

ORDINANCE NO.:2012-11-434

AN ORDINANCE REPEALING ORDINANCE 2008-08-318 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 CREATING, 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 August 5, 2008, the City Council for the City of Tontitown, Arkansas, adopted Ordinance No. 2008-08-318, and

WHEREAS, the voters of the City of Tontitown have passed a referendum desiring to repeal Ordinance No. 2008-08-318 and have therefore directed the City Council to act upon their desires by repealing Ordinance No. 2008-08-318 and abolish the Water and Sewer Commission, and

WHEREAS, the voters of the City of Tontitown have passed a referendum desiring to amend Section 31.04 of the Code of Ordinances for the City of Tontitown, Arkansas and have therefore directed the City Council to act upon their desires by amending 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 Ordinance No. 2—8-08-318 is hereby repealed.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 Section 31.04 of the Code of Ordinances for the City of Tontitown, Arkansas, Is hereby repealed, and the following Section 31.0r is hereby substituted In its place: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 report to the Mayor and 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 the Waterworks Committee and Sewer Committee will require a Director, who shall be a working director, fully educated in the workings of both the waterworks and the sewer aspects of these committees with no less than a civil engineering degree. The Director will be selected by the Mayor of Tontitown. The Salary or Hourly Wage of the Director will be set by the Mayor and approved by the City Council and accordingly shall be amended into the budget. This Director must be capable of managing, supervising, and directing the day-to-day duties of the employees under his care as well as interact with the Citizens of Tontitown and all who come before him or her with the demeanor befitting an employee of the City of Tontitown.
- (3) It is hereby acknowledged that pursuant to Arkansas Code Ann. Section 14-233-101, et Seq., the City of Tontitown is a member Of the 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.
- (4) 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 Mayor of the City of Tontitown and confirmed by a majority vote of the duly elected and qualified members of the City Council. Terms shall be for three (3) years, and members may, upon reappointment, serve up to two (2) successive terms. The Mayor 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 _____ DAY OF _____, 2013.

MAYOR

ATTEST:

CITY RECORDER TREASURER