

ORDINANCE NO. 2024- 06

**AN ORDINANCE OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
IMPOSING PROHIBITION ON
ENTRY FEES AT CAMPGROUND
FOR CUSTOMERS OF MARINA,
INCLUDING BOAT SLIP OWNERS
AT MARINA,
FOR CAMPGROUND IN 2024;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES.**

WHEREAS, The City Council, as part of its on-going review of City finances, and as part of its obligations to manage the City's budget, has concluded that a prohibition on raising revenue from entry fees at the Campground on customers of the Fairfield Bay Marina, including boat slip owners at the Marina, is necessary to promote the fiscal efficiency and financial integrity of the City of Fairfield Bay between now and December 31, 2025; and

WHEREAS, The City Council has repeatedly expressed its desire to preserve the on-going business relationship with the Fairfield Bay Community Club, Inc. ("Resort"), the previous sublessee, at the Campground, and is preparing for a grant application to be funded, in part, it is hoped, by contributions from the Fairfield Bay Community Club, Inc., so preservation of that relationship far exceeds the extremely limited revenue that might be gained from imposition of entry fees on marina customers, which may be an undue burden on Marina customers; and

WHEREAS, The Fairfield Bay Community Club, Inc., has indicated in writing that it will waive billing for utilities, and provide other miscellaneous other services to support the Campground, up until the time of formal transfer of the Campground to the City of Fairfield Bay (as a one-year lessee, and assuming a February 1, 2024 date of "re-opening) if the City will forego charging customers of the Marina, in terms substantially as set forth herein, below:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF FAIRFIELD BAY, ARKANSAS:**

1. That the Mayor, and the Recorder-Treasurer, and all City Department heads, and any municipal contractor or service provider at the Campground, **BE, AND THEY ARE HEREBY, PROHIBITED FROM RAISING ANY REVENUE AS ENTRY FEES FROM CUSTOMERS OF THE FAIRFIELD BAY MARINA, INCLUDING BOAT SLIP**

OWNERS AT THE MARINA, at any time before January 1, 2026, without approval of the City Council, by Ordinance.

2. This prohibition does not extend to Launch fees. This prohibition does not extend to Entry fees for persons not claiming to be customers of the Fairfield Bay Marina.

3. These prohibitions on raising revenue are effective on and after December 31, 2023 at 11:59 p.m., and extend to, and including, December 31, 2025, unless revised by the City Council by Ordinance. These prohibitions extend to any "new" lease of the Campground at any time after 11:59 p.m. on December 31, 2023.

4. **EMERGENCY CLAUSE.** It is necessary for the efficient operation of Municipal Government that the City prohibit the raising of certain revenue in order to preserve existing business relationships with the Fairfield Bay Marina and its parent, the Fairfield Bay Community Club, Inc.; now, therefore, **AN EMERGENCY IS DECLARED TO EXIST**, and this Ordinance being necessary for the preservation of the public peace, health, safety, and welfare, as well as for the preservation of the City's fiscal integrity, **IT SHALL BE IN FULL FORCE AND EFFECT:**

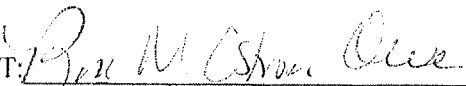
- a. IMMEDIATELY UPON AND AFTER ITS PASSAGE, if signed by the Mayor;
- b. At 12:01 a.m. on the 5th calendar day following passage by the City Council if not signed by the Mayor;
- c. On the date of any meeting, including any Special Meeting of the City Council, if vetoed by the Mayor, and the City Council overrides such veto.

5. **NOT TO BE CODIFIED:** This Ordinance, concerning accounting and bookkeeping matters concerning the City's accounts, shall not be codified in the Municipal Code.

6. **SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

DATED: **January 12, 2024.**

APPROVED: _____
Jackie Sikes, Mayor

ATTEST: 

Rosie M Ostronic Owen, City Recorder/Treasurer

Drafted:
AJ Kelly
Kelly Law Firm, PLC
Rev: 1/12/24