

CITY OF BARLING ORDINANCE NO. 373

AN ORDINANCE AUTHORIZING THE FORMATION OF A METROPOLITAN PLANNING ORGANIZATION; AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF BARLING AND OTHER CITIES AND COUNTIES AND OTHER ENTITIES WITHIN THE STATE OF ARKANSAS AND WITHIN THE STATE OF OKLAHOMA; DECLARING EMERGENCY THEREFORE; AND AUTHORIZING AND PRESCRIBING OTHER MATTERS THERETO.

WHEREAS, the City of Barling, Arkansas is a member along with other governmental subdivisions of the State of Arkansas and the State of Oklahoma of a Metropolitan Planning Organization formed pursuant to an agreement dated October 24, 2005; and

WHEREAS, the existing Metropolitan Planning Organization will be dissolved contingent upon the formation of a new Metropolitan Planning Organization consisting of substantially the same parties to the existing organization, and this dissolution shall be effective simultaneously with the formation and charter of the new Organization; and

WHEREAS, the formation of a new and reformed Metropolitan Planning Organization is necessary and desirable to cure deficiencies in the previously formed Metropolitan Planning Organization wherein districts of two Oklahoma counties were purported parties to the Agreement to the exclusion of the entire county and other districts within the counties; and

WHEREAS, the entire county must be a party to the Agreement even though the jurisdictional area covered by the Agreement may be a certain and exclusive district within the county; and

WHEREAS, it is necessary and desirable to form a new and reformed Metropolitan Planning Organization in order to set forth with greater specificity the jurisdictional area and parties to be included within the jurisdiction of the Metropolitan Planning Organization; and

WHEREAS, it is desirable to enter into a new Agreement and form a new Organization for the purpose of providing broader, as well as more specific powers and authority in the voting board of the Organization so that the Organization may be managed and operated with greater efficiency and so that the business of the Organization may be performed with greater efficacy; and

WHEREAS, the Interlocal Cooperation Act of the State of Arkansas, being Act 430 of 1967, as amended, codified at A.C.A § 25-20-101, et. seq. and the Interlocal Cooperation Act of the State of Oklahoma, being Title 74, Oklahoma Statutes, § 1001, et. seq., as amended permits and authorizes governmental subdivisions of the State of Arkansas and the State of Oklahoma respectively to form an organization for the discharge of any responsibility that such party may be able to perform by authority of law or its charter; and

WHEREAS, it is proposed that the City join with Crawford County, Sebastian County, City of Alma, City of Bonanza, City of Central City, City of Fort Smith, City of Greenwood, City of Kibler, City of Lavaca, City of Van Buren, Western Arkansas Intermodal Authority, and Fort Smith Regional Airport Commission within the State of Arkansas and with Leflore County, Sequoyah County, Town of Arkoma, Town of Moffett, and Town of Pocola within the State of Oklahoma to form a Metropolitan Planning Organization under the Acts of the State of Arkansas and the State of Oklahoma listed above and to create a Metropolitan Transportation Planning Area and Planning Organization pursuant to U.S. Code at 23 U.S.C. 134, et. seq., as amended; and

WHEREAS, an Agreement for the formation of such an organization has been prepared, a copy of which has been presented to and is before this meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS:

Section 1.

(a) The City Board of Directors hereby finds and determines that it is in the best interest of the City to join with the entities named above in the formation of a Metropolitan Planning Organization: (1) for the purpose of banding together the territory under the jurisdiction of the signatory parties the geographical area specified below, (2) to create greater eligibility for grants, loans, and other consideration under federal legislation including, but not limited to 23 U.S.C. 134, et. seq., as amended, that can be used for the expenses of planning, research and technical assistance to help the organization determine feasible actions that will improve the existing, as well as the future economic and social environment of the territory under the jurisdiction of the signatory parties, and (3) to provide other services and benefits, for which such functions may in many instances be discharged or performed by a common entity to the mutual advantage of all, including the citizens of the planning area.

(b) The Agreement for the formation of the Metropolitan Planning Organization establishes a planning area to be comprised of the area within the geographical boundaries of the following:

Crawford County, Arkansas
Sebastian County, Arkansas
District 1 of Leflore County, Oklahoma, and

District 1 of Sequoyah County, Oklahoma

Section 2. The formation of a Metropolitan Planning Organization pursuant to the Acts mentioned above, to be known as the "Frontier Metropolitan Planning Organization", and the City's participation in the same, are hereby authorized. Upon the dissolution of the existing "Bi-State Metropolitan Planning Organization" and the formation of the new Metropolitan Planning Organization, all assets, if any, and all contractual rights and obligations, as well as any liabilities of the existing Metropolitan Planning Organization shall be transferred to, received by, and assumed by the new Metropolitan Planning Organization.

Section 3. There is hereby authorized the execution and delivery of an Agreement by and between the City and the other governmental subdivisions of the State of Arkansas and Oklahoma mentioned above, and the Mayor and City Clerk are hereby authorized to execute and deliver the Agreement for and on behalf of the City. The Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the other parties thereto in order to complete the Agreement in substantially the form submitted to this meeting with such changes as shall be proposed by such persons executing the document, their execution to constitute conclusive evidence of such approval. Further, and specifically, if any member entity named herein or in the Agreement form attached should choose to not be a member of the Metropolitan Planning Organization, then the exclusion of that member entity or entities shall have no effect on the authorization established by this Ordinance to enter into the Agreement.

Section 4. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized to execute and directed to do any and all things necessary to effect the execution and delivery of the Agreement, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. The Mayor and City Clerk are hereby further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 5. The City Clerk is hereby authorized and directed to file in the office of the City Clerk as a part of the minutes of the meeting at which this Ordinance is adopted, for inspection by any interested person a copy of this Agreement, and such document shall be on file for inspection by any interested person.

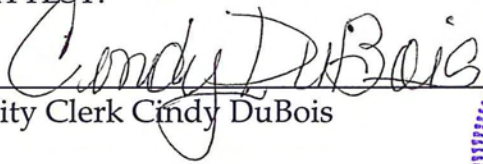
Section 6. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

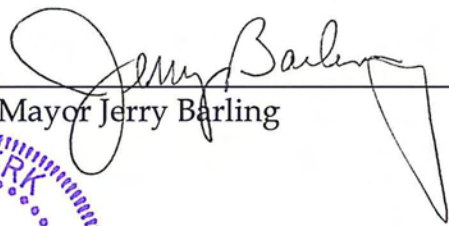
Section 7: The City Board of Directors finds that the immediate implementation of this ordinance is necessary and that it is in the best interest of the public health,

safety, and welfare for this ordinance to be effective immediately after its adoption so as to allow for the immediate execution of the agreement and the pursuit of the endeavors contemplated therein.

PASSED AND APPROVED THIS 11th DAY OF January, 2011.

ATTEST:


City Clerk Cindy DuBois


Mayor Jerry Barling

