

RESOLUTION NO. 2025- 15

**A RESOLUTION OF THE  
CITY OF FAIRFIELD BAY, ARKANSAS,  
AUTHORIZING MAYOR TO NEGOTIATE WITH  
FAIRFIELD BAY POST #333, OF THE  
AMERICAN LEGION, DEPARTMENT OF ARKANSAS,  
A NON-PROFIT ENTITY,  
FOR THE PURPOSE OF SUB-LEASING  
THE SENIOR COMMUNITY CENTER  
IN THE CITY OF FAIRFIELD BAY,  
FOR ONE EVENING PER WEEK;  
AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Fairfield Bay ("City") in 2023 leased to Bay Area EMS, Inc., doing business as Heart of the Bay Fairfield Bay Food Bank, certain facilities at the Senior Community Center for use as a food pantry, and to provide a meal at the Senior Community Center one day per week, which was extended in 2024; and

**WHEREAS**, City seeks to negotiate a sublease for use of its other facilities at the Senior Community Center to Fairfield Bay Post #333, of the American Legion, Department of Arkansas, for use one evening a week, at an estimated daily rent of \$50.00 per event; and

**WHEREAS**, the City Council seeks to authorize the Mayor to enter into negotiations with Fairfield Bay Post #333 of the American Legion, Department of Arkansas, subject to the previous lease with the Heart of the Bay Food Bank, for use on one evening a week when the Senior Community Center is not currently in use by City, and not in use by Heart of the Bay Fairfield Bay Food Bank;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:**

1. The City Council finds that entering into negotiations for a proposed sub-lease to Fairfield Bay Post #333 of the American Legion, Arkansas Department, would subserve the common interest and well-being of the community; that the community currently using the Senior Community Center has asked for this type of sublease, which would facilitate use of the Senior Community Center on one additional evening

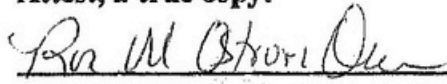
per week, when the Senior Community Center is not currently operating any events; and that use of the Senior Community Center for this type of limited sub-lease by a non-profit entity is for a public purpose because all of the net receipts over and above the actual cost of conducting the games of bingo must be used for charitable, religious or philanthropic purposes (or all of them together), in accordance with Arkansas law.

2. The City Council authorizes the Mayor, and the Senior Community Center Director, to enter into negotiations for a Memorandum of Understanding, or other appropriate sub-lease, with Fairfield Bay Post #333 of the American Legion, Department of Arkansas, to use other facilities at the Fairfield Bay Senior Community Center, not currently obligated for use by Heart of the Bay Fairfield Bay Food Bank, for a term ending on December 31, 2025.
3. This Resolution shall become effective immediately upon publication by posting by the Recorder-Treasurer, and shall likewise be published in a local newspaper of general circulation in the City of Fairfield Bay.
4. The Mayor, the Director of the Senior Community Center, and the Recorder-Treasurer be, and they are hereby, authorized to take any and all actions necessary to negotiate and present to the Council an appropriate Memorandum of Understanding, with adjustments that may be made by legal or other necessity, and as set forth therein.

**IT IS SO CONSIDERED AND RESOLVED** by the City Council for the City of Fairfield Bay on this 14<sup>th</sup> day of April, 2025.

  
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**Honorable Seth J. Connell, Mayor**  
**City of Fairfield Bay, Arkansas**

**Attest, a true copy:**

  
\_\_\_\_\_  
**Honorable Rose M. Ostronic Owen,**  
**Recorder-Treasurer**

**Prepared by:**  
**AJ Kelly**  
**Kelly Law Firm, PLC**  
**Rev2: 4/14/25**