



City of Conway, Arkansas
SPECIAL CITY COUNCIL
Agenda • February 28, 2022
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Elected Officials
Mayor Bart Castleberry
City Clerk Michael O. Garrett
City Attorney Charles Finkenbinder

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Anne Tucker
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

<u>12:00pm:</u>	City Council Meeting • City Council Chambers • 1111 Main Street
<u>Call to Order:</u>	Bart Castleberry, Mayor
<u>Roll Call:</u>	Michael O. Garrett, Clerk/Treasurer
<u>Minutes Approval:</u>	February 22 nd , 2022

A. Economic Development Committee (Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership, & Conway Corporation)

1. Ordinance to authorize the issuance and sale of electric revenue improvement bonds for Conway Corporation.
2. Ordinance amending Ordinance No. O-05-162 and extending the lease of the City's electric plant and facilities of the City's electric plant and facilities to Conway Corporation.
3. Ordinance amending Ordinance No. O-05-163 and extending the franchise of Conway Corporation to operate and maintain the electric plant and facilities for the City of Conway.

B. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)

1. Ordinance to approve the location of a private club permit for Bear Town Rockin Sushi to be located at 975 S. Amity Drive.

C. Public Service Committee (Physical Plant, Parks & Recreation, Sanitation)

1. Ordinance appropriating funds for park improvements for the Parks & Recreation Department.

D. Public Safety Committee (District Court, Department of Information Systems & Technology, Animal Welfare, Communication Emergency Operations Center, Police, Fire, & Office of the City Attorney)

1. Ordinance creating an exclusive franchise to Pafford Medical Services to provide ambulance services for the City of Conway.

Adjournment

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF (1) NOT TO EXCEED \$27,800,000 OF ELECTRIC REVENUE IMPROVEMENT BONDS, TAX-EXEMPT SERIES 2022A, AND (2) NOT TO EXCEED \$14,700,000 OF ELECTRIC REVENUE REFUNDING BONDS, TAXABLE SERIES 2022B, BY THE CITY OF CONWAY, ARKANSAS FOR THE PURPOSE OF FINANCING AND REFINANCING THE COST OF CERTAIN CAPITAL IMPROVEMENTS BENEFITTING THE CITY’S ELECTRIC SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE PURSUANT TO WHICH THE SERIES 2022 BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE SERIES 2022 BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2022 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Conway, Arkansas (the “City”), a city of the first class, presently owns an electric generation and distribution system (the “Electric System”) serving the residents of the City, which Electric System is operated and maintained by Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the “Corporation”), pursuant to a lease from the City and an exclusive franchise to operate the Electric System granted to the Corporation by the City; and

WHEREAS, the City is authorized under the provisions of Amendment 65 to the Constitution of the State of Arkansas and Arkansas Code Annotated §§14-164-401 *et seq.* and §§14-203-101 *et seq.* (the “Authorizing Legislation”) to issue and sell its electric revenue bonds for the purpose of financing and refinancing the cost of improvements to the Electric System; and

WHEREAS, pursuant to Amendment 65 and the Authorizing Legislation, the City has previously issued its \$25,000,000 Electric Revenue Improvement Bonds, Series 2015 (the “Series 2015 Bonds”), of which \$14,150,000 in principal amount remains outstanding, for the purpose of financing various betterments and improvements to the Electric System; and

WHEREAS, in order to secure funds necessary (i) to finance certain additional betterments and improvements with respect to the Electric System, including a new Operations Center campus for the Corporation, including, but not limited to, the design, construction and equipping of an office building, warehouse and vehicle maintenance shop, the renovation of existing building(s), the addition of covered parking for Corporation vehicles and equipment, and associated site work (collectively, the “Operations Center Project”), (ii) to fund a debt service reserve, and (iii) to pay printing, legal, underwriting and other expenses incidental to the

issuance of electric revenue bonds for such purposes, the City has now determined to issue its Electric Revenue Improvement Bonds, Tax-Exempt Series 2022A, in an aggregate principal amount of not to exceed \$27,800,000 (the “Series 2022A Bonds”); and

WHEREAS, in order (i) to refund the Series 2015 Bonds and thereby restructure the debt service requirements of obligations secured by revenues of the Electric System, (ii) to fund a debt service reserve, and (iii) to pay printing, legal, underwriting and other expenses incidental to the issuance of electric revenue bonds for such purposes, the City has now determined to issue its Electric Revenue Refunding Bonds, Taxable Series 2022B, in an aggregate principal amount of not to exceed \$14,700,000 (the “Series 2022B Bonds,” and together with the Series 2002A Bonds, the “Series 2022 Bonds”); and

WHEREAS, the City has determined to issue and secure the Series 2022 Bonds pursuant to a Trust Indenture (the “Indenture”), by and among the City, the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”), a form of which has been presented to and is before this meeting; and

WHEREAS, the City proposes to enter into a Bond Purchase Agreement (the “Bond Purchase Agreement”) in substantially the form presented to and before this meeting, with Stephens Inc. and Crews & Associates, Inc., Little Rock, Arkansas (the “Underwriters”), providing for the sale of the Series 2022 Bonds; and

WHEREAS, an open public hearing on the questions of the issuance of the Series 2022 Bonds and the financing of the Operations Center Project has been held before the City Council and Mayor of the City on February 22, 2022, following publication of notice of such public hearing in the *Log Cabin Democrat* on February 11, 2022.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas that:

Section 1. The City Council hereby finds and declares that (i) the acquisition, construction, equipping and installation of the Operations Center Project and (ii) the refunding of the Series 2015 Bonds are each in the best interests of the City and the customers of the Electric System.

Section 2. (a) Under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 65 to the Constitution of Arkansas and the Authorizing Legislation, there is hereby authorized the issuance of bonds of the City to be designated as “Electric Revenue Improvement Bonds, Tax-Exempt Series 2022A” (the “Series 2022A Bonds”). The Series 2022A Bonds shall be issued in the original aggregate principal amount of not to exceed Twenty-Seven Million Eight Hundred Thousand Dollars (\$27,800,000), and shall mature not later than December 1, 2046, in the principal amounts and bearing interest at the rates to be specified in the Bond Purchase Agreement. In no event shall the true interest cost relating to the Series 2022A Bonds exceed 4.00% per annum. The proceeds of the Series 2022A Bonds will be utilized to acquire, construct, equip and install the Operations Center Project, to fund a debt service reserve, and to pay printing, underwriting, legal and other expenses incidental to the issuance of the Series 2022A Bonds.

(b) Under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 65 to the Constitution of Arkansas and the Authorizing Legislation, there is hereby authorized the issuance of bonds of the City to be designated as “Electric Revenue Refunding Bonds, Taxable Series 2022B” (the “Series 2022B Bonds”). The Series 2022B Bonds shall be issued in the original aggregate principal amount of not to exceed Fourteen Million Seven Hundred Thousand Dollars (\$14,700,000), and shall mature not later than December 1, 2032, in the principal amounts and bearing interest at the rates to be specified in the Bond Purchase Agreement. In no event shall the true interest cost relating to the Series 2022B Bonds exceed 4.00% per annum. The proceeds of the Series 2022B Bonds will be utilized to refund the Series 2015 Bonds, to fund a debt service reserve, and to pay printing, underwriting, legal and other expenses incidental to the issuance of the Series 2022B Bonds.

(c) The payment of the principal of and interest on the Series 2022A Bonds and the Series 2022B Bonds (collectively, the “Series 2022 Bonds”) will be secured by a pledge of the revenues of the Electric System as provided in a Trust Indenture to be dated as of the date of delivery of the Series 2022 Bonds (the “Indenture”), by and among the City, the Corporation and the Trustee. The Series 2022 Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity, and may contain such other terms, covenants and conditions, all as set forth in the Indenture.

(d) The Mayor is hereby authorized and directed to execute and deliver the Series 2022 Bonds in substantially the forms thereof contained in the Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2022 Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2022 Bonds to be accepted and authenticated by the Trustee. The Mayor is hereby authorized to confer with the Trustee, the Underwriters, and Kutak Rock LLP, Little Rock, Arkansas (“Bond Counsel”), in order to complete the Series 2022 Bonds in substantially the forms contained in the Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Series 2022 Bonds, their execution to constitute conclusive evidence of such approval.

Section 3. To prescribe the terms and conditions upon which the Series 2022 Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge the Indenture, by and among the City, the Corporation and the Trustee, and the City Clerk is hereby authorized and directed to execute and acknowledge the Indenture and to affix the seal of the City thereto, and the Mayor and the City Clerk are hereby authorized and directed to cause the Indenture to be accepted, executed and acknowledged by the Corporation and the Trustee. The Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the pledge of the Electric System revenues to the Series 2022 Bonds and the terms of the Series 2022 Bonds. The Mayor is hereby authorized to confer with the Corporation, the Trustee, the Underwriters and Bond Counsel in order to complete the Indenture in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. There is hereby authorized and approved a Preliminary Official Statement of the City, including the cover page and appendices attached thereto, relating to the Series 2022 Bonds. The Preliminary Official Statement is hereby “deemed final” within the meaning of U.S. Securities and Exchange Commission Rule 15c2-12. The distribution and use of the Preliminary Official Statement in connection with the offer and sale of the Series 2022 Bonds is hereby approved. The Preliminary Official Statement, as amended to conform to the terms of the Bond Purchase Agreement, including Exhibit A thereto, and with such other changes and amendments as are mutually agreed to by the City, the Corporation and the Underwriters, is herein referred to as the “Official Statement,” and the Mayor is hereby authorized to execute the Official Statement for and on behalf of the City. The Official Statement is hereby approved in substantially the form of the Preliminary Official Statement submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Trustee, the Underwriters and Bond Counsel in order to complete the Official Statement in substantially the form of the Preliminary Official Statement submitted to this meeting with such changes as shall be approved by such persons, the Mayor’s execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Preliminary Official Statement is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. In order to prescribe the terms and conditions upon which the Series 2022 Bonds are to be sold to the Underwriters, the Mayor is hereby authorized and directed to execute, at the request of the Corporation, a Bond Purchase Agreement on behalf of the City, to be dated as of the date of its execution (the “Bond Purchase Agreement”), by and between the City and the Underwriters, and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Underwriters and Bond Counsel in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Bond Purchase Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. In order to provide for the defeasance and redemption of the Series 2015 Bonds, the Mayor is hereby authorized and directed to execute an Escrow Deposit Agreement to be dated as of the date of its execution (the “Escrow Agreement”), by and between the City and The Bank of New York Mellon Trust Company, N.A., as escrow trustee (the “Escrow Trustee”), and the Mayor is hereby authorized and directed to cause the Escrow Agreement to be executed by the Escrow Trustee. The Escrow Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Underwriters and Bond Counsel in order to complete the Escrow Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons

executing the Escrow Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Escrow Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. In order to provide for continuing disclosure of certain financial and operating information with respect to the Electric System in compliance with the provisions of Rule 15c2-12 of the U.S. Securities and Exchange Commission, the Mayor is hereby authorized and directed to execute a Continuing Disclosure Agreement to be dated as of the date of its execution (the “Continuing Disclosure Agreement”), by and among the City, the Corporation and The Bank of New York Mellon Trust Company, N.A., as dissemination agent (the “Dissemination Agent”), and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Corporation and the Dissemination Agent. The Continuing Disclosure Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Corporation, the Dissemination Agent, the Underwriters and Bond Counsel in order to complete the Continuing Disclosure Agreement in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the Continuing Disclosure Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Continuing Disclosure Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 8. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, sale, execution and delivery of the Series 2022 Bonds and to effect the execution and delivery of the Indenture, the Continuing Disclosure Agreement, the Bond Purchase Agreement, the Official Statement, the Escrow Agreement and a Tax Compliance Agreement relating to the tax exemption of interest on the Series 2022A Bonds, and to perform all of the obligations of the City under and pursuant thereto. The Mayor and the City Clerk are further authorized and directed, for and on behalf of the City, 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.

Section 9. The rates for services of the Electric System previously enacted pursuant to Ordinance No. O-17-57 and Ordinance No. O-19-66 are hereby ratified and confirmed.

Section 10. That the City considers this Ordinance to be its declaration of official intent to issue the Series 2022A Bonds and to make reimbursement with a portion of the proceeds thereof for all original expenditures incurred in the acquisition, design, construction, equipping and furnishing of the Operations Center Project between the date that is sixty (60) days prior to the date of this Ordinance and the date a series of bonds is issued for such purposes, plus a *de minimis* amount and preliminary expenditures, as such terms are defined in Section 1.150-2(f) of the Federal Income Tax Regulations.

Section 11. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed to act as Bond Counsel on behalf of the City in connection with the issuance and sale of the Series 2022 Bonds.

Section 12. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 13. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 14. It is hereby found and determined that there is an urgent need to finance and refinance certain improvements and betterments to the Electric System in order to alleviate hardships to the residents of the City, and in order to do so on the most favorable terms, it is necessary to enter into the Bond Purchase Agreement as soon as possible. Therefore, an emergency is hereby declared to exist and this Ordinance, being necessary for the immediate preservation of the public health, safety and welfare, shall be in force and take effect immediately upon and after its passage.

ADOPTED AND APPROVED THIS ____ DAY OF _____, 2022.

APPROVED:

ATTEST:

Mayor

City Clerk

(S E A L)



City of Conway, Arkansas
Ordinance No. O-22- _____

AN ORDINANCE AMENDING ORDINANCE NO. O-05-162 AND EXTENDING THE LEASE OF THE CITY'S ELECTRIC PLANT AND FACILITIES TO CONWAY CORPORATION; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Conway, Arkansas (the "City"), a city of the first class, presently owns an Electric Plant (as defined in Ordinance No. O-05-162) serving the residents of the City, which Electric Plant is presently leased to and operated and maintained by the Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to a lease (the "Lease") between the City and the Corporation embodied in and approved by Ordinance No. O-05-162 adopted on December 13, 2005; and

WHEREAS, the City desires to extend the term of the Lease of the Electric Plant to the Corporation;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas that:

Section 1. The term of the Lease of the Electric Plant to the Corporation set forth in Ordinance No. O-05-162 is hereby extended to December 31, 2050 and Section 1 of Ordinance No. O-05-162 is hereby deemed amended to such effect. All other provisions of Ordinance No. O-05-162 shall remain in full force and effect.

Section 2. The extension of the term of the Lease granted by this Ordinance shall be accepted in writing by the Corporation within thirty (30) days from the date of adoption of this Ordinance, whereupon the Lease term shall be deemed to be extended as provided in Section 1.

Section 3. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 4. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. There is hereby found and declared to be an immediate need for further securing the provision of Electric Service (as defined in Ordinance No. O-05-163) to the City and the inhabitants thereof for the period stated in Section 1 hereof, and the extension of the Lease authorized hereby is immediately necessary for the accomplishment of this purpose. It is, therefore, declared that an emergency exists and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately upon and after its passage.

ADOPTED AND APPROVED THIS 28th DAY OF FEBRUARY, 2022.

Approved:

Attest:

Mayor Bart Castleberry

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-22- _____

AN ORDINANCE AMENDING ORDINANCE NO. O-05-163 AND EXTENDING THE FRANCHISE OF THE CONWAY CORPORATION TO OPERATE AND MAINTAIN THE ELECTRIC PLANT AND FACILITIES OF THE CITY OF CONWAY, ARKANSAS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Conway, Arkansas (the "City"), a city of the first class, presently owns an Electric Plant (as defined in Ordinance No. O-05-163) serving the residents of the City, which Electric Plant is presently operated and maintained by the Conway Corporation, a nonprofit corporation organized and existing under the laws of the State of Arkansas (the "Corporation"), pursuant to an exclusive franchise to operate and maintain the Electric Plant granted to the Corporation by the City pursuant to Ordinance No. O-05-163 adopted on December 13, 2005; and

WHEREAS, the City desires to extend the term of the franchise previously granted to the Corporation;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Conway, Arkansas that:

Section 1. The term of the franchise granted to the Corporation by Ordinance No. O-05-163 is hereby extended to December 31, 2050 and Section 2 of Ordinance No. O-05-163 is hereby deemed amended to such effect. All other provisions of Ordinance No. O-05-163 shall remain in full force and effect.

Section 2. The extension of franchise granted by this Ordinance shall be accepted in writing by the Corporation within thirty (30) days from the date of adoption of this Ordinance, whereupon the franchise shall be deemed to be extended as provided in Section 1.

Section 3. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 4. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. There is hereby found and declared to be an immediate need for further securing the provision of Electric Service (as defined in Ordinance No. O-05-163) to the City and the inhabitants thereof for the period stated in Section 1 hereof, and the extension of the franchise authorized hereby is immediately necessary for the accomplishment of this purpose. It is, therefore, declared that an emergency exists and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately upon and after its passage.

ADOPTED AND APPROVED THIS 28th DAY OF FEBRUARY, 2022.

Attest:

Approved:

Michael O. Garrett
City Clerk/Treasurer

Mayor Bart Castleberry



City of Conway, Arkansas
Ordinance No. O-22-_____

AN ORDINANCE APPROVING THE PRIVATE CLUB PERMIT FOR BEAR TOWN ROCKIN SUSHI OF CONWAY, INC. AND ALLOWING FOR THE APPLICATION OF THE REQUIRED PERMITS FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION PER ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED

WHEREAS, Bear Town Rockin Sushi has applied for a private club permit as required under Chapter 4.12.04 of the Conway City Code per Ordinance No. O-17-100 and A.C.A §3-9-222; and

WHEREAS, the application is limited and specific to Bear Town Rockin Sushi located at 975 S. Amity Road, Conway, AR 72032; and

WHEREAS, the applicant has provided all the information required in permit application process and met all the standards set forth by the Conway City Council; and

WHEREAS, the City Council for the City of Conway hereby approves the application for permit for the proposed location to operate a private club within the City limits of Conway; and

WHEREAS, this approval does not authorize the operation of a private club within the City of Conway but does function as an authorization to apply for a private club permit through the Arkansas Alcoholic Beverage Control Division per A.C.A §3-9-222.

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

Section 1. That the application for private club permit is hereby approved for and Bear Town Rockin Sushi located at 975 S. Amity Road, Conway, AR 72032.

Section 2. That no private club operations will begin unless and until a permit to operate a private club is issued by the Arkansas Alcoholic Beverage Division.

Section 3. That the approval and permit are subject to suspension or revocation by the City in the event the applicant violates Conway City Code or State law.

Passed this 28th day of February, 2022.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-22-_____**

AN ORDINANCE APPROPRIATING FUNDS FOR THE CONWAY PARKS AND RECREATION DEPARTMENT; AND FOR OTHER PURPOSES:

Whereas, The City of Conway Parks and Recreation Department has identified needed park improvements to be made at Bainbridge Park at a cost of \$161,000; and

Whereas, budgetary authority for such expenditure has not previously been provided.

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

Section 1. The City of Conway shall appropriate funds in the amount of \$ 161,000.00 from the Conway Parks Department A&P Fund Balance Appropriation Account (252-000-4900) to the Conway Parks Department A&P CIP-Misc Account(252.140.5990) for the cost of the labor and materials for the improvements at Bainbridge Park.

Section 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of February 2022.

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



City of Conway, Arkansas

Ordinance No. O-22-_____

AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO PAFFORD MEDICAL SERVICES TO PROVIDE ADVANCED LIFE SUPPORT (ALS) AND BASIC LIFE SUPPORT (BLS) AMBULANCE SERVICE ON A FEE FOR SERVICE BASIS IN THE CITY OF CONWAY; REPEALING ANY OTHER ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the City of Conway is authorized, pursuant to A.C.A. § 14-43-601 and the Arkansas Ambulance Licensing Act, A.C.A. § 14-266-101 et seq. (the “Act”), to enact and establish standards, rules, or regulations concerning emergency medical services, emergency medical technicians, ambulances, and ambulance companies; and

WHEREAS, the City of Conway is authorized pursuant to A.C.A. § 14-266-102 to contract exclusively or otherwise, using competitive procurement methods, for the provision of emergency medical services and ambulance services for the city and to provide continuing supervision of those services; and

WHEREAS, A.C.A. § 14-266-102 grants cities of the first class broad authority regarding emergency and nonemergency medical services; and

WHEREAS, on January 19, 2004, the City Council passed Resolution R-04-02, granting Metropolitan Emergency Medical Services (“MEMS”) an exclusive franchise to provide advanced life support (ALS) ambulance service on a fee for service basis in the City of Conway; and

WHEREAS, On February 5, 2004, the City of Conway entered into an Interlocal Agreement, pursuant to Ark. Code Ann. § 25-20-102 *et seq*, with the City of Little Rock, to extend the operation of MEMS under an exclusive franchise arrangement to the residents of Conway. This Agreement required the City of Conway to grant to the Little Rock Ambulance Authority, by ordinance, an exclusive franchise to provide all emergency and non-emergency ambulance service to the citizens of Conway; and

WHEREAS, the Interlocal Agreement was for a period of five (5) years subject to the right of Little Rock and Conway to modify, renew or extend the term by mutual agreement; and

WHEREAS, on November 25, 2008, the Conway City Council passed Resolution R-08-45, authorizing the Mayor to enter into a five (5) year extension of the Interlocal Agreement with the City of Little Rock, granting an exclusive franchise to MEMS to provide ambulance services (emergency and non-emergency) to the City of Conway beginning February 5, 2009 and granting a subsidy to MEMS in the amount of \$91,109.00 to defray the cost of MEMS delivery of ambulance service in the City; and

WHEREAS, on January 28, 2014, the Conway City Council passed Ordinance No O-14-14, authorizing the Mayor to enter into a five (5) year extension of the Interlocal Agreement with the

City of Little Rock, granting an exclusive franchise to MEMS to provide ambulance services (emergency and non-emergency) to the City of Conway beginning February 5, 2014 and granting a subsidy to MEMS in the amount of \$109,438.00 to defray the cost of MEMS delivery of ambulance service in the City; and

WHEREAS, on October 11, 2016, the Conway City Council passed Resolution R-16-44 authorizing the Mayor to enter into a five (5) year extension of the Interlocal Agreement with the City of Little Rock, granting an exclusive franchise to MEMS to provide ambulance services (emergency and non-emergency) to the City of Conway and granting a subsidy to MEMS in the approximate amount of \$0 for the calendar year 2017; and

WHEREAS, Conway formed a task force to carry out the Act's call for periodic competition among companies for the right to provide ambulance services, by evaluating other providers capable of adequate providing services to Conway; and

WHEREAS, a hearing was set for a potential competitor, Pafford Medical Services, to make a presentation to the City Council along with MEMS on February 1, 2022; and

WHEREAS, on February 1, 2022, MEMS, has notified the City of Conway that it would not make a presentation and did not wish to continue its exclusive franchise with the City of Conway; and

WHEREAS, on February 1, 2022, to ensure no disruption of emergency medical services to the citizens of Conway, the City Council for the City of Conway, after the presentation by Pafford Medical Services, authorized the Mayor to negotiate an exclusive franchise agreement with Pafford Medical Services to provide an advanced life support (ALS) and basic life support (BLS) ambulance service on a fee for service basis in the City of Conway.

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

Section 1. The City Council hereby selects Pafford Medical Services as the exclusive franchisee for providing emergency and non-emergency ambulance service on a fee for service basis in the City of Conway for a term of five (5) years.

Section 2. The City Council hereby authorizes and instructs the Mayor to execute all documents and agreements necessary to implement the terms of this exclusive franchise.

Section 3. The City of Conway determines that the health, safety and welfare of the citizens of Conway demand that the ambulance services provided for herein begin on March 1, 2022, and given the initial startup costs of such rapid extension of services including equipment and staffing, a temporary subsidy is necessary. Therefore, the City of Conway will pay a subsidy to Pafford Medical Services, in an amount of \$90,000.00. Said subsidy shall be made in equal installments of \$30,000.00 with the first payment being payable on March 1, 2022 and then on the first business day of April, 2022, and the final payment to be made on the first business day of May, 2022, to defray the cost of Pafford's delivery of ambulance service in the City. At the conclusion of the subsidy period set forth herein, the Mayor shall review the subsidy payments, and any amounts not expended in response to the rapid start of the ambulance service and increased costs associated with staffing during the first 90 days shall be refunded to the City of Conway within ninety (90) days of such determination by the Mayor.

Section 4. The City of Conway shall appropriate funds in the amount of \$90,0000 from the General Fund Balance Appropriation Account (001.119.4900) to the Conway Fire Department Misc. Account for the subsidy to Pafford Medical Services.

Section 5. For purposes of this ordinance, the term "ambulance services" shall include the transportation and care provided the critically ill or injured prior to arrival at a medical facility and within a medical facility subject to the individual approval of the medical staff and governing board of that facility, and further the transport to or from medical facilities including but not limited to hospitals, nursing homes, physician's offices, and other health care facilities, of persons who are infirm or injured and who are transported in a reclining position or who are ill but considered to be non-emergency in status and who request ambulance transportation.

Section 6. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 7. In the event any portion of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

Section 8. That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 28th day of February, 2022.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer