

CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

October 13, 2022

The Cleburne County Quorum Court met in regular session in the Cleburne Court Building, 922 South 9th Street, Heber Springs, Arkansas. The meeting was called to order at 6:02 p.m. County Judge Karl Martin presided. PRESENT: Hall, Henegar, Caldwell, Blackburn, Malone, Evans, Martin, Foust, Tamburo, Holmes, Jett. ABSENT: None

READING, CORRECTION, AND DISPOSITION OF MINUTES:

Motion was made by JP Caldwell to approve the minutes of the September 8, 2022, regular meeting, seconded by JP Foust. Voice vote, motion carried.

REPORT OF TREASURER:

Motion was made by JP Martin to accept the Treasurer's report, seconded by JP Caldwell. Voice vote, motion carried.

REPORT OF COMMITTEES:

Ambulance: JP Foust advised that the Ambulance Committee had a meeting and has a contract amendment on the agenda tonight, so it will be discussed at that time.

Jail: Sheriff Brown updated the Court on the progress of "B Pod". JP Evans advised the committee will be meeting in the next few weeks.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Proposed Resolution No. 2022-Contract of Obligation with DEQ

JP Evans introduced a Resolution: **"A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE COUNTY JUDGE OF CLEBURNE COUNTY, ARKANSAS, TO ENTER INTO A CONTRACT OF OBLIGATION WITH THE ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY"**.

JP Evans made a motion to adopt the Resolution, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. **Passed and adopted as Resolution 2022-09.**

Proposed Ordinance No. 2022-LATC Sub-Fund

JP Caldwell introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO ESTABLISH A COUNTY GENERAL SUB-FUND TO BE CALLED THE LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND (LATC); AND TO DECLARE AN EMERGENCY"**.

JP Caldwell made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Evans. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Caldwell read the Ordinance by title only. JP Caldwell made a motion to suspend the rules and place the Ordinance on a third and final reading by title only, seconded by JP Martin. Roll Call was taken Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Caldwell read the Ordinance by title only. JP Caldwell made a motion to adopt the Ordinance, seconded by JP Evans. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Caldwell made a motion to adopt the Emergency Clause, seconded by JP Evans. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None

Passed and adopted as Ordinance 2022-032.

Proposed Ordinance No. 2022-Grass Clippings

JP Henegar introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE FOR THE ESTABLISHMENT OF PROHIBITED CONDUCT INVOLVING YARD TRIMMINGS AND FOR VIOLATIONS AND PENALTIES TO BE IMPOSED UPON CONVICTION"**.

JP Henegar made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Evans. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Henegar read the Ordinance by title only. JP Henegar made a motion to suspend the rules and place the Ordinance on a third and final reading by title only, seconded by JP Martin. Roll Call was taken Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Henegar read the Ordinance by title only. JP Henegar made a motion to adopt the Ordinance, seconded by JP Martin. Discussion followed. Judge Martin advised he will have to have a broom to follow each bushhog if this Ordinance is passed. JP Foust mentioned possibly amending to add an exception for the County Road Department. After some discussion, it was determined that the County Attorney may need to answer questions regarding the Proposed Ordinance. JP Henegar made a motion to table the Ordinance, seconded by JP Evans. Voice vote, motion carried.

Proposed Ordinance No. 2022-Amend Budget-Sheriff, Jail, County Detention

JP Martin introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2021-035, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2022 AND/OR OTHER PURPOSES TO AMEND THE SHERIFF, JAIL, AND COUNTY DETENTION BUDGETS"**.

JP Martin made a motion to adopt the Ordinance, seconded by JP Malone. JP Evans explained this Ordinance came about due to opening a room in the Detention Center that was being used as a workout room back to housing inmates. This required extra space be made available for storage and a workout room, so portable buildings were purchased. Funds were moved around in the Sheriff, Jail and County Detention Budgets so no additional funds had to be appropriated from County General to purchase the buildings and a commercial washing machine for the Detention Center. Further discussion followed. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None

Passed and adopted as Ordinance 2022-033.

Proposed Ordinance No. 2022-Amend Budget-Election Commission

JP Malone introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2021-035, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2022 AND/OR OTHER PURPOSES TO AMEND THE ELECTION COMMISSION BUDGET"**.

JP Malone made a motion to adopt the Ordinance, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None

Passed and adopted as Ordinance 2022-034.

Proposed Ordinance No. 2022-Amend Budget-Veterans Office

JP Malone introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2021-035, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2022 AND/OR OTHER PURPOSES"**.

JP Malone made a motion to adopt the Ordinance, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None

Passed and adopted as Ordinance 2022-035.

Proposed Ordinance No. 2022-GIA Criteria

JP Evans introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE FOR THE ESTABLISHMENT OF CRITERIA REQUIRED FOR THE COUNTY QUORUM COURT TO CONSIDER A GRANT IN AID FUNDING REQUEST"**.

JP Evans made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Evans read the Ordinance by title only. JP Evans made a motion to suspend the rules and place the Ordinance on a third and final reading by title only, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Evans read the Ordinance by title only. JP Evans made a motion to adopt the Ordinance, seconded by JP Martin.

JP Henegar made a motion, seconded by JP Malone, to amend the proposed ordinance as follows:

Section 2.

In addition to the information that is required above, excluding item E above, all Volunteer EMS Services shall also provide the following supplementary information:

- A. The percentage (%) of calls, within their service area, that the volunteer EMS service responded to within the last six (6) months.
- B. The percentage (%) of calls, within their service area, that the volunteer EMS service responded to within the last six (6) months that were for lift assists only; and

Voice Vote, motion carried.

JP Evans made a motion, seconded by JP Malone, to adopt the Ordinance as amended. Roll Call was taken Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. **Passed and adopted as Ordinance 2022-036.**

JP Foust brought the "Amendment to Contract for ALS and BLS Ambulance Services in Cleburne County" to the Quorum Court. JP Foust stated that this amended contract is what legal counsel recommended to the Quorum Court on which to vote by a majority to pass.

Motion made by JP Foust, seconded by JP Malone, to accept the "Amendment to Contract for ALS and BLS Ambulance Services in Cleburne County". Lengthy discussion followed.

Motion made by JP Henegar, seconded by JP Evans, to strike "when available" from first sentence in Section 5, subsection C(a). Discussion followed. Voice vote, motion carried.

Motion made by JP Blackburn, seconded by JP Martin to strike "or BLS volunteer" from the first sentence of Section 5, subsection C. Discussion followed. Roll call vote requested. Ayes: Blackburn, Evans, Foust, Hall, Jett, Malone, Martin, Tamburo. Nays: Caldwell, Henegar, Holmes. Motion carried.

Motion was made by JP Foust, seconded by JP Evans, to accept the amended "Amendment to Contract for the ALS and BLS Ambulance Service". Roll Call was taken. Ayes: Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: Blackburn.

"Amendment to Contract for ALS and BLS Ambulance Services in Cleburne County" with amendments stated above was approved by a majority vote of the Cleburne County Quorum Court.

JP Blackburn brought the Tumbling Shoals/Ida Mutual Aid Agreement with Survival Flight before the Court for discussion.

Proposed Ordinance No. 2022-ICA Dispatch Services

JP Evans introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE AUTHORIZING THE COUNTY JUDGE TO EXECUTE INTERLOCAL COOPERATIVE AGREEMENTS REGARDING DISPATCHING SERVICES".**

JP Evans made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Evans read the Ordinance by title only. JP Evans made a motion to suspend the rules and place the Ordinance on a third and final reading by title only, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. JP Evans read the Ordinance by title only. JP Evans made a motion to adopt the Ordinance, seconded by JP Martin. JP Evans explained the Ordinance is to put into an interlocal agreement a formula to

establish the breakdown of how the cities will share in the financial responsibility of providing dispatching services. JP Evans further explained the numbers and calculations used in the formula. The amount of financial responsibility may fluctuate annually because of changes in usage and will be addressed in the Budget process. The formula being reviewed at the renewal of the Agreement.

Motion was made by JP Martin, seconded by JP Evans to correct the Interlocal Cooperative Agreement Section 2 from the "one (1) year period" to state "two (2) year period". Voice Vote, motion carried.

JP Evans made a motion to adopt the Ordinance as amended, seconded by JP Martin. Roll Call was taken. Ayes: Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: Blackburn.
Passed and adopted as Ordinance 2022-037.

JP Blackburn made a motion, seconded by JP Caldwell, to amend the Agenda by adding Proposed Resolution No. 2022-Wilburn Water ARPA Grant. Voice vote, motion carried.

Proposed Resolution No. 2022-Wilburn Water ARPA Grant

JP Blackburn introduced a Resolution: **"A RESOLUTION AUTHORIZING THE CLEBURNE COUNTY JUDGE TO SUBMIT AN APPLICATION TO THE ARKANSAS DEPARTMENT OF AGRICULTURAL, DIVISION OF NATURAL RESOURCES FOR A COMMUNITY DEVELOPMENT PROJECT"**.

JP Blackburn made a motion to adopt the Resolution, seconded by JP Caldwell. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Hall, Henegar, Holmes, Jett, Malone, Martin, Tamburo. Nays: None. Judge Martin stated that his signing or not signing the application will depend on the liability that may be placed on the County if signed.

Passed and adopted as Resolution 2022-10.

COMMENTS FROM THE PUBLIC:

None

ANNOUNCEMENTS:

- The next regular Quorum Court meeting will be held Thursday, November 17, 2022.

ADJOURNMENT:

JP Caldwell made a motion to adjourn, seconded by JP Malone. Meeting adjourned at 8:17 p.m.

ATTESTED:


Rachelle Evans, Cleburne County Clerk

12-8-22
Date

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