Sewer Contract, the cost of construction of new facilities (as defined in the Sewer Contract) shall be the responsibility of the City; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City to acquire, construct and equip betterments and improvements to the System (the "Improvements"); and

WHEREAS, all or a portion of the cost of the Improvements will be financed by the issuance of bonds secured by and payable from the sewer surcharge collected by the City; and

WHEREAS, it is necessary for the City to establish the sewer surcharge sufficient to accomplish the Improvements and to pay debt service on the bonds;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenland, Arkansas:

Section 1. The surcharge for sewer services provided to the residents of the City by Fayetteville shall equal the sum of the following:

- (i) \$65.44 per bill per month; and
- (ii) \$0.40 per thousand gallons of water used.

Section 2. The following Ordinances of the City are hereby repealed: (i) Ordinance No. 350 of the City, adopted January 11, 2021 and (ii) Ordinance No. 359 of the City, adopted May 9, 2022.

Section 3. REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. SEVERABILITY: If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional.

Section 5. EMERGENCY CLAUSE: Because the current sewer surcharge is inadequate to cover the cost of financing the Improvements, and because resolving said inadequacy is such pressing business, it is viewed that an immediate solution is necessary, thereby creating an emergency. It is hereby declared that based on conditions set forth herein, an emergency exists and this Ordinance, being necessary for the immediate protection of the health, welfare and safety of the citizens of the City, shall be in effect immediately upon its passage.

PASSED: April 8, 2024

APPROVED:



Mayor

ATTEST:



City Recorder

