

Regular Meeting: September 12, 2022

ORDINANCE NO. 2022- 30

**AN ORDINANCE AUTHORIZING THE FINANCING OF
PURCHASE AND REFURBISHMENT OF A FIRE TRUCK;
AUTHORIZING THE EXECUTION AND DELIVERY
OF A PROMISSORY NOTE BETWEEN
THE CITY OF FAIRFIELD BAY, ARKANSAS
AND WHITE RIVER PLANNING AND
DEVELOPMENT DISTRICT, INC.;
AUTHORIZING AND PRESCRIBING
OTHER MATTERS RELATING TO THE PURCHASE
OF FIRETRUCK AND REFURBISHMENT;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES.**

WHEREAS, there has been presented to the City of Fairfield Bay, Arkansas, the proposal of a Loan Agreement (Promissory Note) between the City of Fairfield Bay, Arkansas and White River Planning and Development District, Inc., under Chapter 22 of Title 14 of the Arkansas Code of 1987 Annotated, and the recently enacted Amendment One on the year 2000 ballot (the "Acts"), for the purpose of financing the purchase of a city owned fire truck, and its refurbishment, by borrowing money;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD BAY, ARKANSAS, that:

Article 1. The execution and delivery of the Promissory Note, providing for financing of a fire truck in the amount not to exceed \$300,000.00 (three hundred thousand dollars and zero cents) on a term of 5 years, secured by a pledge by the City of Fairfield Bay of a dedicated tax revenue is hereby authorized.

Article 2. The Mayor is hereby authorized and directed to negotiate the terms of the Promissory Note in compliance with the terms approved herein, and to execute and acknowledge such Promissory Note. Execution shall constitute conclusive evidence of approval.

Article 3. The Mayor, for and on behalf of the City of Fairfield Bay, is authorized and directed, all in accordance with the powers of their respective offices, to do any and all things necessary to effect the execution and delivery of the Promissory Note, the performance of all obligations of the City of Fairfield Bay thereunder, and the performance

of all acts of whatever nature necessary to effect and carry out the authority conferred hereby. The Mayor is further authorized to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Article 4. The City of Fairfield Bay hereby designates the Promissory Note as a "qualified tax-exempt obligation" within the meaning of Section 265(b) of the Internal Revenue Code of 1986, as amended. It is reasonably expected that all obligations issued by the City of Fairfield Bay during the current calendar year, the interest on which is exempt from federal income tax, will not exceed \$10,000,000 in principal amount (excluding "private activity bonds" within the meaning of Section 265).

Article 5. A copy of the Promissory Note shall remain on file in the Office of the City of Fairfield Bay, where it shall be available for inspection by any person.

Article 6. The provisions of this Ordinance are declared to be severable. In the event any section, provision or part thereof shall be held to be invalid, such invalidity shall not affect the validity of the remainder of this Ordinance.

Article 7. EMERGENCY CLAUSE. It is necessary for the efficient operation of Municipal Government that the City purchase this Fire Truck as soon as possible, AND FURTHER that the City maintain its ISO insurance rating; now, therefore, AN EMERGENCY IS DECLARED TO EXIST, and this Ordinance being necessary for the preservation of the public peace, health, safety, and welfare, for the accuracy of its accounting records, it shall take effect and be in force immediately from and after its passage and approval.

Article 8. NOT TO BE CODIFIED: This Ordinance, concerning accounting and bookkeeping matters concerning the City's accounts, shall not be codified in the Municipal Code.

DATED: October 11, 2022.

APPROVED: Linda A Duncan
Linda A Duncan, Mayor

ATTEST: Rosie M Ostronic Owen
Rosie M Ostronic Owen, City Recorder/Treasurer

Reviewed and approved:
AJ Kelly
Kelly Law Firm, PLC
PO Box 251570
Little Rock AR 72225-1570
Rev: 10/10/22

CERTIFICATE

I, THE UNDERSIGNED, City of Fairfield Bay, Arkansas, hereby certify that the foregoing is a true, correct and compared copy of an Ordinance adopted by the City of Fairfield Bay on the 11th day of October, 2022, which now appears of record in the City of Fairfield Bay records and Ordinances.

Dated this 10 day of October, 2022.

CERTIFIED: Linda A Duncan
Linda A Duncan, Mayor

ATTEST: Rosie M Ostronic Owen
Rosie M Ostronic Owen, City Recorder/Treasurer

[CITY SEAL]