

ORDINANCE NO. 1436

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

WHEREAS, Carroll County and the governmental bodies within Carroll County are required to have a solid waste management plan on file with the juristic governmental body by July 31, 1993, and

WHEREAS, it is in the best economic and environmental interest of the people of the County of Carroll that this interlocal governmental agreement is achieved so that an Authority may be created; and,

WHEREAS, it is in the best interest that the City of Eureka Springs to become a member of such Authority, and

WHEREAS, this first step is conscientiously taken towards the formation of a Regional Authority that will develop a regional solid waste plan and the name of the Carroll County Solid Waste Authority is amendable for the inclusion of such regional members, and

WHEREAS, the following governments within Carroll County, Arkansas, including Berryville, Eureka Springs and Green Forest agree to submit a copy of this ordinance for approval to authorize their membership in this Solid Waste Disposal Authority and to cooperate in the organization and operation of said Authority;

NOW THEREFORE, be it ordained by the City Council of the City of Eureka Springs, State of Arkansas:

1. That the City of Eureka Springs, Arkansas, joins in the creation of the Carroll County Solid Waste Disposal Authority, along with: the County of Carroll, the City of Berryville, and the City of Green Forest

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 all of the powers acquired through Arkansas Act 699 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 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 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 or resale in any form.
- (b) To have perpetual succession as a body politic and incorporate 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 (s) at such places it may determine necessary.
- (e) To sue and to be sued in its own name, and to plea 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 thereof.
- (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 portion or portion thereof, or for any product produced therefrom.
- (k) To accomplish projects as authorized by Act 699 of 1979 and the ordinance creating the Authority.
- (l) To distribute steam, compost or other product 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 or all property of 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 the 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 powers granted to the Authority herein, by adoption of the Act
- (q) The costs of the day to day operations of said Authority will be funded by mechanisms voted upon by the members of the Authority. The Authority will submit to the membership a monthly accounting of the collections and expenditures and any other financial information requested by a member.
- (r) The members shall not be obligated by the Authority without their prior approval. No member shall be financially obligated by the Authority except upon the approval by ordinance no less than two thirds of the governing bodies of the members. Policy matters not requiring the expenditure of public funds shall require a simple majority approval of the membership's governing bodies.
- (s) Said Authority shall issue to each presiding members' governing body, a financial impact statement outlining proposed projects along with estimated costs for implementing and maintaining said project (s) as authorized in Section 3 of this Ordinance.
- (t) Disposal of Solid waste refuse shall not be authorized in any facility not able to meet specifications for approval of the governmental body charged with regulating solid waste disposal.

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 director representing Carroll County on the board of directors of the Authority, shall be appointed by the County Judge, subject to the approval of the Quorum Court, and said director shall report to the Quorum Court, his or her actions and the actions of the board of directors following each meeting of the board of directors.

6. That the director representing the other members on the board of directors of the Authority, shall be appointed by the Mayor of that membership, subject to the approval of the City Council, and said director shall report to their respective Councils, his or her actions and the actions of the board of directors following each meeting of the board of directors.

7. 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.

8. It is hereby found and declared that adequate, reliable and economical methods and facilities for the disposal, treatment or other handling of solid waste are essential to the continued health, welfare, economic growth and development of the people of Carroll County, Arkansas. The residents will be served by projects completed under the provisions of this ordinance and that the availability of the authorities and powers granted by this Ordinance is immediately necessary for the protection and preservation of the health, safety and welfare of the people. Therefore, an emergency is declared to exist and this Ordinance shall be in force and effect from and after its approval, passage and publication. A certified copy, hereof shall be recorded with the County Clerk of Carroll County, Arkansas.

PASSED AND APPROVED, THIS 2nd DAY OF April, 1991.

ATTEST: Janita S. Barner
CITY CLERK

[Signature]
MAYOR

SPONSOR: _____

CERTIFICATE

I, Janita Barner CITY CLERK OF Eureka Springs CITY IN CARROLL COUNTY, ARKANSAS, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF AN ORDINANCE NUMBERED 1436 DULY PASSED AND APPROVED BY THE CITY COUNCIL AND MAYOR OF Eureka Springs CITY IN THE COUNTY OF CARROLL, ARKANSAS ON THE 2nd DAY OF April, 1991, THE SAME BEING RECORDED IN A BOOK NUMBER 5 AT PAGE _____.

Janita S. Barner
CITY CLERK