

AN ORDINANCE TO APPROVE AND AUTHORIZE MEMBERSHIP BY THE CITY OF
Brookland, ARKANSAS, IN THE NORTHEAST ARKANSAS REGIONAL
SOLID WASTE DISPOSAL AUTHORITY AND FOR OTHER PURPOSES.

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 interests of the City of Brookland Arkansas, that such authority be created; and,

WHEREAS, it is felt to be in the best interests of the City of Brookland Arkansas, that the said City of Brookland become a member of such authority.

NOW, THEREFORE, BE IT ORDAINED BY THE City Council of the City of Brookland Arkansas;

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

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

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 distributing 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 name, and to plead and be impleaded;
- 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 or 1979, including contracts with persons, firms, corporations and others;
- G. 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 of 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 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;
- 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 therefrom;
- 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, 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;
- 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.

4. That the numbers 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. 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 populations 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.

The towns under 5,000 population shall appoint two of the board of directors allocated Craighead County. The mayors and city council members of the towns of Black Oak, Caraway, Lake City, and Monette shall appoint one (1) member. The mayors and city council members of the towns of Bay, Bono, Brookland, Cash, and Egypt shall appoint the other board member.

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

6. That it is determined by the City Council for the City of Brookland Arkansas, that an emergency is hereby declared to exist and that this Ordinance being necessary for the immediate perservation of the public health, peace and safety, shall be in effect immediately from the date of passage and approval.

7. That this Ordinance shall be in effect from and after its approval, passage and publication, and a recording of a certified copy thereof with the Recorder of Craighead County, Arkansas.

PASSED AND APPROVED THIS 17 DAY OF May, 1985.

Harry N. Johnson
Mayor

Lopez Droley
City Clerk

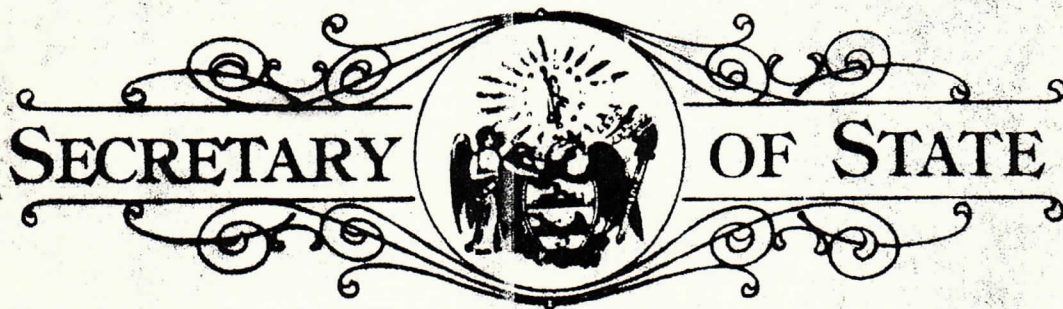
W. L. Blackman
City Attorney

CERTIFICATE

I, Shirley Lambert City Clerk, City of Brookland, Craighead County, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance numbered 1985-1, duly passed and approved by the City Council and Mayor of the City of Brookland, Arkansas, on the 17 day of May, 1985, the same being recorded in Book Number 1 at Page 1-85.

Shirley Lambert
City Clerk

STATE OF ARKANSAS



W. J. "Bill" McCuen
Secretary of State

To All to Whom These Presents Shall Come, Greeting:

I, Bill McCuen, Secretary of State of the State of Arkansas, do hereby certify that the following and hereto attached instrument of writing is a true and perfect copy of

CERTIFICATE OF INCORPORATION

OF

NORTHEAST ARKANSAS REGIONAL
SOLID WASTE DISPOSAL AUTHORITY

THE NAMES OF THE MEMBER MUNICIPALITIES
AND COUNTIES IN THE AUTHORITY ARE AS FOLLOWS:

CRAIGHEAD COUNTY

RAY
BLACK OAK
BONO
BROOKLAND
CARAWAY
CASH
EGYPT
JONESBORO
LAKE CITY
MONETTE

Filed in this office:
July 22, 1985

*In Testimony Whereof, I have hereunto
set my hand and affixed my official Seal.
Done at office in the City of Little Rock,
this 22nd day of July 1985*

W. J. "Bill" McCuen

Secretary of State
by Clifton Coleman *Deputy*

