

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DEFINING “NERC/FERC COMPLIANCE SERVICES” FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, Ark. Code Ann. § 19-11-801, et seq., provides the method cities use to procure professional services, such as: legal, financial advisory, architectural, engineering, construction management, land surveying and such other professional services *as are defined by two-thirds (2/3) vote of city council*; and

WHEREAS, the law for the procurement of professional services requires that selection is based upon analysis of professional qualifications rather than bidding; and

WHEREAS, the City is considering the employment of professionals to provide engineering services to determine NERC/FERC compliance for the North Little Rock Electric Department (“NLRED”), and believes the proper procedure for such employment is through the RFQ process provided by State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That **NERC/FERC Compliance Services for NLRED** is hereby defined to be a professional service under Ark. Code Ann. § 19-11-801, et seq. and may be used as necessary to assist the North Little Rock Electric Department in analyzing and determining that it is NERC/FERC compliant with recommendations for action. Providers of said service shall have:

- (a) Comprehensive knowledge of the NERC Reliability Standards, NERC Audit and Enforcement process and NERC Functional Registration requirements.
- (b) Understanding of overall electric utility practices, both engineering and operations.
- (c) Active participation in NERC and Regional Entity Compliance Meetings and Forums.
- (d) Electrical Engineering experience in developing policies and procedures for testing and maintenance of Bulk Electric System Assets (100 kV and above).
- (e) Operations experience in developing policies and procedures for the reliable operation of the Bulk Electric System.
- (f) Understanding of how the various NERC Registered Entity Types interact with each other and the duties assigned to each Entity Type.

(g) Cyber Security experience for the assessment and protection of any Critical Assets and Critical Cyber Assets associated with the Bulk Electric System.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the passage of this Ordinance is necessary in order to insure the proper representation of the City of North Little Rock, Arkansas in determining that its Electric Department is NERC/FERC compliant, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

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APPROVED:

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Mayor Patrick H. Hays

SPONSOR:

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Mayor Patrick H. Hays

ATTEST:

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Diane Whitbey, City Clerk

APPROVED AS TO FORM:

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C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b