

**AN ORDINANCE DEFINING ECONOMIC DEVELOPMENT SERVICES TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; REPEALING ORDINANCE NO. 8756; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, on August 10, 2015, the City of North Little Rock, Arkansas (“City”) adopted Ordinance No. 8756 defining “Economic Development Consultant” to be a professional service under Ark. Code Ann. § 19-11-801, et seq., and described certain tasks related thereto; and

WHEREAS, on November 8, 2016, the voters of Arkansas approved Amendment 97 to the Arkansas Constitution which expressly authorized the expenditure of public funds to support economic development; and

WHEREAS, Act 685 of 2017 was adopted during the recent session of the Arkansas General Assembly to implement the provisions of Amendment 97 and became effective on August 1, 2017; and

WHEREAS, the definition of Economic Development Consultant in Ordinance No. 8756 is inconsistent with similar terms in Act 685 of 2017; and

WHEREAS, Ark. Code Ann. § 19-11-801, et seq., provides the method cities use to procure professional services, such as legal, financial advisory, architectural, engineering, construction management, land surveying, planning and such other professional services *as are defined by two-thirds (2/3) vote of city council*; and

WHEREAS, the law for the procurement of professional services requires the selection of professionals to be based upon analysis of qualifications rather than bids; and

WHEREAS, the City of North Little Rock (the “City”) is considering the employment of professionals to function as Economic Development Consultants for the City and believes the proper procedure for such employment is through the RFQ process provided by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That **Economic Development Services** are hereby defined to be professional services under Ark. Code Ann. § 19-11-801, et seq. Economic Development Services may be used as necessary to assist the City of North Little Rock in planning, marketing, and strategic advice and counsel regarding job recruitment, job development, job retention, and job expansion; supervision and operation of City

property used for economic development purposes; and negotiation of contracts for the sale or lease of City property for economic development purposes. Economic Development Services may include, but not be limited to:

- (1) Assisting the Mayor and City Council in the creation of the City's economic development goals that will include the creation and expansion of employment opportunities for citizens and expansion of revenue base for the City.
- (2) Developing a strategic marketing and engagement plan to achieve the City's economic development goals.
- (3) Submitting quarterly reports to City Council available for public inspection that narrate the implementation of the plan and progress toward achieving economic development goals.
- (4) Managing, supervising and administering City property used for economic development, including the industrial park.
- (5) Negotiating contracts for the sale or lease of City property used for economic development.
- (6) Seeking out opportunities for economic development projects that are consistent with the City's economic development goals and meet applicable cost-benefit tests.
- (7) Assisting in the development, monitoring, and compliance reporting of economic development projects, consistent with the City's economic development goals.
- (8) Assisting in the procurement of financial analysis related to funding limitations, as needed.
- (9) Assisting in the procurement of cost-benefit analysis related to major (>\$100k) economic development projects, as needed.
- (10) Assuring compliance with economic development laws, including Act 685 of 2017.

SECTION 2: That Ordinance 8756 is hereby repealed. All ordinances or parts of ordinances in conflict herewith are also hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that economic development is competitive, requires professional assistance, and vitally important to the welfare of the City, and that the passage of this Ordinance is necessary in order to efficiently pursue economic development and provide for the proper representation of the City of North Little Rock, Arkansas in its endeavors to bring economic growth to the City, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

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Mayor Joe A. Smith

SPONSOR:

Joe A. Smith  
Mayor Joe A. Smith

ATTEST:

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Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	<u>11:00</u>	A.M.	_____	P.M.
By	<u>J. Carter</u>			
DATE	<u>11-7-17</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u>S. Hsery</u>			