

ORDINANCE NO. 3/21/2013A

**AN ORDINANCE AMENDING ORDINANCES 4-1-2004
AND 2-17-2005B (EMC CHAPTER 10.20) WHICH
CREATED AND ESTABLISHED THE ELKINS WATER
AND SEWER COMMITTEE**

WHEREAS, Ordinance 4-1-2004 was passed to create a Water and Sewer Committee to operate and manage the waterworks and distribution system of the City of Elkins, Arkansas, pursuant to ACA §14-234-302 and following (as amended);

WHEREAS, that Water and Sewer Committee was also, by Ordinance 4-1-2004 tasked with oversight and supervision of construction, acquisition, improvement, equipment, maintenance, operation and repair of the works for the collection, treatment, transport and disposal of wastewater, stormwater and sewage.

WHEREAS, that Committee was also charged with oversight and supervision of the collection of revenues and payment of expenses of the operation of both systems which are operated as one interrelated system.

WHEREAS, the language of Ordinance 4-1-2004 has over the years, and from time to time, created confusion and consternation for the Committee Members, the Administration and members of the City Council.

WHEREAS, THE City Council at the request of the Administration desires to reorganize the Elkins Water and Sewer Committee, realign their duties, clarify the roles of the Committee, the Administration and the Council in regard to every aspect of the system and its operation.

BE IT ORDAINED BY THE CITY COUNCIL OF ELKINS, ARKANSAS, That:

Section 1: Effective with the passage of this Ordinance Chapter 10.20 of the Elkins Municipal Code shall read as follows:

CHAPTER 10.20

WATER AND SEWER COMMITTEE

Sections:

10.20.01	Created
10.20.02	Authority
10.20.03	Rules and Regulations
10.20.04	Powers

10.20.01 Created

A. There is hereby created a Water and Sewer Committee pursuant to A.C.A. 14-235-206 to consist of five (5) members who are citizens of the City of Elkins, Arkansas. A member can be removed as provided for in A.C.A. 14-235-206.

B. The members shall serve terms, initially, as indicated:

Position 1---2 year term

Position 2---3 year term

Position 3---4 year term

Position 4---5 year term

Position 5---6 year term

C. Upon the expiration of the initial terms, successors shall be appointed as provided for in A.C.A. 14-235-206. The Mayor shall be an ex-officio member of the Committee.

D. Upon the appointment of the initial group of members, the Committee shall organize itself by appointing a Chairman, a Secretary and such other offices as it deems necessary. The Committee shall also set regular meetings for itself on specific days and at a set hour. The regular meetings shall be held at City Hall or such other place as shall be reasonable and necessary. Special meetings may be called as required by the Mayor with the concurrence of the Chairman of the Committee or at the request of a majority of the Committee Members. Notice of all meetings shall be given to the Mayor and otherwise comply with the Arkansas FOIA.

E. Upon the passage and approval of this ordinance, the Water and Sewer Committee shall take full and complete control of all properties of every kind and character belonging to the City of Elkins and used in connection with the municipal water system, the municipal sewer system, and the municipal stormwater system (hereinafter, the System) whether situated within or without the city limits of the City of Elkins.

10.20.02 Authority

A. 1) The Committee is granted the powers and duties set forth in ACA § 14-235-207 and shall function in conformity with such law subject to the provisions of this Ordinance.

2) all contracts shall be approved by the City Council and executed in the name of the City of Elkins by such officials as the Council may direct.

3) All expenditures in excess of \$ 7500.00, not previously appropriated or approved by the City Council, must be appropriated or approved by the City Council; and,

- 4) The Water and Sewer Superintendent shall be considered a Department Head, appointed by the Mayor with the consent of the City Council.
- B. The Water and Sewer Committee shall have the authority of construction, acquisition, improvement, equipment, custody, operation, and maintenance of any works for the distribution, storage and transport of water, for the collection, treatment, transport and disposal of sewage, for the collection, treatment, transport and disposal of stormwater, for the collection of revenue for the services rendered by the System and for the payment of expenses of the System.
- C. The Water and Sewer Committee shall have charge of said System, including the right, with the approval of the City Council, to employ engineers, architects, inspectors, water clerks, supervisor(s), a superintendent, managers, collectors, attorneys, and such other employees as may be necessary in the execution of its powers and duties and, with the approval of the City Council, may fix and regulate their compensation. It is the intention of this ordinance to vest in the Water and Sewer Committee authority to operate, manage, maintain, improve, and extend said municipally owned water distribution and sewage collection system and to have full and complete charge thereof subject to review by this Council. However, the Water and Sewer Committee shall not have authority or power to own or purchase land, nor mortgage or encumber city-owned land or equipment without express approval of the City Council.
- D. The Committee shall have the authority of construction, acquisition, improvement, equipment, custody, operation, maintenance and repair of works (as defined in ACA § 14-235-201) to collect, transport, retain, detain, impound and dispose of stormwater within (and without as permitted by law) the City of Elkins.
- E. The Committee shall also oversee and supervise collection, transport and disposal of solid waste and recyclables (residential, commercial, agricultural and industrial) from within the City including, but not necessarily limited to advertising for bids, reviewing bids, negotiating with bidders and vendors of such services, collecting revenues from residents, paying vendors, keeping records, safekeeping funds collected or appropriated and otherwise handling, through the Elkins Water/Sewer Department all aspects of the day to day affairs dealing with solid waste and recycling for the City.


10.20.03 Rules and Regulations The Water and Sewer Committee shall establish such rules and regulations as they deem necessary and expedient for the proper use and operation of the System, and for the distribution or collection works of other water distribution/sewage collection systems connected with the System so far as they may affect the operation of the System. They shall have authority to alter, change, or amend such rules and regulations at their discretion. However, any rule or regulation providing a penalty, fee, fine or other money charge shall be adopted by the City Council. They

shall submit monthly reports and annual audits of the operations to the City Council, and furnish such other and further reports, data, or information as may be requested by the City Council.

10.20.04 Powers The Water and Sewer Committee shall have power to establish/adopt bylaws, rules and regulations for its own government. All meetings (where matters which have or will come before the Committee are discussed) of two or more members of the Water and Sewer Committee shall be public meetings pursuant to the Arkansas Freedom of Information Act, except executive sessions as provided for in the Act.

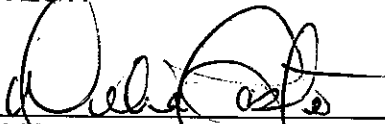
Section 2: That on the date this Ordinance becomes effective, Ordinances 4-1-2004 and 2-17-2005B of the City of Elkins are repealed.

PASSED AND APPROVED this 16th day of May, 2013.



L. BRUCE LEDFORD, Mayor

ATTEST:



DELIA FOSTER, Recorder-Treasurer