

**RESOLUTION NO. 2015-\_\_ - \_\_ R**

**A RESOLUTION APPROVING AN AGREEMENT WITH THE CITY OF SPRINGDALE, ARKANSAS, AND WASHINGTON COUNTY, ARKANSAS, REGARDING THE OPERATIONAL EXPENSES OF THE SPRINGDALE DISTRICT COURT.**

**WHEREAS**, the city of Tontitown, Arkansas, has a police department but does not have a district court; and

**WHEREAS**, the city of Tontitown, Arkansas, wishes to have the cases generated by its police department prosecuted through the Springdale District Court; and

**WHEREAS**, Ark. Code Ann. §16-17-1203 provides that a written agreement is to be entered into between the city of Tontitown and the governing bodies of the city of Springdale, Arkansas, and Washington County, Arkansas, concerning the contribution to the operational expenses of the Springdale District Court by the city of Tontitown, Arkansas; and

**WHEREAS**, the contribution made by the city of Tontitown, Arkansas, to the Springdale District Court shall be a prorated amount based on the number of cases filed in the Springdale District Court; and

**WHEREAS**, the city of Tontitown, Arkansas, and the city of Springdale, Arkansas, wish to comply with the provisions of Ark. Code Ann. §16-17-1203.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the city of Tontitown, Arkansas:

**Section 1:** That the City Council of the city of Tontitown approve the attached agreement with the city of Springdale, Arkansas, and Washington County, Arkansas, concerning the contribution to the operational expenses of the Springdale District Court by the city of Tontitown, Arkansas, pursuant to Ark. Code Ann. §16-17-1203.

**Section 2:** That the Mayor and Recorder are hereby authorized and directed to execute the attached agreement concerning contribution to the operational expenses of the Springdale District Court, and are further authorized to execute any and all documents necessary to effectuate this purpose. A copy of said agreement is attached hereto as Exhibit "A" and incorporated herein as if set out word for word.

**PASSED AND APPROVED** this 10<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
PAUL COLVIN, JR., Mayor

ATTEST:

\_\_\_\_\_  
ALICIA COLLINS, City Recorder/Treasurer

## AGREEMENT

This agreement is made and entered into between the City of Tontitown, Arkansas ("Tontitown"), the City of Springdale, Arkansas, and Washington County, Arkansas.

### **WITNESSETH:**

**WHEREAS**, the City of Tontitown, Arkansas, has a police department but does not have a district court;

**WHEREAS**, the City of Tontitown, Arkansas, wishes to have the cases generated by its police department prosecuted through the Springdale District Court;

**WHEREAS**, Ark. Code Ann. §16-17-1203 provides that a written agreement is to be entered into between the City of Tontitown and the governing bodies of the City of Springdale, Arkansas, and Washington County, Arkansas, concerning the contribution to the operational expenses of the Springdale District Court by the City of Tontitown, Arkansas;

**WHEREAS**, the contribution made by the City of Tontitown, Arkansas, to the Springdale District Court shall be a prorated amount based on the collection of fines derived from Tontitown cases filed in the Springdale District Court; and

**WHEREAS**, the City of Tontitown, Arkansas, and the City of Springdale, Arkansas, wish to comply with the provisions of Ark. Code Ann. §16-17-1203.

**NOW THEREFORE**, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree:

1. Springdale District Court shall allow Tontitown to process its cases in said district court;

2. Tontitown shall contribute annually to the operational expenses of the court on a prorated amount based on the amount of collections derived from Tontitown cases filed in the district court from Tontitown during the preceding calendar year, and such amount shall equal twenty percent (20.00%) of the fines collected (less "Act 988 fines") from Tontitown cases in the Springdale District Court, and shall be due and payable by February 1<sup>st</sup> of each calendar year;

3. For purposes of the calendar year 2014, said contribution shall consist of a one-time contribution of \$12,387.25 to the Springdale District Court; and

4. This agreement shall be considered the written agreement required by Ark. Code Ann. §16-17-1203, and the Mayor of the City of Tontitown is hereby authorized and directed to execute this agreement on behalf of the City of Tontitown, which shall then be submitted to the governing bodies of the City of Springdale, Arkansas, and Washington County, Arkansas, for their respective approval.

IN WITNESS WHEREOF, the parties have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

City of Tontitown, Arkansas

By \_\_\_\_\_

City of Springdale, Arkansas

By \_\_\_\_\_  
Doug Sprouse, Mayor

By \_\_\_\_\_  
Denise Pearce, City Clerk

Washington County, Arkansas

By \_\_\_\_\_  
Marilyn Edwards, County Judge

**ACKNOWLEDGMENT**

STATE OF ARKANSAS )  
 )SS  
COUNTY OF WASHINGTON )

Before me, a Notary Public, duly commissioned, qualified and acting within and for the aforesaid County, on this day personally appeared Paul Colvin, Mayor of Tontitown, Arkansas, well known to me to be the person whose name is subscribed to the foregoing instrument and stated to me that he/she executed the same for the consideration and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires:

\_\_\_\_\_

Notary Public

**ACNOWLEDGMENT**

STATE OF ARKANSAS )  
 )SS  
COUNTY OF WASHINGTON )

Before me, a Notary Public, duly commissioned, qualified and acting within and for the aforesaid County, on this day personally appeared Doug Sprouse and Denise Pearce, Mayor and City Clerk, respectively, for the City of Springdale, Arkansas, well known to me to be the persons whose names are subscribed to the foregoing instrument and stated to me that they executed the same for the consideration and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public

**ACNOWLEDGMENT**

STATE OF ARKANSAS )  
 )SS  
COUNTY OF WASHINGTON )

Before me, a Notary Public, duly commissioned, qualified and acting within and for the aforesaid County, on this day personally appeared Marilyn Edwards, Washington County Judge, for Washington County, Arkansas, well known to me to be the person whose is are subscribed to the foregoing instrument and stated to me that she had executed the same for the consideration and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public

