CITY OF MULBERRY,
CRAWFORD COUNTY, ARKANSAS

Ordinance No. 2020-01

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

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

WHEREAS, pursuant to Arkansas Code Ann. §14-235-203, the City is authorized to own, acquire, construct, equip, operate and maintain a sewage collection system and all other appurtenances necessary or useful in connection therewith; and

WHEREAS, pursuant to Ark. Code Ann. § 14-235-206 the construction, acquisition, improvement, equipment, custody, operation, and maintenance of any works for the collection, treatment, or disposal of sewage and the collection of revenue from it for the service rendered by it, shall be effected and supervised by a committee to be designated for that purposes by the municipal council; and

WHEREAS, the City Council believes that the establishment 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 Mulberry City Council (the "City Council") of the City of Mulberry, as follows:

1. Creation. There is hereby created a Committee of the City of Mulberry, Arkansas, to be known as the "Mulberry Sewer Committee" which shall be comprised of the Mayor of Mulberry and the City Council, or as appointed and set forth by the City Council. If the Mulberry Sewer Committee is comprised of the Mayor and City Council, it may conduct business by and through meeting of the City Council as business affecting the sewer system comes before it.

2. Powers and Duties. The Committee shall have all of the powers and duties provided by Ark. Code Ann. § 14-235-207 as the same may be amended from time to time. 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 City 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 Mulberry Sewer Committee and the Committee may not bind the municipality beyond this amount.

The Committee shall:

(a) operate, manage and control the works 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 operating of the works.

3. Authority of City Council. The Committee shall function under the control of the City Council. The City 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.

4. Severability. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part of provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

5. Repeal of Conflicting Ordinances. Any matters set forth in this Ordinance which are contrary to the existing ordinances of the City of Mulberry shall prevail, and all other ordinances and resolutions or parts of ordinances and resolutions in conflict herewith and therewith are hereby repealed to the extent of such conflict.

6. Declaration of Emergency. It is hereby found and determined that the City of Mulberry, needs to operate and maintain a wastewater collection system within the City of Mulberry, and in connection therewith, this Ordinance is immediately required in order to address the municipal project for the development and preservation of the City and for the benefit of the City's citizens. It is critical at this time that the City complete planning of the sewer system, proceed with financing and commence construction to meet the City's needs.

Now, therefore, an emergency is declared to exist, and this act being immediately necessary from the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by a two-thirds (2/3) vote of City Council, it shall become effective on the date the City Council overrides the veto.

Passed and Approved by the City Council of the City of Mulberry this 21st day of January, 2020, by a vote of 6 ayes and 0 nays.

APPROVED:

Mayor

ATTESTED:

City Recorder/Treasurer