

# CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

January 12, 2023

The Cleburne County Quorum Court met in regular session in the Cleburne Court Building, 922 South 9<sup>th</sup> Street, Heber Springs, Arkansas. The meeting was called to order at 6:01 p.m. County Judge Eric Crosby presided.

PRESENT: Moorehead, Caldwell, Fletcher, Malone, Evans, Martin, Foust, Tamburo, Wildmon, Owens.  
ABSENT: Henegar.

Judge Crosby introduced the newly elected JP's.

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

Motion was made by JP Malone, seconded by JP Martin to approve the December 2022 minutes. Voice vote, motion carried.

## **REPORT OF TREASURER:**

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

## **REPORT OF COMMITTEES:**

None-Judge Crosby is in the process of appointing committee members.

## **UNFINISHED BUSINESS:**

None

## **NEW BUSINESS:**

JP Martin made a motion, seconded by JP Fletcher, to add Proposed Ordinance No. 2023-Juvenile Officer Grant to the end of New Business. Voice vote, motion carried.

### **Proposed Ordinance No. 2023- Procedural Ordinance**

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 ESTABLISHING THE TIME, DATE, AND PROCEDURAL RULES OF THE REGULAR MONTHLY MEETING OF THE CLEBURNE COUNTY QUORUM COURT"**.

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: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Owens, Tamburo, Wildmon. Nays: None. Absent: Henegar. JP Evans read the Ordinance by title only. JP Evans made a motion to suspend the rules and place the Ordinance on the third and final reading by title only, seconded by JP Martin. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Owens, Tamburo, Wildmon. Nays: None. Absent: Henegar. JP Evans read the Ordinance by title only. JP Evans made a motion to adopt the Ordinance, seconded by JP Malone. JP Evans stated that there was interest in moving the Quorum Court regular meetings to the second Monday of each month. Discussion followed, but no change was made. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Owens, Tamburo, Wildmon. Nays: None. Absent: Henegar.

**Passed and adopted as Ordinance 2023-01.**

### **Proposed Resolution 2023-Paper Ballots**

JP Malone introduced a Resolution: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; A RESOLUTION TO BE ENTITLED: "A RESOLUTION PROVIDING FOR THE REDUCTION OF VOTER FRAUD AND INCREASE IN ELECTION INTEGRITY BY USE OF PAPER BALLOTS"**.

JP Malone made a motion to adopt the Resolution, seconded by JP Martin. A lengthy discussion followed. JP Martin advised that the Secretary of State did contact the Federal Election Assistance office

on whether or not the County would have to reimburse the State for the election machines, and they reported that this question has never been asked so no direct answer is available at this time. Attorney Daniel Haney advised that, if adopted, this will be a Resolution that is binding. Main issue is there is no solution to the questions asked on how to hold an election with paper ballots regarding--can just the disabled use machines, how to have all ballot styles and keep voting centers, can ballots be run through the DS200 and then hand counted. JP Evans' concern was, there are so many questions without answers. JP Malone added there will be questions and we will figure them out going forward. Discussion followed between the JP's on whether to adopt Resolution with a plan or without a plan. Attorney Haney advised that the Resolution states that only disabled may use machine all other voters will be voting by paper ballot. Mr. Lancaster stated that currently under Arkansas Law the certified count to the State has to be by the DS200, but nothing states the Commission can't hand count. Election Commissioner Joe Tournear addressed the Court stating that we are where we are today using machines because of the problems we had with paper ballots. Mr. Tournear added that he would hate to go back to precinct voting from vote centers and doesn't know how all the different ballots styles could be at each vote center. Mr. Tournear stated that he would not want to go back to the way it was twenty (20) years ago. Mr. Reynolds addressed the Court encouraging the passage of this Resolution. JP Evans made a motion to put a committee in place and the committee report back within 30- 60 days with possible solutions to the issues raised. Attorney Haney advised that the committee might need to wait because he wasn't sure how the committee process worked and didn't want the Court to overstep their authority. Motion was withdrawn to let Judge Crosby have time to determine the committee members. Roll Call was taken. Ayes: Fletcher, Malone, Martin, Moorehead, Owens, Wildmon. Nays: Caldwell, Evans, Foust, Tamburo. Absent: Henegar.

**Passed and adopted as Resolution 2023-01.**

#### **Proposed Resolution No. 2023-Sheriff Interim Filling of Vacancies**

JP Martin introduced a Resolution: **"A RESOLUTION PROVIDING FOR THE INTERIM FILLING OF VACANCIES FOR THE OFFICE OF CLEBURNE COUNTY SHERIFF DURING TIMES OF EMERGENCY"**.

JP Martin made a motion to adopt the Resolution, seconded by JP Wildmon. Discussion followed. JP Evans raised the question as to whether a person could fill in as interim sheriff if they did not live in Cleburne County. Attorney Haney verified that a person filling in as Sheriff for any reason has to meet the qualifications to be Sheriff, of which, a resident of Cleburne County is required. The Sheriff asked if the list wasn't satisfactory, then to pull the Resolution to give him time to amend the list of succession. JP Martin made a motion to table the Resolution and place on the February 2023 Agenda, seconded by JP Fletcher. Voice vote, motion carried.

Sheriff Brown addressed the Court with information regarding a grant the Sheriff Office will apply for with a 75%-25% matching to buy new AWIN radios. The current radios were purchased in 2004-2005. Motorola came in with a quote replacing all 74 radios (37-handheld, 37-mobiles) at \$450,000 and Kenwood at \$196,000.00. With the Kenwood bid, the County's portion will be roughly \$50,000. All applications must be in by February 15, 2023. It will be March or April before confirmation of whether the grant was approved or not. If approved, the Sheriff will come back before the Court for an appropriation.

#### **Proposed Ordinance No. 2023-Premium Pay for Year 2021 (\$1000-\$375)**

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 APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2022-040 WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND FOR OTHER PURPOSES TO AMEND THE 2023 BUDGET TO MAKE ADDITIONAL APPROPRIATIONS FOR PREMIUM PAY"**.

JP Foust made a motion to suspend the formal reading of the Appropriation Ordinance, seconded by JP Malone. Voice vote, motion carried. No Nays votes noted. JP Foust made a motion to adopt the Ordinance. Discussion followed. JP Malone made a motion, seconded by JP Martin to amend Section 1: 2<sup>nd</sup> line delete "excluding Sheriff", 3<sup>rd</sup> line delete "excluding deputies", 4<sup>th</sup> line beginning with the word

"Also" delete the remaining of the section. Amend Section 2 under Sheriff amend salary-\$22,000.00, Social Security-\$2,066.00, Retirement-4,137.00, Office Total-33,203. Totals for section 2 Salaries-87,000, Social Security-\$7,048, Retirement-\$14,104, Office total-\$113,152.00. Discussion followed. JP Foust requested to clarify, especially to the new Justices, why this Ordinance is proposed excluding law enforcement and Sheriff. Sheriff Brown addressed the Court stating reasons the Officers should receive the same premium pay as the other county employees. Discussion between Justices followed. Mr. Haney advised that an appropriation Ordinance or amendments to an appropriation Ordinance requires a two-thirds vote for passage. Roll call was taken for vote on the amendment. Ayes: Fletcher, Malone, Martin, Tamburo, Wildmon. Nays: Caldwell, Evans, Foust, Moorehead, Owens. Motion fails due to lack of required two-thirds vote. Roll call was taken to adopt the Ordinance. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Owens, Tamburo, Wildmon.  
**Passed and adopted as Resolution 2023-02.**

JP Caldwell withdrew Proposed Ordinance No. 2023-Premium Pay for Year 2021 (\$750 excluding officials & law enforcement).

**Proposed Ordinance No. 2023-Juvenile Officer Grant**

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. 2022-040, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND/OR OTHER PURPOSES TO ADD JUVENILE OFFICER GRANT BUDGET"**.

JP Martin made a motion to adopt the Ordinance, seconded by JP Fletcher. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Owens, Tamburo, Wildmon.

**Passed and adopted as Ordinance 2023-03.**

Ms. Pam Gray received a plaque for her thirty-one plus years of service in the Cleburne County Treasurer's office.

**COMMENTS FROM THE PUBLIC:**

Wanda Malone made a comment to the Court regarding the Premium Pay Ordinance.

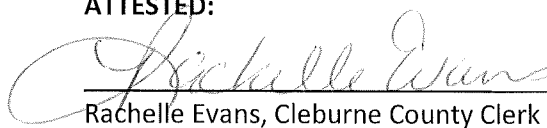
**ANNOUNCEMENTS:**

- The next regular Quorum Court meeting will be held Thursday, February 9, 2022.

**ADJOURNMENT:**

JP Caldwell made a motion to adjourn, seconded by JP Evans. The meeting adjourned at 8:36 p.m.

**ATTESTED:**

  
Rachelle Evans, Cleburne County Clerk      29-23      Date      Book C      Page (s) 63-65

FILED  
2023 FEB 10 PM 12:42  
CLERK OF QUORUM COURT  
CLEBURNE COUNTY ARKANSAS

