

ORDINANCE NO. 1105

AN ORDINANCE TO APPROVE AND AUTHORIZE MEMBERSHIP  
BY THE CITY OF EUREKA SPRINGS  
IN THE CARROLL COUNTY SOLID WASTE DISPOSAL AUTHORITY  
AND FOR OTHER PURPOSES

WHEREAS, the governments within Carroll County, Arkansas, including the governments of the cities of Berryville, Eureka Springs, Green Forest, Oak Grove and Blue Eye, agree to submit a proposal to their governing bodies whereby these cities would cooperate in the organization and operation of a Carroll County Solid Waste Disposal Authority; and,

WHEREAS, it is felt to be in the best interest of the City of Eureka Springs that such authority be created; and,

WHEREAS, it is felt to be in the best interests of the City of Eureka Springs that the City of Eureka Springs become a member of such authority.

NOW, THEREFORE, be it ordained by the city council of the City of Eureka Springs, Arkansas:

1. That the City of Eureka Springs, Arkansas, shall join in the creation of a Carroll County Solid Waste Disposal Authority, along with the following counties, cities and towns: Carroll County, Berryville, Eureka Springs, Green Forest, Oak Grove and Blue Eye.
2. That the City of Eureka Springs, Arkansas is hereby authorized to become an initial member of the Carroll County Solid Waste Disposal Authority.
3. That the powers of such authority shall be as follows:
  - (a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract, concerning or otherwise deal in or dispose of any real property, personal property, or mixed property of any and every kind that can be used or that will be useful in the controlling, collecting, storing, removing, handling, reducing, disposing of, treating, and otherwise dealing in and concerning solid wastes, including, without limitation, property that can be used or that will be useful in extracting, converting to steam (including the acquisition, handling, storage, and utilization of coal, lignite or other fuels of any kind or water that can be used or that will be useful in converting solid wastes to steam) and distributing such steam to users thereof, or otherwise separating and preparing solid wastes for reuse.
  - (b) To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties.

- (c) To adopt an official seal and alter the same at pleasure.
- (d) To maintain an office at such place or places as it may determine.
- (e) To sue and be sued in its own name, and to plead and be impleaded.
- (f) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under ACT 699 of 1979, including contracts with persons, firms, corporations and others.
- (g) To apply to the appropriate agencies of the state, the United States or any state thereof, and to any other proper agency for such permits, licenses, certificates or approvals as may be necessary, and to construct, maintain and operate projects in accordance with, and to obtain, hold and use, such licenses, permits, certificates or approvals in the same manner as any other person or operating unit of any other person.
- (h) To employ engineers, architects, attorneys, real estate counselors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor.
- (i) To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of damage to property.
- (j) To fix, charge and collect rents, fees and charges for the use of any project or portion thereof, or for steam produced therefrom.
- (k) To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the authority.
- (l) To distribute steam produced by a project to any person, municipality or county.
- (m) To buy, sell, exchange, own and generally deal in real property, improved and unimproved, and buildings of every class and description.
- (n) To pledge or hypothecate any and all property of the authority, both real, personal and mixed, owned or leased by the authority for cash, on credit and time payment and to generally finance any property, both real, personal, and mixed, sold or leased by this authority.
- (o) To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto.
- (p) To do any and all other acts and things necessary, convenient or desirable to carry out the purposes, and to exercise the powers granted to the authority herein.

4. That the number of directors of such authority and the voting rights of each director shall be as follows:

The number of directors constituting the board of directors of the authority shall be the same as the number of members of the authority, with each member entitled to place one director on the board of directors of the authority. Each such director shall be entitled to one vote on all matters relating to the affairs of the authority.

5. That the application of the initial members of the Carroll County Solid Waste Disposal Authority is attached hereto and made a part hereof, and said application is approved in all things.

6. That it is determined by the city council for the City of Eureka Springs, Arkansas, that an emergency is hereby declared to exist and that this ordinance being necessary for the immediate preservation of the public health, peace and safety, shall be in effect immediately from the date of passage and approval.

7. That this ordinance shall be in effect from and after its approval, passage and publication, and a recording of a certified copy thereof with the recorder of Carroll County, Arkansas.

PASSED AND APPROVED this 3 day of October, 1980.

Marsile Davis  
Mayor

ATTEST:

John J. (Jack) Muzio, Jr.  
Clerk

CERTIFICATE

I, John J. (Jack) Muzio, Jr., City Clerk, City of Eureka Springs, Carroll County, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance numbered 1105 duly passed and approved by the city council and mayor of the City of Eureka Springs, Arkansas, on the 3 day of October, 1980, the same being recorded in book number M at page 00190.

John J. (Jack) Muzio, Jr.  
City Clerk