

ORDINANCE NO. 185

AN ORDINANCE ESTABLISHING A
WATER AND SEWER COMMISSION FOR THE PURPOSE OF
OPERATING AND MAINTAINING THE MUNICIPALLY OWNED
WATERWORKS DISTRIBUTION SYSTEM, AND FOR THE
PURPOSE OF CREATING, OPERATING, AND MAINTAINING
A SEWER AND WASTEWATER SYSTEM

BE IT ORDAINED by the City Council of the City of Tontitown, Arkansas:

Section 1. Establishment of a Water and Sewer Commission. Pursuant to Ark. Code Ann. Section 14-234-116, there is hereby created a water and sewer commission ("Commission") to consist of three (3) citizens who are qualified electors of the City. Upon the passage and approval of this Ordinance, the Commission shall take full and complete control of all properties of every kind and character belonging to the City and used in connection with the waterworks and sewer system, whether, subject to the exceptions below, said properties are situated within or without the corporate limits of the City.

Section 2. Powers and Duties. (a) The Commission shall have full and complete authority to manage, operate, improve, extend, and maintain the municipal waterworks and distribution system.

(b) It is hereby acknowledged that pursuant to Ark. Code Ann. Section 14-250-101, *et seq.*, the City is a member of a Wastewater Treatment District, said District being known as the Osage Basin Wastewater District ("District"). As a member of that District, it is the City's responsibility to finance, construct, manage, operate, improve, extend, and maintain any and all sewer lines within the corporate limits of the City which collect sewage and wastewater within said corporate limits ("sewer system"). The Commission shall not exercise any such authority over any transmission lines lying outside City limits, or the District's treatment plant.

Whether or not the District is dissolved or continues in its present capacity and for its stated purpose, it is the intention of this Ordinance to vest unlimited authority in the Commission to construct, operate, manage, maintain, improve, and extend a sewer system for the City of Tontitown.

(c) The Commission shall have full and complete charge of the waterworks and distribution system, and sewer system, including the right to employ any and all assistants and employees of whatsoever nature, kind, or character, and to fix, regulate, and pay their salaries; it being the intention of this Ordinance to vest in the Commission unlimited authority to operate, manage, maintain, improve, and extend the city-owned waterworks and distribution system and sewer system, and to have full and complete charge thereof; provided, however, that the Commission shall not have authority or power to sell, mortgage, or encumber the waterworks

and distribution system and sewer system unless the same be done in accordance with Acts 131 and 132 of the Acts of 1933 (A.C.A. §§ 14-234-201 *et seq.*, and 14-235-201 *et seq.*), as amended, or unless authorized by mandate of an election called for that purpose.

(d) The Commission shall adopt such rules and regulations as it deems necessary and expedient for the proper operation and management of the waterworks and distribution system and sewage collection system, and shall have the authority to alter, change, or amend such rules and regulations at its discretion. The Commission shall submit monthly reports and annual audits of the operations to the Mayor and City Council, and furnish such other or further reports, data, or information as may be requested by the Mayor or City Council.

Section 3. Membership and Terms. The commissioners shall be appointed by the Mayor and confirmed by a two-thirds ($\frac{2}{3}$) vote of the duly elected and qualified members of the City Council, and shall hold office for a term of eight (8) years; provided, however, that commissioners first appointed and confirmed shall serve for terms of four (4), six (6), and eight (8) years, each to be designated by the Mayor and City Council. Thereafter, and upon the expiration of their respective terms, their successors shall be appointed by the remaining commissioners subject to the approval of two-thirds ($\frac{2}{3}$) of the duly elected and qualified members of the City Council for a term of eight (8) years.

In the event of a vacancy occurring on the Commission resulting from something other than an expiration of terms as set forth above, the remaining commissioners will appoint a member, subject to the approval of two-thirds ($\frac{2}{3}$) of the duly elected and qualified members of the City Council, to fill the vacancy.

Section 4. Appointment and Commission. Upon the appointment of the commissioners, the Mayor shall issue a commission to each of them for his or her respective term of office, which shall be attested by the City Recorder/Treasurer, with the Seal of the City of Tontitown, Arkansas.

PASSED AND APPROVED this 7th day of September, 2004.





Daniel R. Watson, Mayor

ATTEST:


Frances Franco, City Recorder/Treasurer

APPROVED AS TO FORM:


R. Jeffrey Reynerson, City Attorney

ROLL CALL

Names Of Those Voting YEA

Leon Zulpo
Arthur Penzo
Henry Piazza
Kenneth Green
Vanessa Sbanotto
Kenneth Robertson

Names Of Those Voting NAY

Absent: