

SM 2A.
as revised
& amended

ORDINANCE NO. 18-22

AN ORDINANCE AMENDING ORDINANCE NO. 2-12 IN ORDER TO EXTEND THE LEVY, FROM SEPTEMBER 30, 2022 TO SEPTEMBER 30, 2030, OF THE ONE-FOURTH OF ONE PERCENT (0.25%) SALES AND USE TAX WITHIN THE CITY OF FORT SMITH, ARKANSAS LEVIED THEREBY, THE NET COLLECTIONS OF WHICH ARE TO BE USED AS FOLLOWS: 50% OF NET COLLECTIONS FOR FIRE DEPARTMENT PURPOSES AND 50% OF NET COLLECTIONS FOR PARK AND RECREATION PURPOSES AND, AFTER SEPTEMBER 30, 2022, PARK AND RECREATION PURPOSES SHALL BE LIMITED TO PARK AND RECREATION CAPITAL IMPROVEMENT PROJECTS; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, pursuant to Ordinance No. 2-12 adopted January 3, 2012 ("Ordinance No. 2-12"), and an election held March 13, 2012, the City of Fort Smith, Arkansas (the "City") has levied a City-wide one-fourth of one percent (0.25%) sales and use tax (the "Tax"); and

WHEREAS, the net collections of the Tax, after deduction of the administrative charges of the State of Arkansas and required rebates ("Net Collections"), are used by the City as follows: 50% of Net Collections for fire department purposes and 50% of Net Collections for park and recreation purposes; and

WHEREAS, the Tax is set to expire on September 30, 2022; and

WHEREAS, the Board of Directors has determined that it would be in the best interest of the City to extend the levy of the Tax until September 30, 2030, and, after September 30, 2022, to limit park and recreation purposes to park and recreation capital improvement projects; and

WHEREAS, it is necessary to amend Ordinance No. 2-12 to provide for such extension of the levy of the Tax and the change in purpose of the Tax;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Fort Smith, Arkansas;

Section 1. Section 2 of Ordinance No. 2-12 is hereby amended to read as follows:

"Section 2. The Sales and Use Tax levied by this Ordinance shall be levied for a period of eighteen (18) years. The levy of the Sales and Use Tax shall commence on October 1, 2012 and shall expire on September 30, 2030."

Section 2. Section 3 of Ordinance No. 2-12 is hereby amended to read as follows:

"Section 3. The Sales and Use Tax shall be levied, and the net collections received after deduction of the administrative charges of the State of Arkansas and required rebates ("Net Collections"), shall be used by the City as follows: 50% of the Net Collections for park and recreation purposes and 50% of the Net Collections for fire department purposes. For Net Collections received after September 30, 2022, park and recreation purposes shall be limited to park and recreation capital improvement projects."

Section 3. The provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of this Ordinance.

Section 4. Ordinance No. 2-12, as amended hereby, shall remain and be in full force and effect.

PASSED: February 22, 2022.

ATTEST:

Sherril Gard
City Clerk

APPROVED:

Age McCall
Mayor

(SEAL)



CERTIFICATE

The undersigned, City Clerk of Fort Smith, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 18-22, passed at a special session of the Board of Directors of Fort Smith, Arkansas, held at the regular meeting place of the Board of Directors at 6:00 o'clock p.m., on the 22nd day of February, 2022, and that the Ordinance is of record, now in my possession.

GIVEN under my hand and seal this 3rd day of March, 2022.



Shirley Gard
City Clerk