



STATE OF ARKANSAS
THE ATTORNEY GENERAL
LESLIE RUTLEDGE

Opinion No. 2015-039

May 18, 2015

C. Tad Bohannon, Chief Legal Counsel
Central Arkansas Water
221 East Capitol Avenue
Post Office Box 1789
Little Rock, Arkansas 72203

Dear Mr. Bohannon:

You have requested my approval under the Interlocal Cooperation Act (the “Act”)¹ of the proposed “Pulaski Area Geographic Information System Interlocal Agreement (Fifth Restatement & Amendment)” (the “Agreement”) among the cities of Little Rock, North Little Rock, Jacksonville, and Sherwood; Pulaski County for the benefit of its public works department; Central Arkansas Water; and Little Rock Wastewater Utility. The Agreement amends and restates – to add the City of Sherwood as a party – an agreement approved by this office in 1997² and 2005.³ It establishes the Pulaski Area Geographic Information System “to be a leader in providing high quality geographic information services which meet customer and management needs.”⁴

The Act provides for my approval⁵ of any interlocal agreement to undertake a joint enterprise between or among “public agencies.”⁶

¹ A.C.A. §§ 25-20-101 to -108 (Repl. 2014).

² See Op. Att’y Gen. 97-366.

³ See Op. Att’y Gen. 2005-106.

⁴ Agreement, § 5.

⁵ See A.C.A. § 25-20-104(f).

⁶ Each party to the Agreement appears to be a “public agency” within the definition of that term in A.C.A. § 25-20-103(1). See generally Op. Att’y Gen. 2002-345 (discussing types of entities that are “political

The Act requires an agreement for joint or cooperative action to specify:

1. Its duration;
2. The precise organization, composition, and nature of any separate legal or administrative entity created thereby, together with the powers delegated to it, provided that the entity may be legally created;
3. Its purposes;
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;
5. The permissible methods to be employed in accomplishing the partial or complete termination; and
6. Any other necessary and proper matters.⁷

In the event the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement must specify:

1. Provisions for an administrator or a joint board responsible for administering the joint or cooperative undertaking; and
2. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.⁸

Having reviewed the Agreement, I find that it meets the requirements set forth above. Accordingly, I approve the Agreement as submitted.

Assistant Attorney General J.M. Barker prepared this opinion, which I approve.

Sincerely,


LESLIE RUTLEDGE
Attorney General

LR/JMB:cyh

subdivisions” and therefore “public agencies” for purposes of the Act). As noted, the Agreement is an amendment and restatement entered into for the purpose of adding the City of Sherwood as a party. In my view, each amendment to an interlocal agreement for the purpose of adding a public agency party is a new agreement subject to the approval requirement of A.C.A. § 25-20-104(f).

⁷ A.C.A. § 25-20-104(c).

⁸ A.C.A. § 25-20-104(d).