

**ORDINANCE NO. 2015-**

**AN ORDINANCE REPEALING ORDINANCE 2012-11-434 AND AMENDING SECTION 31.04 OF THE CODE OF ORDINANCES FOR THE CITY OF TONTITOWN, ARKANSAS, ESTABLISHING A WATER AND SEWER DEPARTMENT 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; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council for the city of Tontitown, Arkansas have decided that it is in the best interest of the city to repeal ordinance 2012-11-434, and corresponding Municipal Code Section 31.04; and

**WHEREAS**, the City Council of the city of Tontitown, Arkansas desire to amend Section 31.04 of the Municipal Code for the city of Tontitown, Arkansas to establish a Water & Sewer Department.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the city of Tontitown, Arkansas.

Section 1: That Ordinance 2012-11-434 is hereby repealed.

Section 2: That the Waterworks Committee and the Sewer Committee are hereby disbanded.

Section 3: Section 31.04 of the Code of Ordinances for the city of Tontitown, Arkansas, is hereby repealed, and the following Section 31.04 is hereby substituted in its place:

**“§ 31.04 WATER AND SEWER DEPARTMENT.**

(A) *Establishing a Water and Sewer Department.* There is hereby created a Water and Sewer Department of the City of Tontitown, Arkansas. The Water and Sewer Department shall report to the Mayor and advise the Council. The City 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 exceptions below, said properties are situated within or without the corporate limits of the City of Tontitown.

(B) *Powers and Duties.*

(1) The Water and Sewer Department shall establish one monthly Department meeting between the Water and Sewer Department Manager and employees to discuss issues, facts, and reports relating to the water and sewer respectively.

(2) It is hereby acknowledged that the Water and Sewer Department will require a Manager, who shall be a working Manager, fully educated in the workings of both the waterworks and the sewer aspects of the Water and Sewer Department. The Water and Sewer Manager shall be appointed by the Mayor and approved by City Council. The position will be a salary based job and the salary will be set by the City Council. The Manager 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 Tontitown Water and Sewer Department 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 Water and Sewer Department 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."

Section 4: The City Council has determined that an emergency is found to exist and this Ordinance, being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** this 6<sup>th</sup> day of January, 2015.

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PAUL COLVIN, Mayor

ATTEST:

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ALICIA COLLINS, City Recorder/Treasurer

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