

ORDINANCE NO. 98-33

**BE IT ENACTED BY THE SALINE COUNTY,  
ARKANSAS QUORUM COURT  
AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE CREATING A PUBLIC FACILITIES BOARD  
PURSUANT TO THE PROVISIONS OF ACT NO. 142 OF THE  
ACTS OF ARKANSAS OF 1975, AS AMENDED, TO ASSIST  
IN THE PROVIDING OF POTABLE WATER TO THE CUSTOMERS  
FORMERLY SERVED BY THE SOUTHWEST WATER ASSOCIATION**

WHEREAS, Southwest Water Users Association, Inc., an Arkansas not for profit corporation (the "Water Association"), was formed for the purpose of supplying potable water to its membership; and

WHEREAS, the Water Association currently contemplates the construction of certain improvements to its facilities so as to better serve its customers; and

WHEREAS, the Arkansas Soil and Water Conservation Commission has adopted a policy of preferring to lend funds to governmental entities as opposed to not for profit corporations; and

WHEREAS, the Internal Revenue Code provides that governmental entities are entitled to receive preferential improvements financing which is not otherwise available to not for profit corporations; and

WHEREAS, the conversion of the Water Association to a public facilities board in accordance with the provisions of Act No. 142 of the Acts of Arkansas of 1975, as amended, entitled the Public Facilities Board Act (the "Act"), will result in preferred and more economical means of improvements financing which, in turn, will result in lower water rates for the customers to be serviced by said entity; and

WHEREAS, the Act authorizes counties within the State of Arkansas to create public facilities boards for the purpose of fulfilling various public purposes specifically including, but not limited to, the development and operation of water works facilities, as that term is defined in the Act; and

WHEREAS, it is found and concluded that the creation of the contemplated public facilities board will serve a substantial public purpose to certain residents of Saline County, Arkansas; and

WHEREAS, it is in the best interest of Saline County, Arkansas to create a public facilities board under the Act to fulfill the goals and purposes as referenced herein and to fulfill all other goals and purposes as are set forth under the Act;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE SALINE COUNTY, ARKANSAS QUORUM COURT:

Section 1. That in accordance with and pursuant to the authority conferred by the Act, there is hereby created and established a public facilities board (the "Board") which shall possess all of those powers and authority which are capable of being conveyed to and exercised by a public facilities board pursuant to the Act.

Section 2. That the name of the Board shall be the "Southwest Water Association Public Facilities Board of Saline County, Arkansas".

Section 3. The initial members of the Board shall be comprised of the following five (5) persons, all of whom are hereby appointed by the Judge of the Saline County, Arkansas Quorum Court to so serve for those terms of office as referenced below, it being understood that each of the following persons hereby files of record with Saline County, Arkansas Quorum Court Clerk their Oaths of Office as required by the Act:

<u>Name of Board Member:</u>	<u>Term of Office*:</u>
Bill White	5 years
Dennis Allen	4 years
Stan Holicer	3 years
Darrell Williams	2 years
Bill Springer	1 year

Section 4. The Board is hereby authorized to exercise those rights, and is hereby limited by those provisions, as may be described in the bylaws of the Board, as the same shall from time to time be adopted, amended, or promulgated by the Board.

Section 5. The Board is authorized from time to time to issue revenue bonds or other evidences of indebtedness as allowed by the Act and to use the proceeds of such bonds or evidences of indebtedness to accomplish those projects which the Board may authorize from time to time. The Board is further authorized to take any other steps, borrow other money, or enter into any other transactions as it deems necessary and appropriate in order to accomplish said projects and any future expansion, addition, or betterment of said projects. Any revenue bonds or indebtedness incurred by the Board shall be an obligation solely of the Board and shall not constitute an indebtedness for which the full faith and credit of Saline County, Arkansas or any other governmental unit of State or local

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\* All terms of office to begin as of the date of this Ordinance.

government, or any other community or city is pledged nor shall any indebtedness of the Board be personally guaranteed by any of the members of the Board.

Section 6. The Board shall have all the powers as may be provided under the Act and shall carry out its duties in accordance with the Act, specifically including, without limitation, the filing of its annual report as required by section 18 of the Act (codified at Ark. Code Ann. § 14-137-123). The Board shall take all appropriate action necessary to comply with the Constitution and laws of the United States of America and the State of Arkansas. Assuming compliance with the provisions of the Act, nothing herein shall otherwise serve to limit the Board's rights and powers.

Section 7. The provisions of this Ordinance are severable. If any provision hereof shall be held to be invalid or inapplicable to any person or circumstance, such holding shall not affect the validity or applicability of the remaining provisions hereof.

Section 8. All ordinances of this County or parts thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section 9. It is hereby acknowledged that certain residents of Saline County, Arkansas are in dire need of a long-term, reliable source and supply of potable water, and that without immediate action being taken by Saline County, Arkansas, the health, welfare and public safety of certain residents of Saline County, Arkansas would suffer. Accordingly, in order to protect the health, safety and public welfare of the residents of Saline County, Arkansas, an emergency is hereby declared and the enforceability and validity of this Ordinance shall become effective immediately upon the execution of same.

PASSED: 6/1/98

APPROVED:

Ken M. Parsons

(SEAL)

ATTEST:

"Junior" Westbrook Sponsor

Freddie Burton By: Linda Montalvo  
Saline County, Arkansas Clerk D.C.

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