

Opinion No. 2013-004

January 22, 2013

Deborah Beard, Account Planner
Communications Group
400 West Capitol, Suite 1391
Little Rock, Arkansas 72201

Dear Ms. Beard:

You have requested approval, pursuant to the Interlocal Cooperation Act (A.C.A. § 25-20-101 *et seq.*), of an amendment (the “Amendment”) to an interlocal agreement between the Arkansas Department of Human Services -- Division of Medical Services and the Shelby County Health Department. In Op. Att’y Gen. No. 2012-036, this office approved the unamended interlocal agreement as submitted.

Applying the standard set forth in my previous opinion, I hereby approve the Amendment, subject to the condition you resolve the formal ambiguity in your submission discussed immediately below. Paragraph 3 of the Amendment is prefaced by the following declaration: “Clause V.E. is hereby deleted in its entirety and replaced with the following language[.]” The alleged replacement language set forth in Paragraph 3, however, tracks verbatim the language it purports to replace. It appears to be the case that, rather than replacing the language of Clause V.E., the Amendment is designed to *supplement* it with the provisions set forth in paragraphs 4 and 5 of the Amendment. Resolving this ambiguity should be a simple matter, which I will assume you will undertake forthwith.

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Assistant Attorney General Jack Druff prepared the foregoing opinion, which I hereby approve.

Sincerely,

DUSTIN McDANIEL
Attorney General

DM/JHD:cyh