

CITY OF VAN BUREN MUNICIPAL UTILITIES COMMISSION



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City of Van Buren Municipal Utilities
VBMU.org

The mission of the City of Van Buren Municipal Utilities is to provide a safe, adequate supply of water for drinking and potable uses as well as fire protection; the safe collection, treatment, and disposal of sanitary sewage or wastewater; and the environmentally safe and efficient collection and disposal of residential solid waste and recyclables.

Van Buren Water System History, 1892-1923(ish) - The Van Buren Water Company was established in 1892 by a group of stockholders based around Joplin, Missouri, Van Buren Superintendent T.G. Molloy. The company funded and constructed a water impoundment and pump station on Lee Creek, a cast iron pipe transmission and distribution system, and an open storage reservoir. Beginning in 1893, steam-driven pumps were used to transmit untreated water from the Lee Creek impoundment (near the old Rena Road bridge) to the open storage reservoir (Mt. Vista Blvd. by Fire Station), water flowed from the reservoir located at the top of Log Town Hill down into the distribution system. Most original structures were supplied water by a faucet on the outside of the building.

1920's – 1953 - It is believed that in the early 1920's, the assets of the private Van Buren Water Company were turned over to a newly formed Van Buren Water Improvement District Number One (not owned or operated by the City of Van Buren), Superintendent A. Remes, Superintendent Henry Nunn, Superintendent Fay Peer.

1953 – 1965, In February 1953 the Van Buren City Council passed an Ordinance accepting the assets and infrastructure owned and operated by the Water Improvement District, establishing the Van Buren Water Commission and Van Buren Water Department. Superintendent Fay Peer.

Van Buren Sewer System History, Van Buren businesses and residents in the Main Street and original Van Buren area began installing private sewer lines from buildings and houses sometime around 1906 – most of these private lines discharged raw sewage directly into drainage ditches. Early on (no records of date) as the City's storm drainage system began to develop, private sewer lines were connected to the drainage system which discharged directly into the Arkansas River (without treatment). In 1963 the Van Buren Sewer Committee Board of Municipal Improvement was formed. Van Buren Sewer system was deplorable and raw sewage filled neighborhood ditches, creeks, and the river.

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City of Van Buren Municipal Utilities Commission, 1965- Present. Van Buren City Council passed Ordinance 9-1965 on August 2, 1965, merging the Water Commission and Sewer Committee and establishing a Van Buren Water and Sewer Commission. Superintendent Fay Peer 1965 – 1975(ish), Superintendent Billy Bourlon 1975(ish) – 1995, Director of Utilities Harry Short 1995-2004, Director of Utilities Gary Smith 2005-2012, Director of Utilities Steve Dufresne 2012-Present.

The City of Van Buren Municipal Utilities is a division of the City of Van Buren, Arkansas and is operated under the direction and oversight of a five (5) person Commission. Commissioners are appointed to eight (8) year terms by a majority vote of the Van Buren City Council. Commissioners are provided with compensation at the same rate as the City Council. The City of Van Buren Municipal Utilities (Waterworks and Sewer) Commission was established by City of Van Buren Ordinance 9 – 1965 and is responsible for the oversight of the City of Van Buren Public Water and Sewer System(s) operation, maintenance, capital improvements, administration, and finances. The Department's finances are independent of the City of Van Buren's General Fund, an annual budget is adopted by the Commission, and an independent audit is performed annually separate from the City of Van Buren's audit.

State Codes regulating the operations of Waterworks and Sewer Commissions and Municipal Utilities can be found in Arkansas Code - Title 14 – Local Government, Subtitle 14 – Solid Waste Disposal, Waterworks, And Sewers Generally,

The Commission meets monthly, currently the Third (3rd) Tuesday of each month at Noon, to review, discuss, and approve detailed financial reports, as well as engineering and operational reports. The Commission recommends rates for services to the City Council. Rates are established by the City Council by City Ordinances.

The City of Van Buren Municipal Utilities employees approximately Forty (40) team members to operate, maintain, and manage the systems. Personnel are divided in departments consisting of Customer Service, Billing, Meter Reading, Water Line Maintenance, Sewer Line Maintenance, and Water Pump Station, Reservoir, Sewer Pump Station, Wastewater Treatment Plant Operation and Maintenance, Wastewater Pretreatment, and Water Cross Connection Control/Backflow Prevention.

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WATER, treated at Lake Fort Smith and Lee Creek Treatment Plants, is purchased from the City of Fort Smith through Seven (7) Master Meter Connections. Approximately Four (4) to Eight (8) million gallons per day of water is distributed through the City of Van Buren Public Water System, consisting of approximately One Hundred and Forty (140) miles of pipe, Twelve (12) Storage Reservoirs and Seven (7) Water Pumping Stations. in Six (6) Pressure Planes, to approximately Nine Thousand, Seven Hundred (9,700) Residential, Commercial, Industrial, and Wholesale water meters. The City of Van Buren Public Water System is regulated by The Arkansas Department of Health.

SEWER, collected from approximately Eight Thousand, Nine Hundred (8,900) Residential, Commercial, and Industrial users through approximately One Hundred and Twenty-Eight (128) miles of pipe and Sixteen (16) Pumping Stations, is delivered, treated, and discharged through Three (3) Waste Water Treatment Plants. The City of Van Buren Public Sewer (Waste Water) System is regulated by the Arkansas Department of Environmental Quality.

RESIDENTIAL SANITATION, – As provided by City Ordinance, The City of Van Buren Municipal Utilities contracts with a Solid Waste/ Recyclable Collection and Disposal Company. Approximately Five Thousand and Six Hundred Tons (5,600) of Solid Waste (garbage) and approximately Two Hundred (200) Tons of Recyclables annually are collected and disposed/recycled from approximately Seven Thousand and Eight Hundred (7,800) Residential Customers in the City of Van Buren. The Sanitation System is regulated by City Ordinance and the Arkansas Department of Environmental Quality.

Water, Sewer, and Sanitation services are billed to in four (4) billing cycles. Revenues from Water, Sewer, and Sanitation services are used for system operation and maintenance, capital improvements, and debt service obligations.

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CHAPTER 234 WATERWORKS AND WATER SUPPLY SUBCHABTER 3 – WATERWORKS COMMISSION

§ 14-234-301. Interpretation; applicability of provisions

- (a) Nothing in this subchapter shall be construed as repealing any special act providing for a board of commissioners to administer and operate municipal waterworks, nor shall this subchapter apply to cities which have a commission form of government.
- (b) This subchapter shall not alter, amend, or affect any indenture or obligation issued by any city prior to the passage of this subchapter.

§ 14-234-302. Establishment generally

Any city of the first or second class owning and operating a waterworks and distributing system, by appropriate action of its city council, may create a commission for the purpose of operating and managing the waterworks and distributing system.

§ 14-234-303. Ordinance--Qualifications of commissioners

- (a) Any city of the first class or city of the second class may enact an ordinance by a majority vote of the elected and qualified members of its city council creating a waterworks commission to be composed of no less than three (3) nor more than seven (7) citizens who are qualified electors of the municipality or who are qualified electors of the area served by the municipality.
- (b) Any waterworks commission of a city of the first class or city of the second class having less than seven (7) members may have its membership increased at any time to no more than seven (7) members by ordinance of the city council passed by the majority vote of the elected and qualified members of the city council.

§ 14-234-304. Appointment of commissioners--Term--Salaries--Oath

- (a)(1) The commissioners shall be appointed by the mayor and confirmed by a two-thirds vote of the elected and qualified members of the city council and shall hold office for a term of eight (8) years.
- (2)(A) However, commissioners first appointed and confirmed shall serve for terms of four (4), six (6), and eight (8) years for a three-member commission, for terms of two (2), four (4), six (6), seven (7), and eight (8) years for a five-member commission, and for terms of two (2), three (3), four (4), five (5), six (6), seven (7), and eight (8) years for a seven-member commission, each to be designated by the mayor and city council.
- (B) Thereafter, and upon the expiration of the commissioners' respective terms, their successors shall be appointed by the remaining commissioners subject to the approval of two-thirds ($\frac{2}{3}$) of the elected and qualified members of the city council for a term of eight (8) years.
- (b)(1) If the membership of any waterworks commission of a city of the first class or city of the second class is increased under this subchapter, the members selected to fill the additional positions following the increase in membership of the waterworks commission shall be appointed as vacancies are filled under subsection (d) of this section for terms of such duration to assure that thereafter the terms of the remaining commissioners will

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expire in successive years with no two (2) terms expiring during any one (1) calendar year.

(2) All successor appointments to the waterworks commission shall be made in the manner and for the terms prescribed in this subchapter.

(c) The city council may fix and prescribe the salaries to be paid to the commissioners.

(d) In the event of a vacancy on the commission, the vacancy shall be filled by the remaining commissioners appointing a member, subject to the approval of two-thirds ($\frac{2}{3}$) of the elected and qualified members of the city council.

(e) The commissioners shall file the oath of public officials required by law in the State of Arkansas.

§ 14-234-305. Commissioners; removal

Any commissioner appointed by the provisions of this subchapter may be removed for cause upon a two-thirds ($\frac{2}{3}$) vote of the duly elected and qualified members of the city council.

§ 14-234-306. Commissioners; authority regarding operation

(a) The commissioners appointed under this subchapter shall have full and complete authority to manage, operate, improve, extend, and maintain the municipal waterworks and distribution system, and shall have full and complete charge of the plant, including the right to employ or remove any and all assistants and employees of whatsoever nature, kind, or character and to fix, regulate, and pay their salaries.

(b) It is the intention of this subchapter to vest in the commissioners unlimited authority to operate, manage, maintain, improve, and extend the municipally owned waterworks and distribution system and to have full and complete charge thereof.

(c) The commissioners shall not have authority or power to sell, mortgage, or encumber the waterworks and distribution system, unless it is done in accordance with the provisions of subchapter 2 of this chapter or when authorized by the mandate of an election called for that purpose.

§ 14-234-307. Additional powers; charitable donations; authorized payments and expenditures

(a)(1) The commissioners shall, in addition to the powers enumerated in § 14-234-306 , have such other and further powers as are now by law given to the city council of any city.

(2) The commissioners shall be governed by all existing statutes pertaining to the duties of city councils.

(b)(1) The commissioners shall be authorized to make donations of money from the revenue of municipal waterworks systems to local community chests or other citywide nonsectarian, incorporated, charitable organizations.

(2) Any commissioner or commissioners making donations to local community chests or other organizations under the provisions of this section and § 14-42-108 shall not be liable for the penalty provided in § 14-42-108 ; nor shall they be personally liable by civil action because of any donation made to a local community chest or other organization under the provisions of this section. It is the purpose of this section to

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authorize such donations and to relieve the commissioners from any criminal or civil liability as a result of their official act in making the donation.

(c)(1) The General Assembly finds that payments to a chamber of commerce for industrial development activities or prevention of community deterioration are authorized payments within the board of commissioners' authority to manage and operate a waterworks and distribution system pursuant to this subchapter.

(2) A board of waterworks commissioners created pursuant to this subchapter may expend operation and maintenance funds of the waterworks for industrial development or community deterioration prevention activities conducted by a chamber of commerce or similar not-for-profit organization, if such activities in the judgment of the board of commissioners are likely to increase revenues of the waterworks or decrease expenditures resulting from system deterioration.

(3) It is not intended that this subsection should in anywise alter any authority that a board of waterworks commissioners has as of April 12, 1993.

§ 14-234-308. Commissioners; powers conferred; mandamus

(a) Upon the appointment of the commissioners as provided in this subchapter, the mayor and city council shall execute such instruments and enact measures as may be necessary to vest complete charge of the municipally owned waterworks and distributing system in the commissioners appointed under this subchapter.

(b) Upon their failure to do so, mandamus may be maintained against them, or any one of them, in any court of competent jurisdiction by any taxpayer of the city wherein is located the waterworks and distributing system in question.

§ 14-234-309. Rules and regulations; reports

(a) The commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of the municipal waterworks and distributing system and shall have authority to alter, change, or amend the rules and regulations at their discretion.

(b) They shall submit monthly reports and annual audits of operations to the mayor and city council and furnish other and further reports, data, and information as may be requested by the mayor or city council.

§ 14-234-116. Waterworks and sewer commission

(a) Any city of the first or second class operating its municipal waterworks through a waterworks commission, by passage of a municipal ordinance, may authorize the waterworks commission to function as a waterworks and sewer commission.

(b) Waterworks and sewer commissions created pursuant to the authority granted in this section shall retain all powers now granted to waterworks commissions and, in addition, shall have all the powers granted to sewer committees by §§ 14-235-206 and 14-235-207 and all the powers granted to sanitary boards by § 14-235-209.

(c) It is the express purpose of this section to permit cities of the first and second class to operate their waterworks and sewer systems through a single commission.

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Arkansas Constitution

Article 12 - Municipal and Private Corporations

Section 5 - Political subdivisions not to become stockholders in or lend credit to private corporations Universal Citation: AR Const art 12 § 5

No county, city, town or other municipal corporation, shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual.

14-42-108. Prohibited actions by municipal officials or employees — Penalty.

(a) (1) It is unlawful for any official or employee of any municipal corporation of this state to receive or accept any water, gas, electric current, or other article or service from the municipal corporation, or any public utility operating therein, without paying for it at the same rate and in the same manner that the general public in the municipal corporation pays therefor.

(2)(A) This section does not affect rights to free or other special services given to certain municipal officials and employees under the terms of franchises in effect with public utilities in this state.

(B) This section does not apply to any city official or employee of any municipal corporation of this state as to free streetcar transportation.

(b)(1) It is unlawful for any city official or employee of any municipal corporation in this state to furnish or give to any person, concerns, or corporations any property belonging to the municipal corporation, or service from any public utility owned or operated by the municipal corporation, unless payment is made therefor to the municipal corporation at the usual and regular rates, and in the usual manner, except as provided in subsection (a) of this section.

(2) The waterworks commission of cities of the first class may make donations of money from the revenue of municipal waterworks systems to the local United Way campaign or other citywide nonsectarian, incorporated charitable organizations.

(c)(1) Any person violating this section is guilty of a violation and upon conviction shall be fined in any sum not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250).

(2) Conviction under subdivision (c)(1) of this section shall ipso facto remove the official or employee from the municipal office or position held by him or her and shall render him or her ineligible to thereafter hold any office or position under, or in connection with, the municipal corporation.