

**ORDINANCE NO. 0-99-2**

**AN ORDINANCE ESTABLISHING THE ARKADELPHIA WATER AND SEWER COMMITTEE, ESTABLISHING OPERATING RULES FOR THE COMMITTEE AND ITS RELATIONSHIP TO THE ARKADELPHIA BOARD OF DIRECTORS, REPEALING ORDINANCE 125 AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Arkadelphia, Arkansas enacted Ordinance No. 125, which in Section 2 thereof, established a Waterworks and Sewer Committee, and

**WHEREAS**, the Arkadelphia City Board of Directors, by a motion duly passed October 15, 1992, clarified the status of the Water and Sewer Department by confirming that the Water and Sewer Manager and the Water and Sewer Department employees were to be under the direction of the City Manager as other department heads, and

**WHEREAS**, there is a need to establish clearer guidelines of authority in the operation of the Water and Sewer Department, therefore,

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS:

**SECTION I** - That the construction, custody, operation and maintenance of the Water Works System and the Sewer System and the collection of the revenues therefrom for the services to be rendered thereby shall be supervised by a Water and Sewer Committee, hereinafter called "Committee". Said Committee shall serve at the will of the City Board of Directors, hereinafter called "City Board". The City Board may remove any member of the Committee with or without cause and may appoint any substitute members in case of death, removal, or resignation. The Committee shall be subject to the supervision and regulation of the City Board of Directors and shall be and are vested with such powers as are granted the Committee in this Ordinance or any subsequent amending ordinance, provided such powers are not contrary to law.

**SECTION 2** - The Committee shall consist of seven members. Appointed as Committee members are Bill Fowler, Dr. Peggy Dorris, Rick McCauley, Dr. Jimmy Hankins, and Deryl Godwin. Their terms shall expire as follows: Bill Fowler, February 17, 1999; Peggy Dorris, February 17, 2000; Rick McCauley, February 17, 2001; Jimmy Hankins, February 17, 2002; Deryl Godwin, February 17, 2003. The City Board will appoint two additional members. The two new members will draw for terms of one and three years each. As each term expires, the new term shall be for a period of five years. The Water and Sewer Committee shall elect from their members a chairman who shall serve for one calendar year. Committee members may be reappointed for additional terms by the City Board and the Chairman may be reappointed for additional terms by the Committee.

**SECTION 3** - The Committee shall have the authority to contract for goods and services in accordance with its budget and bid procedures. Non-budgeted goods and services costing in excess of \$25,000 require the approval of the City Board. In the event of an emergency, the Water and Sewer Manager may take such necessary action as is required to maintain the Water and Sewer System in accordance with all state and federal statutes and regulations. If possible, the City Manager should be advised of the need for an emergency expenditure prior to the expenditure and if unavailable, within 24 hours of the emergency occurring.

**SECTION 4** - The Committee shall present to the City Board each year its proposed budget for the coming year. The City Board has final budget authority and shall approve a budget in a timely manner.

**SECTION 5** - In accordance with the bond ordinances of the City involving the Water and Sewer Department, an independent audit performed by an independent certified public accountant not in the employ of the City shall be prepared annually and forthwith transmitted to the Board of Directors. The City Board may designate the type of audit it desires and order supplemental audits, if in its discretion additional auditing is necessary. The Treasurer of the City or such other officer as the City Board may specifically delegate shall be the custodian of the gross revenues derived from the waterworks system and from the sewer system. Specifically, the City shall cause proper books of accounts and records to be kept (separate from all other records and accounts) in which complete and correct entries shall be made of all transactions relating to the operation of the Water and Sewer system. It shall be the duty of the City Treasurer to withdraw or cause to be withdrawn from the bond fund at least five days before the due date of any principal or interest on any of the bonds and deposit with the Trustee of the bonds.

**SECTION 6** - All employees of the Water and Sewer Department are employees of the City of Arkadelphia and are subject to the (provisions of) City's Personnel Handbook. The Water and Sewer Manager and employees of the Department are subject to the direction of the City Manager, as are other department heads and employees.

**SECTION 7** - The Water and Sewer Committee shall identify and select at least three candidates as their recommendation for replacement of the Water and Sewer Utility Manager when the position is vacant. From these candidates, the City Manager shall then select a final candidate and offer that candidate as his or her choice to the City Board for ratification. If necessary, termination of the Water and Sewer Manager will be by the City Manager after consultation with the Water and Sewer Committee and with approval of the City Board.

**SECTION 8** - All fees charged by the Water and Sewer Department shall be subject to the approval of the City Board.

**SECTION 9** - The City Board reserves unto itself the power of eminent domain, rate setting, issuance of bonds and mortgaging of City (Water and Sewer) property, extensions of water or sewer lines outside the City limits, and contracts with other cities or entities as well as all other powers

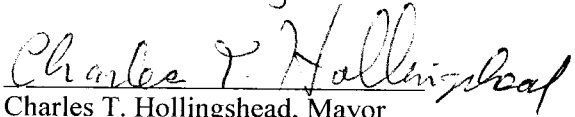
which are reserved by State law to the governing body of a municipality operating a Water and Sewer Department.

**SECTION 10** - The Water and Sewer Department and the City of Arkadelphia shall comply with all provisions of bond issues involving the issuance of water and sewer bonds.

**SECTION 11** - All ordinances and parts of ordinances in conflict herewith are hereby repealed and specifically repealed is Ordinance 125.

**SECTION 12** - Emergency Clause. The status of the Water and Sewer Committee and its relationship to the Board of Directors of the City of Arkadelphia has been the subject of considerable confusion and disagreement leading to uncertainty in the operation of the Water and Sewer Utility Department. It is necessary to immediately stabilize the working relationship between the Committee and the Board and because the Water and Sewer Department and its product and services affects the health, safety and welfare of all of the citizens of Arkadelphia, an emergency is declared and this Ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED this 4<sup>th</sup> day of February 1999.

  
Charles T. Hollingshead, Mayor

ATTEST:

  
Mary Freeman, City Clerk