

ORDINANCE NO. 2001-09

CITY OF ELM SPRINGS, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE CREATING THE ELM SPRINGS  
SEWER COMMITTEE; DECLARING AN  
EMERGENCY; AND PRESCRIBING OTHER  
MATTERS RELATED THERETO.

WHEREAS, no sewer committee currently exists in the city of Elm Springs, Arkansas (the "City") and;

WHEREAS, pursuant to Ark. Code Ann. § 14-235-206, the City is authorized to create and maintain a city sewage collection system supervised by a committee to be designated for that purpose by the municipal council.

WHEREAS, the City Council is pursuing the construction of an alternate sewer system for the City of Elm Springs, and to proceed with this project, a sewer committee is needed to plan for this project and provide for the benefit of the citizens of the City.

NOW THEREFORE, BE IT ENACTED, by the City Council (the "Council") of the City of Elm Springs, as follows:

Section 1. There hereby is created a Committee of the City of Elm Springs, Arkansas, to be known as the "Elm Spring Sewer Committee" which shall be comprised of five (5) members who shall serve with such compensation, if any, for attendance of meetings as may be authorized by subsequent ordinances adopted by the Council.

Section 2. The Committee shall have all of the powers and duties bestowed by Ark. Code Ann. § 14-235-207 (1999). As set forth therein, the Sewer Committee will have the power to take all steps and proceedings and to enter into all contracts and agreements necessary or incidental to the performance of its duties, except any contract relating to financing or any trust indenture shall be approved by the Council before it is effective. The Committee may employ engineers, architects, inspectors, managers, etc., as may be necessary in the execution of its powers and duties, and may fix their compensation. All compensation, expenses and liabilities shall be paid solely from funds provided to the Sewer Committee and the Committee may not bind the municipality beyond this amount.

No contract or agreement shall be made with a contractor for materials or labor for over \$10,000 without advertising for bids. Bids must be publicly opened and award made to the best bidder, with power in the Committee to reject any or all bids.

After construction or acquisition of the works, the Committee shall:

- (a) operate, manage and control them and may order and complete any extensions, betterment's and improvements if funds are available or are made available;
- (b) establish rules and regulations for the use and operation of works and other sewers and drains connected to them; and
- (c) do all things necessary and expedient for the successful operation of the works.

Section 3. The members of the Committee shall be appointed by the Mayor of Elm Springs and shall become valid following confirmation of such appointments by the Council. The initial terms of the members of the Committee shall be for two (2) years. The Mayor has appointed the initial members of this Committee to be **Jim Crownover, Coy Patton, Jane Waters, Jim Stacy and Glen Canup**, all of whom are hereby confirmed by the Council.

Section 4. The Committee shall function under the control of the Council. The Council may remove any member of the Committee, with or without cause, and may appoint any substitute members in case of death, removal, or resignation.

Section 5. It has been found and is hereby declared by the Council that this Ordinance is immediately required in order to address the municipal sewer project for the development and preservation of the City and for the benefit of the citizens of Elm Springs.

EMERGENCY CLAUSE: For the reason that critical planning of the City's sewer system must be commenced immediately in order to meet the City's needs, it is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health of the citizens and the development and preservation of the City of Elm Springs, Arkansas shall become effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 3rd day of ~~November~~ <sup>December</sup> 2001.

ATTACHED TO ORDINANCE ADOPTING SEWER COMMITTEE DATED  
DECEMBER 3, 2001

APPROVED:

  
\_\_\_\_\_  
Mayor Edward Thiesse

ATTEST:

  
\_\_\_\_\_  
Glenda Pettus, City Clerk / Recorder

(SEAL)

PROOF OF POSTING OF ORDINANCE

STATE OF ARKANSAS

COUNTY OF Washington

We, Ed Thieme and Glenda Lettice, do solemnly swear that as Mayor and City Clerk, respectively, of and for the City of Elm Springs, Washington County, Arkansas, that a certified copy of Ordinance No. 2001-09 (the "Sewer Com. Ordinance") was, on the 4<sup>th</sup> day of December, 2001, duly posted in five (5) separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 01-10, and that the Ordinance remained posted for thirty (30) days.

DATED this 4<sup>th</sup> day of December, 2001.

Edward Thieme  
\_\_\_\_\_  
Mayor

Glenda Lettice  
\_\_\_\_\_  
City Clerk

(SEAL)

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 4<sup>th</sup> day of Dec, 2001.

Linda L. McVittie  
\_\_\_\_\_  
Notary Public

My Commission Expires:

8-24-08

