

# CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

November 19, 2020

The Cleburne County Quorum Court met in regular session in the County Court Building, 922 South 9<sup>th</sup> Street, Heber Springs, Arkansas. The meeting was called to order at 6:05 p.m. County Judge Jerry Holmes presided. PRESENT: Pearson, Henegar, Caldwell, Blackburn, Malone, Evans, Cupit, Foust, Roberts, Owens.

## **READING, CORRECTION, AND DISPOSITION OF MINUTES:**

Motion was made by JP Caldwell to approve the minutes of the October 8, 2020 regular meeting, seconded by JP Roberts. Voice vote, motion carried.

## **REPORT OF TREASURER:**

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

## **REPORT OF COMMITTEES:**

JP Evans reported the Jail Committee is still waiting on information from the firm regarding the renovation of the jail.

## **UNFINISHED BUSINESS:**

### **Proposed Ordinance No. 2020-Ambulance Service Selection Process**

JP Blackburn withdrew the proposed ordinance.

## **NEW BUSINESS:**

Judge Holmes advised the court of Order No. 2020-018 that transferred county property, a 1995 Gulf Stream Conquest Command Trailer, to Wilburn Fire and Rescue.

JP Foust made a motion to add "Proposed Ordinance No. 2020-Ambulance Service Request for Proposals" to the agenda at the end of New Business, seconded by JP Malone. Ayes: Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: Blackburn.

### **Proposed Ordinance No. 2020-Amend Library Budget**

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 APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2019-020, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2020 AND/OR OTHER PURPOSES TO AMEND THE COUNTY LIBRARY BUDGET"**.

JP Caldwell made a motion to adopt the Ordinance, seconded by JP Owens. Brief discussion followed. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None.

**Passed and adopted as Ordinance 2020-024.**

### **Proposed Ordinance No. 2020-Establish Millage**

JP Pearson 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 ESTABLISHING THE MILLAGE RATES FOR 2020"**.

JP Pearson made a motion to adopt the Ordinance, seconded by JP Evans. Noted: Quitman School District had Special Election in January 2020 to increase millage. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None.

**Passed and adopted as Ordinance 2020-025.**

**Proposed Ordinance No. 2020-Fire Department Sales Tax Funds**

JP Roberts 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 ESTABLISHING THE SALES TAX FUNDS FOR RURAL FIRE DEPARTMENTS FOR 2021”**”.

JP Roberts made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Malone. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Roberts read the Ordinance by title only. JP Roberts made a motion to suspend the rules and place the Ordinance on the third and final reading by title only, seconded by JP Malone. JP Roberts read the Ordinance by title only. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Roberts made a motion to adopt the Ordinance, seconded by JP Malone. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Roberts made a motion to adopt the Emergency Clause. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. **Passed and adopted as Ordinance 2020-026.**

JP Henegar made a motion to move item “h”, Proposed Ordinance No. 2020-2013-023 for Sheriff Employee Comp for Assigned Duties, to the next item of business, seconded by JP Evans. Voice vote, motion carried.

**Proposed Ordinance No. 2020-Amend 2013-023 for Sheriff Employee Comp for Assigned Duties**

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 ORDINANCE AMENDING ORDINANCE 2013-023 SHERIFF’S OFFICE EMPLOYEE COMPENSATION FOR ASSIGNED DUTIES”**”.

JP Malone made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Blackburn. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Malone read the Ordinance by title only. JP Malone made a motion to suspend the rules and place the Ordinance on the third and final reading by title only, seconded by JP Blackburn. JP Malone read the Ordinance by title only. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Malone made a motion to adopt the Ordinance, seconded by JP Roberts. Sheriff Brown explained the reason for this proposed ordinance. Discussion followed. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Malone made a motion to adopt the Emergency Clause, seconded by JP Blackburn. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None.

**Passed and adopted as Ordinance 2020-027.**

JP Caldwell made a motion to amend the original version of Proposed Ordinance No. 2020-2021 Number of Positions and Starting Salaries to include the “Sheriff” version of Number of Positions and Starting Salaries, seconded by JP Malone. Voice vote, motion carried.

**Proposed Ordinance No. 2020-2021 Number of Positions and Starting Salaries**

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 THE NUMBER OF POSITIONS AND STARTING SALARIES FOR NON-ELECTED COUNTY POSITIONS”**”.

JP Caldwell made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Malone. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Caldwell read the Ordinance by title only. JP Caldwell made a motion to suspend the rules and place the Ordinance on the third and final reading by title only, seconded by JP Malone. JP Caldwell read the Ordinance by title only. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Caldwell made a motion to adopt the Ordinance, seconded by JP Malone. Lengthy discussion followed. JP Henegar made a motion to amend the 911/Cell Phone section of the ordinance by striking the line of Dispatch Supervisor position and salary, and increase the Dispatcher positions from eight (8) to nine (9), and add a line for Stipend/Supervisor for \$1,000.00, seconded by JP Pearson. JP Malone made a motion to amend the County Road Department section to strike the “With five (5) years’ experience at hire” and salary and add a stipend/five (5) years’ experience \$1,500.00. After discussion,

JP Malone withdrew his motion to amend. After no other discussion, JP Caldwell made motion to adopt as amended, seconded by JP Malone. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Caldwell made a motion to adopt the Emergency Clause, seconded by JP Malone. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None.

**Passed and adopted as Ordinance 2020-028.**

Due to the effect Ordinance 2020-028 "Number of Positions and Starting Salaries" will have on Proposed Ordinance No. 2020-2021 Employees and Salaries per Employees and Proposed Ordinance No. 2020-2021 Budget, JP Henegar made a motion to table these two proposed ordinances. Mr. Smith advised that if the Proposed Ordinances were tabled, it would be to bring back same ordinances, so his advice was that the Proposed Ordinances be withdrawn. JP Henegar made a motion to withdraw the two Proposed Ordinances, seconded by JP Evans. Voice vote, motion carried.

**Proposed Ordinance No. 2020-Ambulance Service Request for Proposals**

JP Foust 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 SOLICITATION OF STRUCTURED PROPOSALS FOR AMBULANCE SERVICE, ESTABLISHING PROPOSAL SPECIFICATIONS AND ESTABLISHING THE REQUISITE PUBLIC HEARING"**.

JP Foust made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Caldwell. Roll call was taken. Ayes: Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: Blackburn. JP Foust read the Ordinance by title only. JP Foust made a motion to suspend the rules and place the Ordinance on the third and final reading by title only, seconded by JP Caldwell. Roll call was taken. Ayes: Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: Blackburn. JP Foust read the Ordinance by title only. JP Foust made a motion to adopt the Ordinance, seconded by JP Caldwell. Lengthy discussion followed.

JP Henegar made a motion, seconded by JP Pearson to amend Section 2(C) to read:

Upon compliance with A.C.A §20-13-303, the Quorum Court, by subsequent ordinance, presented by the Ambulance Committee, will may select and establish an ambulance franchise service for Cleburne County for a term of five (5) years, subject to renewal, and for as long as the ambulance service provides adequate, fair, and reliable service per the Arkansas Health Department regulations, ambulance industry equipment standards and good faith service to Cleburne county residents and businesses.

Voice vote, motion carried.

JP Evans made a motion, seconded by JP Pearson to amend Section 1(C)(7) to read:

List all Directors ~~or~~ and Owners of the applying entity that have ever been part of any other medical franchise, operation, entity or otherwise had interest in any medical business that has resulted in a bankruptcy filing and if so the current status of that bankruptcy.

and, to amend Section 1(C)(1) NOTE to read:

NOTE: No elected officials or employees of Cleburne County or of any city within said County may be ~~an employee of or~~ a member of the board of the ground ambulance transportation services provider or ownership.

Voice vote, motion carried.

JP Blackburn made a motion, seconded by JP Malone to amend Section 1(A)(5) to read:

Volunteer BLS (Basic Life Support) services in the County shall be allowed to continue operating within their individual service areas. Mutual Aid Agreements shall may be completed between the successful ground ambulance transportation provider and the volunteer BLS ground transportation service provider.

Voice vote, motion carried.

JP Foust made a motion to adopt the Ordinance as amended, seconded by JP Caldwell. Roll call was taken. Ayes: Blackburn, Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: None. JP Foust made a motion to adopt the Emergency Clause, seconded by JP Caldwell. Roll call was taken. Ayes: Caldwell, Cupit, Evans, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: Blackburn. **Passed and adopted as Ordinance 2020-029.**

**COMMENTS FROM THE PUBLIC:**

Judge Holmes commented on an email that he sent regarding funds to be received from the CARES Act Grant and his proposal regarding raises and insurance.


**ANNOUNCEMENTS:**

- The next regular Quorum Court meeting will be held Thursday, December 10, 2020.

**ADJOURNMENT:**

JP Caldwell made motion to adjourn, seconded by JP Owens. Meeting adjourned at 8:29 p.m.

**ATTESTED:**

  
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Rachelle Evans, Cleburne County Clerk

This 10<sup>th</sup> day of December 2020

Book B Page(s) 578-581

**FILED**  
2020 DEC 11 AM 10:20  
RACHELLE EVANS  
CLEBURNE COUNTY CLERK