



113 West Mountain
Street Fayetteville,
AR 72701
(479) 575-8323

Ordinance: 5883

File Number: 2016-0290

ENERGY IMPROVEMENT DISTRICT NO. 1 MEMBERSHIP AGREEMENT:

AN ORDINANCE TO AUTHORIZE MAYOR JORDAN TO SIGN A MEMBERSHIP AGREEMENT ALLOWING THE CITY OF SPRINGDALE TO BECOME A MEMBER OF ENERGY IMPROVEMENT DISTRICT NO. 1, AND TO AMEND § 33.381 **BOARD OF DIRECTORS, MEMBERSHIP, TERMS OF OFFICE** OF ARTICLE XXVI **ENERGY IMPROVEMENT DISTRICT NO. 1** TO PROVIDE FOR THE CITY OF SPRINGDALE'S REPRESENTATION ON THE BOARD OF DIRECTORS.

WHEREAS, on October 15, 2013, pursuant to the authority granted by Arkansas Code Annotated § 8-15-101 *et seq.* (the "Property Assessed Clean Energy Act"), the City of Fayetteville created Energy Improvement District No. 1; and

WHEREAS, on December 16, 2015, pursuant to the requirements of Arkansas Code Annotated § 8-15-106, the Springdale City Council passed Ordinance No. 5001 authorizing the City of Springdale to join the District; and

WHEREAS, the approval of the Fayetteville City Council is required in order for the City of Springdale to join the District and the Fayetteville City Code must be updated to provide for Springdale's representation on the Board of Directors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Membership Agreement allowing the City of Springdale to become a member of Energy Improvement District No. 1.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 33.381 **Board of Directors, Membership, Terms of Office** of ARTICLE XXVI **ENERGY IMPROVEMENT DISTRICT**

NO. 1 to the Code of Fayetteville, and enacts a replacement § 33.381 as follows:

33.381 Board of Directors, Membership, Terms of Office

(A) Until December 31, 2016, Energy Improvement District No. 1 shall be governed by a Board of Directors consisting of nine (9) members. All seven (7) City of Fayetteville appointees shall remain on the Board of Directors. The City of Springdale shall appoint two members. One City of Springdale member shall be the Mayor of Springdale or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor. The remaining City of Springdale member shall be a qualified elector of the District chosen by the Springdale City Council. The terms of these members shall expire on December 31, 2016.

(B) After December 31, 2016, membership shall be allocated as follows:


- (i) One (1) member shall be the Mayor of Fayetteville or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor.
- (ii) One (1) member shall be the Mayor of Springdale or the Mayor's designee. Should the Mayor designate a member, said member shall serve at the pleasure of the Mayor.
- (iii) Four (4) of the remaining members shall be qualified electors of the District chosen by the Fayetteville City Council, each to serve a term of two (2) years.
- (iv) Three (3) of the remaining members shall be qualified electors of the District chosen by the Springdale City Council, each to serve a term of two (2) years.

(C) In making its Board appointments, the City Council shall give due consideration to candidates with connections to or relations with local utility companies, lending or bonding institutions and the advanced energy industry. City Council appointed members shall be subject to the term limit provisions of Section 33.329(B).

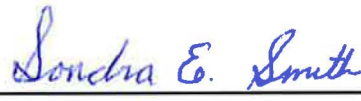
(D) Should additional governmental entities enter into an agreement with the City of Fayetteville for participation in and addition to Energy Improvement District No. 1, the composition and terms of members of the Board of Directors shall be as agreed between the City of Fayetteville, the City of Springdale and other participating and agreeing governmental entities.

PASSED and APPROVED on 6/21/2016

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk
Treasurer

