

ORDINANCE NO. 2007-03

AN ORDINANCE TO AMEND THE AMENDMENT DATED APRIL 18, 2000 TO THE INTERLOCAL COOPERATION AGREEMENT GOVERNING THE OPERATION OF THE COTTER-GASSVILLE WASTEWATER TREATMENT PLANT.

Whereas; It is the opinion of the Cotter-Gassville Sewer Commission that the amendment dated April 18, 2000 now in effect has the potential of creating a financial burden on either one or both of the Cities. It is also the opinion of the Cotter-Gassville Sewer Commission that the amendment dated April 18, 2000 needs to be amended.

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

That paragraphs eight (8) and nine (9), hereafter known as "Exhibit A" be removed from the aforementioned agreement.

Repealer clause:

All ordinances or parts of ordinances in conflict are hereby repealed.

APPROVED: 

David McNair, Mayor

ATTEST: 

Peggy Hammock, Rec./Treas.

DATE: March 22, 2007

 **COPY**

ORIGINAL

" EXHIBIT A"

Paragraph eight (8):

That upon any whole percentage point change, and the parties herein specifically agree to round down any percentage of usage of .1% to .4% and round up any percent of usage from .5% to .9% shall result in the city with the increased usage owing the other city a prorata share of the total construction costs recalculated for that year. Again, by way of example and not by limitation, if Cotter's usage increased from 35% to 35.6%, Cotter shall be considered to have used 36% of the facility for all purposes relevant to this agreement. Cotter would likewise owe an additional 1% of the cost of the project. As illustrated above, the project cost is estimated at \$1,000,000. Under this example, Cotter would owe Gassville \$10,000 for its 1% increase in usage under this example.

Paragraph nine (9):

That any city incurring an increase in usage sufficient to change their percentage of usage as calculated herein shall pay to the other party no later than March 1st of each year the costs attributable to the increased usage as calculated above. That this sum shall further bear interest at the rate of 5% per annum from January 1st of the previous calendar year until the date payment is made to the city with the decreased percentage of usage for that same calendar year.

 **COPY**

ORIGINAL