

APPLICATION OF THE NORTHEAST ARKANSAS REGIONAL
SOLID WASTE DISPOSAL AUTHORITY FOR STATUS AS A
PUBLIC BODY AND BODY CORPORATE AND POLITIC
PURSUANT TO ACT 699 OF 1979

The undersigned, natural persons of the age of twenty-one years or more, acting as representatives of their respective counties, municipalities and towns, hereby apply to the Secretary of the State for the State of Arkansas for designation of the Northeast Arkansas Regional Solid Waste Disposal Authority as a public body and body corporate and politic pursuant to Act 699 of 1979, and Act 919 of 1979 and for approval of the Articles of Association of the Northeast Arkansas Regional Solid Waste Disposal Authority, and for these purposes adopt the following articles of Association for such authority:

First, the name of the authority shall be:

Northeast Arkansas Regional Solid Waste Disposal Authority.

Second, the period of duration of the authority shall be perpetual.

Third, this association is organized for the following specific purposes which are in addition to the general purposes hereinafter set forth:

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, 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 that 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.

Fourth, in addition to the foregoing specific purposes of the authority, the authority is organized for the following additional purposes:

A. 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;

B. To adopt an official seal and alter the same at pleasure;

C. To maintain an office at such place or places as it may determine;

D. To sue and be sued in its own name, and to plead and be impleaded;

E. 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;

F. 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;

G. To employ engineers, architects, attorney, 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 therefore;

H. To purchase all kinds of insurance including, but not limited to, insurance against tort liability, business interruption, and/or risks of of damage to property;

I. 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 therefrom;

J. To accomplish projects as authorized by Act 699 of 1979 and the ordinances creating the authority;

K. To distribute steam or any other product produced by a project to any person, municipality or county;

L. To buy, sell, exchange, own and generally deal in real property, municipality or county;

M. To pledge or hypothecate any and all property of the 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 this authority;

N. To issue tax-exempt bonds pursuant to the terms and provisions authorized in Act 699 of 1979 and amendments thereto; and

O. To do any and all other acts and things necessary, convenient or desirable to carry out the purpose, and to exercise the power granted to the authority herein.

Fifth, the names of all proposed member municipalities and counties in the authority are as follows: Craighead County, Bay, Black Oak, Bono, Brookland, Caraway, Cash, Egypt, Jonesboro, Lake City, and Monette.

Sixth, that attached hereto and marked Exhibits through are true and correct certified copies or ordinances of the respective municipality, county and town members of the association authorizing their membership in this authority.

Seventh, the address of the initial registered office of the Northeast Arkansas Regional Solid Waste Disposal Authority is:

Eighth, the name and address of the initial registered agent of the Northeast Arkansas Regional Solid Waste Disposal Authority is:

Ninth, the number of directors under this authority will be twelve (12) with the maximum number of directors never to be more than fifteen. Selection of directors will be made by governing authority for the counties, municipalities, and towns. All towns under 5,000 population 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 contain 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.

Tenth, the addition of any new counties, municipalities, or towns must adhere to all provisions of this ordinance and Act 699 of 1979. The additional three (3) board member slots will be reserved for these potential governing bodies. The board will have the authority to set conditions for membership based upon facts and circumstances at that date.

Eleventh, to insure accountability the directors will submit on an annual basis to the governing authorities:

A. An audited financial statement in accordance with the American Institute of Certified Public Accountants' accepted standards.

B. A written report detailing current year goals and implementation of last years goals.

C. A formal budget for current year operation and variance from last years budget.

The above mentioned reports must be submitted for review to all governing authorities.

Twelfth, in an effort to provide initial operating funds, the governing authorities will deposit \$25,000.00 in Waste Disposal Authority's account. The contribution will be determined by population under the same rules as detailed in item nine.

Thirteenth, the names of the initial members and the signature of the governing officer of these members and the attestation of the respective clerks of each member are set forth hereinbelow:

CRAIGHEAD COUNTY

ATTEST:

BAY

ATTEST:

BLACK OAK

ATTEST:

BONO

ATTEST:

BROOKLAND

ATTEST:

CARAWAY

ATTEST:

CASH

ATTEST:

EGYPT

ATTEST:

JONESBORO

ATTEST:

LAKE CITY

ATTEST:

MONETTE

ATTEST: