



Workshop:

Bryant City Hall Complex

210 SW 3rd Street

Watch Live: <https://www.youtube.com/c/BryantArkansas>

Date: August 28, 2023 - **Time:** 6:00 PM

Invocation

Pledge of Allegiance

Call to Order

Public Comments

Old Business

Parks and Recreation

1. Discussion of New Funding Option

This proposal makes a much-needed investment in our parks and by bonding A&P funds to build a top-notch indoor tennis/pickleball facility will:

- 1. Provide a premier home to Bryant Hornets Tennis Team*
- 2. Broaden the economic impact of sports tourism in Bryant*
- 3. Accomplish one of the major projects proposed in the Parks master plan*
- 4. Give the voters a concrete vision of what they are voting for in November*

- [Bryant AP Ordinance and Resolution with Bond.pdf](#)

New Business

Public Works

2. CAW Rate Increase Pass-Through - An ordinance authorizing the City of Bryant Water Department to automatically assess any pass-through charges received by the department from Central Arkansas Water and/or other authorized water supplier(s) to its customers.

- [Pass Through Ordinance.docx \(2\).pdf](#)

3. System Infrastructure Fee - An ordinance re-establishing a system infrastructure fee as a monthly debt service surcharge to be paid by water and sewer customers.

- [Communication Plan'.docx.pdf](#)
- [System Infrastructure Fee Ordinance .docx.pdf](#)

- [System Infrastructure Fee Packet w Ordinances.pdf](#)
- [System Infrastructure Fee Powerpoint.pdf](#)

Council Comments

Mayor Comments

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX UPON THE GROSS RECEIPTS OR GROSS PROCEEDS FROM RENTING, LEASING OR FURNISHING HOTEL, MOTEL, HOUSE, CABIN, BED AND BREAKFAST, CAMPGROUND, CONDOMINIUM OR OTHER SIMILAR RENTAL ACCOMMODATIONS FOR SLEEPING, MEETING OR PARTY ROOM FACILITIES FOR PROFIT IN THE CITY AT THE RATE OF 3% AND UPON THE GROSS RECEIPTS OR GROSS PROCEEDS RECEIVED FROM THE SALE OF PREPARED FOOD AND BEVERAGES FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION BY RESTAURANTS, CAFES, CAFETERIAS, DELICATESSENS, DRIVE-IN RESTAURANTS, CARRY-OUT RESTAURANTS, CONCESSION STANDS, CONVENIENCE STORES, GROCERY-STORE RESTAURANTS OR SIMILAR BUSINESSES AT THE RATE OF 2%; AUTHORIZING THE USES OF THE COLLECTIONS OF THE TAX AS FOLLOWS: (A) IF COLLECTIONS OF THE TAX ARE NOT PLEDGED TO BONDS, FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW OR (B) IF COLLECTIONS OF THE TAX ARE PLEDGED TO BONDS, SUCH COLLECTIONS SHALL BE USED, FIRST, TO PAY OR PROVIDE FOR THE PAYMENT OF PRINCIPAL OF, INTEREST ON, AND FEES AND EXPENSES IN CONNECTION WITH SUCH BONDS AND EIGHTY-SEVEN PERCENT (87%) OF THE REMAINING TAX COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND THIRTEEN PERCENT (13%) OF THE REMAINING TAX COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Bryant, Arkansas (the "City") has determined that it would be in the best interest of the City to levy a tax pursuant to Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Tax Legislation"); and

WHEREAS, the collections of the tax will be used as set forth herein;

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

Section 1. (a) There is hereby levied a tax upon the gross receipts or gross proceeds from renting, leasing or furnishing hotel, motel, house, cabin, bed and breakfast, campground, condominium or other similar rental accommodations for sleeping, meeting or party room facilities for profit in the City at the rate of 3% and upon the gross receipts or gross proceeds received from the sale of prepared food and beverages for on-premises or off-premises consumption by

restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants or similar businesses at the rate of 2%.

(b) Subsection (a) does not include the rental or lease of accommodations described in subsection (a) for a period of thirty (30) days or more.

(c) The tax levied in subsection (a) shall not apply to the gross receipts or gross proceeds of organizations qualified under 26 U.S.C. § 501(c)(3), as it existed on January 1, 2023.

Section 2. The City shall establish the City of Bryant Advertising and Promotion Commission (the "Commission") by ordinance at a subsequent meeting.

Section 3. (a) If collections of the tax are not pledged to bonds, such collections shall be used as follows:

(1) 50% for the development, construction and maintenance of City parks; and

(2) 50% by the Commission as permitted by the Tax Legislation, as amended from time to time.

(b) If collections of the tax are pledged to bonds, such collections shall be used, first, to pay or provide for the payment of principal of, interest on, and fees and expenses in connection with such bonds, and the remaining tax collections shall be used as follows:

(1) 87% for the development, construction and maintenance of City parks; and

(2) 13% by the Commission as permitted by the Tax Legislation, as amended from time to time.

Section 4. The Commission shall be authorized to provide judicial relief to taxpayers and to issue certificates of indebtedness and shall have all the power and authority as set forth in Arkansas Code Annotated Section 26-75-603(d) and (e).

Section 5. When used in this Ordinance, the words "hotel," "motel," "house," "cabin," "bed and breakfast," "campground," "condominium," "restaurants," "cafes," "cafeterias," "delicatessens," "drive-in restaurants," "carry-out restaurants," "concession stands," "convenience stores," and "grocery store-restaurants," shall have their commonly accepted English meanings, and shall apply to business establishments and activities affected by this Ordinance regardless of the name of characterization applied by the owner or operator of such establishment or business activity.

Section 6. The provisions of this Ordinance are hereby declared to be severable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance.

Section 7. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: August 29, 2023.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, passed at a regular session of the City Council of Bryant, Arkansas, held at 6:30 o'clock p.m., on the 29th day of August, 2023, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this 29th day of August, 2023.

City Clerk

(SEAL)

RESOLUTION NO. _____

A RESOLUTION REFERRING ORDINANCE NO. _____ TO THE VOTERS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Bryant, Arkansas (the "City") has adopted Ordinance No. _____ on August 29, 2023 ("Ordinance No. _____"); and

WHEREAS, the City Council desires to refer Ordinance No. _____ to the voters for approval or rejection;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bryant, Arkansas:

Section 1. There is hereby called a special election to be held on November 14, 2023, at which election there shall be submitted to the electors of the City the question of whether Ordinance No. _____ shall be approved or rejected.

Section 2. The question of approving or rejecting Ordinance No. _____ shall be placed on the ballot in substantially the following form:

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX UPON THE GROSS RECEIPTS OR GROSS PROCEEDS FROM RENTING, LEASING OR FURNISHING HOTEL, MOTEL, HOUSE, CABIN, BED AND BREAKFAST, CAMPGROUND, CONDOMINIUM OR OTHER SIMILAR RENTAL ACCOMMODATIONS FOR SLEEPING, MEETING OR PARTY ROOM FACILITIES FOR PROFIT IN THE CITY AT THE RATE OF 3% AND UPON THE GROSS RECEIPTS OR GROSS PROCEEDS RECEIVED FROM THE SALE OF PREPARED FOOD AND BEVERAGES FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION BY RESTAURANTS, CAFES, CAFETERIAS, DELICATESSENS, DRIVE-IN RESTAURANTS, CARRY-OUT RESTAURANTS, CONCESSION STANDS, CONVENIENCE STORES, GROCERY-STORE RESTAURANTS OR SIMILAR BUSINESSES AT THE RATE OF 2%; AUTHORIZING THE USES OF THE COLLECTIONS OF THE TAX AS FOLLOWS: (A) IF COLLECTIONS OF THE TAX ARE NOT PLEDGED TO BONDS, FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND FIFTY PERCENT (50%) OF SUCH COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW OR (B) IF COLLECTIONS OF THE TAX ARE PLEDGED TO BONDS, SUCH COLLECTIONS SHALL BE USED, FIRST, TO PAY OR PROVIDE FOR THE PAYMENT OF PRINCIPAL OF, INTEREST ON, AND FEES AND EXPENSES IN CONNECTION WITH SUCH BONDS AND EIGHTY-SEVEN PERCENT (87%) OF THE REMAINING TAX

COLLECTIONS SHALL BE USED FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS AND THIRTEEN PERCENT (13%) OF THE REMAINING TAX COLLECTIONS SHALL BE USED BY THE CITY OF BRYANT ADVERTISING AND PROMOTION COMMISSION AS PERMITTED BY ARKANSAS LAW; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

FOR Ordinance No. _____

AGAINST Ordinance No. _____

Section 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections and only qualified voters of the City shall have the right to vote at the election.

Section 4. A copy of this Resolution shall be (a) filed with the Saline County Clerk at least 70 days prior to the election date and (b) given to the Saline County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 5. 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 call and hold the special election as herein provided.

PASSED: August 29, 2023.

APPROVED:

ATTEST:

City Clerk

Mayor

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Resolution No. _____, passed at a regular session of the City Council of Bryant, Arkansas, held at the regular meeting place of the City Council at 6:30 o'clock p.m., on the 29th day of August, 2023.

GIVEN under my hand and seal this 29th day of August, 2023.

City Clerk

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF BRYANT, ARKANSAS ON THE QUESTION OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF CAPITAL IMPROVEMENTS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Bryant, Arkansas (the "City") has determined that it would be in the best interest of the City to acquire, construct, furnish and equip a new indoor tennis and pickleball facility and any parking, street, utility, signage, landscaping, lighting and utility improvements related thereto (the "Improvements"); and

WHEREAS, the Improvements will attract a substantial number of additional visitors to the City and thereby promote the development of tourism in the City; and

WHEREAS, the City Council hereby finds and determines that the Improvements are capital improvements of a public nature within the meaning of Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") and are tourist-oriented facilities within the meaning of Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Tax Legislation"); and

WHEREAS, the City can finance all or a portion of the costs of the Improvements by the issuance of capital improvement bonds in one or more series in the maximum aggregate principal amount of \$16,900,000 (the "Bonds") under the authority of Amendment No. 62 to the Constitution of the State of Arkansas, the Authorizing Legislation and the Tax Legislation; and

WHEREAS, the City can pay the principal of and interest on the Bonds from a pledge of collections of the tax upon the gross receipts or gross proceeds from renting, leasing or furnishing hotel, motel, house, cabin, bed and breakfast, campground, condominium or other similar rental accommodations for sleeping, meeting or party room facilities for profit in the City at the rate of 3% and upon the gross receipts or gross proceeds received from the sale of prepared food and beverages for on-premises or off-premises consumption by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants or similar businesses within the City at the rate of 2% levied by the City under the authority of the Tax Legislation and Ordinance No. _____, adopted August 29, 2023 (the "Tax"), if the levy of the Tax is separately approved by the voters; and

WHEREAS, the purpose of this Ordinance is to submit to the electors of the City the question of issuing the Bonds at a special election to be called for that purpose;

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

Section 1. There is hereby called a special election to be held on November 14, 2023, at which election there shall be submitted to the electors of the City the question of issuing the Bonds in one or more series, in the aggregate principal amount of not to exceed \$16,900,000, to be payable from a pledge of collections of the Tax.

Section 2. The question of issuing the Bonds shall be placed on the ballot for the election in substantially the following form:

CAPITAL IMPROVEMENT BONDS

Bonds of the City of Bryant in one or more series in the maximum aggregate principal amount of \$16,900,000 for the purpose of financing all or a portion of the costs of acquiring, constructing, furnishing and equipping a new indoor tennis and pickleball facility and any parking, street, utility, signage, landscaping, lighting and utility improvements related thereto. The bonds will be payable from a pledge of collections of the tax levied by the City upon the gross receipts or gross proceeds from renting, leasing or furnishing hotel, motel, house, cabin, bed and breakfast, campground, condominium or other similar rental accommodations for sleeping, meeting or party room facilities for profit in the City at the rate of 3% and upon the gross receipts or gross proceeds received from the sale of prepared food and beverages for on-premises or off-premises consumption by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery-store restaurants or similar businesses within the City at the rate of 2%, if the levy of such tax is separately approved by the voters.

FOR.....

AGAINST.....

Section 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections unless otherwise provided in the Authorizing Legislation and only qualified voters of the City shall have the right to vote at the election.

Section 4. The results of the election shall be proclaimed by the Mayor, and his Proclamation shall be published one time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 5. A copy of this Ordinance shall be (a) filed with the Saline County Clerk at least 70 days prior to the election date and (b) given to the Saline County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 6. 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 call and hold the special election as herein provided.

Section 7. The provisions of this Ordinance are hereby declared to be severable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of the Ordinance.

Section 8. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: August 29, 2023.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. _____, passed at a regular session of the City Council of Bryant, Arkansas, held at 6:30 o'clock p.m., on the 29th day of August, 2023, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal this 29th day of August, 2023.

City Clerk

(SEAL)

ORDINANCE NO. 2023- ____

AN ORDINANCE AUTHORIZING THE CITY OF BRYANT WATER DEPARTMENT TO AUTOMATICALLY ASSESS ANY PASS-THROUGH CHARGES RECEIVED BY THE DEPARTMENT FROM CENTRAL ARKANSAS WATER AND/OR OTHER AUTHORIZED WATER SUPPLIER(S) TO ITS CUSTOMERS:

WHEREAS, the City of Bryant, Arkansas purchases its water from Central Arkansas Water;

WHEREAS, any increase in rates by Central Arkansas Water (“CAW”) or any other authorized water provider adversely affects City of Bryant Water Department’s ability to provide potable water service to its customers at existing charges, fees, and rates;

WHEREAS, increase in rates by CAW and/or any other authorized water provider shall be automatically passed through to the customers of the Bryant Water Department after review and approval of the City Council of Bryant. Any rate, fee, or charge adjustments received from Central Arkansas Water will be brought to the City Council of Bryant for review prior to adjustment of rates;

WHEREAS, customer rates adjusted for pass through increases will only be adjusted by the proportional amount necessary to provide sufficient income to cover the costs of the increase in charges, fees, and/or rates from CAW and/or any other authorized water provider.

WHEREAS, CAW has provided the City of Bryant with a proposed 10 year rate schedule that will take effect January 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRYANT, ARKANSAS THAT:

Section 1: Rate, Charge, and Fee Increases

1. Volumetric Wholesale Rate Increase

Updated Volumetric Rate

Central Arkansas Water	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Wholesale Rates											
Bryant Water and Sewer	\$ 1.24	\$ 1.24	\$ 1.46	\$ 1.62	\$ 1.74	\$ 1.88	2.02	2.12	2.22	2.34	2.46

- a) Customer pass through increase to monthly minimum water usage charge:
 - January 1, 2024: \$.22
 - January 1, 2025: \$.16
 - January 1, 2026: \$.12
 - January 1, 2027: \$.14
 - January 1, 2028: \$.14
 - January 1, 2029: \$.10
 - January 1, 2030: \$.10
 - January 1, 2031: \$.12
 - January 1, 2032: \$.12

2. Infrastructure Per-Meter Monthly Charge

Central Arkansas Water	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
Rate Schedule										
5/8"	\$ -	\$ 0.50	\$ 0.75	\$ 1.00	\$ 1.50	\$ 2.50	\$ 3.50	\$ 3.75	\$ 4.00	\$ 4.25
3/4"	-	0.75	1.13	1.50	2.25	3.75	5.25	5.63	6.00	6.38
1"	-	1.25	1.88	2.50	3.75	6.25	8.75	9.38	10.00	10.63
1.5"	-	2.50	3.75	5.00	7.50	12.50	17.50	18.75	20.00	21.25
2"	-	4.00	6.00	8.00	12.00	20.00	28.00	30.00	32.00	34.00
3"	-	8.75	13.13	17.50	26.25	43.75	61.25	65.63	70.00	74.38
4"	-	15.75	23.63	31.50	47.25	78.75	110.25	118.13	126.00	133.88
6"	-	32.50	48.75	65.00	97.50	162.50	227.50	243.75	260.00	276.25
8"	-	70.00	105.00	140.00	210.00	350.00	490.00	525.00	560.00	595.00
10"	-	105.00	157.50	210.00	315.00	525.00	735.00	787.50	840.00	892.50
12"	-	132.50	198.75	265.00	397.50	662.50	927.50	993.75	1,060.00	1,126.25

- a) Customer pass through increase to monthly water bill in the form of “CAW Infrastructure Fee”:
 Fee is based on meter size.

3. Watershed Protection Fee:

- a) All customers will be charged a pass-through monthly fee per meter, with the fee determined by meter size as follows:

METER SIZE (diameter)	WATERSHED PROTECTION FEE
5/8" and 3/4"	\$.90
1"	\$1.35
1 1/2"	\$2.25
2"	\$4.50
3"	\$7.20
4"	\$13.50
6"	\$22.50
8"	\$45.00
10"	\$72.00

Section 2: General Repealer

All laws, ordinances, resolutions, or parts of the same, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Section 3: Severability

Should any title, section, paragraph, item, sentence, clause, or phrase of this Ordinance be declared or adjudged invalid or unlawful by a court of competent jurisdiction, such declaration or adjudication shall not affect the remaining portions of the Ordinance which shall remain in full force and effect as if the portion so declared or adjudged or unconstitutional was not originally part of the Ordinance.

PASSED AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Allen Scott, Mayor

Mark Smith, City Clerk

ORDINANCE NO. 2023- ____

AN ORDINANCE RE-ESTABLISHING A SYSTEM INFRASTRUCTURE FEE AS A MONTHLY DEBT SERVICE SURCHARGE TO BE PAID BY WATER AND SEWER CUSTOMERS

WHEREAS, the City of Bryant, Arkansas owns and operates a sewer and water system, and has determined that extensions, betterments, and improvements to the System should be made in order that the City and its inhabitants may have adequate and proper sewer and water facilities; and

WHEREAS, Section 1 of Ordinance 2006-02 established a Debt Service Surcharge to be used solely for the retirement of an issue of sewer revenue bonds in the principal amount of \$4,500,000 (the “Series 1998 Bonds”); and

WHEREAS, the Series 1998 Bonds have since been paid off; and

WHEREAS, the City Council of the city of Bryant, Arkansas believes it is in the City’s best interest to resume collecting this fee to fund current and future bond and loan repayments relating to the water distribution system, wastewater treatment plant, and sanitary sewer collection system. (“the System”)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRYANT, ARKANSAS THAT:

Section 1.

1. System Infrastructure Fee

- (a) All sewer customers of the System (including sewer customers who receive water from sources other than the System and occupants of mobile homes and apartments which have no separate water meter) shall be charged a monthly fee (the “System Infrastructure Fee”) to be used solely for the repayment of sewer or water system bonds and loans. The System Infrastructure Fee will be paid by all sewer customers regardless of the amount of water used or waste water discharged. All revenues derived from the Fee shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) of sewer or water revenue bonds or loans.
- (b) The monthly System Infrastructure Fee for each mobile home, with or without a separate water meter, shall be \$15.
- (c) The monthly System Infrastructure Fee for each apartment, residential dwelling unit, with or without a separate water meter, shall be \$15.
- (d) The monthly System Infrastructure Fee for each new residential dwelling unit of any type, with or without a separate water meter, shall be \$15.
- (e) The monthly System Infrastructure Fee for each health care facility shall be based on meter size.
- (f) The monthly System Infrastructure Fee for each State funded facility shall be based on meter size.

- (g) The monthly System Infrastructure Fee for commercial establishments shall be based on meter size. Any additional unit without a separate water meter shall be \$15.
- (h) The monthly System Infrastructure Fee for all other sewer customers will be based on meter size.
- (i) The System Infrastructure Fee for all other sewer customers shall be based on meter size as follows:

Meter Size	System Infrastructure Fee
5/8" & 3/4"	\$15.00
1"	\$50.00
1 1/2"	\$100.00
2"	\$160.00
3"	\$320.00
4"	\$505.00
6"	\$1,010.00

- (j) All meters will see a 5% increase in the City's System Infrastructure Fee per annum.

2. Annual Review and Notification

- a) The City will continuously monitor the revenues of the System, including specifically the adequacy of its rates and fees, and will take appropriate steps to remedy delinquent billings or inadequacy of rates.
- b) The City shall at all times fix, charge, and collect rates and charges for services furnished by the System, including increasing rates and charges as necessary, which shall provide revenues sufficient to at least: 1) pay the City's annual costs of OM&R; 2) pay annual debt service; and 3) provide the necessary bond coverage.

3. Effective Date

- a) The System Infrastructure Fee shall be included on all billing statements mailed on and after September 29, 2023. It shall be billed and collected in addition to all other water and sewer rates and charges. In the case of mobile homes and apartments without a separate meter, the System Infrastructure Fee shall be included on the bills of the metered customer to whom existing sewer charges for the unmetered mobile home or apartment are sent.

PASSED AND APPROVED this _____ day of August, 2023.

APPROVED:

ATTEST:

Allen Scott, Mayor

Mark Smith, City Clerk

System Infrastructure Fee Justifications:

Fee:

“All sewer customers of the system (including sewer customers who receive water from sources other than the System and occupants of mobile homes and apartments which have no separate water meter) shall be charged a monthly fee (the “System Infrastructure Fee”) to be used solely for the retirement of an issue of water and sewer system bonds or loans. The System Infrastructure Fee will be paid by all sewer customers regardless of the amount of water used or wastewater discharges. All revenue derived from the System Infrastructure Fee shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) of sewer or water system bonds or loans.”

Fee: \$15 for 5/8” and ¾” meters; see ordinance for other charges based on meter sizes

Past Ordinance timeline with previous debt service surcharge:

O1999-06: Debt Service Surcharge created for the repayment of 1998 bonds.

O2003-04: Debt Service Surcharge still being collected.

O2003-17: 1998 Bonds were renamed 2003 Bonds. Debt Service Surcharge still being collected.

O2003-20: 2003 Bonds for \$6.4M. Fee still being collected.

O2005-07: 2003 bonds still being paid. 2005 bonds taken on for \$4.875M. Fee still being collected for bond repayment.

O2005-20: Fee still being collected. Outside City Limit service charge is established for sewer customers.

O2006-02: Fee still being collected. This ordinance is the same as 2003-04 for the exception of an increase in water rates. Sewer rates remained the same, but outside city limit service charge was removed. The repayment of the 1998 bonds are referenced in 2006-02 for the Debt Service Surcharge, but 1998 bonds were renamed 2003 bonds, and that fee is still instructed to be collected per last ordinance.

O2008-35: Fee stops being collected. Minimum monthly charge jumps from \$5.50 to \$12.82 and consumption in excess of 2,000 gallons jumps from \$2.60 per 1,000 gallons to \$6.26 per 1,000 gallons. That is an additional \$7.32 on the minimum bill + \$3.66 per 1,000 gallons. Using the industry average of a 4,000-gallon bill, the new bill would be \$25.32 vs. \$19.65 with the debt service charge in place. While the debt service charge was removed, the revenue was not. This ordinance follows a fixed rate schedule for 2008-2011, but the rates for 2010 and 2011 were amended in **O2009-28.**

O2011-30: Rates are adjusted back to an applicable usage schedule. To ensure the system can properly take on sewer and water capital improvement projects through bonds and loans, a debt service coverage is imperative. While the rates put into effect in 2011 and onward properly cover the system’s current O&M, it does not provide coverage to pursue opportunities that allow the City to complete capital improvements to the System that provide added capacity. When the rates were adjusted, a debt service surcharge or fee should have been put back into place to ensure bond or loan repayment is secured through the form of a consistent, diverse revenue stream solely for the purpose of bond/loan repayment.

Reason for implementing a new System Infrastructure Fee:

The City of Bryant has multiple capital improvement projects the System needs to pursue within the next few years to allow continued growth and compliance with regulatory agencies relating to system capacity. While the City is pursuing an updated Water Master Plan and is in the process of completing a Wastewater Master Plan to replace the current 2008 plans, these projects are identified as crucial. We are also in the process of rate studies to evaluate the City's current and projected rates and fees. The City has pursued multiple funding avenues, and we have received approval for assistance in 2 sewer and 1 water project as of 7/13/2023. The Arkansas Department of Natural Resources manages the State Revolving Funds for Water and Sewer projects. Those funds are available to Bryant in the form of low interest rate loans. The interest rates offered by ANRC are required to always be lower than market interest rates. They will always be the lowest interest rates we can receive.

To qualify for these funds, you must follow strict federal guidelines as well as complete the funding application process. Projects must qualify under the Clean Water State Revolving Fund guide or the Drinking Water State Revolving Fund guide. Once the application process is complete, offer letters are sent to the applicants. These offer letters include information based on the City's current revenue. The City has adequate coverage of current bonds and system maintenance, but it does not have coverage to receive the offered funds. The City's long-term goal is to utilize the State Revolving Funds for our capital improvement projects identified in our master plans. Our revenue from rates will be towards the maintenance and operations side of our system. Our revenue streams must be diversified. We can not have system revenues being solely dependent on system development or customer usage rates. While our master plans will be addressing the shortfalls of our current impact fees imposed on developers, inside city limit services vs outside city limit services, and customer usage rates, we know that a revenue increase is required now to receive the low interest rate loans we have been offered. The best way to fund these projects is through a monthly system infrastructure fee that allocates that revenue solely for repayment of any bonds or loans the City receives to improve and upgrade the current System.

Current projects that have been granted SRF loans:

Water meter upgrade project: 0% interest, 1% fee. 10-year repayment period. \$3,548,810.

Lea Circle Gravity Sewer Relocate: .75% interest, 1% fee. 20-year repayment period. \$1,500,000.

Projects required for growth:

South Plain Water Project: \$5,861,496

Lift Station 5 Force Main Relocation: est. \$2,500,000

Lift Station 5 Upgrades and Improvements: \$4,000,000

Springhill Gravity Sewer Relocation: \$1,950,162

Other cities nearby charging a monthly debt service fee:

(<https://www.carkw.com/customer-service/water-rates/debt-service-charges/>)

Salem Water Users: \$35.90

Wye Mountain: \$32.00

Frazier Pike: \$28.15

Woodland Ridge: \$11.00

Eureka Gardens: \$28.50

Maumelle: \$15.67

Paron: \$11.00

Cabot: \$13.50 inside city limits \$16.50 outside city limits (<https://www.cabotwaterworks.com/rates-and-policies>)

Texarkana: Charges monthly infrastructure fee varying from inside/outside/residential/commercial customers (<https://twu.txkusa.org/pview.aspx?id=21054&catid=29>)

Hot Springs: \$21.73 inside city limits \$30.13 outside city limits (<https://www.cityhs.net/DocumentCenter/View/10948/Wastewater-Rates?bidId=>)

Please keep in mind that these are ADDITIONAL fees that customers pay in addition to their minimum usage charge + excess use. These fees are for repayment of debt, bonds, loans, etc.

Projected revenue from System Infrastructure Fee:

According to financial audits from 2008, \$636,285.37 was collected from the debt service surcharge in 2007. \$643,709.63 was collected before December of 2008 when the surcharge had stopped being collected.

Based on recent meter counts,

5/8" & 3/4" meters: $9,384(\$15)(12) = \$1,689,120$

1": $362(\$50)(12) = \$217,200$

1 1/2": $21(\$100)(12) = \$25,200$

2": $67(\$160)(12) = \$128,640$

3": $5(\$320)(12) = \$19,200$

4": $1(\$505)(12) = \$6,060$

6": $1(\$,010)(12) = \$12,120$

= \$2,097,540 to be deposited into System Infrastructure Fee account used solely towards the repayment of any water or sewer bonds/loans.

In 2023, budgeted cost of bond/loan repayment for the 3 water/sewer bonds already being utilized is \$1,065,073. Over a million dollars of the systems revenues are already being spent towards the repayment of capital improvement bonds vs operations and maintenance of the system. Imagine what an additional \$1,000,000 every year could do for the System's integrity and ability to efficiently provide safe drinking water and sanitary services to the customers we serve.

ORDINANCE NO. 99-6

AMENDED

AN ORDINANCE AMENDING EXISTING RATES FOR SERVICES RENDERED BY THE SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS, AS SET FORTH BY ORDINANCE NO. 97-30; ESTABLISHING A DEBT SERVICE SURCHARGE TO BE PAID BY SEWER CUSTOMERS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

*Amended
by
99-15*

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates a sewer (wastewater) system (the "System"), and has determined that extensions, betterments and improvements to the System should be made in order that the City and its inhabitants may have adequate and proper sewer facilities; and

WHEREAS, the extensions, betterments and improvements include expansion of the existing wastewater treatment facilities to a capacity of two million gallons per day, the rehabilitation of the existing wastewater collection system to eliminate (to the extent possible) infiltration and inflow in the collection system, and construction of collection system improvements to eliminate bottlenecks and provide adequate hydraulic capacity in all parts of the system (the "Project"); and

WHEREAS, the City Council has determined to finance the Project by the issuance of water and sewer revenue bonds; and

WHEREAS, the estimated costs of the Project, including expenses incidental thereto and costs of issuing the bonds and funding a debt service reserve for the bonds ("Project Costs") is \$4,500,000; and

WHEREAS, the City Council has previously established water rates and sewer rates which are necessary and sufficient to pay the costs of operating and maintaining the System and paying debt service on outstanding bonds payable from System revenues, but which will not be sufficient to pay debt service on the bonds to be issued to finance Project Costs;

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

Section 1. Debt Service Surcharge. (a) All sewer customers of the System (including sewer customers who receive water from sources other than the System and occupants of mobile homes and apartments which have no separate water meter) shall be charged a monthly fee (the "Debt Service Surcharge") to be used solely for the retirement of an issue of water and sewer revenue bonds in the principal amount of not to

exceed \$4,500,000 to be issued to finance Project Costs (the "Series 1997 Bonds".) The Debt Service Surcharge will be paid by all sewer customers regardless of the amount of water used or wastewater discharges. All revenues derived from the Debt Service Surcharge shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) of the Series 1997 Bonds.

(b) The Debt Service Surcharge for each mobile home, with or without a separate water meter, shall be \$8.95.

(c) The Debt Service Surcharge for each apartment, with or without a separate water meter, shall be \$8.95.

(d) The Debt Service Surcharge for all other sewer customers will be based on meter size, as follows:

<u>Meter Size</u>	<u>Debt Service Surcharge</u>
5/8" x 3/4"	\$ 8.95
3/4"	8.95
1"	30.00
1 1/2"	60.00
2"	95.00
3"	190.00
4"	300.00
6"	600.00

Section 2. Effective Date. The Debt Service Surcharge shall be included on all billing statements mailed on or after January 15, 1998. It shall be billed and collected in addition to all other water and sewer rates and charges. In the case of mobile homes and apartments without a separate meter, the Debt Service Surcharge shall be included on the bills of the metered customer to whom existing sewer charges for the unmetered mobile home or apartment are sent.

Section 3. Existing Sewer Rates To Continue. The existing sewer rates, established by Ordinance No. 97-3 and Ordinance No. 97-5, are confirmed and shall continue to be billed and collected. These rates are as follows:

(a) Monthly Usage Charge. Each sewer customer shall pay a monthly sewer charge based on water consumption according to the following schedule of rates:

For the first 2,000 gallons of water consumption per month, or portion thereof, a charge of \$5.50. This shall be the monthly minimum sewer charge.

For all water consumption in excess of 2,000 gallons, each customer shall pay an additional charge of \$2.60 per 1,000 gallons.

Each customer over the age of 65 shall receive a Senior Citizen discount of \$3.00 per month, which shall be deducted from the monthly utility bill.

(b) Tie-On and Impact Fees. Tie-on and impact fees shall be charged on all new connections to the sewer facilities, as follows:

Subdivision sewer tie-on fee: \$150.
Subdivision sewer impact fee: \$500 plus \$100 per lot. The per lot fee is for both water and sewer.

Motel sewer tie-on fee: \$150
Motel sewer impact fee: \$500 plus \$5 per room.

Sewer tie-on fee for Apartment Complexes: \$150 for each apartment.
Sewer impact fee for Apartment Complexes: \$500 for each apartment.

Sewer tie-on fee for all other customers: \$150.
Sewer impact fee for all other customers: \$500.

(c) Use of Impact Fees. All sewer impact fees shall be accounted for and used as provided in Ordinance No. 97-3.

Section 4. Severability. The provisions of this Ordinance are separate and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 5. General Repealer. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: ~~December 1, 1997.~~ March 22, 1999 @

APPROVED:


Paul E. Halley, Mayor

ATTEST:


Ann Permenter, City Clerk

(SEAL)

ORDINANCE NO. 2003-04

AN ORDINANCE ESTABLISHING SEWER AND WATER
RATES FOR SERVICES RENDERED BY THE MUNICIPAL SEWER
AND WATER SYSTEMS OF THE CITY OF BRYANT, ARKANSAS;
ESTABLISHING WATER RATES FOR METERS OF CERTAIN SIZES;
FIXING CERTAIN IMPACT AND CONNECTION FEES AND
ESTABLISHING A CAPITAL ACCOUNT FOR DEBT
RETIREMENT FUND

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates a sewer (wastewater) and water system (the "System"), and has determined that adjustments should be made in certain charges for services of the System in order that the City and its inhabitants may continue to have adequate and proper sewer and water facilities.

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

Section 1. Debt Service Charge

(a) All sewer customers of the System (including sewer customers who receive water from sources other than the System and occupants of mobile homes and apartments which have no separate water meter) shall be charged a monthly fee (the "Debt Service Surcharge") to be used solely for the retirement of an issue of sewer revenue bonds in the principal amount of \$4,500,000 (the "Series 1998 Bonds"). The Debt Service Surcharge will be paid by all sewer customers regardless of the amount of water used or waste water discharges. All revenues derived from the Debt Service Surcharge shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) of the Series 1998 Bonds.

- (b) The monthly Debt Service Surcharge for each mobile home, with or without a separate water meter, shall be \$8.95.
- (c) The monthly Debt Service Surcharge for each apartment, residential dwelling unit with or without a separate water meter, shall be \$8.95.
- (d) A monthly Debt Service Surcharge for each new residential dwelling unit of any type, with or without a separate water meter, shall be \$8.95.
- (e) The monthly Debt Service Surcharge for health care facilities shall be based on meter size.
- (f) The monthly Debt Service Surcharge for State funded facilities shall be based on meter size.

(g) The Debt Service Surcharge for commercial establishments shall be based on meter size. Any additional unit without a separate water meter shall be \$8.95.

(h) The Debt Service Surcharge for all other sewer customers will be based on meter size.

Meter sizes are as follows:

<u>Meter Size</u>	<u>Debt Service Surcharge</u>
5/8" x 3/4"	\$ 8.95
3/4"	8.95
1"	30.00
1 1/2"	60.00
2"	95.00
3"	190.00
4"	300.00
6"	600.00

Section 2. Effective Date. The Debt Service Surcharge is hereby confirmed for all billing statements mailed on or after January 15, 1998. It shall be billed and collected in addition to all other water and sewer rates and charges. In the case of mobile/manufactured homes, residential dwelling units and apartments without a separate meter, the Debt Service Surcharge shall be included on the bills of the metered customer to whom existing sewer charges for the unmetered mobile/manufactured homes, residential dwelling units and apartments are sent.

Section 3. Sewer Rates The sewer rates, established by the passage of this ordinance shall be billed and collected..

Rates are as follows:

(a) **Monthly Sewer Usage Charge.** Each sewer customer shall pay a monthly sewer charge based on water consumption according to the following schedule of rates:

For the first 2000 gallons of water consumption per month, or portion thereof, a charge of \$5.50. This shall be the monthly minimum sewer charge.

For all water consumption in excess of 2000 gallons, each customer shall pay an additional charge of \$2.60 per 1000 gallons.

Any multi unit that has installed a master meter will pay the Minimum Bill of \$5.50 on each unit plus usage shown on master meter.

Section 4. Sewer Connection Fees and Impact Fees.

(a) Connection fees and impact fees shall be charged on all new connections to the sewer facilities.

Rates are as follows:

	<u>Connection Fees</u>	<u>Impact fees</u>
Subdivision, Mobile/Manufactured Park/Village Development		\$50.00 per lot (may be in phases)
Motel	\$150.00	\$500.00 plus \$150.00 per room
Apartment /Apartment Complexes	\$150.00 per unit	\$ 500.00 per unit
Residential dwelling units Mobile/Manufactured Homes	\$150.00 per unit	\$ 500.00 per unit
Strip Malls	\$150.00 per unit	\$ 500.00 per unit
Elderly/Nursing Care Facilities	\$150.00	\$ 500.00 plus \$150.00 per room
Assisted Living Facilities /Retirement Center	\$150.00 per unit	\$ 500.00 per unit
Commercial Establishments- Permanent or Temporary	\$150.00 per unit	\$500.00 per unit
Other Customers (Other defined as anything not listed above - See definitions for classifications)	\$150.00 per unit	\$500.00

Sewer impact fees may only be used for Capital Improvements (See Section 6 of Ordinance No.97-3), with the exception of \$100.00 of each impact fee collected. This is to be deposited into an interest bearing account to be used as a Debt Retirement Fund for 1998 Bonds. The Bonds shall be subject to redemption, from funds from any sources at the option of the City, on and after June 1, 2003, in whole at any time or in part on any interest payment date.

Section 5. Water Rates

(a) Except for water furnished through fire sprinkler systems, all water furnished by the Bryant Municipal Water and Sewer System shall be measured through meters. The size of each meter shall be not less than (five-eighths) 5/8 inch and not more than (six) 6 inches, as determined by the manager of the system on the basis of his estimate of the amount of water to be used for the premises. Each water customer shall pay a monthly charge for water as follows:

For the first 2000 gallons of water consumption per month, or portion thereof, each customer shall pay a charge (known as the "Minimum Charge") based on meter size as follows:

<u>Meter Size</u>	<u>Minimum Charge</u>
5/8 inch	\$ 6.24
3/4 inch	10.74
1 inch	15.24
1 1/2 inch	21.24
2 inch	27.24
3 inch	59.70
4 inch	89.70
6 inch	173.70

For all water consumption in excess of 2000 gallons per month, each customer shall pay an additional charge of \$2.87 per 1,000 gallons.

Each customer age 65 and over with verification of age will receive a senior citizen discount of three dollars (\$3.00) per month which shall be deducted from the monthly water bill.

(b) Water Connection Fees and Impact Fees based on 5/8 inch meter size
The Charge for any larger meter shall be based on the cost of installation.

Rates are as follows:

	<u>Connection Fees</u>
Commercial Establishment (per unit) - Permanent or Temporary	\$245.00 plus cost of larger installation
Residential Dwelling Unit/ Mobile/Manufactured Home	\$245.00 per unit
Subdivision or Mobile Homes Village - if developer installs all services including meter boxes and setter	\$245.00 per unit
Motels	\$245.00 plus cost of larger installation
Apartment Complex- Apartment Complexes/Strip Mall	\$245.00 plus cost of larger installation
Connection fee based on single meter - if separate meter used - price per each.	
Elderly/Nursing Care Facilities	\$245.00
Watering Meters - New Service (Sprinkling)	\$245.00
Assisted Living/Retirement Center Facilities	\$245.00 plus cost of larger installation
Connection Fees for all other customers (Other defined as anything not listed above)	\$245.00

	<u>Impact Fees</u>
Commercial Establishment - Permanent or Temporary/Strip Malls	\$500.00 per unit
Residential Dwelling Unit/ Mobile/Manufacturing Homes	\$500.00 per unit
Motels	\$500.00 plus \$150.00 per room
Apartment/Apartment Complexes	\$500.00 per residential dwelling unit
Subdivision - Mobile/Manufactured Village/Park Development	\$50.00 per lot (may be in phases)
Elderly/Nursing Care Facilities	\$500.00 plus \$150.00 per unit
Additional meters impacting water only (Sprinkling)	\$150.00
Assisted Living/Retirement Facilities	\$500.00 per unit
Impact Fee for all Other Customers (Other defined as anything not listed above)	\$500.00 per unit

Central Arkansas Water System Development Charges effective September 1, 2002:

Charges for meters will be in accordance with the following table:

ACTUAL METER SIZE	SERVICE UNITS	CHARGE BY METER SIZE
5/8 or 3/4-inch	1	\$150
1-inch	1.5	\$225
1 1/2-inch	2.5	\$375
2-inch	5	\$750
3-inch	8	\$1,200
4-inch	15	\$2,250
6-inch	25	\$3,750

Water impact fees can be used only for Capital Improvements in water (See Six (6) of Ordinance No. 97-3).

Subdivision and Mobile/Manufactured Village/Park Development impact fees can only be used for Capital Improvement in water or sewer (See Six (6) of Ordinance No. 97-3).

(c) None of the water services afforded by the System shall be furnished without a charge being made therefor. Any multi unit that has installed a master meter will pay the Minimum Bill on each unit plus usage shown on master meter.

Section 6. Severability. The provisions of this Ordinance are separate and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 7. General Repealer. All ordinances and resolutions and parts hereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 27 Day of January 2003

APPROVED:


Paul E. Halley, Mayor

ATTEST:

DATE:


B. Cockerham, City Clerk

1-27-03

(SEAL)

ORDINANCE NO. 2003-17

AN ORDINANCE CONFIRMING EXISTING RATES FOR SEWER SERVICES RENDERED BY THE WATER AND SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS; FIXING A DEBT SERVICE SURCHARGE TO BE PAID BY SEWER CUSTOMERS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates water and sewer facilities, which are operated as a single integrated municipal undertaking (the "System") under the control of the Bryant Water and Wastewater Commission (the "Commission"); and

WHEREAS, the City Council and the Commission have determined that the System is in need of extensions, betterments and improvements (the "Improvements"); and

WHEREAS, the City has outstanding its Water and Sewer Revenue Refunding and Improvement Bonds, Series 1992 (the "1992 Bonds") and its Water and Sewer Revenue Bonds, Series 1998 (the "1998 Bonds"); and

WHEREAS, the City and the Commission have determined that, in order to produce debt service savings, the 1992 Bonds and the 1998 Bonds should be refunded (the "Refunding"); and

WHEREAS, the City can finance the Improvements and the Refunding by the issuance of its Water and Sewer Refunding and Construction Revenue Bonds, Series 2003 (the "2003 Bonds"); and

WHEREAS, the City is currently levying a debt service surcharge paid by all sewer customers of the System in order to pay a portion of the debt service on the 1998 Bonds; and

WHEREAS, the City must continue to levy a debt service surcharge in order to pay a portion of the debt service on the 2003 Bonds;

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

Section 1. Debt Service Surcharge. (a) All sewer customers of the System (including sewer customers who receive water from sources other than the System and occupants of mobile homes and apartments which have no separate water meter) shall be charged a monthly fee (the "Debt Service Surcharge") to be used solely for the retirement of the 2003 Bonds. The Debt Service Surcharge will be paid by all sewer customers regardless of the amount of water used or wastewater discharged. All revenues derived from the Debt Service

Surcharge shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) on the 2003 Bonds.

(b) The Debt Service Surcharge for each mobile home, with or without a separate water meter, shall be \$8.95.

(c) The Debt Service Surcharge for each apartment or residential dwelling unit, with or without a separate water meter, shall be \$8.95.

(d) A monthly Debt Service Surcharge for each new residential dwelling unit of any type, with or without a separate water meter, shall be \$8.95.

(e) The monthly Debt Service Surcharge for health care facilities shall be based on meter size.

(f) The monthly Debt Service Surcharge for State funded facilities shall be based on meter size.

(g) The Debt Service Surcharge for commercial establishments shall be based on meter size. Any additional unit without a separate water meter shall be \$8.95.

(h) The Debt Service Surcharge for all other sewer customers will be based on meter size, as follows:

<u>Meter Size</u>	<u>Debt Service Surcharge</u>
5/8"	\$ 8.95
3/4"	8.95
1"	30.00
1 1/2"	60.00
2"	95.00
3"	190.00
4"	300.00
6"	600.00

Section 2. Effective Date. The Debt Service Surcharge shall be included on all billing statements mailed on or after July 1, 2003. The Debt Service Surcharge shall replace the debt service surcharge currently pledged to the 1998 Bonds. It shall be billed and collected in addition to all other water and sewer rates and charges. In the case of mobile/manufactured homes, residential dwelling units and apartments without a separate meter, the Debt Service Surcharge shall be included on the bills of the metered customer to whom existing sewer charges for the unmetered

mobile/manufactured homes, residential dwelling units and apartments are sent.

Section 3. Existing Sewer Rates To Continue. The existing sewer rates, established by Ordinance No. 2003-04, are confirmed and shall continue to be billed and collected. These rates are as follows:

(a) Monthly Sewer Usage Charge. Each sewer customer shall pay a monthly sewer charge based on water consumption according to the following schedule of rates:

For the first 2,000 gallons of water consumption per month, or portion thereof, a charge of \$5.50. This shall be the monthly minimum sewer charge.

For all water consumption in excess of 2,000 gallons, each customer shall pay an additional charge of \$2.60 per 1,000 gallons.

Any multi-unit that has installed a master meter will pay the minimum bill of \$5.50 on each unit plus usage shown on the master meter.

(b) Connection and Impact Fees. Connection fees and impact fees shall be charged on all new connections to the sewer facilities, as follows:

	<u>Connection Fees</u>	<u>Impact Fees</u>
Subdivision, Mobile/Manufactured Park/Village Development		\$50.00 per lot (may be in phases)
Motel	\$150.00	\$500.00 plus \$150.00 per room
Apartment/Apartment Complexes	\$150.00 per unit	\$500.00 per unit
Residential Dwelling Units Mobile/Manufactured Homes	\$150.00 per unit	\$500.00 per unit
Strip Malls	\$150.00 per unit	\$500.00 per unit
Elderly/Nursing Care Facilities	\$150.00	\$500.00 plus \$150.00 per room
Assisted Living Facilities/Retirement Center	\$150.00 per unit	\$500.00 per unit
Commercial Establishments - Permanent or Temporary	\$150.00 per unit	\$500.00 per unit
Other Customers	\$150.00 per unit	\$500.00

("Other" defined as anything not listed above - See definitions for classifications.)

(c) Use of Impact Fees. Sewer impact fees may only be used for Capital Improvements (See Section 6 of Ordinance No. 97-3), with the exception of \$100.00 of each impact fee collected. This is to be deposited into an interest bearing account to be used to retire bonded indebtedness.

Section 4. Severability. The provisions of this Ordinance are separate and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 5. General Repealer. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

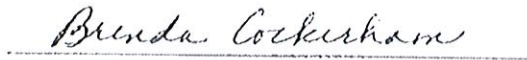
PASSED: _____ May 27 , 2003

APPROVED:



Mayor

ATTEST:



City Clerk

(SEAL)

ORDINANCE NO. 2003-20

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF EXTENSIONS, BETTERMENTS AND IMPROVEMENTS TO THE SEWER FACILITIES OF THE WATER AND SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS; AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER REFUNDING AND CONSTRUCTION REVENUE BONDS; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bryant, Arkansas (the "City") owns water and sewer facilities, which are operated as a single, integrated municipal undertaking (the "System") under the control of the Bryant Water and Wastewater Commission (the "Commission"); and

WHEREAS, the City Council and the Commission have determined that extensions, betterments and improvements to the sewer facilities of the System (the "Improvements") are necessary in order to make the services thereof adequate for the needs of the City and have caused to be prepared a preliminary report, general plans and specifications and estimates of cost for the Improvements all as described in detail in the plans and specifications, which plans and specifications have been examined and approved by the City Council and the Commission and a copy of which plans and specifications are on file in the office of the City Clerk where they may be inspected by any interested person; and

WHEREAS, the City Council and the Commission have determined that it is in the best interest of the City to refund (a) its Water and Sewer Revenue Refunding and Improvement Bonds, Series 1992 (the "1992 Bonds") and (b) its Water and Sewer Revenue Bonds, Series 1998 (the "1998 Bonds" and collectively with the 1992 Bonds, the "Bonds Refunded"); and

WHEREAS, the City can accomplish the Improvements and the refunding of the Bonds Refunded (the "Refunding") by the issuance of Water and Sewer Refunding and Construction Revenue Bonds, Series 2003 in the principal amount of \$6,400,000 (the "bonds"); and

WHEREAS, the City and the Commission have made arrangements for the sale of the bonds to Stephens Inc. (the "Purchaser"), at a price of 98.60% of par plus accrued interest (the "Purchase Price") pursuant to a Bond Purchase Agreement (the "Purchase Agreement") which has been presented to and is before this meeting; and

WHEREAS, the Preliminary Official Statement, dated June 4, 2003, offering the bonds for sale (the "Preliminary Official Statement") has been presented to and is before this meeting; and

WHEREAS, the Limited Continuing Disclosure Agreement (the "Disclosure Agreement") between the City and Bank of the Ozarks, Little Rock, Arkansas, providing for the disclosure obligations of the City with respect to the bonds, has been presented to and is before this meeting;

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

Section 1. The Refunding shall be accomplished. The Mayor and City Clerk are hereby authorized to take, or cause to be taken, all action necessary to accomplish the Refunding and to execute all required contracts. The Bonds Refunded shall be called for redemption on the date the bonds are issued at a price of par plus accrued interest.

The Improvements shall be accomplished. The Improvements shall be accomplished under the control and supervision of, and all details in connection therewith shall be handled by, the Commission. The Commission shall make all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers. The Commission shall let all contracts pursuant to and in accordance with existing laws and shall require such performance bonds and insurance as will, in the judgment of the Commission, fully insure completion of the Improvements so as to fully promote and protect the best interests of the City and the owners of the bonds.

Section 2. The City Council hereby finds and declares that the period of usefulness of the System will be more than 25 years, which is longer than the term of the bonds.

Section 3. The offer of the Purchaser for the purchase of the bonds from the City at the Purchase Price for bonds bearing interest at the rates per annum, maturing and otherwise subject to the terms and provisions hereafter in this Ordinance set forth in detail is hereby accepted, and the Purchase Agreement, in substantially the form submitted to this meeting, is approved and the bonds are hereby sold to the Purchaser. The Mayor is hereby authorized and directed to execute and deliver the Purchase Agreement on behalf of the City and to take all action required on the part of the City to fulfill its obligations under the Purchase Agreement.

Section 4. The Preliminary Official Statement is hereby approved and the previous use of the Preliminary Official Statement by the Purchaser in connection with the sale of the bonds is hereby in all respects approved and confirmed, and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute the Preliminary Official Statement and the final Official Statement

in the name of the City for use in connection with the sale of the bonds as set forth in the Purchase Agreement.

Section 5. The Disclosure Agreement, in substantially the form submitted to this meeting, is approved and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the Disclosure Agreement. The Mayor is authorized and directed to take all action required on the part of the City to fulfill its obligations under the Disclosure Agreement.

Section 6. Under the authority of the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 234, Subchapter 2, Title 14, Chapter 235, Subchapter 2, and Title 14, Chapter 164, Subchapter 4 of the Arkansas Code of 1987 Annotated and applicable decisions of the Supreme Court of the State, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W. 2d 12 (1946), City of Bryant, Arkansas Water and Sewer Refunding and Construction Revenue Bonds, Series 2003 are hereby authorized and ordered issued in the principal amount of \$6,400,000 for the purpose of financing all or a portion of the costs of the Improvements and the Refunding, funding a debt service reserve and paying expenses of issuing the bonds. The bonds shall mature on December 1 in the years and in the amounts and shall bear interest as follows:

<u>Year</u> <u>(December 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
2003	\$ 60,000	1.000%
2004	260,000	1.200
2005	265,000	1.400
2006	270,000	1.650
2007	275,000	2.050
2008	280,000	2.350
2009	285,000	2.650
2010	290,000	2.950
2011	300,000	3.050
2012	310,000	3.250
2013	320,000	3.350
2014	330,000	3.500
2015	345,000	3.650
2016	355,000	3.875
2017	370,000	4.000
2018	385,000	4.050
2019	400,000	4.150
2020	415,000	4.250
2021	435,000	4.300
2022	450,000	4.375

The bonds shall be dated July 1, 2003 and shall be issuable only as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. Unless the City shall otherwise direct, the bonds shall be numbered from

(Form of Bond)

REGISTERED

REGISTERED

No. _____

UNITED STATES OF AMERICA
STATE OF ARKANSAS
COUNTY OF SALINE
CITY OF BRYANT
WATER AND SEWER REFUNDING
AND CONSTRUCTION REVENUE BOND,
SERIES 2003

Interest Rate: _____ % Maturity Date: December 1, _____
Dated Date: July 1, 2003
Registered Owner: Cede & Co.
Principal Amount: _____ Dollars
CUSIP No.: _____

KNOW ALL MEN BY THESE PRESENTS:

That the City of Bryant, County of Saline, State of Arkansas (the "City"), for value received, hereby promises to pay, but solely from the source as hereinafter provided and not otherwise, to the Registered Owner shown above upon the presentation and surrender hereof at the principal corporate office of Bank of the Ozarks, Little Rock, Arkansas, or its successor or successors, as Trustee and Paying Agent (the "Trustee"), on the Maturity Date shown above, the Principal Amount shown above, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts and to pay by check or draft interest thereon, but solely from the source as hereinafter provided and not otherwise, in like coin or currency from the interest commencement date specified below at the Interest Rate per annum shown above, payable December 1, 2003 and semiannually thereafter on the first days of June and December of each year, until payment of such principal sum or, if this bond or a portion hereof shall be duly called for redemption, until the date fixed for redemption, and to pay interest on overdue principal and interest (to the extent legally enforceable) at the rate borne by this bond. Payment of each installment of interest shall be made to the person in whose name this bond is registered on the registration books of the City maintained by the Trustee at the close of business on the fifteenth day of the month (whether or not a business day) next preceding each interest payment date (the "Record Date"), irrespective of any transfer or exchange of this bond subsequent to such Record Date and prior to such interest payment date.

This bond shall bear interest from the payment date next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which event it shall bear interest from such date, or unless it is authenticated prior to the first interest payment date, in which event it shall bear interest from the Dated Date shown above, or unless it is authenticated during the period from the Record Date to the next interest payment date, in which case it shall bear interest from such interest payment date, or unless at the time of authentication hereof interest is in default hereon, in which event it shall bear interest from the date to which interest has been paid.

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC") to the Trustee for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

This bond is one of an issue of City of Bryant, Arkansas Water and Sewer Refunding and Construction Revenue Bonds, Series 2003, aggregating Six Million Four Hundred Thousand Dollars (\$6,400,000) in principal amount (the "bonds"), and is issued for the purpose of financing all or a portion of the costs of the acquisition, construction and equipping by the City of extensions, betterments and improvements to the City's water and sewer (combined) system (the "System"), refunding the City's Water and Sewer Revenue Refunding and Improvement Bonds, Series 1992 and Water and Sewer Revenue Bonds, Series 1998, paying necessary expenses incidental thereto and to the authorization and issuance of the bonds, and funding a debt service reserve.

The bonds are issued pursuant to and in full compliance with the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 234, Subchapter 2, Title 14, Chapter 164, Subchapter 4, and Title 14, Chapter 235, Subchapter 2 of the Arkansas Code of 1987 Annotated and applicable decisions of the Supreme Court of Arkansas, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W. 2d 12 (1946), and pursuant to Ordinance No. _____, duly adopted on June 23, 2003 (the "Authorizing Ordinance"), and do not constitute an indebtedness of the City within any constitutional or statutory limitation. The bonds are not general obligations of the City, but are special obligations payable solely from the revenues derived from the operation of the System. An amount of System revenues sufficient to pay the principal of and interest on the bonds has been duly pledged and set aside into the Water and Sewer Revenue Bond Fund created by the Authorizing Ordinance. Reference is

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED, _____ ("Transferor"), hereby sells, assigns and transfers unto _____, the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ as attorney to transfer the within bond on the books kept for registration thereof with full power of substitution in the premises.

DATE: _____

GUARANTEED BY:

Transferor

NOTICE: Signature(s) must be guaranteed by a member of or participant in the Securities Transfer Agents Medallion Program (STAMP), or in another signature guaranty program recognized by the Trustee.

Section 9. The rates charged for services of the System heretofore fixed by ordinances of the City and the conditions, rights and obligations pertaining thereto, as set out in those ordinances, are hereby ratified, confirmed and continued.

The Debt Service Surcharge shall continue, and shall not be reduced, while the bonds are outstanding. The City covenants and agrees that the water and sewer rates shall never be reduced while the bonds are outstanding unless there is obtained from an independent certified public accountant ("Accountant") a certificate that the Net Revenues of the System ("Net Revenues" being defined as gross Revenues less the expenses of operation and maintenance of the System, including all expense items properly attributable to the operation and maintenance of the System under generally accepted accounting principles applicable to municipal water and sewer facilities, excluding depreciation, interest and bond amortization expenses), with the reduced rates, will always be equal to 125% of the aggregate average annual principal and interest requirements on all outstanding bonds payable from Revenues ("System Bonds"). The City further covenants and agrees that the rates shall, if and when necessary, from time to time, be increased in such manner as will produce Net Revenues at least equal to 120% of the amount necessary for paying principal, premium, if any, and interest when due on all System Bonds outstanding.

Section 10. The City covenants that it will continuously operate the System as a revenue-producing undertaking and will not sell or lease the same, or any substantial portion thereof; provided, however, that nothing herein shall be construed to prohibit the City from making such dispositions of properties of the System and such replacements and substitutions for properties of the System as shall be necessary or incidental to the efficient operation of the System as a revenue-producing undertaking.

Section 11. The Treasurer of the City shall be statutory custodian of the Revenues. However, Revenues shall be collected, held and disbursed by the Commission. Each employee of the City or the Commission handling Revenues shall give bond for the faithful discharge of his or her duties in such amounts as approved by the Commission. All Revenues shall at all times be accounted for separately and distinctly from other moneys of the City and shall be used and applied only as provided herein. Except as hereinafter provided, all Revenues shall be deposited in such depository or depositories for the City as may be lawfully designated from time to time by the Commission; subject, however, to the giving of security as now or hereafter may be required by law, and provided that such depository or depositories shall hold membership in the Federal Deposit Insurance Corporation ("FDIC") or any successor entity. All deposits shall be in the name of the City and shall be so designated as to indicate the particular fund to which the Revenues belong. Except as hereinafter provided, all payments from the respective funds shall be by check or voucher, signed by two persons designated by the Commission and drawn on the depository with which the moneys in the fund shall have been deposited and each such check or voucher shall briefly specify the purpose of the expenditure.

Section 12. All Revenues shall be deposited into a special fund hereby created and designated "Water and Sewer System Revenue Fund" (the "Revenue Fund"). Revenues in the Revenue Fund are hereby pledged and shall be applied to the payment of the reasonable and necessary expenses of operation and maintenance of the System, to the payment of the principal of and interest on the bonds, to the maintenance of debt service reserves at required levels, to the providing of the Depreciation Fund, and otherwise as described herein.

Section 13. There shall first be paid from the Revenue Fund into a fund hereby created and designated "Water and Sewer System Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), on or before the first business day of each month, an amount sufficient to pay the reasonable and necessary monthly expenses of operation, repair and maintenance of the System for such month and from which disbursements shall be made only for those purposes. Fixed annual charges such as insurance premiums and the cost of major repair and maintenance expenses may be computed and set up on an annual basis, and one-twelfth (1/12) of

the amount thereof may be paid into the Operation and Maintenance Fund each month.

If in any month for any reason there shall be a failure to transfer and pay the required amount into the Operation and Maintenance Fund, the amount of the deficiency shall be added to the amount otherwise required to be transferred and paid into the fund the next succeeding month. If in any fiscal year a surplus shall be accumulated in the Operation and Maintenance Fund over and above the amount necessary to meet the requirements thereof during the remainder of the then current fiscal year and the next ensuing fiscal year, such surplus may be transferred into the Revenue Fund.

Section 14. (a) After making the required payments into the Operation and Maintenance Fund, there shall be transferred from the Revenue Fund into a special fund in the name of the City which is hereby created and designated "Water and Sewer Revenue Bond Fund" (the "Bond Fund"), the sums in the amounts and at the times hereinafter stated in subsection (b) for the purpose of providing funds for the payment of the principal of and interest on the bonds as they mature.

(b) On or before the first business day of each month, there shall be transferred from the Revenue Fund into the Bond Fund a sufficient amount of Revenues derived from the Debt Service Surcharge for the preceding month necessary to pay (i) 1/6 of the next installment of interest on the bonds and 1/12 of the next installment of principal, (ii) fees and expenses of the Trustee and (iii) any arbitrage rebate due the United States Treasury under Section 148(f) of the Internal Revenue Code of 1986, as amended (the "Code") (collectively, the "Monthly Amount"); provided, however, the Monthly Amount through November 2003 shall be the amount necessary to pay 1/4 of the next installment of principal and interest on the bonds and fees and expenses of the Trustee. So long as Revenues derived from the Debt Service Surcharge and deposited in the Bond Fund each month are equal to the Monthly Amount, the City shall not be required to make an additional deposit from the Revenue Fund into the Bond Fund. However, to the extent that revenues derived from the Debt Service Surcharge and deposited in the Bond Fund each month do not equal the Monthly Amount, there shall be paid into the Bond Fund the additional amount from the Revenue Fund necessary to increase the amount in the Bond Fund to the Monthly Amount.

To the extent that moneys derived from the Debt Service Surcharge in any month exceed the Monthly Amount, the excess shall be transferred from the Revenue Fund into a special fund hereby created and designated "Water and Sewer System Redemption Fund" (the "Redemption Fund"). Moneys in the Redemption Fund shall not be invested at a yield greater than the yield on the bonds and shall be used solely to redeem bonds prior to maturity on the first available date.

There is created, as a part of the Bond Fund, a Debt Service Reserve which shall be maintained in an amount equal to the lesser of the maximum annual principal and interest requirements on the bonds or 10% of the original proceeds of the bonds (the "required level"). There shall be deposited into the Debt Service Reserve from the proceeds of the bonds, a sum sufficient for such purpose. Should the Debt Service Reserve become impaired or be reduced below the required level, the City shall make additional monthly payments from the Revenue Fund until the impairment or reduction is corrected over a twelve month period. All earnings in the Debt Service Reserve that increase the amount thereof above the required level shall be transferred to the debt service portion of the Bond Fund.

The City shall realize a credit against the Monthly Amount to the extent of interest earnings on moneys in the Bond Fund, deposits into the Bond Fund from bond proceeds and moneys held in connection with the Bonds Refunded, and Debt Service Reserve transfers.

If for any reason the City should fail at any time to make any of the required payments into the Bond Fund, any sums then held in the Debt Service Reserve shall be used to the extent necessary for the payment of principal of or interest on the bonds but the Debt Service Reserve shall be reimbursed from the Revenue Fund as described above before any moneys in the Revenue Fund shall be used for any other purpose other than the making of payments required to be made into the Operation and Maintenance Fund and the Bond Fund. The Debt Service Reserve shall be used solely as provided herein.

If Revenues are insufficient to make the required payment on the first business day of the following month into the Bond Fund, the amount of any such deficiency in the payment made shall be added to the amount otherwise required to be paid into the Bond Fund on the first business day of the next month.

When the moneys held in the Bond Fund shall be and remain sufficient to pay the principal of and interest on all of the bonds then outstanding plus Trustee's fees and any arbitrage rebate due under Section 148(f) of the Code, the City shall not be obligated to make any further payments into the Bond Fund.

It shall be the duty of the City Treasurer to cause to be withdrawn from the Bond Fund and deposited with the Trustee at least one business day before the due date of any principal and/or interest on any bond, at maturity or redemption prior to maturity, an amount equal to the amount of such bond and interest due thereon for the sole purpose of paying the same, together with the Trustee's fee and any arbitrage rebate due the United States Treasury under Section 148(f) of the Code. No withdrawal of funds

from the Bond Fund shall be made for any other purpose except as otherwise authorized in this Ordinance.

The bonds shall be specifically secured by a pledge of all Revenues. This pledge in favor of the bonds is hereby irrevocably made according to the terms of this Ordinance, and the City and its officers and employees shall execute, perform and carry out the terms thereof in strict conformity with the provisions of this Ordinance.

Section 15. After making the required payments into the Operation and Maintenance Fund and the Bond Fund, there shall be paid from the Revenue Fund into a special fund heretofore created and hereby redesignated "Water and Sewer System Depreciation Fund" (the "Depreciation Fund"), on or before the first business day of each month, a sum equal to 3% of the Revenues for the preceding month. Moneys in the Depreciation Fund shall be used solely for the purpose of paying the cost of necessary repairs or replacements made necessary by the depreciation of the System and for the purpose of paying the cost of economically justifiable extensions to the distribution facilities of the System.

Section 16. Any surplus in the Revenue Fund after making all disbursements and providing for all funds described above may be used, at the option of the City, for the redemption of the bonds, for extensions, betterments and improvements to the System, or for any other lawful municipal purpose authorized by the City.

Section 17. So long as any of the bonds are outstanding, the City shall not issue or attempt to issue any bonds claimed to be entitled to a priority of lien on Revenues over the lien securing the bonds. The City reserves the right to issue additional bonds to finance or pay the cost of constructing any future extensions, betterments or improvements to the System or to refund bonds issued for such purposes, but the City shall not authorize or issue any such additional bonds ranking on a parity with the bonds unless there has been procured and filed with the Trustee a statement by an Accountant reciting the opinion, based upon necessary investigation, that (1) the Net Revenues of the System for the fiscal year immediately preceding the fiscal year in which it is proposed to issue such additional bonds shall equal not less than 125% of the average annual principal and interest requirements on all the then outstanding System Bonds and the additional bonds then proposed to be issued or (2) the Net Revenues of the System for the fiscal year next succeeding the fiscal year in which it is proposed to issue such additional bonds, as reflected by a statement by an independent consulting engineer not in the regular employ of the City, and taking into account any rate increase duly enacted, will equal not less than 125% of the average annual principal and interest requirements on all then outstanding System Bonds and the additional bonds then proposed to be issued. In making the computation set forth in clause (1) above, the City,

ORDINANCE NO. 2005-07

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF EXTENSIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS; AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER REVENUE BONDS; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bryant, Arkansas (the "City") owns water and sewer facilities, which are operated as a single, integrated municipal undertaking (the "System") under the control of the Bryant Water and Wastewater Commission (the "Commission"); and

WHEREAS, the City Council and the Commission have determined that extensions, betterments and improvements to the System (the "Improvements") are necessary in order to make the services thereof adequate for the needs of the City and have caused to be prepared a preliminary report, general plans and specifications and estimates of cost for the Improvements; and

WHEREAS, the City can accomplish all or a portion of the Improvements by the issuance of Water and Sewer Revenue Bonds, Series 2005 in the principal amount of \$4,875,000 (the "bonds"); and

WHEREAS, the City and the Commission have made arrangements for the sale of the bonds to Stephens Inc. (the "Purchaser"), at a price of 98.30% of par plus accrued interest (the "Purchase Price") pursuant to a Bond Purchase Agreement (the "Purchase Agreement") which has been presented to and is before this meeting; and

WHEREAS, the Preliminary Official Statement, dated March 18, 2005, offering the bonds for sale (the "Preliminary Official Statement") has been presented to and is before this meeting; and

WHEREAS, the Continuing Disclosure Agreement (the "Disclosure Agreement") between the City and Bank of the Ozarks, Little Rock, Arkansas, providing for the ongoing disclosure obligations of the City with respect to the bonds, has been presented to and is before this meeting; and

WHEREAS, the City has outstanding an issue of Water and Sewer Refunding and Construction Revenue Bonds, Series 2003 (the "Senior Bonds"), authorized by Ordinance No. 2003-20, adopted June 23, 2003 (the "Senior Ordinance");

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

Section 1. The Improvements shall be accomplished. The Improvements shall be accomplished under the control and supervision of, and all details in connection therewith shall be handled by, the Commission. The Commission shall make all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers. The Commission shall let all contracts pursuant to and in accordance with existing laws and shall require such performance bonds and insurance as will, in the judgment of the Commission, fully insure completion of the Improvements so as to fully promote and protect the best interests of the City and the owners of the bonds.

Section 2. The City Council hereby finds and declares that the period of usefulness of the System will be more than 30 years, which is longer than the term of the bonds.

Section 3. The offer of the Purchaser for the purchase of the bonds from the City at the Purchase Price for bonds bearing interest at the rates per annum, maturing and otherwise subject to the terms and provisions hereafter in this Ordinance set forth in detail is hereby accepted, and the Purchase Agreement, in substantially the form submitted to this meeting, is approved and the bonds are hereby sold to the Purchaser. The Mayor is hereby authorized and directed to execute and deliver the Purchase Agreement on behalf of the City and to take all action required on the part of the City to fulfill its obligations under the Purchase Agreement.

Section 4. The Preliminary Official Statement is hereby approved and the previous use of the Preliminary Official Statement by the Purchaser in connection with the sale of the bonds is hereby in all respects approved and confirmed, and the Mayor is hereby, authorized and directed, for and on behalf of the City, to execute the Preliminary Official Statement and the final Official Statement in the name of the City for use in connection with the sale of the bonds as set forth in the Purchase Agreement.

Section 5. The Disclosure Agreement, in substantially the form submitted to this meeting, is approved and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute and deliver the Disclosure Agreement. The Mayor is authorized and directed to take all action required on the part of the City to fulfill its obligations under the Disclosure Agreement.

Section 6. Under the authority of the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 234, Subchapter 2, Title 14, Chapter 235, Subchapter 2, and Title 14, Chapter 164, Subchapter 4 of the Arkansas Code of 1987 Annotated and applicable decisions of the

Supreme Court of the State, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W. 2d 12 (1946), City of Bryant, Arkansas Water and Sewer Revenue Bonds, Series 2005 are hereby authorized and ordered issued in the principal amount of \$4,875,000 for the purpose of financing all or a portion of the costs of the Improvements, funding a debt service reserve and paying expenses of issuing the bonds. The bonds shall mature on May 1 in the years and in the amounts and shall bear interest as follows:

<u>Year</u> <u>(May 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
2006	\$ 85,000	2.600%
2007	90,000	2.900
2008	90,000	3.100
2009	95,000	3.250
2010	95,000	3.450
2011	100,000	3.600
2012	105,000	3.750
2013	105,000	3.900
2014	110,000	4.000
2015	115,000	4.100
2016	120,000	4.200
2017	125,000	4.300
2018	130,000	4.350
2019	140,000	4.400
2020	145,000	4.450
2021	150,000	4.500
2022	160,000	4.550
2023	165,000	4.600
2024	175,000	4.650
2025	180,000	4.700
2030	1,050,000	4.875
2035	1,345,000	5.000

The bonds shall be dated May 1, 2005 and shall be issuable only as fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. Unless the City shall otherwise direct, the bonds shall be numbered from 1 upward in order of issuance. Each bond shall have a CUSIP number.

The bonds shall be registered initially in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), which shall be considered to be the registered owner of the bonds for all purposes under this Ordinance, including, without limitation, payment by the City of principal of, redemption price, premium, if any, and interest on the bonds, and receipt of notices and exercise of rights of registered owners. There shall be one certificated, typewritten bond for each stated maturity date which shall be immobilized in the custody of DTC with the beneficial owners having no right to receive the bonds in the form of physical securities or certificates. DTC and its participants shall be responsible for

Section 7. The bonds shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk and shall have impressed or imprinted thereon the seal of the City. The bonds, together with interest thereon, are secured by and are payable solely from revenues derived from the System ("Revenues"). The pledge of Revenues in favor of the bonds is subordinate to the pledge in favor of the Senior Bonds. The City levies a monthly fee on all sewer customers of the System which is used solely to pay debt service on the Senior Bonds (the "Debt Service Surcharge"). The bonds shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation.

Section 8. The bonds and the Certificate shall be in substantially the following form and the Mayor and City Clerk are hereby expressly authorized and directed to make all recitals contained therein:

(Form of Bond)

REGISTERED

REGISTERED

No. _____

UNITED STATES OF AMERICA
STATE OF ARKANSAS
COUNTY OF SALINE
CITY OF BRYANT
WATER AND SEWER REVENUE BOND,
SERIES 2005

Interest Rate: _____ % Maturity Date: May 1, _____
Dated Date: May 1, 2005
Registered Owner: Cede & Co.
Principal Amount: _____ Dollars
CUSIP No.: _____

KNOW ALL MEN BY THESE PRESENTS:

That the City of Bryant, County of Saline, State of Arkansas (the "City"), for value received, hereby promises to pay, but solely from the source as hereinafter provided and not otherwise, to the Registered Owner shown above upon the presentation and surrender hereof at the principal corporate office of Bank of the Ozarks, Little Rock, Arkansas, or its successor or successors, as Trustee and Paying Agent (the "Trustee"), on the Maturity Date shown above, the Principal Amount shown above, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts and to pay by check or draft interest thereon, but solely from the source as hereinafter provided and not otherwise, in like coin or currency from the interest commencement date specified below at the Interest Rate per annum shown above, payable

November 1, 2005 and semiannually thereafter on the first days of May and November of each year, until payment of such principal sum or, if this bond or a portion hereof shall be duly called for redemption, until the date fixed for redemption, and to pay interest on overdue principal and interest (to the extent legally enforceable) at the rate borne by this bond. Payment of each installment of interest shall be made to the person in whose name this bond is registered on the registration books of the City maintained by the Trustee at the close of business on the fifteenth day of the month (whether or not a business day) next preceding each interest payment date (the "Record Date"), irrespective of any transfer or exchange of this bond subsequent to such Record Date and prior to such interest payment date.

This bond shall bear interest from the payment date next preceding the date on which it is authenticated unless it is authenticated on an interest payment date, in which event it shall bear interest from such date, or unless it is authenticated prior to the first interest payment date, in which event it shall bear interest from the Dated Date shown above, or unless it is authenticated during the period from the Record Date to the next interest payment date, in which case it shall bear interest from such interest payment date, or unless at the time of authentication hereof interest is in default hereon, in which event it shall bear interest from the date to which interest has been paid.

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC") to the Trustee for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

This bond is one of an issue of City of Bryant, Arkansas Water and Sewer Revenue Bonds, Series 2005, aggregating Four Million Eight Hundred Seventy-Five Thousand Dollars (\$4,875,000) in principal amount (the "bonds"), and is issued for the purpose of financing all or a portion of the costs of the acquisition, construction and equipping by the City of extensions, betterments and improvements to the City's water and sewer (combined) system (the "System"), paying necessary expenses incidental thereto and to the authorization and issuance of the bonds, and funding a debt service reserve.

The bonds are issued pursuant to and in full compliance with the Constitution and laws of the State of Arkansas (the "State"), including particularly Title 14, Chapter 234, Subchapter 2, Title 14, Chapter 164, Subchapter 4, and Title 14, Chapter 235,

Subchapter 2 of the Arkansas Code of 1987 Annotated and applicable decisions of the Supreme Court of Arkansas, including particularly City of Harrison v. Braswell, 209 Ark. 1094, 194 S.W. 2d 12 (1946), and pursuant to Ordinance No. _____, duly adopted on _____, 2005 (the "Authorizing Ordinance"), and do not constitute an indebtedness of the City within any constitutional or statutory limitation. The bonds are not general obligations of the City, but are special obligations payable solely from the revenues derived from the operation of the System. The pledge of System revenues is subordinate to the pledge in favor of the City's Water and Sewer Refunding and Construction Revenue Bonds, Series 2003. An amount of System revenues sufficient to pay the principal of and interest on the bonds has been duly pledged and set aside into the 2005 Water and Sewer Revenue Bond Fund created by the Authorizing Ordinance. Reference is hereby made to the Authorizing Ordinance for a detailed statement of the terms and conditions upon which the bonds are issued, of the nature and extent of the security for the bonds, and the rights and obligations of the City, the Trustee and the registered owners of the bonds. The City has fixed and has covenanted and agreed to maintain rates for the services of the System which shall be sufficient at all times to provide for the proper and reasonable expenses of operation and maintenance of the System and for the payment of the principal of and interest on the bonds, including Trustee's fees, as the same become due and payable, to establish and maintain a debt service reserve and to make the required deposit for the depreciation of the System.

The bonds shall be subject to extraordinary, optional and mandatory sinking fund redemption as follows:

1. The bonds shall be redeemed from proceeds of the bonds which are not needed for the purposes intended, in whole or in part, on any interest payment date, in inverse order of maturity (and by lot within a maturity in such manner as the Trustee shall determine), at a price equal to the principal amount being redeemed plus accrued interest to the redemption date.

2. The bonds are subject to redemption at the option of the City, from funds from any source, in whole at any time or in part on any interest payment date on and after November 1, 2010, at a redemption price equal to the principal amount being redeemed plus accrued interest to the redemption date. If fewer than all of the bonds shall be called for redemption, the particular maturities of the bonds to be redeemed shall be selected by the City in its discretion. If fewer than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portion thereof to be redeemed from such maturity shall be selected by lot by the Trustee.

3. To the extent not previously redeemed, the bonds maturing on May 1, 2030 and May 1, 2035 are subject to mandatory sinking fund redemption by lot in such manner as the Trustee shall

determine, on the dates and in the amounts set forth below, at a redemption price equal to the principal amount being redeemed plus accrued interest to the date of redemption:

Bonds Maturing May 1, 2030

<u>Redemption Dates</u>	<u>Principal Amounts</u>
May 1, 2026	\$190,000
May 1, 2027	200,000
May 1, 2028	210,000
May 1, 2029	220,000
May 1, 2030 (maturity)	230,000

Bonds Maturing May 1, 2035

<u>Redemption Dates</u>	<u>Principal Amounts</u>
May 1, 2031	\$245,000
May 1, 2032	255,000
May 1, 2033	270,000
May 1, 2034	280,000
May 1, 2035 (maturity)	295,000

The provisions for mandatory sinking fund redemption of the bonds are subject to the provisions of the Authorizing Ordinance which permit the City to receive credit for bonds previously redeemed or for bonds acquired by the City and surrendered to the Trustee.

In case any outstanding bond is in a denomination greater than \$5,000, each \$5,000 of face value of such bond shall be treated as a separate bond of the denomination of \$5,000.

Notice of redemption identifying the bonds or portions thereof (which shall be \$5,000 or a multiple thereof) to be redeemed shall be given by the Trustee, not less than 30 nor more than 60 days prior to the date fixed for redemption, by mailing a copy of the redemption notice by first class mail, postage prepaid, to all registered owners of bonds to be redeemed. Failure to mail an appropriate notice or any such notice to one or more registered owners of bonds to be redeemed shall not affect the validity of the proceedings for redemption of other bonds as to which notice of redemption is duly given in proper and timely fashion. All such bonds or portions thereof thus called for redemption and for the retirement of which funds are duly provided in accordance with the Authorizing Ordinance prior to the date fixed for redemption will cease to bear interest on such redemption date.

This bond is transferable by the registered owner hereof in person or by his attorney-in-fact duly authorized in writing at the principal corporate trust office of the Trustee, but only in the manner, subject to the limitations and upon payment of the charges provided in the Authorizing Ordinance, and upon surrender

ORDINANCE NO. 2005- 20

AN ORDINANCE CONFIRMING EXISTING RATES FOR SEWER SERVICES RENDERED BY THE WATER AND SEWER SYSTEM FOR RESIDENTS OF THE CITY OF BRYANT, ARKANSAS; FIXING RATES FOR SEWER SERVICES RENDERED BY THE WATER AND SEWER SYSTEM FOR NON-RESIDENTS OF THE CITY OF BRYANT, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates water and sewer facilities, which are operated as a single integrated municipal undertaking (the "System") under the control of the Bryant Water and Wastewater Commission (the "Commission"); and

WHEREAS, the City Council and the Commission have determined that the existing debt service surcharge and connection and impact fees established by Ordinance 2003-17 are confirmed and shall continue to be billed and collected; and

WHEREAS, the City Council and the Commission have determined that it is necessary for the growth of the City to provide sewer services to residents outside the City limits upon approval by the City Council and when those non-residents enter into a Preannexation Agreement with the City.

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

Section 1. Monthly Sewer Usage Charge. Each sewer customer shall pay a monthly sewer charge based on water consumption according to the following schedule of rates:

For the first 2,000 gallons of water consumption per month, or portion thereof, a charge of \$5.50 shall be the monthly minimum sewer charge for customers inside the City limits and a charge of \$8.25 shall be the monthly minimum sewer charge for customers outside the City limits.

For all water consumption in excess of 2,000 gallons, each customer shall pay an additional charge of \$2.60 per 1,000 gallons for customers inside the City limits and \$3.90 per 1,000 gallons for customers outside the City limits.

Any multi-unit inside the City limits that has installed a master meter will pay the minimum bill of \$5.50 on each unit plus usage shown on the master meter at rates for customers inside the City limits. Any multi-unit outside the City limits that has installed a master meter will pay the minimum bill of \$8.25 on each unit plus usage shown on the master meter at the rate set for customers outside the City limits.

Section 2. Severability. The provisions of this Ordinance are separate and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 3. General Repealer. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: July 14, 2005

APPROVED:

Paul E. Halley
Mayor, Paul E. Halley

ATTEST:

Brenda Cockerham
City Clerk

(seal)

ORDINANCE NO. 2006-02



AN ORDINANCE ESTABLISHING SEWER AND WATER RATES FOR SERVICES RENDERED BY THE MUNICIPAL SEWER AND WATER SYSTEMS OF THE CITY OF BRYANT, ARKANSAS; ESTABLISHING WATER RATES FOR METERS OF CERTAIN SIZES; FIXING CERTAIN IMPACT AND CONNECTION FEES AND ESTABLISHING A CAPITAL ACCOUNT FOR DEBT RETIREMENT FUND

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates a sewer (wastewater) and water system (the "System"), and has determined that adjustments should be made in certain charges for services of the System in order that the City and its inhabitants may continue to have adequate and proper sewer and water facilities.

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

Section 1. Debt Service Charge

(a) All sewer customers of the System (including sewer customers who receive water from sources other than the System and occupants of mobile homes and apartments which have no separate water meter) shall be charged a monthly fee (the "Debt Service Surcharge") to be used solely for the retirement of an issue of sewer revenue bonds in the principal amount of \$4,500,000 (the "Series 1998 Bonds"). The Debt Service Surcharge will be paid by all sewer customers regardless of the amount of water used or waste water discharges. All revenues derived from the Debt Service Surcharge shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) of the Series 1998 Bonds.

- (b) The monthly Debt Service Surcharge for each mobile home, with or without a separate water meter, shall be \$8.95.
- (c) The monthly Debt Service Surcharge for each apartment, residential dwelling unit with or without a separate water meter, shall be \$8.95.
- (d) A monthly Debt Service Surcharge for each new residential dwelling unit of any type, with or without a separate water meter, shall be \$8.95.
- (e) The monthly Debt Service Surcharge for health care facilities shall be based on meter size
- (f) The monthly Debt Service Surcharge for State funded facilities shall be based on meter size

- (g) The Debt Service Surcharge for commercial establishments shall be based on meter size. Any additional unit without a separate water meter shall be \$8.95.
- (h) The Debt Service Surcharge for all other sewer customers will be based on meter size.

Meter sizes are as follows:

<u>Meter Size</u>	<u>Debt Service Surcharge</u>
5/8" x 3/4"	\$ 8.95
3/4"	8.95
1"	30.00
1 1/2"	60.00
2"	95.00
3"	190.00
4"	300.00
6"	600.00

Section 2. Effective Date. The Debt Service Surcharge is hereby confirmed for all billing statements mailed on or after January 15, 1998. It shall be billed and collected in addition to all other water and sewer rates and charges. In the case of mobile/manufactured homes, residential dwelling units and apartments without a separate meter, the Debt Service Surcharge shall be included on the bills of the metered customer to whom existing sewer charges for the unmetered mobile/manufactured homes, residential dwelling units and apartments are sent.

Section 3. Sewer Rates The sewer rates, established by the passage of this ordinance shall be billed and collected..

Rates are as follows:

(a) **Monthly Sewer Usage Charge.** Each sewer customer shall pay a monthly sewer charge based on water consumption according to the following schedule of rates:

For the first 2000 gallons of water consumption per month, or portion thereof, a charge of \$5.50. This shall be the monthly minimum sewer charge.

For all water consumption in excess of 2000 gallons, each customer shall pay an additional charge of \$2.60 per 1000 gallons.

Any multi unit that has installed a master meter will pay the Minimum Bill of \$5.50 on each unit plus usage shown on master meter.

Section 4. Sewer Connection Fees and Impact Fees.

(a) Connection fees and impact fees shall be charged on all new connections to the sewer facilities.

Rates are as follows:

	<u>Connection Fees</u>	<u>Impact fees</u>
Subdivision, Mobile/Manufactured Park/Village Development		\$50.00 per lot (may be in phases)
Motel	\$150.00	\$500.00 plus \$150.00 per room
Apartment /Apartment Complexes	\$150.00 per unit	\$ 500.00 per unit
Residential dwelling units Mobile/Manufactured Homes	\$150.00 per unit	\$ 500.00 per unit
Strip Malls	\$150.00 per unit	\$ 500.00 per unit
Elderly/Nursing Care Facilities	\$150.00	\$ 500.00 plus \$150.00 per room
Assisted Living Facilities /Retirement Center	\$150.00 per unit	\$ 500.00 per unit
Commercial Establishments- Permanent or Temporary	\$150.00 per unit	\$500.00 per unit
Other Customers	\$150.00 per unit	\$500.00
(Other defined as anything not listed above - See definitions for classifications)		

Sewer impact fees may only be used for Capital Improvements (See Section 6 of Ordinance No.97-3), with the exception of \$100.00 of each impact fee collected. This is to be deposited into an interest bearing account to be used as a Debt Retirement Fund for 1998 Bonds. The Bonds shall be subject to redemption, from funds from any sources at the option of the City, on and after June 1, 2003, in whole at any time or in part on any interest payment date.

Section 5. Water Rates

(a) Except for water furnished through fire sprinkler systems, all water furnished by the Bryant Municipal Water and Sewer System shall be measured through meters. The size of each meter shall be not less than (five-eighths) 5/8 inch and not more than (six) 6 inches, as determined by the manager of the system on the basis of his estimate of the amount of water to be used for the premises. Each water customer shall pay a monthly charge for water as follows:

For the first 2000 gallons of water consumption per month, or portion thereof, each customer shall pay a charge (known as the "Minimum Charge") based on meter size as follows:

<u>Meter Size</u>	<u>Minimum Charge</u>
5/8 inch	\$ 6.60
3/4 inch	11.11
1 inch	15.60
1 1/2 inch	21.60
2 inch	27.60
3 inch	60.60
4 inch	90.06
6 inch	174.06

For all water consumption in excess of 2000 gallons per month, each customer shall pay an additional charge of \$3.05 per 1,000 gallons.

Each customer age 65 and over with verification of age will receive a senior citizen discount of three dollars (\$3.00) per month which shall be deducted from the monthly water bill.

(b) Water Connection Fees and Impact Fees based on 5/8 inch meter size
The Charge for any larger meter shall be based on the cost of installation.

Rates are as follows:

	<u>Connection Fees</u>
Commercial Establishment (per unit) - Permanent or Temporary	\$245.00 plus cost of larger installation
Residential Dwelling Unit/ Mobile/Manufactured Home	\$245.00 per unit
Subdivision or Mobile Homes Village - if developer installs all services including meter boxes and setter	\$245.00 per unit
Motels	\$245.00 plus cost of larger installation
Apartment Complex- Apartment Complexes/Strip Mall	\$245.00 plus cost of larger installation
	Connection fee based on single meter - if separate meter used - price per each.
Elderly/Nursing Care Facilities	\$245.00
Watering Meters - New Service (Sprinkling)	\$245.00
Assisted Living/Retirement Center Facilities	\$245.00 plus cost of larger installation
Connection Fees for all other customers (Other defined as anything not listed above)	\$245.00

	<u>Impact Fees</u>
Commercial Establishment - Permanent or Temporary/Strip Malls	\$500.00 per unit
Residential Dwelling Unit/ Mobile/Manufacturing Homes	\$500.00 per unit
Motels	\$500.00 plus \$150.00 per room
Apartment/Apartment Complexes	\$500.00 per residential dwelling unit
Subdivision - Mobile/Manufactured Village/Park Development	\$50.00 per lot (may be in phases)
Elderly/Nursing Care Facilities	\$500.00 plus \$150.00 per unit
Additional meters impacting water only (Sprinkling)	\$150.00
Assisted Living Retirement Facilities	\$500.00 per unit
Impact Fee for all Other Customers (Other defined as anything not listed above)	\$500.00 per unit

Central Arkansas Water System Development Charges effective September 1, 2002:

Charges for meters will be in accordance with the following table:

ACTUAL METER SIZE	SERVICE UNITS	CHARGE BY METER SIZE
5/8 or 3/4-inch	1	\$150
1-inch	1.5	\$225
1 1/2-inch	2.5	\$375
2-inch	5	\$750
3-inch	8	\$1,200
4-inch	15	\$2,250
6-inch	25	\$3,750

Water impact fees can be used only for Capital Improvements in water (See Six (6) of Ordinance No. 97-3).

Subdivision and Mobile/Manufactured Village/Park Development impact fees can only be used for Capital Improvement in water or sewer (See Six (6) of Ordinance No. 97-3).

(c) None of the water services afforded by the System shall be furnished without a charge being made therefor. Any multi unit that has installed a master meter will pay the Minimum Bill on each unit plus usage shown on master meter.

Section 6. Severability. The provisions of this Ordinance are separate and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 7. General Repealer. All ordinances and resolutions and parts hereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Emergency Clause. It being necessary to provide adequate potable water for the consumers in the City, an emergency is hereby declared and this ordinance shall have full force and effect from and after its date of passage.

PASSED AND APPROVED this 23rd Day of January, 2006

APPROVED:

Paul E. Halley, Mayor

DATE January 23, 2006

Larry D. Smart
Acting Mayor for 1/23/06 meeting

ATTEST:

B. Colkerham, City Clerk

ORDINANCE NO. 2008-35

AN ORDINANCE FIXING RATES FOR SERVICES RENDERED BY THE SEWER FACILITIES OF THE WATER AND SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates a water and sewer system (the "System"); and

WHEREAS, it is necessary for the City to increase the rates to be charged for sewer services of the System;

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

Section 1. The following monthly rates and charges which the City Council hereby finds and declares are fair, reasonable and necessary rates are hereby fixed as rates to be charged for sewer services to be rendered by the System.

Monthly Sewer Rates. (a) For sewer service billed by the City after December 1, 2008, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 2,000 gallons of water consumption per month or portion thereof	\$12.82 (Minimum Charge)
All water consumption in excess of 2,000 gallons	\$ 6.26 per 1,000 gallons

(b) For sewer service billed by the City after January 1, 2010, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 2,000 gallons of water consumption per month or portion thereof	\$14.06 (Minimum Charge)
All water consumption in excess of 2,000 gallons	\$ 6.88 per 1,000 gallons

(c) For sewer service billed by the City after January 1, 2011, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 2,000 gallons of water consumption per month or portion thereof	\$15.22 (Minimum Charge)
All water consumption in excess of 2,000 gallons	\$ 7.46 per 1,000 gallons

Section 2. (a) On or before August 30, 2009, the City shall review the rates set forth in Section 1(b) above to ensure that such rates, together with the rates set forth in Section 1(b) of Ordinance No. 2008-36, adopted October 27, 2008, will produce revenues sufficient to pay debt service on outstanding bonds secured by water and sewer revenues ("System Bonds"), provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

(b) On or before August 30, 2010, the City shall review the rates set forth in Section 1(c) above to ensure that such rates, together with the rates set forth in Section 1(c) of Ordinance No. 2008-36, adopted October 27, 2008, will produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

(c) On or before June 30, 2011 and on or before June 30 of each third year thereafter, the City shall engage a duly qualified consulting engineer not in the regular employ of the City (an "Engineer") to review the then current water and sewer rates and make recommendations as to whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

(d) Beginning in 2012, the City, on or before August 30 of each year that an Engineer is not engaged pursuant to subsection (c) above, shall review the then current water and sewer rates to determine whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

Section 3. The Debt Service Surcharge established by Ordinance No. 2003-17, adopted May 27, 2003, and used solely for the retirement of the City's Water and Sewer Refunding and Construction Revenue Bonds, Series 2003, shall not be charged by

the City in November 2008 and shall not be included on customer's bills in December 2008 and thereafter.

Section 4. None of the sewer services afforded by the System shall be furnished without a charge being made therefor. Any multi unit that has installed a master meter will pay the Minimum Charge on each unit plus usage shown on the master meter.

Section 5. The provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 6. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. It has hereby ascertained and declared that bonds secured by revenues of the System should be issued as soon as possible and that such bonds cannot be issued until the rates for services of the System are established as provided herein. Therefore, an emergency is declared to exist and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.

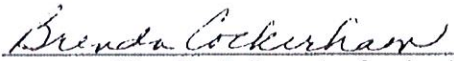
PASSED: October 27, 2008.

APPROVED:



Mayor Larry Mitchell

ATTEST:



City Clerk Brenda Cockerham

(SEAL)

CERTIFICATE

The undersigned, City Clerk of the City of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 2008-35, adopted at a regular session of the City Council of the City of Bryant, Arkansas, held at the regular meeting place in said City at 7:00 o'clock p.m., on the 27th day of October, 2008, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

GIVEN under my hand and seal on this 27th day of October, 2008.

Brenda Cockerham
City Clerk Brenda Cockerham

(SEAL)

ORDINANCE No. 2009 – 28

AN ORDINANCE TO AMEND ORDINANCE No. 2008-35 TO DECREASE SEWER RATES AND FOR OTHER PURPOSES

WHEREAS, Bryant Ordinance 2008-35 established an annual review of the City's sewer rates to ensure that such rates produce revenues sufficient to pay debt service on outstanding bonds secured by water and sewer revenues ("System Bonds"), provide an adequate depreciation fund, pay the cost of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year; and

WHEREAS, after conducting said review, the City Council has determined that the City is in a position to decrease the rates established for calendar year 2010 by Ordinance 2008-35 and still achieve the above-referenced goals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, SALINE COUNTY:

Section 1. Section 1(b) and (c) of Ordinance No. 2008-35 are hereby amended to read as follows:

SECTION 1(b): For sewer service billed by the City after January 1, 2010, the amount to be paid by each customer shall be computed in the basis of the following schedule of rates:

For the first 2,000 gallons of
Water consumption per month
or portion thereof: \$13.20 (minimum charge)

All water consumption in excess
of 2,000 gallons: \$6.45 per 1,000 gallons

SECTION 1(c): For sewer service billed by the City after January 1, 2011, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 2,000 gallons of
Water consumption per month
or portion thereof: \$15.22 (minimum charge)

All water consumption in excess
of 2,000 gallons: \$7.46 per 1,000 gallons

Section 2. General Repealer

All ordinances, resolutions, and parts thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

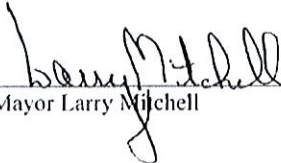
Section 3. Severability

Should any section, clause, or phrase of this ordinance be declared by the courts to be invalid, that validity shall not affect the other provisions of this Ordinance which shall be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4. Emergency Clause


To prevent the rates established by Ordinance No. 2008-35 from becoming effective before the amendments contained in this Ordinance take effect, the City Council hereby declares an emergency and this Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED this 10th day of December, 2009.



Mayor Larry Mitchell

ATTEST:

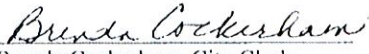


Brenda Cockerham, City Clerk

CERTIFICATE

The Undersigned, City Clerk of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. 2009-28, adopted at a regular session of the City Council of Bryant, Arkansas, held at the regular meeting place in said City at 7:00 o'clock p.m. on the 10th day of December, 2009, and that the Ordinance is of record in Ordinance Record Book No. _____, Page _____, now in my possession.

Given under my hand and seal on this 10th day of December, 2009.


Brenda Cockerham, City Clerk

(SEAL)

CITY OF BRYANT
ORDINANCE NO. 2011 - 30

AN ORDINANCE TO AMEND ORDINANCE Nos. 2009-28 and 2010-28 AND ESTABLISH RATES FOR SERVICES RENDERED BY THE SEWER FACILITIES OF THE WATER AND SEWER SYSTEM OF THE CITY OF BRYANT, ARKANSAS; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of Bryant, Arkansas (the "City") owns and operates a water and sewer system (the "System"); and

WHEREAS, it is necessary for the City to amend the rates for calendar year 2012 and establish the rates for calendar year 2013 for sewer services of the System;

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

Section 1. Amendment to Ordinance No. 2009—28, As Amended by Ordinance No. 2010-28

Section 1 of Ordinance No. 2009-28, as amended, is hereby amended to read as follows:

Section 1(d): For sewer service billed by the City after January 1, 2012, the amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

For the first 2,000 gallons of water consumption per month or portion thereof:	\$14.82 (minimum charge)
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All water consumption in excess of 2,000 gallons:	\$0.724 per 100 gallons.
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Section 2. Sewer Rates for 2013

For sewer service billed by the City after January 1, 2013, the amount to be paid by each customers shall be computed on the basis of the following schedule of rates:

For the first 2,000 gallons of water consumption per month or portion thereof:	\$15.22 (minimum charge)
--------------------------------------------------------------------------------	--------------------------

All water consumption in excess of 2,000 gallons:	\$0.746 per 100 gallons.
---------------------------------------------------	--------------------------

Section 3. Non-Resident Customers

Customers receiving sewer services to locations outside of City limits will be charged double the prevailing minimum charge.

Section 4. Rate Review

(a) On or before August 30, 2012, the City shall review the rates set forth in Section 1 above to ensure that such rates, together with the rates set forth in Section ___ of Ordinance No. 2011 - ___, will produce revenues sufficient to pay debt service on outstanding bonds secured by water and sewer revenues ("System Bonds"), provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

(b) On or before August 30, 2013, the City shall review the rates set forth in Section 2 above to ensure that such rates, together with the rates set forth in Section ___ of Ordinance No. 2011 - ___, will produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

(c) On or before June 30, 2014 and on or before June 30 of each third year thereafter, the City shall engage a duly qualified consulting engineer not in the regular employ of the City (an "Engineer") to review the then current water and sewer rates and make recommendations as to whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

(d) Beginning in 2015, the City, on or before August 30 of each year that an Engineer is not engaged pursuant to subsection (c) above, shall review the then current water and sewer rates to determine whether any rate increases are necessary to produce revenues sufficient to pay debt service on outstanding System Bonds, provide an adequate depreciation fund, pay the costs of operating and maintaining the System and meet any required bond covenants for the next ensuing fiscal year.

Section 5. Charges Required

None of the sewer services afforded by the System shall be furnished without a charge being made therefor. Any multi unit that has installed a master meter will pay the Minimum Charge on each unit plus usage shown on the master meter.


Section 6. Severability

The provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 7. Repealer

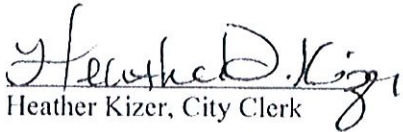
All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 29 day of October, 2011.



Mayor Jill Dabbs

ATTEST:



Heather Kizer, City Clerk

BRYANT WATER AND WASTE WATER DEPARTMENT

Statement of Revenues, Expenses and Changes in Net Assets (Continued)
Years ended December 31, 2008 and 2007

	<u>2008</u>	<u>2007</u>
Operating loss - brought forward	\$ (244,876.58)	\$ (530,054.95)
<u>Non-Operating Revenues</u>		
Improvement district tax	\$ 12,822.77	\$ 13,895.25
Interest earned	56,548.74	37,799.29
Impact fee income	549,279.98	212,650.00
Impact fee income, debt service	54,682.82	15,590.00
Debt service surcharge	643,709.63	636,285.37
Salem royalty income	29,632.79	28,047.01
Fair Share	15,810.00	0.00
Developer contributions, Owen Creek	43,600.00	630,000.00
Total non-operating revenues	\$ 1,406,086.73	\$ 1,574,266.92
<u>Non-Operating Expenses</u>		
Interest expense	\$ 409,706.16	\$ 425,267.20
Amortization of debt discount	17,799.11	17,799.11
Trustee and agents' fees	5,673.22	5,095.00
Salem royalty fees	18,434.35	23,446.25
Refunds of improvement district tax	42,410.84	0.00
Total non-operating expenses	\$ 494,023.68	\$ 471,607.56
Net non-operating revenues (expenses)	\$ 912,063.05	\$ 1,102,659.36
Change in Net assets	\$ 667,186.47	\$ 572,604.41
Net Assets, beginning	11,833,731.73	11,261,127.32
Net assets, ending	\$ 12,500,918.20	\$ 11,833,731.73

The accompanying notes to the financial statements are an integral part of this statement.



SYSTEM INFRASTRUCTURE FEE

CITY OF BRYANT WATER AND WASTEWATER DEPARTMENT

THE PROBLEM

What is the problem?

- We do not have enough revenue to cover the debt service, O&M, and depreciation reserve coverage required by ANRC.

Who has this problem?

- Multiple surrounding cities charge debt service surcharges to prepare for/cover their loans/bonds.

Why should this problem be solved?

- Growth within the City can not continue without major capacity upgrades.

How will I know this problem has been solved?

- Once we are able to show "x" amount of dollars being consistently allocated to debt service coverage, we can move forward with receiving funds.

BACKGROUND INFORMATION

- Previous Debt Service Surcharge from 1999-2008.
- Funded multiple bond repayments through a monthly per meter fee.
- \$636,285.37 in revenue was collected from this fee in 2007.
- Between interest and principal, \$809,000.66 was spent on capital debt in 2007.
- Rates for these bonds were from 3% to 5.5% in 2008.
- Debt service surcharge stopped being collected, and the revenue was made up in sky rocketing usage rates. Once rates were reduced, revenue was lost completely. System has been forced to survive on revenue from only impact fees and rates to fund not only operations and maintenance, but capital improvement projects.

WORKABLE SOLUTIONS

Solution

- Resume charging a "System Infrastructure Fee" to fund majority of loan/bond repayment for the completion of capacity limiting Sewer/Water projects
- Allow for continued growth within the System and encourage proper maintenance/operations practices
- Receive low interest rate loans to capital infrastructure projects are being funded in the most efficient manner possible

Option

- Do not charge a monthly infrastructure fee.
- We will not receive low interest rate loans to fund mandatory capital infrastructure projects.
- We will complete infrastructure projects as rates provide while juggling current debt coverage and necessary maintenance costs.
- If we do not complete the capacity limiting projects, we can not allow connections to our system.

Option

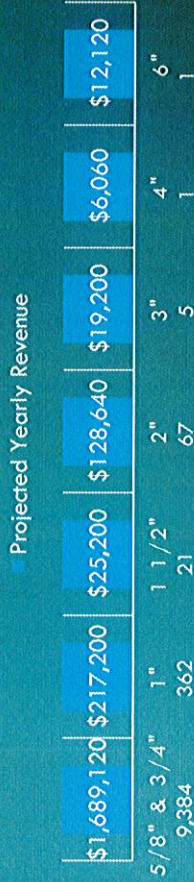
- Find the necessary revenue from rates.
- This is the least logical option.
- We are currently undergoing a rate study and experiencing the rate increase from CAW. Rate increases are already anticipated to cover our current O&M.
- If we raise rates to cover ANRC's revenue requirement, we will resort back to the same problem they faced in 2009.
- If we do not diversify our streams of revenue, we can not continue to grow and function efficiently.

- All projects receiving ANRC funds, regardless of cost share amounts, must follow federal regulations including the state purchasing guidelines, Davis-Bacon wage requirements, Buy America Build America, American Iron and Steel Act, etc.
- Each project is assigned a project administrator that works closely with the City to ensure the project follows all guidelines.
- System infrastructure fee funds will be separated out monthly into an account. Bond payments will be paid through that account.
- Meter System Upgrade: 10 year repayment period; 0% interest; 1% fee
- Lea Circle Gravity Sewer Relocate: 20 year repayment period; .75% interest; 1% fee

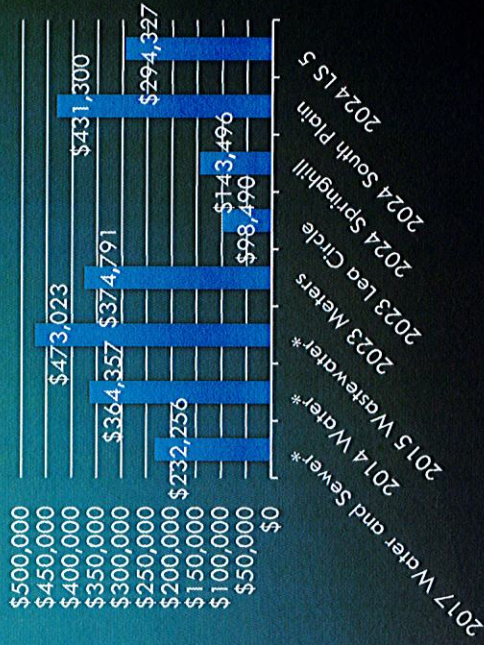
PREDICTIONS

- Current yearly bond repayment: \$1,065,073
- Anticipated yearly bond repayment with current ANRC offers: \$1,538,354
- Anticipated yearly bond repayment with projected + current offers: \$2,407,476
- Yearly System Infrastructure Fee Revenue: \$2,097,540

PROJECTED YEARLY REVENUE



Projected Yearly Payment



■ Projected Yearly Payment

PROACTIVE LONG TERM PLAN

- Master plans are currently being updated for wastewater and water.
- All projects are being assessed for fair share agreement possibilities.
- Revenue from rates will be allocated towards maintenance and operation of the system while diverse streams of revenue will be used towards capital improvement projects.
- Grants and other funding opportunities will be explored as entire projects as well as cost share projects.
- System Infrastructure Fee evaluation and a report of revenue streams with project updates will be provided to the Mayor and Council on a yearly basis.