

CLARK COUNTY ORDINANCE 2023_14

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLARK,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING CLARK COUNTY
ORDINANCE NO. 2022-01 APPROVING GUIDELINES
AND RULES GOVERNING THE USE OF TAX
PROCEEDS BY THE ECONOMIC DEVELOPMENT
CORPORATION OF CLARK COUNTY, AND FOR
OTHER PURPOSES.

WHEREAS, on June 8, 2021 the voters of Clark County approved a sales tax for
economic development; and

WHEREAS, the Quorum Court has adopted Ordinance No. 2021-27 which
appropriates certain revenue from that tax to the Economic Development Corporation of
Clark County (EDCCC), and

WHEREAS, the Quorum Court adopted Ordinance No. 2022-01 which approved
an initial set of rules and guidelines formulated by the EDCCC to govern the use of those
tax proceeds for economic development purposes; and

WHEREAS, the EDCCC has approved an amended version of said rules and
guidelines.

NOW THEREFORE BE IT ORDAINED BY THE QUORUM COURT OF
CLARK COUNTY, ARKANSAS:

SECTION 1. The attached rules and guidelines governing the use of certain
proceeds from the June 8, 2021 tax proceeds are hereby approved and adopted and shall
be used by the EDCCC when considering requests for economic development.

SECTION 2. These rules and guidelines shall not be modified by the EDCCC
without the prior approval of the Quorum Court.

Passed and approved this _____ day of _____, 2023 by the
Quorum Court of Clark County, Arkansas.

Approved:

TROY TUCKER, Clark County Judge

Date

Attest:

TRACY RIDER, Clark County Clerk

Date

Sponsored by: Clark County Justice of Peace

Date

Vetoed:

**CLARK COUNTY ECONOMIC DEVELOPMENT TAX
UTILIZATION GUIDELINES**

On June 8, 2021, the citizens of Clark County, Arkansas approved the levy of a tax on the gross receipts from the sale at retail within the County of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (Ark. Code Ann. §26-51-101 et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the County of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (Ark. Code Ann. §26-53-101 et seq.), at a rate of 0.50% of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The ballot approved by voters authorized the Sales and Use Tax collections to be utilized for two purposes:

1. To pay and secure the repayment of bonds approved by the voters and issued by the County from time to time to finance capital improvements or economic development projects; and
2. To fund and promote economic development projects and activities to stimulate the local economy and to support the creation of new job opportunities.

These guidelines are applicable for the use of these tax proceeds to fund and promote economic development projects and activities to stimulate the local economy and to support the creation of new job opportunities and as otherwise allowed by law. The following policies are applicable for the use of said tax proceeds to advance the purposes described in the ballot which was approved by the voters and in a manner that will be consistent with the objectives of the tax proceeds and applicable law.

- (A) The Sales and Use Tax levied and collected may be utilized to take such action and to do or cause to be done such things as shall be necessary or desirable to accomplish and implement the purposes and intent of the Public Corporation for Economic Development Act (Ark. Code Ann. §§ 14-175-101, et seq.), as amended from time to time, and as authorized in accordance with or as limited by Arkansas Constitution Article 12, Section 5, including:
 - (1) To obtain or appropriate money for a corporation, association, institution, or individual to:
 - (a) Finance an economic development project; or
 - (b) Provide economic development services;
 - (2) To pay and secure the repayment of bonds approved by the voters and issued by the County from time to time to finance capital improvements or economic development projects.
- (B) As used in these guidelines:
 - (1) An "economic development project" means the land, buildings, furnishings, equipment, facilities, infrastructure, and improvements that are required or suitable for the development, retention, or expansion of:

- (a) Manufacturing, production, and industrial facilities;
- (b) Research, technology, and development facilities;
- (c) Recycling facilities;
- (d) Distribution centers;
- (e) Call centers;
- (f) Warehouse facilities;
- (g) Job training facilities;
- (h) Regional or national corporate headquarters facilities; and
- (i) Sports complexes designed to host local, state, regional, and national competitions, including without limitation baseball, softball, and other sports tournaments.

(2) "Economic development service" means:

- (a) Planning, marketing, and strategic advice and counsel regarding job recruitment, job development, job retention, and job expansion;
- (b) Supervision and operation of industrial parks or other such properties; and
- (c) Negotiation of contracts for the sale or lease of industrial parks or other such properties.

(3) "Infrastructure" means:

- (a) Land acquisition;
- (b) Site preparation;
- (c) Road and highway improvements;
- (d) Rail spur, railroad, and railport facilities;
- (e) Water service;
- (f) Wastewater treatment;

- (g) Employee training, which may include equipment for such purposes; and
- (h) Environmental mitigation or reclamation.

(C) Additional rules and regulations may be developed, not inconsistent with these guidelines, for the purpose of evaluating individual economic development projects, economic development service, or infrastructure projects. Such rules and regulations should address:

- (1) The priority of economic development projects, economic development service, and infrastructure projects in light of targeted economic sectors, job creation, business retention, improving economically distressed communities and neighborhoods, and impact on existing businesses;
- (2) Maximum dollar amount of incentives;
- (3) Minimum qualifications of applicants; and
- (4) Documentation required to be submitted by an applicant.

(D) For the protection of trade secrets, the privacy interest of applicants for economic development incentives, and the efficient conduct of economic development activities, the Economic Development Corporation of Clark County may contract the day-to-day economic development activities, investigations, studies, application process or other activities to the Arkadelphia Regional Economic Development Alliance or such other corporation, association, institution, or individual it deems necessary or expedient.