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Washington County, AR  
Bette Stamps Circuit Clerk

File **2005-00029317**

**ORDINANCE NO. 2005-7-220**

**AN ORDINANCE REPEALING ORDINANCE NO. 198 AND 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**

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

**Section 1. Establishment of a Water and Sewer Commission.**

Pursuant to Arkansas Code Ann. Section 14-234-116, there is hereby created a water and sewer commission ("Commission") to consist of five (5) 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 water works 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) The Commission shall have full and complete charge of the waterworks and distribution system, and sewer system, including the right to employ 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 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.

(c) 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 four (4), five (5), six (6), seven (7) and eight (8) years, each to be designated by the Mayor and City Council. Thereafter, and upon 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 (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 Tontitown, Arkansas.

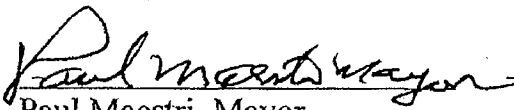
**Section 5. Repealing Ordinance No. 198.**

Upon the passage of this Ordinance, Ordinance No. 198, establishing a Water Committee and Sewer Committee, will be repealed.

**Section 6. Emergency Clause.**

That the City Council, of the City of Tontitown, Arkansas, determines that an emergency exists in the administration of governmental operations in the City of Tontitown, Arkansas, and this Ordinance, being necessary for the preservation of the health, safety, and welfare of the citizens of Tontitown, Arkansas, shall be in full force and be in effect from and after passage and approval.

PASSED AND APPROVED this 5 day of July 2005

  
Paul Maestri, Mayor

ATTEST:

  
\_\_\_\_\_  
Toni Zulpo, City Recorder/Treasurer

SPONSORED BY:

\_\_\_\_\_

**ROLL CALL:**

**Shall the Ordinance pass:**

	<b>YEA</b>	<b>NAY</b>	
<b>Alderman Andrew Penzo</b>	<u>✓</u>	_____	<i>(Ward 2, Position 2)</i>
<b>Alderman Arthur Penzo</b>	<u>✓</u>	_____	<i>(Ward 2, Position 1)</i>
<b>Alderman Henry Piazza</b>	<u>✓</u>	_____	<i>(Ward 1, Position 2)</i>
<b>Alderman Kevin Riggins</b>	_____	_____	<i>(Ward 1, Position 1)</i>
<b>Alderman Ken Robertson</b>	<u>✓</u>	_____	<i>(Ward 3, Position 2)</i>
<b>Alderman Steve Smith</b>	<u>✓</u>	_____	<i>(Ward 3, Position 1)</i>
<b>Mayor Paul Maestri</b>	_____	_____	

Yeas: 5 Nays: 0 (total)

**ROLL CALL:**

**Shall the Emergency Clause pass:**

	YEA	NAY	
Alderman Andrew Penzo	<u>✓</u>	_____	<i>(Ward 2, Position 2)</i>
Alderman Arthur Penzo	<u>✓</u>	_____	<i>(Ward 2, Position 1)</i>
Alderman Henry Piazza	<u>✓</u>	_____	<i>(Ward 1, Position 2)</i>
Alderman Kevin Riggins	_____	_____	<i>(Ward 1, Position 1)</i>
Alderman Ken Robertson	<u>✓</u>	_____	<i>(Ward 3, Position 2)</i>
Alderman Steve Smith	<u>✓</u>	_____	<i>(Ward 3, Position 1)</i>

Yeas: 5 Nays: 0 (total)