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# CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

May 11, 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 6:02 p.m. County Judge Eric Crosby presided.

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

ABSENT: Martin

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

Motion was made by JP Caldwell, seconded by JP Evans, to approve the April 2023 minutes. Voice vote, motion carried.

### REPORT OF TREASURER:

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

### REPORT OF COMMITTEES:

Election Committee: Election Commissioner Chairman Joe Tournear reported on the State Audit of the 2022 General Election--stating that the Audit showed a one hundred percent (100%) match of the hand count to the machine count. Mr. Tournear further reported that thirteen (13) of the fifteen (15) State Audits, that have taken place at this time, all showed a one hundred percent (100%) match of hand count to the machine count. Mr. Tournear also informed the Court of the results of the Heber Springs Annual School Election, held by machines and then hand counted, showed a one hundred percent (100%) match of the machine count to the hand count. Mr. Tournear did address the Court regarding a possible recount of a percentage of the machines of the 2024 Primary Election with the financial support of the Quorum Court.

Emergency Services Oversight Committee: JP Foust reported that the equipment and the sites have been secured for the repeater system. We are still waiting for FCC documentation to be returned. The County is still waiting on the deed for the property to be used for the housing of an ALS unit north of the Lake. Most of the committee meeting was used to discuss the Interlocal Agreement between the County and the City of Heber Springs for the usage of the Mountain Aire Fire Station. JP Foust asked that the Court place the Interlocal Agreement on the May agenda.

JP Evans made a motion that the Interlocal Agreement be placed on the Agenda as “Item g”, and the Tumbling Shoals/Ida Fire Dues Ordinance as “Item h” on the agenda, seconded by JP Caldwell. Voice Vote, motion carried.

Budget Committee: JP Evans reported the Committee met to discuss any funds needed in the near future for Capital Expenditures, so the Judge, Treasurer, and Committee could begin discussion regarding the placement of monies in CD’s.

### UNFINISHED BUSINESS:

None

### NEW BUSINESS:

County Extension Director Amy Heck addressed the Court giving a description of what the Extension Office does and to let the County know if they need any information, please contact the Extension Office.

JP Evans made a motion, seconded by JP Fletcher, to confirm the three-year term appointments, expiring May 2026, of Jackie McPherson (Cities), and David Ramer (Judge) to the Cleburne County Board of Equalization. Voice vote, motion carried.

JP Caldwell made a motion, seconded by JP Owens, to confirm the five-year term, expiring in May 2028, appointment of Dr. Kelli Harris to the Cleburne County Library Board. Voice vote, motion carried.

**Proposed Resolution No. 2023-Mutual Aid Agreement-White/Faulkner**

JP Foust introduced a Resolution: **BE IT RESOLVED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS; A RESOLUTION TO BE ENTITLED: "A RESOLUTION APPROVING MUTUAL AID AGREEMENTS AND/OR MEMORANDUM OF UNDERSTANDING BETWEEN CLEBURNE COUNTY OFFICE OF EMERGENCY MANAGEMENT AND THE OFFICE OF EMERGENCY MANAGEMENT OF WHITE COUNTY AND FAULKNER COUNTY."**

JP Foust made a motion to adopt the Resolution, seconded by JP Caldwell. Discussion followed. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Henegar, Malone, Moorehead, Owens, Tamburo, Wildmon. Nays: None. Absent: Martin.

**Passed and adopted as Resolution No. 2023-06**

**Proposed Ordinance No. 2023-Amend 2023 Budget-Additional Motor Fuel Sales Tax Fund**

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/OR OTHER PURPOSES TO AMEND THE ADDITIONAL MOTOR FUEL SALES TAX FUND BUDGET".**

JP Foust made a motion to adopt the Ordinance, seconded by JP Evans. Discussion followed regarding the location of the bridge. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Henegar, Malone, Moorehead, Owens, Tamburo, Wildmon. Nays: None. Absent: Martin.

**Passed and adopted as Ordinance 2023-16.**

**Proposed Ordinance No. 2023-Amend 2023 Budget-Court Building 2nd**

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. 2022-040 WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND/OR OTHER PURPOSES TO AMEND THE COURT BUILDING BUDGET".**

JP Caldwell made a motion to adopt the Ordinance, seconded by JP Evans. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Henegar, Malone, Moorehead, Owens, Tamburo, Wildmon. Nays: None. Absent: Martin.

**Passed and adopted as Ordinance 2023-17.**

JP Foust introduced the "City of Heber Springs and Cleburne County Interlocal Agreement for Shared Usage of Mountain Aire Fire Station" for discussion to get the Interlocal Agreement in a form in which the Court could agree to take to the City of Heber Springs. After lengthy discussion, JP Malone made a motion, seconded by JP Owens, to bring the Interlocal Agreement to the City of Heber Springs with the following issues being corrected by the County Attorney as discussed during this May meeting: Maintenance does not include utilities, Add the initialism ALS, add a termination clause that does a depreciation value of 10% over 5 years ending with 50% at year five and afterwards any termination each party will take the property as stated in contract with a 6 month written notice, the City is to enter into the contract and the County is reimbursing, take out word "expansion" and clarify the maintenance clause, add the drawing of the remodel to the agreement, amend the percentage limit for the City, keep the County contribution for up to \$15,000.00 reimbursement. Voice vote, motion carried.

**Proposed Ordinance No. 2023-Tumbling Shoals/Ida Fire Dues**

JP Fletcher introduced as Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE DISPENSING WITH A SPECIAL ELECTION ON THE ISSUE OF THE LEVY OF TUMBLING SHOALS/IDA VOLUNTEER FIRE DUES".**

County Attorney Daniel Haney advised that a petition and, according to 14-20-108(a)(1)(B)(i)(a), a request signed by the Fire Chief and the chair and the secretary, if any, of the volunteer fire department be filed with the county clerk to properly adopt this Ordinance. It was determined that only the petition

had been filed with the County Clerk and that the request had not be filed with the County Clerk. Mr. Haney advised that if a request is filed with the Clerk's office prior to the adoption of the Ordinance the requirement would be met. JP Fletcher requested that the Fire Department get the request filed in the Clerk's office, and the Ordinance be placed on the June agenda for a second reading and, if voted on, a suspension of the rules for a third reading.

Judge Crosby informed the Court of the Disposal of Property by Order 2022-018, Order 2023-013, and Order 2023-016.

JP Evans asked Mr. Haney to elaborate on clean up in the county and the State law that references this issue. Mr. Haney reference and explained §8-6-406 that in the State of Arkansas you can be charged with littering and littering can be on your own property. This is not a subject under the jurisdiction of the Quorum Court.

**COMMENTS FROM THE PUBLIC:**

- None

**ANNOUNCEMENTS:**

- Next Quorum Court Meeting is scheduled for Thursday, June 8, 2023.

**ADJOURNMENT:**

JP Caldwell made a motion to adjourn, seconded by JP Owens. The meeting was adjourned at 7:55 p.m.

**ATTESTED:**

  
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Rachelle Evans, Cleburne County Clerk

6-8-23  
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Date

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2023 JUN 8 AM 10:44  
CLERK OF QUORUM COURT  
CLEBURNE COUNTY ARKANSAS