

ORDINANCE NO. 1780

AN ORDINANCE AMENDING ORDINANCE NO. 1436 AUTHORIZING THE CITY'S MEMBERSHIP IN THE CARROLL COUNTY SOLID WASTE AUTHORITY; AUTHORIZING, RATIFYING AND CONFIRMING THE FORMATION OF THE AUTHORITY AND ALL ACTION HERETOFORE TAKEN BY THE AUTHORITY; AUTHORIZING THE APPLICATION FOR AN AMENDMENT TO THE ARTICLES OF ASSOCIATION OF THE AUTHORITY; AND AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City of Eureka Springs, Arkansas (the "City") is authorized and empowered under the provisions of Title 14, Chapter 233 of the Arkansas Code of 1987 Annotated (the "Act"), to join with one or more municipalities and/or one or more contiguous counties, for the purpose of forming a regional solid waste authority; and

WHEREAS, pursuant to Ordinance No. 1436, adopted April 2, 1991, the City applied, with the City of Berryville, Carroll County, and the City of Green Forest, to form a regional solid waste authority under the Act known as the Carroll County Solid Waste Authority (the "Authority"); and

WHEREAS, the Authority has been organized for the purpose of owning, acquiring, constructing, reconstructing, extending, equipping, improving, operating, maintaining, selling, leasing, contracting concerning or otherwise dealing with solid waste facilities in Carroll County; and

WHEREAS, the purpose of this Ordinance is to authorize, ratify and confirm the formation of the Authority and its actions taken by the Authority to date and to make certain amendments to the Application for formation of the Authority filed on March 23, 1993 in the office of the Arkansas Secretary of State (the "Application"); and

WHEREAS, it is necessary to make certain amendments to Ordinance No. 1435;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs, Arkansas:

Section 1. It is hereby determined that it is in the best interest of the City to have created and be a member of the Authority for the purpose of owning, acquiring, constructing, reconstructing, extending, equipping, improving, operating, maintaining, selling, leasing, contracting concerning or otherwise dealing with solid waste facilities in Carroll County.

Section 2. Pursuant to the Act, the creation of the Authority and the City's participation in the Authority are hereby authorized, ratified and confirmed.

Section 3. Section 2 of Ordinance No. 1436 is hereby amended to read as follows:

"Section 2. That the City of Eureka Springs is hereby authorized to become an initial member of the Authority which shall be named Carroll County Solid Waste Authority."

Section 4. Section 3 of Ordinance No. 1436 is hereby amended to read as follows:

"The Authority shall have all of the rights and powers necessary or convenient to carry out and effectuate the purposes and provisions of Act No. 699 of 1979, as now or hereafter amended, including, but without limiting the generality of the foregoing, the rights and powers specifically set out in A.C.A. §§14-233-107, 14-233-109 and 14-233-114. The obligations of the Authority shall be payable from and secured by revenues, property and other resources of the Authority and shall not constitute a general or limited obligation of the City or any of the members of the Authority."

Section 5. Section 5 of Ordinance No. 1436 is hereby amended to read as follows:

"The area in which the Authority shall operate shall be all of Carroll County, Arkansas, including the three (3) municipalities, the City of Eureka Springs, the City of Berryville, and the City of Green Forest."

Section 6. Section 6 of Ordinance No. 1436 is hereby amended to read as follows:

"Barbara O'Harris is hereby appointed as a director representing the City on the Board. Future appointments shall be by resolution of the City Council."

Section 7. All of the actions heretofore taken by the Authority, including execution and delivery of all contracts, are hereby ratified, confirmed and approved.

Section 8. Except as provided by the Amendment hereinafter authorized, the Application to create the Authority and for the City to be a member thereof, which Application has been filed with the Arkansas Secretary of State, is hereby approved,

ratified and confirmed.

Section 9. There is hereby authorized the execution and delivery of an Amendment to the Application by and among the City, the City of Berryville, Carroll County, and the City of Green Forest (the "Amendment"), and the Mayor and City Clerk are hereby authorized to execute and deliver the Amendment for and on behalf of the City. The Amendment is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the other parties thereto in order to complete the Amendment in substantially the form submitted to this meeting with such changes as shall be approved by such persons executing the document, their execution to constitute conclusive evidence of such approval.

Section 10. The City Clerk is hereby authorized and directed to file in the office of the City Clerk, as a part of the minutes of the meeting at which this Ordinance is adopted, for inspection by any interested person a copy of the Application and the Amendment, and such documents shall be on file for inspection by any interested person.

Section 11. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 12. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: March 10<sup>th</sup>, 1998.

ATTEST:

Mary Ann Lee  
City Clerk

(SEAL)

APPROVED:

Barbara O Harris  
Mayor

CERTIFICATE

The undersigned, City Clerk of the City of Eureka Springs, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 1780, adopted at a regular session of the City Council of the City of Eureka Springs, Arkansas, held at the regular meeting place of the City at 9 o'clock A.m., on the 10<sup>th</sup> day of March, 1998, and that the Ordinance is of record in Ordinance Record Book No. \_\_\_\_\_, at page \_\_\_\_\_, now in my possession.

GIVEN under my hand and seal on this 10<sup>th</sup> day of March, 1998.

Mary Ann Lee  
city clerk

(SEAL)