

RESOLUTION No. 77

This Resolution, made this 5th. day of January, 1999, by the City Council of the City of Tontitown:

WITNESSETH:

WHEREAS, the population growth in the City of Tontitown has placed an increasing demand upon the water and sewer systems, and specifically, the ability to treat wastewater from those facilities; and

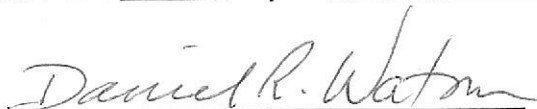
WHEREAS, the cities of Elm Springs, Arkansas and Cave Springs, Arkansas, are experiencing similar demands upon their water and sewer systems, and are located in proximity to the City of Tontitown so as to be conducive to a joint wastewater treatment facility; and

WHEREAS, the cities of Tontitown, Elm Springs, and Cave Springs, have discussed the advantages of petitioning for the creation of a wastewater treatment district as allowed and set forth under the statutes of the State of Arkansas (Ark. Code Ann. § 14-250-102, *et seq.*);


NOW THEREFORE BE IT RESOLVED that the City of Tontitown shall propose the creation of a regional wastewater collection and treatment district in conjunction with the municipalities of Elm Springs and Cave Springs, and should join in petitioning the Circuit Court of Washington County, Arkansas, for the creation of such district; and

BE IT FURTHER RESOLVED that the Mayor and City clerk are authorized to execute and deliver any such documents, petitions, and applications as may be required to effectuate the terms of this Resolution and to do all other acts necessary to effectuate the terms of this Resolution.

This Resolution passed this 5th. day of January, 1999.

  
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Mayor, City of Tontitown

Attest:

  
\_\_\_\_\_  
City Clerk

MEMORANDUM

TO: Jim Crouch

FROM: Jeff Reynerson



DATE: December 31, 1998

RE: City of Tontitown/Regional Wastewater Treatment System

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What follows is a condensed version of the steps provided by the statute for the creation of a regional wastewater treatment facility. You might want me to convert this memo to letter form and provide it to the Tontitown Council to give them an idea of the process required over the next several months.

1. Before a petition can be filed in a Circuit Court, there must be "duly executed resolution" from each entity, authorizing that entity to be included in the proposed district. The statute does not require any special language to be included in the resolution. Attached to this memo you will find what I have proposed to present to the City Council of Tontitown for its adoption. The resolutions from the different municipalities must then accompany the petition filed with the Circuit Court.

2. The petition itself should contain an accurate description and a map of the area to be served initially, a brief statement showing the need for the formation of the district and describing any benefits to be received by the residents or property owners in the area, the proposed name of the district, and the proposed location of the principle office of the district.

Within five (5) days from the filing of the petition, the Clerk is to prepare a certified copy of the petition and transmit it to the Arkansas Department of Pollution Control & Ecology. The Department will then initiate an investigation of the proposed district, its territory, and purposes, and submit a written report of its findings within thirty (30) days after receiving the certified copy of the petition.

3. Within thirty (30) days after the report has been filed with the Circuit Clerk, a petition is to be presented to the judge, who will set a hearing upon the petition and direct the Court Clerk to give notice by publication as specified in the statute. The judge will conclude at the end of the hearing if it is in the best interest of the persons residing or owning property within the boundary of the proposed district that it should be established. The judge's order either granting or denying the petition is appealable to the Supreme Court within thirty (30) days of its entry.

4. The powers of the established district reside with a Board of Directors. There are to be nine (9) such directors, ascertained by the Circuit Court according to the population of each municipality as named in the formation order creating the district. The Circuit Court shall appoint one (1) director from each of the municipalities involved in the district to act as director for that district. The remaining number of directors, as previously determined by the population of each municipality, shall then be appointed by the City Council of that town. All directors either appointed or elected must execute a written oath within thirty (30) days of their appointment or election.

The statute requires that the term of each director be set forth in the district's by-laws, but not to exceed four (4) years. Immediately after the appointment of the Board of Directors, they shall meet and elect a President, Vice President, and Secretary/Treasurer from their membership and shall adopt by-laws to control their proceedings. (There are a number of requirements regarding frequency of regular meetings, notices, special meetings, compensation for directors, etc.) I have not covered the powers of the district, the adjustments regarding the rates, and a number of other things which would not present themselves until the district is created and the facility operational. Hopefully, this will give a framework for the beginning stages.

RJR

Attachment