

ORDINANCE NO.: 2008 05-310

AN ORDINANCE REPEALING ORDINANCE 2005-7-220 AND AMENDING SECTION 31.04 OF THE CODE OF ORDINANCES FOR THE CITY OF TONTITOWN, ARKANSAS, ESTABLISHING A WATERWORKS COMMITTEE AND A SEWER COMMITTEE 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; AND FOR OTHER PURPOSES.

WHEREAS, on or about July 5, 2005, the City Council for the City of Tontitown, Arkansas, adopted Ordinance No. 2005-7-220, and

WHEREAS, the City Council now desires to repeal Ordinance No. 2005-7-220 and abolish the Water and Sewer Commission, and

WHEREAS, the City Council desires to amend Section 31.04 of the Code of Ordinances for the City of Tontitown, Arkansas, to provide for a Waterworks Committee and a Sewer Committee,

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

Section 1. Ordinance No. 2005-7-220 is hereby repealed.

Section 2. Section 31.04 of the Code of Ordinances for the City of Tontitown, Arkansas, is hereby repealed, and the following is Section 31.04 is hereby substituted in its place:

A. Establishment of the Committees.

There are hereby created a Waterworks Committee and a Sewer Committee. Each committee shall consist of five (5) citizens who are qualified electors of the City of Tontitown. It shall be permissible for persons to serve on both committees. Upon passage and approval of this Ordinance, the committees shall advise the Council. The Council shall retain full and complete control of all properties of every kind and character belonging to the City of Tontitown 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 of Tontitown.

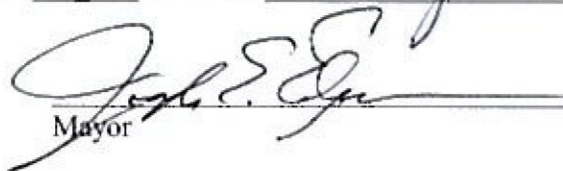
B. Powers and Duties.

- (1) The Waterworks Committee and Sewer Committee shall meet no less than monthly and gather facts and report to the Council monthly on issues relating to the water and sewer respectively.

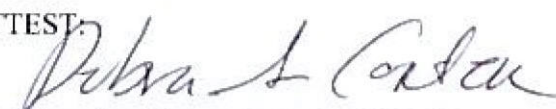
- (2) It is hereby acknowledged that pursuant to Arkansas Code Ann. Section §14-233-101, et Seq., the City is a member of Northwest Arkansas Conservation Authority (NACA), it is the City's responsibility to finance, contract, manage, operate, improve, extend, and maintain any and all sewer lines within the corporate limits ("sewer system"). The committees herein established shall not exercise any such authority over any NACA transmission lines lying outside of the City limits, or NACA's treatment plant.
- (3) The committees shall submit monthly reports and annual audits of the operation 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.
- C. Membership and Terms.

The committee members of the water and sewer committee shall be appointed by the City Council and confirmed by a majority vote of the duly elected and qualified members of the City Council. Terms shall be for six (6) years, and members may, upon reappointment, serve successive terms without limitation. The Council may remove any member of the committee, with or without cause, and may appoint any substitute members in case of death, removal, or resignation.

PASSED AND APPROVED THIS 13th DAY OF May, 2008.



Mayor

ATTEST:


City Recorder/Treasurer

b. Ordinance abolishing W&S Commission

Motion made by H. Piazza to suspend rules and ready by title only one time. Second by S. Hinshaw

Art Penzo – yes
Ken Robertson – yes
Sunny Hinshaw – yes
Becky Alston – yes
Henry Piazza – yes
David Sbanotto – yes

Motion made by D. Sbanotto to accept ordinance as read. Second by H. Piazza.

Ken Robertson – no
Art Penzo – yes
Sunny Hinshaw – yes
Becky Alston – no
Henry Piazza – yes
David Sbanotto – yes