

AN ORDINANCE TO APPROVE AND AUTHORIZE MEMBERSHIP
BY THE CITY OF
IN THE NORTHWEST ARKANSAS REGIONAL SOLID WASTE
DISPOSAL AUTHORITY AND FOR OTHER PURPOSES

WHEREAS, the governments within Benton and Washington Counties, Arkansas, including the governments of the cities of Avoca, Bethel Heights, Bentonville, Cave Springs, Centerton, Decatur, Garfield, Gateway, Gentry, Gravette, Highfill, Little Flock, Lowell, Pea Ridge, Rogers, Siloam Springs, Sulphur Springs, Bella Vista, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Lincoln, Prairie Grove, Springdale, Tontitown, West Fork and Winslow, agree to submit a proposal to their governing bodies whereby these cities would cooperate in the organization and operation of a Northwest Arkansas Regional Solid Waste Disposal Authority; and,

WHEREAS, it is felt to be in the best interests of the city of TONTITOWN that such authority be created; and,

WHEREAS, it is felt to be in the best interests of the city of TONTITOWN that the city of TONTITOWN become a member of such authority.

NOW, THEREFORE, be it ordained by the city council of the city of TONTITOWN, Arkansas:

1. That the city of TONTITOWN, Arkansas, shall join in the creation of a Northwest Arkansas Regional Solid Waste Disposal Authority, along with the following counties, cities and towns: Benton County, Washington County, Avoca, Bethel Heights, Bentonville, Cave Springs, Centerton, Decatur, Garfield, Gateway, Gentry, Gravette, Highfill, Little Flock, Lowell, Pea Ridge, Rogers, Siloam Springs, Sulphur Springs, Bella Vista, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Lincoln, Prairie Grove, Springdale, Tontitown, West Fork, and Winslow.

2. That the city of TONTITOWN, Arkansas, is hereby authorized to become an initial member of the Northwest Arkansas Regional Solid Waste Disposal Authority.

(a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract, concerning or otherwise deal in or dispose of any real property, personal property, or mixed property of any and every kind that can be used or that will be useful in the controlling, collecting, storing, removing, handling, reducing, disposing of, treating, and otherwise dealing in and concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage, and utilization of coal, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid wastes to steam) and distributing such steam to users thereof, or otherwise separating and preparing solid wastes for reuse.

(b) To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties.

(c) To adopt an official seal and alter the same at pleasure.

(d) To maintain an office at such place or places as it may determine.

(e) To sue and be sued in its own name, and to plead and be impleaded.

(f) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under Act 699 of 1979, including contracts with persons, firms, corporations and others.

(g) To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other proper agency for such permits, licenses, certificates or approvals as may be necessary, and to construct, maintain and operate projects in accordance with, and to obtain, hold

and also, such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any other person.

(h) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor.

(i) To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of damage to property.

(j) To fix, charge and collect rents, fees and charges for the use of any project or portion thereof, or for steam produced therefrom.

(k) To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the authority.

(l) To distribute steam produced by a project to any person, municipality or county.

(m) To buy, sell, exchange, own and generally deal in real property, improved and unimproved, and buildings of every class and description.

(n) To pledge or hypothecate any and all property of the authority, both real, personal and mixed, owned or leased by the authority for cash, on credit and time payment and to generally finance any property, both real, personal and mixed, sold or leased by this authority.

(o) To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto.

(p) To do any and all other acts and things necessary, convenient or desirable to carry out the purposes, and to exercise the powers granted to the authority herein.

4. That the number of directors of such authority and the voting rights of each director shall be as follows:

The number of directors constituting the board of

of persons in the authority, with each member entitled to place one director on the board of directors of the authority. Each such director shall be entitled to one vote on all matters relating to the affairs of the authority.

5. That the application of the initial members of the Northwest Arkansas Regional Solid Waste Disposal Authority is attached hereto and made part hereof, and said application is approved in all things.

6. That it is determined by the city council for the city of TONTITOWN, Arkansas, that an emergency is hereby declared to exist and that this ordinance being necessary for the immediate preservation of the public health, peace and safety, shall be in effect immediately from the date of passage and approval.

7. That this ordinance shall be in effect from and after its approval, passage and publication, and a recording of a certified copy thereof with the recorder of Washington County, Arkansas.

PASSED AND APPROVED this 6 day of November 1979.

Mayor H. Bausinger

ATTEST:

Frances Franco
Clerk

CERTIFICATE

I, Frances Franco, City Clerk, City of TONTITOWN, Washington County, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance numbered 70 duly passed and approved by the city council and mayor of the city of TONTITOWN Arkansas, on the 6 day of November, 1979, the same being recorded in book number _____ at page _____.

City Clerk

ARTICLE 10. NORTHWEST ARKANSAS REGIONAL SOLID WASTE DISPOSAL AUTHORITY
SOLID WASTE DISPOSAL AUTHORITY FOR STATUS AS A
PUBLIC BODY AND BODY CORPORATE AND POLITIC
PURSUANT TO ACT 699 OF 1979

The undersigned, natural persons of the age of twenty-one years or more, acting as representatives of their respective counties, municipalities and towns, hereby apply to the Secretary of State for the State of Arkansas for designation of the Northwest Arkansas Regional Solid Waste Disposal Authority as a public body and body corporate and politic pursuant to Act 699 of 1979, and for approval of the Articles of Association of the Northwest Arkansas Regional Solid Waste Disposal Authority, and for these purposes adopt the following Articles of Association for such authority:

First, the name of the authority shall be:

Northwest Arkansas Regional Solid Waste Disposal Authority.

Second, the period of duration of the authority shall be perpetual.

Third, this association is organized for the following specific purposes which are in addition to the general purposes hereinafter set forth:

(a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract, concerning or otherwise deal in or dispose of any real property, personal property, or mixed property of any and every kind that can be used or that will be useful in the controlling, collecting, storing, removing, handling, reducing, disposing of, treating, and otherwise dealing in and concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage, and utilization of coal, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid wastes to steam) and distributing such steam to users thereof, or otherwise

the authority, the authority is organized for the following additional purposes:

- (a) To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;
- (b) To adopt an official seal and alter the same at pleasure;
- (c) To maintain an office at such place or places as it may determine;
- (d) To sue and be sued in its own name, and to plead and be impleaded;
- (e) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this Act 699 of 1979, including contracts with persons, firms, corporations and others;
- (f) To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other proper agency for such permits, licenses, certificates or approvals as may be necessary, and to construct, maintain and operate projects in accordance with, and to obtain, hold and use, such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any other person;
- (g) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor;
- (h) To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of damage to property;

and to use any portion of portion thereof, or for steam produced therefrom;

- (j) To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the authority;
- (k) To distribute steam produced by a project to any person, municipality or county;
- (l) To buy, sell, exchange, own and generally deal in real property, improved and unimproved, and buildings of every class and description;
- (m) To pledge or hypothecate any and all property of the authority, both real, personal and mixed, owned or leased by the authority for cash, on credit and time payment and to generally finance any property, both real, personal and mixed, sold or leased by this authority;
- (n) To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto; and
- (o) To do any and all other acts and things necessary, convenient or desirable to carry out the purposes, and to exercise the powers granted to the authority herein.

Fifth, the names of all proposed member municipalities and counties in the authority are as follows: Benton County, Washington County, Avoca, Bethel Heights, Bentonville, Cave Springs, Centerton, Decatur, Garfield, Gateway, Gentry, Gravette, Highfill, Little Flock, Lowell, Pea Ridge, Rogers, Siloam Springs, Sulphur Springs, Bella Vista, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Lincoln, Prairie Grove, Springdale, Tontitown, West Fork, and Winslow.

Sixth, that attached hereto and marked Exhibits 1 through _____ are true and correct certified copies of ordinances of the respective municipality, county and town members of the association authorizing their membership in this authority.

Seventh, the address of the initial registered office of the Northwest Arkansas Regional Solid Waste Disposal Authority is: 406 North Chilok, Springdale, Arkansas, 72764.

of the Northwest Arkansas Regional Solid Waste Disposal Authority
is: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale,
Arkansas, 72764.

Ninth, the number of directors constituting the board of
directors of the authority shall be the same as the number of
members of the authority, with each member entitled to place
one director on the board of directors of the authority. Each
such director shall be entitled to one vote on all matters
relating to the affairs of the authority.

Tenth, the names of the initial members and the signature
of the governing officer of these members and the attestation
of the respective clerks of each member are set forth hereinbelow:

BENTON COUNTY:

ATTEST: _____

WASHINGTON COUNTY:

ATTEST: _____

AVOCA:

ATTEST: _____

BETHEL HEIGHTS:

ATTEST: _____

BENTONVILLE:

ATTEST: _____

CAVE SPRINGS:

ATTEST: _____

CENTERTON:

ATTEST: _____

DECATUR:

ATTEST: _____

GARFIELD:

ATTEST: _____

GATEWAY:

ATTEST: _____

SENTRY:

ATTEST: _____

HIGHFILL:

ATTEST: _____

LITTLE FLOCK:

ATTEST: _____

LOWELL:

ATTEST: _____

PEA RIDGE:

ATTEST: _____

ROGERS:

ATTEST: _____

SILCOAM SPRINGS:

ATTEST: _____

SULPHUR SPRINGS:

ATTEST: _____

BELLA VISTA:

ATTEST: _____

ELKINS:

ATTEST: _____

ELM SPRINGS:

ATTEST: _____

FARMINGTON:

ATTEST: _____

FAYETTEVILLE:

ATTEST: _____

GREENLAND:

ATTEST: _____

JOHNSON:

ATTEST: _____

LINCOLN:

ATTEST: _____

PRAIRIE GROVE:

ATTEST: _____

ATTEST: _____

SPRINGDALE:

ATTEST: _____

TONITOWN:

ATTEST: _____

WEST FORK:

ATTEST: _____

WINSLOW:

ATTEST: _____