

**AGENDA**  
**Cleburne County Quorum Court**  
**Thursday, March 10, 2022**  
**6:00 p.m.**  
Cleburne County Court Building  
922 South 9<sup>th</sup> Street  
Heber Springs, AR 72543

1. **Call to Order, Roll Call:**
2. **Reading, Correction, and Disposition of Minutes:**
3. **Report of Treasurer:**
4. **Report of Committees:**
  - a. Ambulance Committee
  - b. Jail Committee
5. **Unfinished Business:**
  - a. None
6. **New Business:**
  - a. Proposed Resolution No. 2022-Declare Vacancy in JP District One-**JP Malone**
  - b. Proposed Resolution No. 2022-Declare Vacancy in JP District Eleven-**JP Caldwell**
  - c. Fire Chief, TSI "Fire Department Funding"-Mike Kirkpatrick-**JP Blackburn**
  - d. Fire Department/ Volunteer EMS Services Matching Funds Fundraiser Challenge Discussion- **JP Caldwell**
  - e. Proposed Ordinance No. 2022-The Wavebreaker at Eden Isle Marina Private Club Permit-**JP Martin**
  - f. Proposed Ordinance No. 2022-2021 Budget Clean-up-**JP Evans**
  - g. Proposed Ordinance No. 2022-County Library ARP Grant Fund Budget-**JP Caldwell**
7. **Comments from the Public:**
8. **Announcements:**
  - a. Next Regular Quorum Court Meeting Thursday, April 14, 2022.
9. **Adjournment:**

# CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

February 10, 2022

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 Karl Martin presided.

PRESENT: Pearson, Henegar, Caldwell, Blackburn, Malone, Evans, Martin, Foust, Tamburo, Roberts, Owens.

ABSENT: None

## READING, CORRECTION, AND DISPOSITION OF MINUTES:

Motion was made by JP Caldwell to approve the minutes of the January 13, 2022, regular meeting, seconded by JP Owens. Voice vote, motion carried.

## REPORT OF TREASURER:

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

## REPORT OF COMMITTEES:

JP Foust reported the Ambulance Committee is just waiting to receive Ambulance Service Proposals by February 28, 2022.

## UNFINISHED BUSINESS:

None

## NEW BUSINESS:

### Proposed Ordinance No. 2022-Humane Society

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 CREATE HUMANE SOCIETY BUDGET."**

JP Malone made a motion to adopt the ordinance, seconded by JP Evans. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None. **Passed and adopted as Ordinance 2022-04.**

### Proposed Ordinance No. 2022-COVID Sick Leave

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 EMERGENCY ORDINANCE TO ADDRESS LEAVE POLICIES IN TIME OF COVID-19 IN THE SATE OF ARKANSAS".**

JP Caldwell made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Owens. Roll Call was taken. Ayes: Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: Blackburn. 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 Malone. Roll Call was taken. Ayes: Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: Blackburn. JP Caldwell read the Ordinance by title only. JP Caldwell made a motion to adopt the Ordinance, seconded by JP Roberts. Discussion followed. JP Foust made a motion to amend Section 8 to read "Employees who qualify for paid administrative leave due to quarantine based on close contact with a known positive individual may will be required to provide the following documentation upon the request of the employee's Elected Official and/or supervisor; ~~however, this information may not be necessary if the Elected Official and/or supervisor approves paid administrative leave without such documentation.~~" seconded by JP Henegar. Discussion followed. Roll Call on the amendment was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Martin, Owens, Roberts, Tamburo. Nays: Malone, Pearson.

JP Foust made a motion to adopt the Ordinance as amended, seconded by JP Pearson. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None. JP Foust made a motion to adopt the Emergency Clause, seconded by JP Pearson. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None.

**Passed and adopted as Ordinance 2022-05.**

**Proposed Ordinance No. 2022-ARPA Revenue Replacement Fund**

JP Evans introduced an Ordinance: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; "AN ORDINANCE TO ESTABLISH AND FUND A COUNTY GENERAL SUB-FUND TO BE CALLED THE ARPA REVENUE REPLACEMENT FUND; AND TO DECLARE AN EMERGENCY"**.

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, Henegar, Malone, Martin, Owens, Pearson, Roberts, 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, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None. JP Evans read the Ordinance by title only. JP Evans made a motion to adopt the Ordinance, seconded by JP Martin. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None. JP Evans made a motion to adopt the Emergency Clause, seconded by JP Caldwell. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None.

**Passed and adopted as Ordinance 2022-06.**

**Proposed Ordinance No. 2022-Transfer From ARP Fund**

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 APPROPRIATION ORDINANCE TRANSFERRING FUNDS FROM THE AMERICAN RESCUE PLAN FUND"**.

JP Henegar made a motion to adopt the Ordinance, seconded by JP Pearson. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None. **Passed and adopted as Ordinance 2022-07.**

**Proposed Resolution No. 2022-Hazard Mitigation Plan**

JP Malone introduced a Resolution: **A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE JUDGE OF CLEBURNE COUNTY, ARKANSAS TO ENTER INTO AN AGREEMENT WITH THE WHITE RIVER PLANNING AND DEVELOPMENT DISTRICT, INC**

JP Malone made a motion to adopt the Resolution, seconded by JP Roberts. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None. **Passed and adopted as Resolution 2022-02.**

**COMMENTS FROM THE PUBLIC:**

None

**ANNOUNCEMENTS:**

- The next regular Quorum Court meeting will be held Thursday, March 10, 2022.

**ADJOURNMENT:**

JP Caldwell made the motion to adjourn, seconded by JP Pearson. Meeting adjourned at 6:56 p.m.

**ATTESTED:**

\_\_\_\_\_  
Rachelle Evans, Cleburne County Clerk

Book \_\_\_\_\_ Page (s) \_\_\_\_\_

This \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2022

**PROPOSED RESOLUTION NO. 2022-DECLARING VACANCY IN JP DISTRICT 1**

**A RESOLUTION DECLARING A VACANCY IN THE OFFICE OF JUSTICE OF THE PEACE, DISTRICT ONE (1), CLEBURNE COUNTY, STATE OF ARKANSAS**

**WHEREAS**, Mr. Roger Pearson, who presently holds the Office of Justice of the Peace, District One (1), Cleburne County, State of Arkansas, has resigned effective February 11, 2022, due to moving out of his district; and

**WHEREAS**, it is the obligation of the Quorum Court of the County of Cleburne, State of Arkansas, to declare that a vacancy has occurred in the Office of the Justice of the Peace, District One (1), in the County of Cleburne, State of Arkansas, as authorized by Amendment 55 of the Constitution of the State of Arkansas and *Arkansas Code Annotated § 14-14-1309*.

**NOW, THEREFORE BE IT RESOLVED** by the Quorum Court of the County of Cleburne, State of Arkansas, that a vacancy is declared to exist in the Office of Justice of the Peace, District One (1).

**BE IT FURTHER RESOLVED** by the Quorum Court of the County of Cleburne, State of Arkansas, that the Quorum Court of the County of Cleburne, State of Arkansas, will meet at the Cleburne County Court Building, 6:00 p.m. March 10, 2022, for the purpose of declaring the vacancy in the Office of the Justice of the Peace, District One (1).

**FURTHERMORE, BE IT RESOLVED** by the Quorum Court of the County of Cleburne, State of Arkansas, that this Resolution shall become effective immediately upon its passage and approval.

The Quorum Court approves this Resolution.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of March 2022.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rachelle Evans, Cleburne County Clerk

\_\_\_\_\_  
Karl Martin, Cleburne County Judge

Recorded: Book \_\_\_\_\_ Page(s) \_\_\_\_\_

**PROPOSED RESOLUTION NO. 2022-DECLARING VACANCY IN JP DISTRICT 11**

**A RESOLUTION DECLARING A VACANCY IN THE OFFICE OF JUSTICE OF THE PEACE, DISTRICT ELEVEN (11), CLEBURNE COUNTY, STATE OF ARKANSAS**

**WHEREAS**, Mr. Rob Owens, who presently holds the Office of Justice of the Peace, District Eleven (11), Cleburne County, State of Arkansas, has resigned effective March 1, 2022, due to moving out of his district; and

**WHEREAS**, it is the obligation of the Quorum Court of the County of Cleburne, State of Arkansas, to declare that a vacancy has occurred in the Office of the Justice of the Peace, District Eleven (11), in the County of Cleburne, State of Arkansas, as authorized by Amendment 55 of the Constitution of the State of Arkansas and *Arkansas Code Annotated § 14-14-1309*.

**NOW, THEREFORE BE IT RESOLVED** by the Quorum Court of the County of Cleburne, State of Arkansas, that a vacancy is declared to exist in the Office of Justice of the Peace, District Eleven (11).

**BE IT FURTHER RESOLVED** by the Quorum Court of the County of Cleburne, State of Arkansas, that the Quorum Court of the County of Cleburne, State of Arkansas, will meet at the Cleburne County Court Building, 6:00 p.m. March 10, 2022, for the purpose of declaring the vacancy in the Office of the Justice of the Peace, District Eleven (11).

**FURTHERMORE, BE IT RESOLVED** by the Quorum Court of the County of Cleburne, State of Arkansas, that this Resolution shall become effective immediately upon its passage and approval.

The Quorum Court approves this Resolution.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of March 2022.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rachelle Evans, Cleburne County Clerk

\_\_\_\_\_  
Karl Martin, Cleburne County Judge

Recorded: Book \_\_\_\_\_ Page(s) \_\_\_\_\_

**PROPOSED ORDINANCE NO. 2022-THE WAVEBREAKER AT EDEN  
ISLE MARINA PRIVATE CLUB PERMIT**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: “AN ORDINANCE APPROVING THE PRIVATE CLUB PERMIT APPLICATION FOR THE WAVEBREAKER AT EDEN ISLE MARINA AND ALLOWING FOR THE APPLICATION OF THE REQUIRED PERMIT FROM THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION PER ARKANSAS CODE ANNOTATED §3-9-222(A)(2)”**

**WHEREAS**, Eden Isle Marina & Yacht Club, Inc., a non-profit corporation, and DBA The Wavebreaker at Eden Isle Marina has applied for a private club permit as required under A.C.A. §3-9-222 and Cleburne County Ordinance Number 2019-004, and

**WHEREAS**, the application is limited specifically to Eden Isle Marina & Yacht Club, Inc. DBA The Wavebreaker at Eden Isle Marina, and

**WHEREAS**, Eden Isle Marina & Yacht Club, Inc. DBA The Wavebreaker at Eden Isle Marina has provided all the information requested in the permit application process.

**NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS:**

**Section 1.** The Quorum Court of Cleburne County hereby approves the application for permit for the proposed location to operate a private club within the limits of Cleburne County at the location listed on the information provided, specifically at 10 Yacht Harbor Road, Heber Springs, Arkansas.

**Section 2.** This approval does not authorize the operation of a private club within the limits of the County of Cleburne but does function as an authorization to apply for a private club permit through the Arkansas Alcoholic Beverage Control Division Per A.C.A. §3-9-222. The Quorum Court ordains specifically that no private club operation shall begin unless and until a permit to operate a private club is issued by the Arkansas Alcoholic Beverage Control Division.

**Section 3.** This approval and permit are subject to the suspension or revocation by the County of Cleburne in the event that Eden Isle Marina & Yacht Club, Inc., DBA The Wavebreaker at Eden Isle Marina violates any County Ordinance or Arkansas law (including regulations regarding alcoholic beverages).

**Section 4.** In the event that any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications to this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Section 5.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND ADOPTED** this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2022.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rachelle Evans, Cleburne County Clerk

\_\_\_\_\_  
Karl Martin, Cleburne County Judge

Recorded: Book \_\_\_\_\_ Page(s) \_\_\_\_\_

**PROPOSED ORDINANCE NO. 2022-2021 BUDGET CLEAN-UP**

**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. 2020-032, WHICH ADOPTED THE BUDGET FOR CALENDAR YEAR 2021 AND/OR OTHER PURPOSES FOR THE PURPOSE OF 2021 BUDGET CLEAN-UP."**

**WHEREAS,** Cleburne County has need of cleaning up the budget for the calendar year 2021 by amending the following departments' budgets.

**BE IT ENACTED BY THE QUORUM COURT** to clean up the 2021 budget as follows:

**Section 1.**

**1000-0107 Quorum Court Budget**

LINE ITEM	FROM	TO	DIFFERENCE
1000-0107-1001	\$70,000.00	\$69,000.00	-\$1,000.00
1000-0107-3040	\$4,000.00	\$5,000.00	+1,000.00
<b>TOTAL CHANGE-QUORUM COURT BUDGET</b>			<b>\$0.00</b>

**1000-0300-Health Budget**

LINE ITEM	FROM	TO	DIFFERENCE
1000-0300-2002	\$0.00	\$165.25	+\$165.25
<b>TOTAL INCREASE-HEALTH BUDGET</b>			<b>+\$165.25</b>

**1000-0400 Sheriff Budget**

LINE ITEM	FROM	TO	DIFFERENCE
1000-0400-1001 Salaries Full-Time	\$1,030,314.00	\$996,275.57	-\$34,038.43
1000-0400-2002 Small Equipment	\$10,000.00	\$18,423.07	+\$8423.07
1000-0400-3102 Computer Software Support & Maint.	\$15,000.00	\$40,615.36	+\$25,615.36
<b>TOTAL CHANGE-SHERIFF BUDGET</b>			<b>\$0.00</b>

**1000-0401 Circuit Courts Budget**

LINE ITEM	FROM	TO	DIFFERENCE
1000-0401-2001 Supplies	\$850.00	\$887.27	+\$37.27
1000-0401-3100 Miscellaneous	\$500.00	\$462.73	-\$37.27
<b>TOTAL CHANGE-CIRCUIT COURTS BUDGET</b>			<b>\$0.00</b>

**3002-0401 Circuit Court Automation Budget**

LINE ITEM	FROM	TO	DIFFERENCE
3002-0401-2002 Small Equipment	\$0.00	\$2,890.60	+\$2,890.60
3002-0401-3003 Computer Services	\$3,000.00	\$109.40	-\$2,890.60
<b>TOTAL CHANGE-CIRCUIT COURT AUTOMATION BUDGET</b>			<b>\$0.00</b>

**3003-0409 District Court Automation**

LINE ITEM	FROM	TO	DIFFERENCE
3003-0409-2002 Small Equipment	\$0.00	\$2,992.54	+\$2,992.54
3003-0409-3102 Computer Software Support & Maint.	\$0.00	\$164.60	+\$164.60
3003-0409-4000 Improvements (other than building)	\$60,000.00	\$56,842.86	-3,157.14
<b>TOTAL CHANGE-DISTRICT COURT AUTOMATION BUDGET</b>			<b>\$0.00</b>

**PROPOSED ORDINANCE NO. 2022-2021 BUDGET CLEAN-UP**

**3014-0494 Communication Facility and Equipment Budget**

<b>LINE ITEM</b>	<b>FROM</b>	<b>TO</b>	<b>DIFFERENCE</b>
3014-0494-2002 Small Equipment	\$1,000.00	\$1,918.80	+\$918.80
3014-0494-3102 Computer Software support & Maint.	\$12,000.00	\$12,696.08	+\$696.08
<b>TOTAL CHANGE-COMMUNICATION FACILITY AND EQUIPMENT BUDGET</b>			<b>\$1,614.88</b>

**Fire Departments**

<b>LINE ITEM</b>	<b>FROM</b>	<b>TO</b>	<b>INCREASE IN BUDGET</b>
6500-0502-3100 Hopewell Fire Department	\$15,000.00	\$15,096.71	+\$96.71
6501-0502-3100 Prim Fire Department	\$15,000.00	\$15,096.75	+\$96.75
6502-0502-3100 Pine Snag/Lobo Fire Department	\$15,000.00	\$15,096.75	+\$96.75
6503-0502-3100 Concord Fire Department	\$15,000.00	\$15,096.75	+\$96.75
6504-0502-3100 Drasco/Tannenbaum Fire Department	\$15,000.00	\$15,096.75	+\$96.75
6505-0502-3100 Tumbling Shoals/Ida Fire Department	\$15,000.00	\$15,096.75	+\$96.75
6506-0502-3100 Wilburn Fire Department	\$15,000.00	\$15,096.75	+\$96.75
6507-0502-3100 Cove Creek-Pearson Fire Department	\$15,000.00	\$15,096.75	+\$96.76
<b>Total Fire Departments</b>			<b>\$773.97</b>

<b>TOTAL INCREASE IN 2020 BUDGET:</b>	<b>\$2,554.10</b>
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**Section 2.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3.** In the event that any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications to this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of March 2022.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rachelle Evans, Cleburne County Clerk

\_\_\_\_\_  
Karl Martin, Cleburne County Judge

Recorded: Book \_\_\_\_\_ Page(s) \_\_\_\_\_

**PROPOSED ORDINANCE NO. 2022-ADDING COUNTY LIBRARY ARP GRANT FUND BUDGET**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: “AN APPROPRIATION ORDINANCE ADDING COUNTY LIBRARY ARP GRANT FUND BUDGET.**

**WHEREAS**, the need exists to add a County Library ARP Grant Fund and to appropriate funds received, in order to purchase eBooks for the County Library.

**NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, ARKANSAS:**

**Section 1.** The following appropriation is hereby approved:

**Fund: 3047 County Library ARP Grant Fund Budget**

LINE ITEM	FROM	TO	CHANGE
3047-0600-3040 Advertising & Publications	\$0.00	\$20,122.00	+\$20,122.00
<b>TOTAL LIBRARY ARP GRANT FUND:</b>			<b>\$20,122.00</b>

REVENUE CODE	FROM	TO	CHANGE
3047-7112 Coronavirus Relief	\$0.00	\$20,122.00	+\$20,122.00
<b>TOTAL INCREASE IN ANTICIPATED REVENUE:</b>			<b>\$20,122.00</b>

**Section 2.** In the event that any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect the other provisions or applications to this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Section 3.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of March 2022.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Rachelle Evans, Cleburne County Clerk

\_\_\_\_\_  
Karl Martin, Cleburne County Judge

Recorded: Book \_\_\_\_\_ Page(s) \_\_\_\_\_