



## Legislation Text

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AN ORDINANCE TO APPROVE AND AUTHORIZE MEMBERSHIP BY THE CITY OF JONESBORO IN THE NORTHEAST ARKANSAS REGIONAL SOLID WASTE DISPOSAL AUTHORITY AND FOR OTHER PURPOSES (**NOTE: THIS ORDINANCE WAS AMENDED BY ORD-87:1437 ON AUGUST 3, 1987**)

WHEREAS, the governments within Craighead County, Arkansas, including the governments of the cities of: Bay, Black Oak, Bono, Brookland, Caraway, Cash, Egypt, Jonesboro, Lake City and Monette, agree to submit a proposal to their governing bodies whereby these cities would cooperate in the organization and operation of a Northeast Arkansas Regional Solid Waste Disposal Authority; and,

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

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

NOW, THEREFORE, be it ordained by the City Council of the City of Jonesboro, Arkansas:

Section 1: That the City of Jonesboro, Arkansas, shall join in the creation of a Northeast Arkansas Regional Solid Waste Disposal Authority, along with the following cities and towns: Bay, Black Oak, Bono, Brookland, Caraway, Cash, Egypt, Lake City & Monette.

Section 2: That, the City of Jonesboro, Arkansas, is hereby authorized to become an initial member of the Northeast Arkansas Regional Solid Waste Disposal Authority.

Section 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 kind and every kind that can be used or that will be useful in the controlling, 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 distribution 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 names, and to plead and be implead;
- (F) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this Act 699 of 1979, including contracts with persons, firms, corporations and others;

- (G) To apply to eh 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, attorney, real estate councilors, appraisers, financial advisors and such other consultants and employees as may be required in the judgment of the authority and to six and pay their compensation from funds available to the authority therefore;
- (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 and any by products there from;
- (K) To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the authority;
- (L) To distribute steam or any other product produced by a project to any person, municipality or county;
- (M) To buy, sell, exchange, own and generally deal in real property, municipality, or county;
- (N) To pledge or hypothecate any and all property of 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; and
- (P) To do any and all other acts and things necessary, convenient or desirable to carry out the purposes and to exercise the power granted to the authority herein.

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

The number of directors under this authority will be twelve (12) with the maximum number of directors never to be more than fifteen (15). Selection of directors will be made by governing authority for the counties, municipalities and towns. All towns with population under 5,000 will be considered in county population for purposes of selection of directors. Municipalities with population of 5,000 or more will select their directors. The directors will be divided between the counties, municipalities and towns according to population based upon the U.S. Census figures from 1980. Adjustment to number of directors allocated to each governing body will be changed within one year of each official U.S. Census. The directors will follow all other regulations governing conduct of the authority as contained in Act 699 of 1979. The term of each director will be three (3) years with no more than four directors serving consecutive terms. This initial term will be determined by lot. The towns with population under 5,000 shall appoint two of the board of directors allocated to Craighead County. The mayors and city council members of the towns of Black Oak, Caraway, Lake City and Monette shall appoint one (1) board member. The mayors and city council members of the towns of Bay, Bono, Brookland, Cash and Egypt shall appoint the other member.

Section 5: That the application of the initial members of the Northeast Arkansas Regional Solid Waste Disposal Authority is attached hereto and made a part hereof, and said application is approved in all things.

Section 6: That it is determined by the City Council for the City of Jonesboro, Arkansas, that an emergency is hereby declared to exist and that this Ordinance shall be in full force and effect from and after the date of the passage and approval.

PASSED and APPROVED this 1<sup>st</sup> day of April, 1985.