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Fee Amt: \$14.00 Page 1 of 3  
Washington County, AR  
Bette Stamps Circuit Clerk

ORDINANCE NO. 2005-3-201

File **2005-00010413**

**AN ORDINANCE APPROVING THE PARTICIPATION BY THE CITY OF TONTITOWN, ARKANSAS, IN THE NORTHWEST ARKANSAS CONSERVATION AUTHORITY; APPOINTING A REPRESENTATIVE OF TONTITOWN TO SERVE ON ITS BOARD OF DIRECTORS; APPROVING THE SECOND AMENDED AGREEMENT, AND ANY SUBSEQUENT AMENDED AGREEMENTS BETWEEN THE MEMBER CITIES OF THE NORTHWEST ARKANSAS CONSERVATION AUTHORITY; APPROVING THE POWERS THEREIN CREATED; AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AND DELIVER SAID AGREEMENT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Title 14, Chapter 233 of the Arkansas Code as amended, permits any two or more Arkansas municipalities, any two or more counties, or any one or more Arkansas municipalities together with any one or more Arkansas counties to create, establish, and become a member of a solid waste disposal authority for the purpose of controlling, collecting, storing, removing, handling, reducing, disposing of, treating, and otherwise dealing in and concerning solid waste as that term is defined in the Joint County and Municipal Solid Waste Disposal Act, Ark. Code Ann. § 14-233-101 et seq. (hereafter the "Act") and for the purposes stated in the Act; and,

**WHEREAS**, pursuant to Title 14, Chapter 233 of the Arkansas Code, the Cities of Rogers and Springdale, Arkansas, did enter into an Agreement and thereby created and established the Northwest Arkansas Conservation Authority (herein referred to as the "Authority") pursuant to the Act and for the purposes stated in the Agreement and permitted by the Act, both as currently stated and as may from time to time be amended or supplemented; and

**WHEREAS**, by virtue of an Amended Agreement and a Second Amended Agreement, and subsequent Amended Agreements, pursuant to which the Cities of Bentonville, Bethel Heights, Cave Springs, Elm Springs, and Lowell joined the Agreement and became members in the Authority; and,

**WHEREAS**, pursuant to Title 14, Chapter 233 of the Arkansas Code, after the creation of this Authority, other municipalities may become a Member upon application to the Authority after adoption of an ordinance by its governing body determining that it is in the best interest of the municipality to become a Member of the Authority and authorizing the municipality to participate with the unanimous consent of the Members of

the Authority; and,

**WHEREAS**, the City of Tontitown has determined that it is in its best interest to become a Member of the Authority, appoint a representative to serve on the Board of Directors and seek admission to the Authority.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:**

**Section 1:** The City of Tontitown, Arkansas, has determined that it is in its best interest to become a member of the Northwest Arkansas Conservation Authority, under the Second Amended Agreement, and subsequent Amended Agreements. The powers agreed hereby to be held by the Authority are those contained in the Act and the Second Amended Agreement, and subsequent Amended Agreements. There are no limitations on the exercise of the powers granted, except those limitations contained in the constitution of the United States and State of Arkansas, and the statutes of Arkansas. The Board of Directors of the Authority shall be constituted as provided in the Second Amended Agreement, and subsequent Amended Agreements, provided one additional Director shall be appointed by the governing body of Tontitown.

**Section 2:** The Second Amended Agreement, and subsequent Amended Agreements, and the terms and conditions thereof are hereby approved, effective upon the Authority's acceptance.

**Section 3:** The City of Tontitown hereby requests admission to the Northwest Arkansas Conservation Authority through the unanimous consent of the Members of the Authority evidenced by ordinance of their governing bodies as required by statute.

**Section 4:** The Chairman of the Tontitown Sewer Committee is herewith nominated and shall become the representative of Tontitown as a Member of the Board of Directors of the Northwest Arkansas Conservation Authority, effective upon the Northwest Arkansas Conservation Authority's acceptance of Tontitown as a Member of the Authority.

**Section 5:** The Mayor of the City of Tontitown is hereby authorized to approve and sign an amended application, to be filed with the Secretary of State, to reflect the current membership of the Authority.

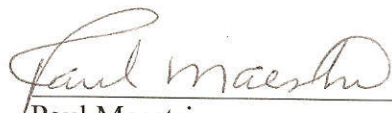
**Section 6:** The Mayor and Recorder / Treasurer of the City of Tontitown are hereby authorized to execute and deliver a further Amended Agreement accepting Tontitown as a Member.

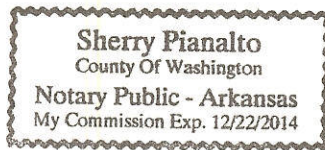


**Section 7:** Emergency Clause. It is hereby declared that an emergency exists, and this Ordinance being necessary for the preservation of the health, safety, and welfare of the citizens of Tontitown, Arkansas, shall be effective immediately upon its passage, approval and publication.

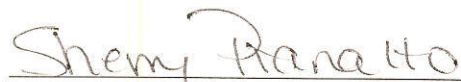
PASSED AND APPROVED this 1<sup>st</sup> day of March, 2005.

APPROVED:

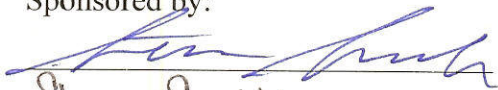
  
Paul Maestri,  
Mayor



ATTEST:

  
Sherry Pianalto,  
City Recorder / Treasurer

Sponsored by:

  
Steve Smith