

AGENDA
Cleburne County Quorum Court
Thursday, April 8, 2021
6:00 p.m.

Cleburne County Court Building
922 South 9th 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. Jail Committee-**JP Evans**
 - b. Ambulance Committee-**JP Foust**
5. **Unfinished Business:**
 - a. Proposed Ordinance No. 2021-Bill of Rights Sanctuary for Cleburne County (3rd reading)-**JP Blackburn**
6. **New Business:**
 - a. 2019 Legislative Audit-**Judge Holmes**
 - b. Proposed Ordinance No. 2021-Amend Ordinance 2020-030-Sheriff-**JP Evans**
 - c. Proposed Ordinance No. 2021-Amend Sheriff Employee Step Raise Compensation-**JP Evans**
 - d. Proposed Ordinance No. 2021-Amend Law Library Budget-**JP Malone**
7. **Comments from the Public:**
8. **Announcements:**
 - a. Next Regular Quorum Court Meeting Thursday, May 13, 2021.
9. **Adjournment:**

CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

March 11, 2021

The Cleburne County Quorum Court met in regular session in the County Court Building, 922 South 9th Street, Heber Springs, Arkansas. The meeting was called to order at 6:03 p.m. County Judge Jerry Holmes presided. PRESENT: Pearson, Henegar, Caldwell, Blackburn, Malone, Evans, Martin, Foust, Tamburo, Roberts, Owens.

READING, CORRECTION, AND DISPOSITION OF MINUTES:

Motion was made by JP Martin to approve the minutes of the February 24, 2021 regular meeting, seconded by JP Owens. Voice vote, motion carried.

REPORT OF TREASURER:

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

REPORT OF COMMITTEES:

Jail Committee: JP Evans reported the committee is still waiting on information.

Ambulance Committee: JP Foust reported a meeting was held Tuesday, March 9, 2021 and all is still a work-in-progress. The committee is still researching options.

UNFINISHED BUSINESS:

Proposed Ordinance No. 2021- Establishing Number of Members of Budget Committee

JP Malone place an Ordinance on a third reading: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE ESTABLISHING THE NUMBER OF QUORUM COURT MEMBERS ASSIGNED TO THE BUDGET COMMITTEE"**.

JP Malone made a motion to adopt the Ordinance, seconded by JP Blackburn. Discussion followed. JP Henegar expressed his opinion that this was a procedural change and needed to be taken up in January with the Procedural Ordinance. County Attorney Drew Smith advised, in his opinion, it is proper for the proposed ordinance to be taken at this time. Members further debated the need for additional members to the Budget Committee. Roll Call was taken. Ayes: Blackburn, Malone, Martin, Tamburo. Nays: Caldwell, Evans, Foust, Henegar, Owens, Pearson, Roberts. Motion failed to meet the required majority vote.

Proposed Ordinance No. 2021-Bill of Rights Sanctuary for Cleburne County

JP Blackburn placed Ordinance on the Second Reading: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AND ORDINANCE TO BE ENTITLED: "BILL OF RIGHTS SANCTUARY FOR CLEBURNE COUNTY"**.

JP Blackburn read the Ordinance. JP Foust made a motion to suspend the rules and place the Ordinance on the third reading by title only, seconded by JP Henegar. Roll call was taken. Ayes: Caldwell, Foust, Henegar, Owens. Nays: Blackburn, Evans, Malone, Martin, Pearson, Roberts, Tamburo. Motion to suspend the rules failed to meet the two-thirds required vote so motion failed. Proposed Ordinance will be placed on the April Agenda for third reading.

NEW BUSINESS:

Proposed Ordinance No. 2021-2020 Budget Clean-up

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 APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2019-20, WHICH ADOPTED THE BUDGET FOR CALENDAR YEAR 2020 AND/OR OTHER PURPOSES"**.

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

Passed and adopted as Ordinance 2021-009.

Proposed Ordinance No. 2021-Appropriating Additional Funds from County General for the Exterior Improvements to the Cleburne County Courthouse

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 AMENDING ORDINANCE 2020-032, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2021, APPROVING ADDITIONAL FUNDING FROM COUNTY GENERAL FOR EXTERIOR IMPROVEMENTS TO THE CLEBURNE COUNTY COURTHOUSE"**.

JP Henegar made a motion to adopt the Ordinance, seconded by JP Owens. Roll call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None. **Passed and adopted as Ordinance 2021-010.**

JP Evans made a motion to add the three (3) additional proposed Resolutions to the agenda, seconded by JP Caldwell. Voice vote, motion carried.

Proposed Resolution No. 2021-Authorizing the Judge to Enter an Agreement with WRPDD

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

JP Malone made a motion to adopt the Resolution, seconded by JP Pearson. Brief discussion followed. Roll call was taken. Ayes: Caldwell, Foust, Henegar, Malone, Owens, Pearson, Roberts. Nays: Blackburn, Martin, Tamburo. Abstain: Evans

Passed and adopted as Resolution 2021-002.

Proposed Resolution No. 2021-Authorizing the Judge to Submit an Application to the AEDC for a Coronavirus Related Project for the Senior Center

JP Pearson introduced a Resolution: **"A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE JUDGE OF CLEBURNE COUNTY, ARKANSAS TO SUBMIT AN APPLICATION TO THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION FOR A CORONAVIRUS RELATED PROJECT"**.

JP Pearson made a motion to adopt the Resolution, seconded by JP Roberts. Brief discussion followed. Roll call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None.

Passed and adopted as Resolution 2021-003.

Proposed Resolution No. 2021-Authorizing the Judge to Submit an Application to the AEDC for a Coronavirus Related Project for Baptist Health Medical Center-Heber Springs

JP Blackburn introduced a Resolution: **"A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE JUDGE OF CLEBURNE COUNTY, ARKANSAS TO SUBMIT AN APPLICATION TO THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION FOR A CORONAVIRUS RELATED PROJECT"**.

JP Blackburn made a motion to adopt the Resolution, seconded by JP Martin. Brief discussion followed. Roll call was taken. Ayes: Caldwell, Foust, Henegar, Malone, Owens, Pearson, Roberts, Tamburo. Nays: Blackburn, Martin. Abstain: Evans

Passed and adopted as Resolution 2021-004.

COMMENTS FROM THE PUBLIC:

ANNOUNCEMENTS:

- The next regular Quorum Court meeting will be held Thursday, April 8, 2021.

ADJOURNMENT:

JP Caldwell made motion to adjourn, seconded by JP Martin. Meeting adjourned at 7:00 p.m.

ATTESTED:

Rachelle Evans, Cleburne County Clerk

This _____ day of _____ 2021 Book _____ Page(s) _____

PROPOSED ORDINANCE NO. 2021-BILL OF RIGHTS SANCTUARY FOR CLEBURNE CO

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE ENTITLED: "BILL OF RIGHTS SANCTUARY FOR CLEBURNE COUNTY".

Section 1. The Quorum Court of Cleburne County hereby Finds and declares:

Section 2.

A. In order to ensure the rights of the citizens of Cleburne County which are protected by the United States Constitution, and the Bill of Rights of that Constitution, which reserves the right of the citizens to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs.

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner; nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in a militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

PROPOSED ORDINANCE NO. 2021-BILL OF RIGHTS SANCTUARY FOR CLEBURNE CO

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

B. The Quorum Court further finds that section 1 of the Fourteenth Amendment to the Constitution of the United States, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Passed by Congress June 13, 1866, Ratified July 9, 1868.)

C. The right of the people is further protected from infringement by State, Federal and local governments under the ninth, tenth, and fourteenth amendment of the Constitution of the United States.

D. Cleburne County has the right to be free from the commanding hand of the State and Federal government and has the right to refuse to cooperate with state and federal government officials in response to unconstitutional state and federal government measures, and to proclaim a Bill of Rights Sanctuary for law-abiding citizens in their cities and county.

E. Therefore, through the enactment of this document, Cleburne County Arkansas is hereby declared to be a BILL of Rights Sanctuary County.

Section 3.

A. Notwithstanding any law, regulation, rule or order to the contrary, no agent, department, employee or official of Cleburne County, a political subdivision of the State of Arkansas, while acting in their official capacity, shall.

B. Knowingly and willingly, participate in any way in the enforcement of any unlawful or unconstitutional act, as defined herein, regarding Freedom of religion, Freedom of speech, Freedom of the people to peaceably assemble, Freedom of the press, Freedom to petition the government for a redress of grievances, the right of the people to keep and bear arms, will not be infringed and Amendment 1-27 of the Bill of Rights.

Section 4.

A. An "Unlawful Act" shall consist of any federal, state or local act, law, order, rule, or regulation, which restricts an individual's Constitutional rights. Any such "unlawful act" is invalid in Cleburne County and shall not be recognized by Cleburne County, and shall be considered null and void and of no effect in Cleburne County, Arkansas, and this shall include, but shall not be limited to the following:

1. Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;
2. Any registration or tracking of firearms, firearm accessories, or ammunition;
3. Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;
4. Any act forbidding the possession, manner of carry, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age;
5. Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;
6. Any prohibition, regulation, and or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of firearms;
7. Any use of County funds or funds given to the County by any entity, to participate in a "gun buyback" program or event is hereby illegal;

PROPOSED ORDINANCE NO. 2021-BILL OF RIGHTS SANCTUARY FOR CLEBURNE CO

- 8. Any use of County Funds, or funds given to the county by any entity to any other government official or entity that violates or has violated any individual’s rights as outlined in the Bill of Rights;
- 9. This Ordinance upon passage will be attached to the Counties Personnel Policy. Once passed all new and renewed County employees will read and sign that they understand this ordinance;
- 10. Any employee who refuses to adhere to this ordinance after passage is subject to termination; and
- 11. Any official, Department head, or employee who is in violation of this ordinance shall be subject to a fine of up to \$500.00 and or termination.

B. Exceptions:

- 1. The right to bear arms protection as provided to citizens by this ordinance does not apply to persons who have been, or may be in the future, convicted of felony crimes.
- 2. This ordinance is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggravating factor or enhancement to an otherwise independent crime, unless such crimes have been expunged by order of a court of competent jurisdiction.

Section 5. SEVERABILITY

The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

Section 6. EMERGENCY CLAUSE

It is found by the Quorum Court of Cleburne County that the citizens of Cleburne County, Arkansas have taken notice and voiced concerns for their rights under the U.S. Constitution and Bill of Rights. Therefore, an emergency is declared to exist and this ordinance known as the Bill of Rights Sanctuary Ordinance shall be in full force and effect from the date of passage and approval.

PASSED AND ADOPTED this ____th day of _____ 2021.

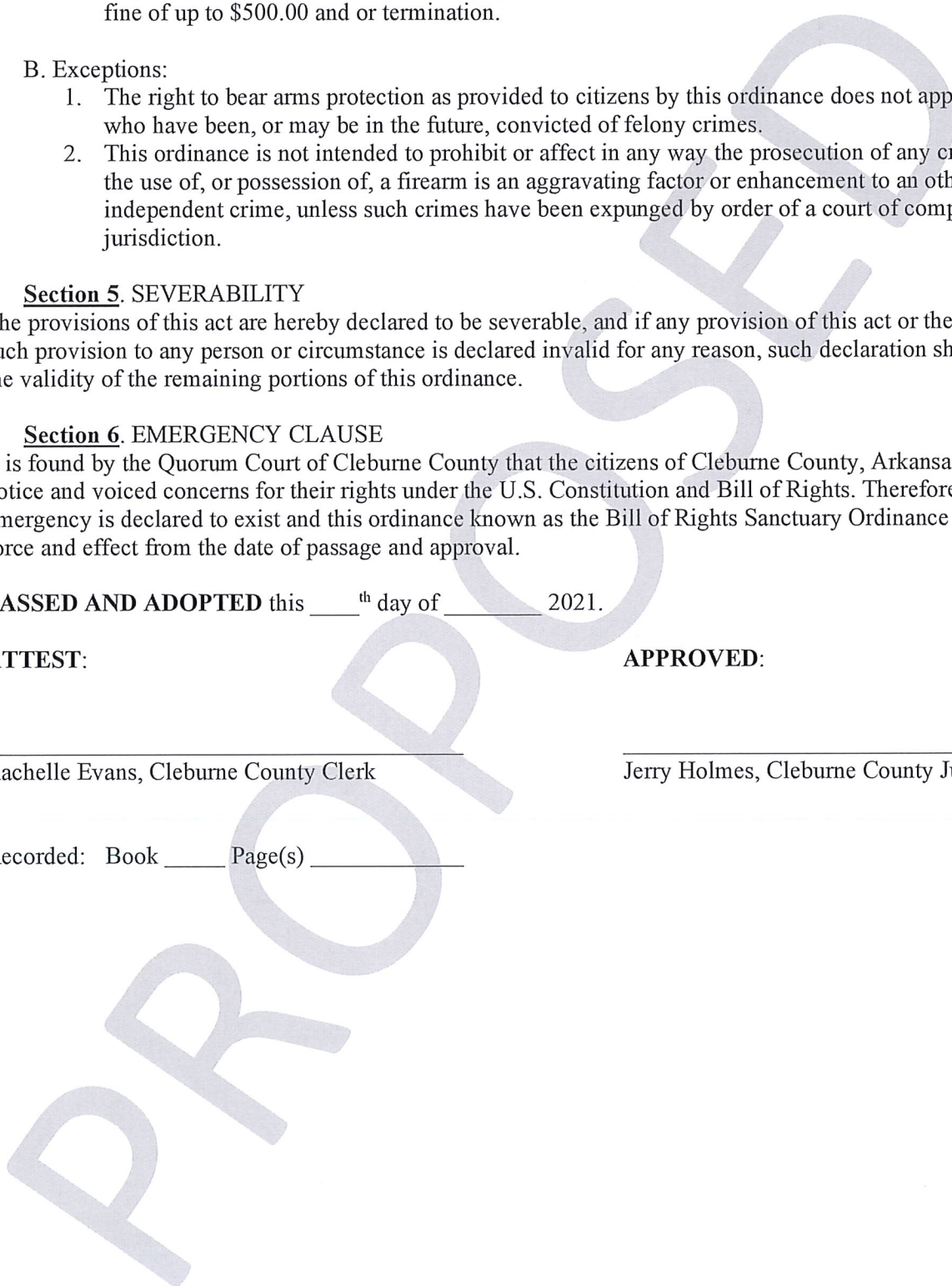
ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Jerry Holmes, Cleburne County Judge

Recorded: Book _____ Page(s) _____



PROPOSED ORDINANCE NO. 2021-AMEND ORDINANCE 2020-030-SHERIFF

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE AMENDING THE NUMBER OF POSITIONS AND STARTING SALARIES FOR NON-ELECTED COUNTY POSITIONS".

WHEREAS, in December of 2020 the Cleburne County Quorum Court passed Ordinance No. 2020-30, establishing the number of positions and starting salaries, and

WHEREAS, there is a need to revise the County's number of positions and staffing salaries for non-elected County positions in regards to the County Jail.

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

Section 1. The following shall be the authorized positions, number of positions, and starting salary for each non-elected position of the County Jail for calendar year 2021.

COUNTY GENERAL JAIL/JAIL-MAINTENANCE

Jailer (18)	\$25,712.50
*Jail Administrator (1) Stipend	\$7,000.00
*Corporal (3) Stipend	\$1,000.00
*Medical Assistant (1) Stipend	
CNA/Med Tech/Med Asst/Patient Care Tech/or equivalent.....	\$1,000.00
LPN/RN/APN/NP/or equivalent	\$2,500.00
Deputy Clerk (1)	\$25,288.75

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 application 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.

EMERGENCY CLAUSE

The Quorum Court hereby finds and determines an immediate clarification of County policy is required to resolve this issue and protect the financial integrity of County Government; therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in effect from and after its passage and approval.

PASSED AND ADOPTED this DAYth day of MONTH 2021.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Jerry Holmes, Cleburne County Judge

Recorded: Book _____ Page(s) _____

PROPOSED ORDINANCE NO. 2021-AMEND SHERIFF EMPLOYEE COMPENSATION

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".

WHEREAS, the Cleburne County Sheriff's Office adopted a pay system in Ordinance 2013-023; and,

WHEREAS, that ordinance was amended in ordinance 2016-020 and in Ordinance 2020-027; and,

WHEREAS, The Sheriff's Office has revised Section 5 of Ordinance 2013-023 to adjust additional pay for assigned duties to be consistent with best practices at this time.

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

Section 1: Section 5 of Ordinance 2013-023 shall be amended to read as follows:

Section 5. Cleburne County Sheriff's Office Deputies in the following designated positions shall receive, in addition to their base pay as defined, the following additional compensation for assigned duties. The following additional pay shall be prorated annually such that the employee shall receive said pay for so long as they are in the assigned position. Deputies have no property rights in these positions and serve at the will of the Sheriff in these assigned positions.

JAIL ADMINISTRATOR, base detention officer pay plus \$7,000.

DETENTION CENTER CORPORAL, base detention officer pay plus \$1,000.

DETENTION CENTER CORPORAL, base detention officer pay plus \$1,000.

DETENTION CENTER CORPORAL, base detention officer pay plus \$1,000.

DETENTION OFFICER/MEDICAL ASSISTANT, base detention officer pay plus:

\$1,000 for CNA/Med Tech/Med Asst/Patient Care Tech/or equivalent

\$2,500 for LPN/RN/APN/NP/or equivalent

EMERGENCY CLAUSE

The Quorum Court hereby finds and determines an immediate clarification of County Sheriff's Office pay system is required to resolve this issue and protect the financial integrity of County Government, therefore an emergency is hereby declared to exist, and this Ordinance being necessary for the preservation of the public peace, health, and safety shall be in effect from and after its passage and approval.

PASSED AND ADOPTED this DAYth day of MONTH 2021.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Jerry Holmes, Cleburne County Judge

Recorded: Book _____ Page(s) _____

PROPOSED ORDINANCE NO. 2021-AMEND LAW LIBRARY BUDGET

BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE AMENDING ORDINANCE 2020-032 WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2021, APPROVING ADDITIONAL FUNDING FROM THE LAW LIBRARY BUDGET FOR INTERNET RENOVATION.

WHEREAS, the Cleburne County Law Library, by and through its Board, has elected to fund the renovation and upgrading of the internet in the new courthouse pursuant to A.C.A § 16-23-102(c)(2); and,

WHEREAS, the Cleburne County Circuit Clerk has organized this effort and has found a suitable provider to complete upgrades to the internet in the new courthouse.

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

Section 1. The Quorum Court hereby approves the following appropriations:

Fund: 6009 Law Library Budget

LINE ITEM	FROM	TO	CHANGE
6009-0496-4004 Machinery and Equipment (other than vehicles)	\$0.00	\$8,600.00	+\$8,600.00
6009-0496-3009 Other Professional Services	\$0.00	\$1,400.00	+\$1,400.00
TOTAL INCREASE IN LAW LIBRARY BUDGET			+\$10,000.00

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 DAYth day of MONTH 2021.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Jerry Holmes, Cleburne County Judge

Recorded: Book _____ Page(s) _____