

AGENDA
Cleburne County Quorum Court
Thursday, September 9, 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. None
5. **Unfinished Business:**
 - a. Proposed Ordinance No. 2021-Voluntary EMS Funding (2nd reading)-**JP Blackburn**
 - a.
6. **New Business:**
 - a. Proposed Ordinance No. 2021-Step-Raise Replacement Ordinance-**JP Evans**
 - b. Proposed Ordinance No. 2021-Amend Treasurer's Automation Budget-**JP Foust**
 - c. Proposed Resolution No. 2021-Contract of Obligation with ADEQ-**JP Malone**
 - d. Proposed Ordinance No. 2021-Senior Center Roof (White River) Grant-**JP Evans**
 - e. Proposed Ordinance No. 2021-Adopt Heber Springs, AR, City Ordinance 2019-08-**JP Blackburn**
 - f. Proposed Ordinance No. 2021-Adopt Heber Springs, AR, City Ordinance 2019-08-**JP Blackburn**
- g. **Comments from the Public:**
- h. **Announcements:**
 - a. Next Regular Quorum Court Meeting Thursday, October 14, 2021.
- i. **Adjournment:**

CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

August 12, 2021

The Cleburne County Quorum Court met in regular session in the Cleburne Court Building, 922 South 9th Street, Heber Springs, Arkansas. The meeting was called to order at 6:00 p.m. County Judge Jerry Holmes presided.

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

ABSENT: Malone

READING, CORRECTION, AND DISPOSITION OF MINUTES:

Motion was made by JP Caldwell to approve the minutes of the July 8, 2021, regular meeting, seconded by JP Henegar. Voice vote, motion carried.

REPORT OF TREASURER:

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

REPORT OF COMMITTEES:

Ambulance Committee: JP Foust reported that a letter had been received from Survival Flight withdrawing their proposal. Discussion followed including comments from the public concerning ambulance issues.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Judge Holmes announced that Cleburne County had received a good report from Legislative Audit.

Judge Holmes reported that there had been a disposal of some vehicles from the Road Department and the Sheriff Department through Morgan Auction Service July 7, 2021.

Proposed Resolution No. 2021- Declaring a Vacancy in the Office of County Judge

JP Foust introduced a Resolution: "A RESOLUTION FOR THE PURPOSE OF DECLARING A VACANCY IN THE OFFICE OF COUNTY JUDGE OF CLEBURNE COUNTY, STATE OF ARKANSAS"

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

Passed and adopted as Resolution 2021-006.

JP Foust made a motion to go into Executive Session to interview applicants for the position, seconded by JP Tamburo. One applicant announced she was withdrawing her application for the position.

Quorum Court recessed at 6:37.

Quorum Court reconvened at 7:40.

Proposed Resolution No. 2021-Fill the Office of County Judge

JP Foust introduced a Resolution: "A RESOLUTION DECLARING THE APPOINTMENT OF A SUCCESSOR TO FILL VACANCY IN THE OFFICE OF COUNTY JUDGE"

JP Foust made a motion to adopt the Resolution appointing Karl Martin as Cleburne County Judge effective 12:01 a.m., October 1, 2021, seconded by JP Roberts. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Owens, Pearson, Roberts, Tamburo. Nays: Martin.

Passed and adopted as Resolution 2021-007.

Proposed Resolution No. 2021-Authorizing Local Business (MEC) to participate in the Tax Back Program.

JP Evans introduced a Resolution: **"CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706 (d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003)".**

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

Passed and adopted as Resolution 2021-008.

Proposed Ordinance 2021-Amend Budget-Jail Improvement Fund

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. 2020-032, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2021 AND/OR OTHER PURPOSES TO AMEND THE JAIL IMPROVEMENT FUND BUDGET".**

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

Passed and adopted as Ordinance 2021-019.

Proposed Ordinance 2021-Amend County Judge Budget

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. 2020-032, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2021 AND FOR OTHER PURPOSES TO AMEND THE COUNTY JUDGE BUDGET".**

JP Evans made a motion to adopt the Ordinance with a correction made to the fund number from 10000 to 1000, seconded by JP Pearson. Judge Holmes responded to a question that these funds were to be used to pay for a federal audit that is required after the county received funds through the Covid Cares Act. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None.

Passed and adopted as Ordinance 2021-020.

Proposed Ordinance 2021-Amend Quorum Court Budget

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 AMENDING ORDINANCE NO. 2020-032, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2021 AND FOR OTHER PURPOSES TO AMEND THE QUORUM COURT BUDGET".**

JP Pearson made a motion to adopt the Ordinance, seconded by JP Caldwell. Roll Call was taken. Ayes: Caldwell, Evans, Foust, Henegar, Owens, Pearson, Roberts, Tamburo. Nays: Blackburn, Martin.

Passed and adopted as Ordinance 2021-021.

Proposed Ordinance 2021-Cleburne County HVAC Grant

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. 2020-032, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2021 AND FOR OTHER PURPOSES".**

JP Caldwell made a motion to adopt the Ordinance, seconded by JP Martin. Judge Holmes responded to inquiries that this was to approve the spending of the HVAC Grant and reported that the HVAC is not working at this time and is not repairable. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None.

Passed and adopted as Ordinance 2021-022.

Proposed Resolution No. 2021-Right to Life

JP Pearson introduced a Resolution: **"A RESOLUTION AFFIRMING THE COMMITMENT OF THE COUNTY OF CLEBURNE, ARKANSAS TO PROTECTING THE UNALIENABLE RIGHT TO LIFE OF EVERY PERSON; AND DECLARING THE COUNTY OF CLEBURNE, ARKANSAS TO BE A PRO-LIFE COUNTY.**

JP Pearson made a motion to adopt the Resolution, seconded by JP Owens. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Martin, Owens, Pearson, Roberts, Tamburo. Nays: None.
Passed and adopted as Resolution 2021-009.

Proposed Ordinance No. 2021-Voluntary Emergency Medical Services Funding.

JP Blackburn placed the Ordinance on the First Reading: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS: AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE APPROVING THE FUNDING OF EMERGENCY MEDICAL SERVICES FOR VOLUNTARY NON-PROFIT FIRE DEPARTMENTS AND/OR VOLUNTARY EMS AGENCIES THROUGHOUT CLEBURNE COUNTY".**

JP Blackburn read the Ordinance. Proposed Ordinance will be placed on the September 2021 Agenda for second reading. Judge Holmes expressed his concern about this Ordinance possibly coming from what he felt to be an illegal meeting. JP Blackburn stated he had asked County Attorney Drew Smith and he confirmed it was legal.

JP Foust withdrew Proposed Ordinance No. 2021-Ambulance Service Contract to Begin October.

JP Foust withdrew Proposed Ordinance No. 2021-Ambulance Service Contract to Begin December.

JP Foust withdrew Proposed Ordinance No. 2021-Appropriate Funds for County Wide Ambulance Service.

COMMENTS FROM THE PUBLIC:

David Atwood spoke of his experience with the ambulance service. More discussion about the ambulance followed.

ANNOUNCEMENTS:

- Judge Holmes stated he would recommend the same Budget Committee from the previous year.
- Judge Holmes addressed the American Rescue Fund and concerns with the reports that will be required. The interim report will be due August 31, 2021, and on October 31, 2021, the next report will be due. He advised that some direction will be needed for the October report and recommended some money to be allocated for an agency to administer the funds.
- Judge's office has applied for 2 more Broadband grants, for the Edgemont and Quitman areas.
- The next regular Quorum Court meeting will be held Thursday, September 9, 2021.

ADJOURNMENT:

JP Caldwell made the motion to adjourn, seconded by JP Owens. Meeting adjourned at 8:47 p.m.

ATTESTED:

Kim Wallace, Cleburne County Administrative Deputy Clerk/HR Clerical

This _____ day of _____ 2021

Book _____ Page (s) _____

**PROPOSED ORDINANCE NO. 2021-VOLUNTARY EMERGENCY
MEDICAL SERVICES FUNDING**

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE APPROVING THE FUNDING OF EMERGENCY MEDICAL SERVICES FOR VOLUNTARY NON-PROFIT FIRE DEPARTMENTS AND/OR VOLUNTARY EMS AGENCIES THROUGHOUT CLEBURNE COUNTY".

WHEREAS, the Quorum Court recognizes the importance and the need to assist and support county wide volunteer Emergency Medical Services (EMS) by allocating additional funds to help subsidize selected EMS expenses; and,

WHEREAS, the Quorum Court desires to help fund such services in accordance with A.C.A. 14-266-102; and,

WHEREAS, the Quorum Court determines that all response and transport capability requirements to any department receiving funding are in direct coordination with the rules and regulations as provided by the Arkansas State Health Department Section of EMS based on their licensure level; and,

WHEREAS, the Quorum Court recognizes that an increase in the number of available volunteer EMS services throughout the county will limit the need for an ALS unit to respond to "basic calls". Therefore, increasing the availability of ALS units for calls in which such an advanced licensed unit is needed.

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

Section 1. The Cleburne County Quorum Court hereby approves the amount of Two Hundred Thousand (\$200,000.00) Dollars per year for the funding of Non-Profit Volunteer Emergency Medical Services within Cleburne County for a period of five (5) years.

Section 2. The Cleburne County Quorum Court shall establish a "Non-Profit Volunteer Emergency Medical Services Fund" designed to retain the funds until distributed by appropriation ordinance approved by the Cleburne County Quorum Court.

Section 3. All Non-Profit Volunteer Fire Departments and/or volunteer EMS agencies that provide any level of EMS services will select one (1) representative from each department. The total number of representatives will then elect five (5) individuals to form the "Cleburne County Volunteer Fire / EMS Growth and Sustainment Committee". This Committee will report to the Quorum Court in a regularly scheduled meeting to present the monetary needs of departments selected for funding. Proposed EMS expenses must be submitted by each EMS agency and listed individually with the estimated cost itemized for each proposed article or expense. Expenses may include but are not limited to: vehicles, training, medical supplies/equipment, etc. The Committee is encouraged to always favor allocating funds that will create any type of voluntary ALS coverage as a priority.

Section 4. Any organization that receives funds for the purposes of this ordinance shall have the ability to file a claim on any individual's insurance policy and agrees to accept that amount which the insurance company considers reasonable and customary for said claim as payment in full. If the individual does not have insurance coverage for said services, then the organization shall have the ability to bill the individual for said services. It is understood that the individual will not be billed for any amount that exceeds what the insurance companies consider reasonable and customary for said services. The above shall not be construed to allow any organization that receives funds for the purposes of this ordinance the ability to file a lien on any individual's insurance policy or personal property. Such action will result in the organization's removal of eligibility to receive any further funds provided by this ordinance.

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

**PROPOSED ORDINANCE NO. 2021-VOLUNTARY EMERGENCY
MEDICAL SERVICES FUNDING**

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-STEP-RAISE REPLACEMENT ORDINANCE

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE ADOPTING THE SHERIFF'S OFFICE PAY SCALE AND COMPENSATION FOR DUTIES".

WHEREAS, law enforcement is inherently a dangerous profession, and has become increasingly more dangerous in the past several years;

WHEREAS, Cleburne County recognizes the importance and difficulty of recruiting and retaining quality law enforcement officers currently facing law enforcement agencies all over the country; and

WHEREAS, the Cleburne County Sheriff's Office in order to promote public safety, and to recruit and retain trained personnel, seeks to adopt the following pay system for Deputies and Detention Officers:

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

Section 1. With the passage of this Ordinance, Ordinance 2013-023, commonly known as the *Step Raise Ordinance*, and any amendments to 2013-023, including Ordinance 2016-020 and Ordinance 2020-027 are hereby repealed effective 11:59 p.m. December 31, 2021. Upon passage, this Ordinance will take effect 12:00 a.m. January 1, 2022.

Section 2. The starting pay for a deputy as of January 1, 2022, will be \$31,000 and will increase any time the Quorum Court chooses to raise starting pay, such as during budget time each year.

Stipend Pay for additional duties:

Cleburne County Sheriff's Office Deputies in the following designated positions shall receive in addition to their current pay 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.

Stipend Amounts:

CHIEF DEPUTY, current pay plus \$6,000 annually;
PATROL LIEUTENANT, current pay plus \$2,000 annually;
PATROL SERGEANT, current pay plus \$1,000 annually;
PATROL SERGEANT, current pay plus \$1,000 annually;
PATROL SERGEANT, current pay plus \$1,000 annually;
PATROL SERGEANT, current pay plus \$1,000 annually;
CID LIEUTENANT, current pay plus \$2,000 annually;
DETECTIVE, current pay plus \$1,500 annually;
DETECTIVE, current pay plus \$1,500 annually;
DETECTIVE, current pay plus \$1,500 annually.

Section 3. The starting pay for a detention officer as of January 1, 2022, will be \$27,000 and will increase any time the Quorum Court chooses to raise starting pay, such as during budget time each year.

Stipend Pay for additional duties:

Cleburne County Sheriff's Office Detention Officers in the following designated positions shall receive in addition to their current pay 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.

PROPOSED ORDINANCE NO. 2021-STEP-RAISE REPLACEMENT ORDINANCE

Stipend Amounts:

JAIL ADMINISTRATOR (CAPTAIN), current pay plus \$7,000;

DETENTION CENTER SERGEANT, current pay plus \$1,000;

DETENTION CENTER CORPORAL, current pay plus \$750;

DETENTION CENTER CORPORAL, current pay plus \$750;

DETENTION CENTER CORPORAL, current pay plus \$750;

DETENTION OFFICER/MEDICAL ASSISTANT, current pay plus:

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

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

Section 4. For purposes of calculating new current salaries for current employees, each Deputy/Detention Officer will be moved to the new starting pay for their position, plus the full amount of each Cost-of-Living Adjustment (COLA) raise they would have received if they had not been under the *step raise* pay schedule. For employees who have been employed with Cleburne County since before 2009, only COLAs received starting at the beginning of 2009 and newer will be included in the calculations. Employees will continue to be eligible for all COLAs and any other raises given by the Quorum Court in the future.

Section 5. A switch in rank/position from within the Sheriff's Office to another rank/position within the Sheriff's Office, or a switch in rank/position from within the Jail to another rank/position within the Jail, shall not be considered a change in position for purposes of this ordinance or for purposes of recalculating cost of living raises.

Section 6. 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 7. 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 _____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 COUNTY TREASURER'S AUTOMATION BUDGET

BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS: AN ORDINANCE TO BE ENTITLED: AN APPROPRIATION ORDINANCE AMENDING THE 2021 COUNTY TREASURER'S AUTOMATION BUDGET.

WHEREAS, the need exists to amend the 2021 County Treasurer's Automation Budget in order to purchase a printer and the necessary accessories.

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

Section 1. The Quorum Court hereby approves the following amendments to 3000-0103 County Treasurer's Automation Budget:

Fund: 3000 County Treasurer's Automation Budget

LINE ITEM	FROM	TO	CHANGE
3000-0103-2001 General Supplies	\$7,000.00	\$8,000.00	+\$1,000.00
3000-0103-2002 Small Equipment	\$1,500.00	\$4,000.00	+\$2,500.00
3000-0103-4004 Machinery & Equipment	\$5,000.00	\$1,500.00	-\$3,500.00
TOTAL INCREASE IN TREASURER'S AUTOMATION BUDGET			\$0.00

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 ____th day of _____ 2021.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Jerry Holmes, Cleburne County Judge

Recorded: Book _____ Page(s) _____

PROPOSED RESOLUTION NO. 2021-CONTRACT OF OBLIGATION WITH ADEQ

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE COUNTY JUDGE OF CLEBURNE COUNTY, ARKANSAS; TO ENTER INTO A CONTRACT OF OBLIGATION WITH THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)

WHEREAS, Cleburne County, Arkansas, deems it necessary and proper to enter into a Contract of Obligation with the Arkansas Department of Environmental Quality as authorized by *Arkansas Code Annotated* § 8-6-1603.

NOW, THEREFORE, BE IT RESOLVED by the Cleburne County Quorum Court that County Judge, as the signatory Agent of Cleburne County, is hereby authorized to enter into a Contract of Obligation affixed hereto and to sign the Contract of Obligation on behalf of Cleburne County.

PASSED AND ADOPTED this _____th day of _____ 2021.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Jerry Holmes, Cleburne County Judge

Recorded: Book _____ Page(s) _____

IRREVOCABLE CONTRACT OF OBLIGATION

RECITALS

WHEREAS, owners/operators of solid waste management facilities are required to provide financial assurances to the Arkansas Department of Energy and Environment, Division of Environmental Quality (hereinafter "DEQ") to ensure that sufficient funds are available to meet the costs of closure or post closure;

WHEREAS, county governments as owners or operators of solid waste management facilities may utilize an alternate method of providing financial assurance for closure and post-closure care as authorized by Ark. Code Ann. § 8-6-1603 through the issuance of a Contract of Obligation (hereinafter "Contract") to DEQ; and

WHEREAS, DEQ and Cleburne County (hereinafter "COUNTY"), Arkansas have reached mutually agreed terms and conditions for providing financial assurances through a Contract of Obligation.

TERMS AND CONDITIONS

COUNTY hereby offers and DEQ hereby accepts this Contract of Obligation as financial assurance pursuant to Ark. Code Ann. § 8-6-1603(d)(4):

1. Pursuant to Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC") Reg. 22.1405(n), the contract is a binding, enforceable agreement and is irrevocable unless terminated in accordance with Paragraph 19 herein.

2. COUNTY is a county government of the State of Arkansas.
3. COUNTY is the owner or operator of the solid waste management facility pursuant to DEQ Permit No. 0280-S4-R1 (hereinafter "Permit").
4. This Contract is for one fiscal year of COUNTY and shall automatically renew for four additional fiscal years unless the COUNTY fails to appropriate funds in its annual budget to perform the terms and conditions required herein. A fiscal year for purposes of this Contract is defined as the fiscal year for COUNTY.
5. COUNTY shall provide written notice not less than 60 days prior to the expiration of the fiscal year to the Secretary if COUNTY will not appropriate funds in the COUNTY'S upcoming annual budget necessary to perform the terms and conditions of this Contract. In the event of non-appropriation, this Contract shall terminate on the last day of the fiscal year subject to appropriation by COUNTY.
6. COUNTY's solid waste management facility is not authorized to transfer, store or dispose of hazardous waste as defined and regulated under Regulation 23 of the Arkansas Pollution Control and Ecology Commission.
7. COUNTY represents and affirms that the general revenues pledged and secured under this Contract to DEQ shall be equal to but not less than the estimated annual cost for closure and post-

closure care to satisfy the financial assurance requirements pursuant to Ark. Code Ann. § 8-6-1603(d)(4)(C).

8. The required amount of financial assurance for the solid waste management facility which is the subject of the Permit is **ONE HUNDRED NINETY-TWO THOUSAND SEVEN HUNDRED EIGHT DOLLARS AND TWENTY THREE CENTS (\$192,708.23)** for Closure and Post-Closure Care as provided by Ark. Code Ann. § 8-6-1603(a), (b), and (c).

9. The required amount of financial assurance stated in ¶8 does not exceed the amount currently projected by the State to be disbursed as general revenues during the current fiscal year to COUNTY as authorized by APC&EC Reg.22.1405(n)(2).

10. To fulfill the amount of the financial assurances established in ¶8 of this Contract, COUNTY hereby grants and pledges its rights and interest in the general revenues being disbursed, or that may be disbursed, to COUNTY by or from the State of Arkansas to DEQ for the express purposes and terms provided by this Contract.

11. COUNTY hereby acknowledges that upon default, DEQ's rights to the said general revenues during the tenure of this Contract are irrevocable, undisputed, and absolute.

12. For purposes of the Contract, the term "default" is defined as any failure by the COUNTY to properly perform a closure or post-closure for the solid waste management facility that is the subject of the Permit or required by state law or regulation.

13. The Secretary shall initiate the procedure for forfeiture of financial assurance provided in APC&EC Reg.22.1406 should the COUNTY default on this contract as defined herein. DEQ shall provide a Default Administrative Order, an APC&EC Minute Order, Consent Administrative Order, or other enforceable Order directing COUNTY, the Arkansas State Treasury, and the Department of Finance and Administration to commence the capture of revenues pledged by this Contract.

14. Effective upon default, COUNTY hereby authorizes and instructs the Arkansas State Treasury and the Arkansas Department of Finance and Administration to capture, re-direct, and tender the general revenues pledged in ¶10 of the Contract to DEQ. Payments made to DEQ shall be delivered to the address appearing below.

15. COUNTY shall file a copy of this Contract with the Commissioner of Revenues, Department of Finance and Administration and the Local Government Services Division, Arkansas State Treasury, no later than the tenth (10th) calendar day following the effective date of this Contract. COUNTY shall provide the Secretary with file-marked copies of this Contract no later than the fifteenth (15th) calendar day following the effective date of this Contract.

16. In the event this Contract is not renewed or is terminated for any reason, COUNTY shall provide alternate financial assurances pursuant to Ark. Code Ann. § 8-6-1603 and the regulations promulgated pursuant thereto not less than 60 days prior to the termination of this Contract for review and approval by DEQ.

17. The amount of financial assurance required for the solid waste management facility that is the subject of the Permit shall be based upon the latest available annual reporting mechanisms submitted by the facility owner/operator; and as reviewed and approved by DEQ. Such review shall be completed by DEQ prior to the commencement of COUNTY subsequent fiscal year. This amount may be increased or decreased as required to reflect estimated costs for closure and post-closure care.

18. The total amount of required financial assurance established by ¶17 above, shall be approved by DEQ not less than one hundred twenty (120) days prior to the beginning of any COUNTY fiscal year.

19. This Contract shall terminate upon written approval from the Secretary that:

- a. The solid waste management facility has closed in compliance with the law;
- b. COUNTY has completed post-closure care in compliance with the law; or
- c. COUNTY provides an alternate financial assurance mechanism that is acceptable to DEQ and is in compliance with the terms of this Contract as outlined in ¶ 25.

20. COUNTY represents and affirms that it has sufficient funds on-hand, appropriated by the annual budget, and available to comply with the terms and conditions of this Contract.

21. All notices required by this Contract shall be made by certified mail, return receipt requested, and addressed as follows:

Arkansas Department of Energy and Environment, DEQ
Attn: Julie Linck, Chief Administrator
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

Cleburne County, Arkansas
Attn: Jerry Holmes
300 West Main Street
Heber Springs, AR 72543

Arkansas Department of Finance and Administration
Attn: Commissioner of Revenues
P.O. Box 1272
Little Rock, Arkansas 72203

Arkansas State Treasury
Attn: Local Government Services Division
220 State Capitol
Little Rock, Arkansas 72201

22. COUNTY represents and affirms that the surrender and tender of funds to DEQ contemplated by this Contract shall not cause COUNTY to expend more than available revenues from all sources for any given fiscal year during which this Contract is effective.

23. Funds collected through this Contract of Obligation will be used for closure and post-closure activities in accordance with Regulation 22. In the event that there are funds remaining after DEQ certifies the necessary closure and post-closure activities are completed then DEQ will return those funds to the COUNTY.

24. In the event that any provision provided herein is determined to be invalid or void by a court of competent jurisdiction, it shall not affect the validity of the remaining parts thereof.

25. This Contract may be terminated by the substitution of alternate financial assurances by mutual agreement of DEQ and COUNTY provided:

- a. COUNTY makes a sixty (60) day written notice by certified mail to DEQ of its intention to provide an alternate form of financial assurance to replace the obligations required by this Contract;
- b. COUNTY provides a description and specimen of the proposed alternate form of financial assurance;
- c. The proposed alternate form of financial assurance is authorized by law;
- d. DEQ reviews and accepts the alternate form of financial assurance;
- e. An effective date of the alternate form of financial assurance is set by DEQ; and
- f. There is no resulting lapse of financial assurance coverage incurred by COUNTY.

26. Nothing herein shall prevent DEQ from initiating any enforcement proceeding against COUNTY.

27. Nothing herein is construed to relieve COUNTY from any closure or post-closure action resulting from the solid waste management facility that is the subject of the Permit.

28. Nothing herein is construed to limit the liability of COUNTY for any closure or post-closure resulting from the subject solid waste management facility to the amount established by ¶8 of this Contract.

29. This Contract shall be effective upon the Secretary's signature.

30. This Contract has been reviewed and approved by the governing body of the COUNTY in a duly called and convened meeting with a quorum present.

31. The governing body of the COUNTY has authorized the COUNTY JUDGE to sign this Contract of Obligation on the behalf of COUNTY as evidenced by the attached resolution.

IN WITNESS WHEREOF the parties hereto have set their hands and seals.

Arkansas Department of Energy and Environment,
Division of Environmental Quality

Julie Linck
Chief Administrator

Date

COUNTY

Cleburne County Judge Jerry Holmes

Date

Attest:

Cleburne County Clerk Rachelle Evans

WHAT IS REQUIRED AT A MINIMUM:

- ✓ The financial assurance mechanism must ensure that the amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action when needed.
- ✓ The maximum amount pledged under the contract cannot exceed the total amount of general revenue disbursed to the municipality or county in the last fiscal year, or, if approved by the Secretary, the amount currently projected by the State to be disbursed during the current fiscal year.
- ✓ The contract of obligation must be irrevocable and issued for a period of at least one year.
- ✓ The owner or operator shall file the contract of obligation on forms developed by DEQ and provided to the Secretary for approval.



ARKANSAS

ENERGY & ENVIRONMENT

July 19, 2021

The Honorable Jerry Holmes
County Judge
301 West Main Street
Heber Springs, AR 72543

Re: Cleburne County Class 4 Landfill – 2020 Annual Engineering Inspection Report
Permit No. 0280-S4-R1; AFIN: 12-00039
Document ID: 80478 Reference Document ID: 80431

Dear Judge Holmes:

The Division of Environmental Quality Office of Land Resources (DEQ) has reviewed the Cleburne County Class 4 Landfill AEIR, received June 30, 2021. The DEQ has the following comments:

1. Section 5
 - a. Item i states the AEIR did not include the final cover drawing. Please revise the form to include this item.
 - b. Item ii states the soil balance is adequate. Please revise the form to state when the soil balance was actually completed.
2. Section 10: DEQ is performing an audit of all cost estimates to ensure adequate financial assurance is maintained at all landfills permitted by the DEQ. DEQ has noted the cost estimates for the Cleburne County Landfill are over five (5) years old. Please submit an updated cost estimate that complies with APC&EC Regulation No. 22.1402 and 22.1403. The cost estimate must include detailed third party costs for each activity required during closure. These costs should be supported by actual bids. Documentation in the form of calculations must be provided for the soil balance at the landfill. The soil must be appropriate for usage as topsoil and final cover. Costs for soil must take the soil balance into consideration.
3. Attachment A Photographs – Site Inspection: Please state what each picture is supposed to depict.

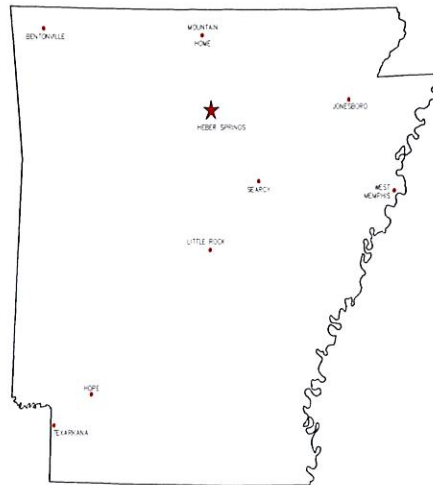
Please provide a revised AEIR within thirty (30) calendar days of receiving of this letter. If you have any questions or need additional information, please contact me at (501) 682-0861 or bennett@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink that reads "Richard Bennett". The signature is written in a cursive, flowing style.

Richard Bennett, P.E.
Engineer, Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

cc: DEQ – Jones, Cusher, Burkes, Krou, Hayden, and Bennett
Mr. Lance Powell, P.E., Civil Engineering Associates



2020 ANNUAL ENGINEERING INSPECTION REPORT CLEBURNE COUNTY CLASS 4 LANDFILL

**SOLID WASTE PERMIT NO. 0280-S4-R1
AFIN NO. 12-00039**

June 2021 (Revised August 2021)

Prepared For:

Cleburne County
301 West Main Street
Heber Springs, Arkansas 72543
(501) 362-8141

Prepared By:

CIVIL ENGINEERING ASSOCIATES, LLC

2114 East Matthews Avenue
Jonesboro, Arkansas 72401
(870) 972-5316
Fax: (870) 932-0432



ANNUAL ENGINEERING INSPECTION REPORT (AEIR) FORM

Reporting Year: 2020

Note: Check applicable landfill class. **Class 1 (Reg 22.423(b))**

Class 3 (22.522(a))

Class 4 (22.619(b))

X

Facility Name: Cleburne County Class 4 Landfill

AFIN: 12-00039

Permit #: 0280-S4-R1

Landfill Class: 4

Report Submittal Date: June 30, 2021 Date of Landfill Site Inspection by Certifying Engineer: March 16, 2021

***Complete the form as indicated
Instructions are bolded and italicized.***

COLUMN TO BE COMPLETED BY REPORTER

Item	Regulation Reference	Item Description	Report Information/Comments/Remarks	Attachment Reference
1	22.423(b)(1) 22.522(a)(1) 22.619(b)(1)	Remaining volume in current cell.	a) <u>56,637</u> cubic yards-As of December 31, 2020	
		Projected date of opening new cell.	b) Date: <u>There are no immediate plans for opening a new cell</u>	
2	22.423(b)(2) 22.522(a)(2) 22.619(b)(2)	Remaining volume of all permitted units.	a) <u>161,138</u> cubic yards-As of December 31, 2020	
		Total air space used during the reporting period.	b) <u>4,236</u> cubic yards-Based on monthly average utilization	
3	22.423(b)(3) 22.522(a)(3) 22.619(b)(3)	Estimated remaining site life (years) based on utilization rate during the reporting period. <i>Note: Itemize current permitted unit/cell information - use attachment if necessary.</i>	c) Landfill Unit/Cell remaining life: Landfill unit/cell <u>Cells 1-16</u> <u>8.9</u> years. Landfill unit/cell <u>Cell 1 & 2 (Exp. Area)</u> <u>4.5</u> years. Landfill unit/cell <u>Undeveloped Areas</u> <u>24.6</u> years. d) Entire permitted landfill: <u>38</u> years remaining life.	
		Documentation of fill progression in compliance with permit plans, specs and operating plan and narrative. <i>Note: Provide narrative regarding fill progression during the reporting period. Be specific about landfill unit/cell designations (example: Cell 1, Phase A completely filled; Cell 2, Phase A, 50% full, being filled south to north as of December 31). Specifically note any overfill conditions.</i>	a) Progression narrative: All cells have been constructed in the original permitted area and have been filled to an elevation above natural grade. Fill progression is currently across cell 1 and cell 2 in the expansion area and appears to be in general compliance with the approved permit documents. _____ _____ _____	

4	22.423(b)(4) 22.522(a)(4) 22.619(b)(4)	Documentation of compliance with regulatory operating requirements, permit conditions, approved operating plan, and other applicable regulations. Note: Review current operating plans, and permit conditions. Include photographs of engineer's inspection as Attachment A. Check for weekly/monthly operational logs, waste volume records in and out of landfill, unauthorized waste form sheets, waste cover maintenance, stormwater reports to ADEQ, and wet weather repair information.	<p>a) Weekly/monthly operational logs exist (Y/N)? <u>Y</u></p> <p>b) Photos of AEIR inspection attached (Y/N)? <u>Y</u></p> <p>c) Waste volume in and out records exist (Y/N)? <u>Y</u></p> <p>d) Unauthorized waste forms exist (Y/N)? <u>Y</u></p> <p>e) Daily/weekly cover adequate at time of inspection (Y/N)? <u>Y</u></p> <p>f) Alternative Daily Cover (ADC) Plan located onsite (Y/N)? <u>NA</u></p> <p>g) Liquid Waste Management (LWM) Plan located onsite (Y/N)? <u>NA</u></p> <p>h) Operations in compliance with LWM Plan (Y/N)? <u>NA</u></p> <p>i) Liquids received to be bulked during reporting period: <u>NA</u> gallons <u>NA</u> tons</p> <p>j) Waste cover of inactive areas maintained adequately (Y/N)? <u>Y</u></p> <p>k) Net amount of waste disposed in landfill during reporting period: <u>7,744</u> cubic yards <u>NA</u> tons</p> <p>l) Leachate head level less than 1' on liner at time of inspection (Y/N)? <u>NA</u></p>	A
5	22.423(b)(5) 22.522(a)(5) 22.619(b)(5)	Updated contour map that depicts: Note: Provide updated drawing(s) and final cover permit drawing as Attachment B – discuss any discrepancies. Max. contour interval = 2 feet	<p>a) Updated contour drawing attached (Y/N)? <u>Y</u></p> <p>b) Final cover permit drawing attached (Y/N)? <u>Y</u></p> <p>c) List all discrepancies here: _____ _____ _____</p> <p>d) Is there an overfill condition (Y/N)? <u>N</u></p>	B
		(i) horizontal and vertical extent of active and inactive fill areas;		
		(ii) status of all permitted units/cells; (Note: Label all active (working face, bulking area, stockpiles), inactive, closed and interim cover areas).	<p>a) Currently, does the facility have sufficient on-site quantities and types of soils for liner and cover construction of permitted units/cells (Y/N)? <u>Y</u></p> <p>b) If not, where will deficiency shortfalls be obtained (be specific)? _____</p> <p>c) Is the current Design Narrative earthwork balance accurate (Y/N)? <u>Y</u> (Completed in 2016 during permit modification process)</p>	
		(iii) survey grid (required by 22.426); Note: Include benchmarks and horizontal controls		
		(iv) location of other visible surface features or improvements (e.g., roads, buildings, gas control systems, etc.); Note: Include leachate risers, manholes, monitoring wells, gas wells, etc.		

		(v) the person responsible for gathering the survey data and the date survey data was taken to prepare the map. <i>Reminder: Reporting period is calendar year. Survey data should be collected to reflect the AEIR reporting period.</i>	<p>a) Name: <u>Sayles Surveying, Inc.</u></p> <p>b) Name of person using the data to produce contour map: <u>Perry A. Sayles, P.S.</u></p> <p>c) Date survey data was collected: <u>March 10, 2021</u></p>	
6	22.423(b)(6) 22.522(a)(6) 22.619(b)(6)	Quantity, location, and characteristics of leachate collected, recirculated, and disposed. Note: Provide analytical report as Attachment C. Provide brief narrative on this form in space provided about leachate sources, how leachate is collected, measured and disposed. Also, explain how the leachate head on the landfill liner is monitored and measured.	<p>a) Leachate Collected: <u>NA</u> gallons</p> <p>b) Leachate Disposed: <u>NA</u> gallons</p> <p>c) Leachate Recirculated: <u>NA</u> gallons</p> <p>d) Leachate Recirculation Plal,411n exists (Y/N)? <u>NA</u></p> <p>e) ADEQ approval Doc # <u>NA</u></p> <p>c) Leachate operating records exist (Y/N)? <u>NA</u></p> <p>f) Leachate analytical report attached (Y/N)? <u>NA</u></p> <p>g) Leachate narrative (collection, measurements and disposal): There are no specific leachate collection requirements or regulations for Class 4 landfills in Arkansas.</p> <p>h) Leachate narrative (verifying <1' head on liner system): <u>NA</u></p>	
7	22.423(b)(7) 22.522(a)(7) 22.619(b)(7)	Maintenance of stormwater controls and best management practices for erosion control. Note: List any upset conditions during the reporting period (i.e., washouts, etc...). Also, include narrative about vegetation maintenance and repair.	<p>a) Briefly list maintenance activities and upset conditions here: All storm water run-off from the landfill is collected and routed via a series of drainage conveyances to two sediment control ponds located at the landfill. Inactive areas are well vegetated and CEA did not note any issues with erosion in the cover during the March 16, 2021 inspection. Sediment should be removed from the perimeter ditches.</p> <p>a) Lndfl unit/cell Cells <u>1-16</u> , <u>4.7</u> acres. Intrm or Final Cover (I/F): <u>I</u></p> <p>b) Lndfl unit/cell Cell <u>1 & 2 (Expansion Area)</u> <u>0.8</u> acres. Intrm or Final Cover (I/F): <u>I</u></p> <p>c) Lndfl unit/cell , _____ acres. Intrm or Final Cover (I/F): _____</p> <p>d) Lndfl unit/cell , _____ acres. Intrm or Final Cover (I/F): _____</p> <p>e) Acres of disposed waste not under final certified cover: <u>5.5</u> acres</p> <p>f) Acres of disposed waste area that have interim cover: <u>5.5</u> acres</p>	
8	22.423(b)(8) 22.619(b)(8)	Status of capping and closure of completed areas. Note: List areas with acreage that have received interim or final cover. Include total landfilled area acreage not yet under final certified closed cover. Note: "Certified closed" means the facility has received an approval letter from ADEQ accepting the engineer's closure certification report.		
9	22.423(b)(9) 22.522(a)(8) 22.619(b)(9)	Status of remedial or corrective action activities. Note: List corrective action events during reporting period (e.g., seeps and erosion correction, leachate spills, unauthorized waste handling and removal, etc...), and indicate whether action was taken in	<p>a) Briefly list corrective actions events here: Remove sediment from ditches.</p> <p>b) Were any of the corrective actions taken in response to an ADEQ</p>	

		<i>response to an ADEQ inspection.</i>	<p>inspection (Y/N)? <u>N</u></p> <p>c) Current status of corrective actions: Some ditches were in need of cleaning at the time of the March 16, 2021 inspection.</p> <p>_____</p> <p>_____</p> <p>d) Did corrective actions permanently solve the conditions (Y/N)? <u>N</u></p> <p>Explain briefly: See Item 9 (c) above.</p> <p>_____</p> <p>_____</p>	
10	22.423(b)(10) 22.522(a)(9) 22.619(b)(10)	<p>Updated Financial Assurance documentation as required by Chapter 14.</p> <p>Note: Include copy of most recent financial assurance documentation as Attachment D. Also, include updated closure and post closure cost estimated as an attachment— recommend to use the Closure Costs and Post-closure Care Costs Worksheet located at ADEQ - Solid Waste - Technical Branch Home Page</p> <p>Specific links to the worksheets:</p> <p>http://www.adeq.state.ar.us/solwaste/branch_technical/pdfs/closure_costs_worksheet.xlsx and</p> <p>http://www.adeq.state.ar.us/solwaste/branch_technical/pdfs/post_closure_care_costs_worksheet.xlsx . Show detailed calculations of cost items in tabular format with specific item breakdowns. Also, show source of unit cost information and/or inflationary factor adjustments – use ADEQ factors where applicable. If updated unit cost information is used instead of inflationary factors, show the source of unit cost information. Confirm estimates are based on largest area ever requiring final cover.</p>	<p>a) Size of the facility property under current permit? <u>20</u> acres</p> <p>b) Size of actual permitted disposal area? <u>8.5</u> acres</p> <p>c) What is the current total permitted disposal area that contains disposed waste but is not certified closed? <u>5.5</u> acres</p> <p>d) Updated closure cost estimate amount: \$ <u>190,588.23</u></p> <p>e) Is the closure cost estimate based on the largest area ever requiring closure (Y/N)? <u>Y</u></p> <p>f) Is the existing closure financial assurance adequate for acreage not yet certified closed (Y/N)? <u>N</u></p> <p>g) Updated post closure care cost estimate amount: \$ <u>10,600.00</u></p> <p>h) Is the existing post closure care financial assurance adequate for all permitted areas (Y/N)? <u>N</u></p> <p>i) Is the financial assurance mechanism a trust fund (Y/N)? <u>N</u></p> <p>j) Are the sources of information for updated unit cost line items shown on the cost estimate calculations (Y/N)? <u>NA</u></p> <p>k) Do the unit cost items for soil cover material include actual third party cost of materials and labor (Y/N)? <u>Y</u></p>	C
11	22.423(b)(11) 22.522(a)(10) 22.619(b)(11)	<p>Revised or updated facility Closure Plan in accordance with Chapter 13.</p> <p>Note: Provide updated Closure Plan as Attachment E if facility obtained a permit modification during the reporting period that affects the closure and/or post closure care.</p>	<p>a) Was an updated Closure Plan required during this reporting period (Y/N)? <u>N</u></p> <p>b) Is an updated Closure Plan attached herein (Y/N)? <u>N</u></p>	
12	22.423(b)(12) 22.522(a)(11) 22.619(b)(12)	<p>Other items that affect compliance.</p> <p>Note: Include an ADEQ enforcement activity summary (solid waste, water, air, hazardous waste related) and , status of operating and permit fees. Also, include brief narrative concerning groundwater monitoring reports, landfill gas, leachate</p>	<p>a) Are there current ADEQ enforcement actions (Y/N)? <u>N</u></p> <p>b) Summary of enforcement actions:</p> <p>_____</p> <p>_____</p> <p>c) Are operating and permit fees payments up-to-date (Y/N)? <u>Y</u></p>	

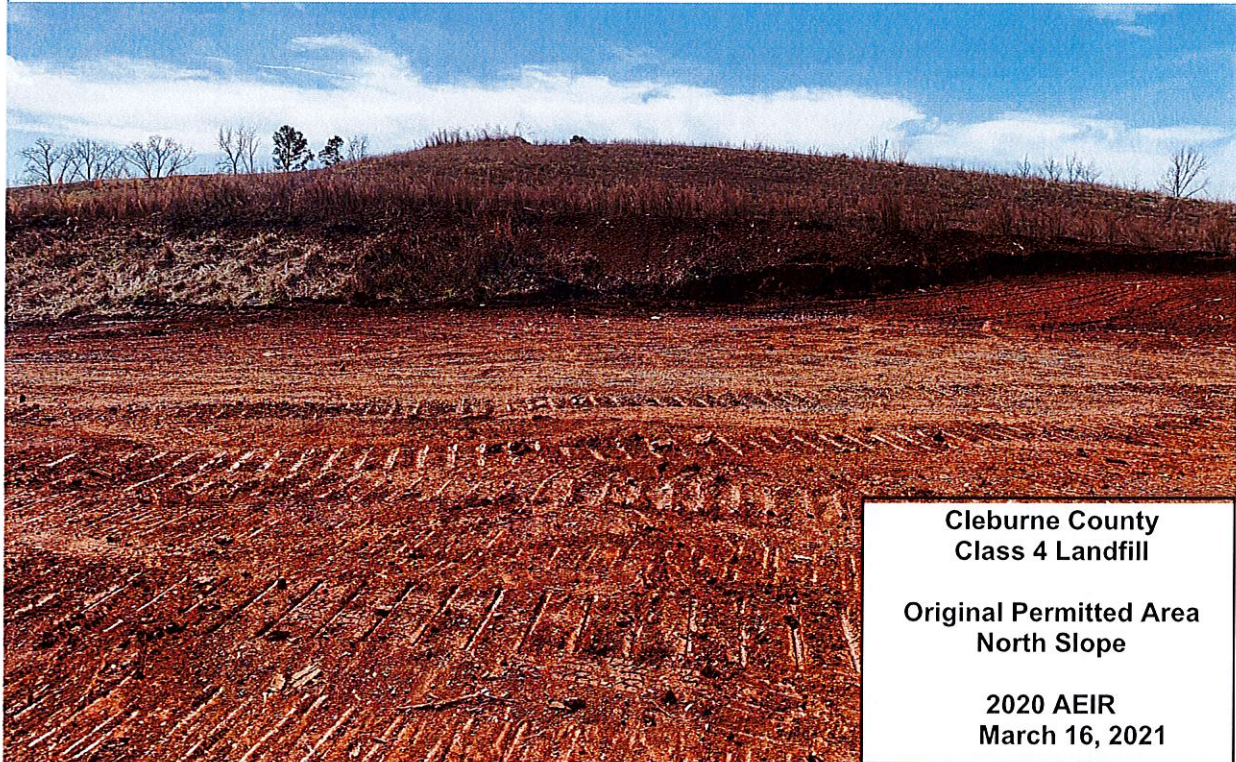
		<p><i>recirculation, alternate daily cover, etc...</i></p>	<p>If not explain:</p> <hr/> <p>Additional Information:</p> <p>d) Does the facility monitor groundwater (Y/N)? <u>N</u> If so, is it detection monitoring or assessment monitoring?: <u>NA</u></p> <p>e) What is the groundwater analytical sampling frequency? <u>NA</u> months</p> <p>f) Does the facility collect landfill gas (Y/N)? <u>N</u></p> <p>g) Does the facility have a Gas Monitoring Plan (Y/N)? <u>N</u></p> <p>h) Does the facility have gas monitoring probes (Y/N)? <u>N</u></p> <p>i) Does the facility use an alternate daily cover (ADC)(Y/N)? <u>N</u> If so, what type of ADC is used: <u>NA</u></p> <p>j) Does the facility have a Liquid Waste Management (LWM) Plan (Y/N)? <u>N</u> If so, list document id# approving ADC: <u>NA</u></p> <p>k) Does the facility have a Liquid Waste Management (LWM) Plan (Y/N)? <u>N</u> If so, list document id# approving the LWM Plan: <u>NA</u></p> <p>l) Date and document id # of currently approved Operating Plan and Narrative: Date: <u>August 2015</u> Doc#: <u>68127</u></p> <p>m) Date and document id # for currently approved Closure/ Post Closure Plan: Date: <u>January 2015</u> Doc#: <u>68127</u></p> <p>n) Date and document id # of currently approved Permit Drawings: Date: <u>January 2016</u> Doc#: <u>68937</u></p> <p>o) Date and document id # of currently approved Design Narrative: Date: <u>March 2016</u> Doc#: <u>69161</u></p> <p>p) Are weigh scales utilized at the landfill (Y/N)? <u>N</u></p> <p>q) Does the final cap include a synthetic liner (Y/N)? <u>N</u></p> <p>r) Does the final cap include clay liner (Y/N)? <u>Y</u></p> <p>r) Total current permitted landfill volume: <u>386,173</u> cubic yards</p>
13	22.423(b) 22.522(a) 22.619(b)	Certification of AEIR Report: "I have inspected the landfill site and have prepared this report to reflect operational compliance with permit conditions, permit plans, specifications, narrative, and all applicable regulations"	<p>a) Arkansas Licensed Engineer:</p> <p>Sign: <u>James Powell</u> Date: <u>August 16, 2021</u></p> <p>b) License Number: <u>12976</u></p> <p>c) <i>Attach seal here:</i></p> <div data-bbox="1218 472 1583 840"> </div>

ATTACHMENT A
PHOTOGRAPHS - SITE INSPECTION



CIVIL ENGINEERING ASSOCIATES, LLC

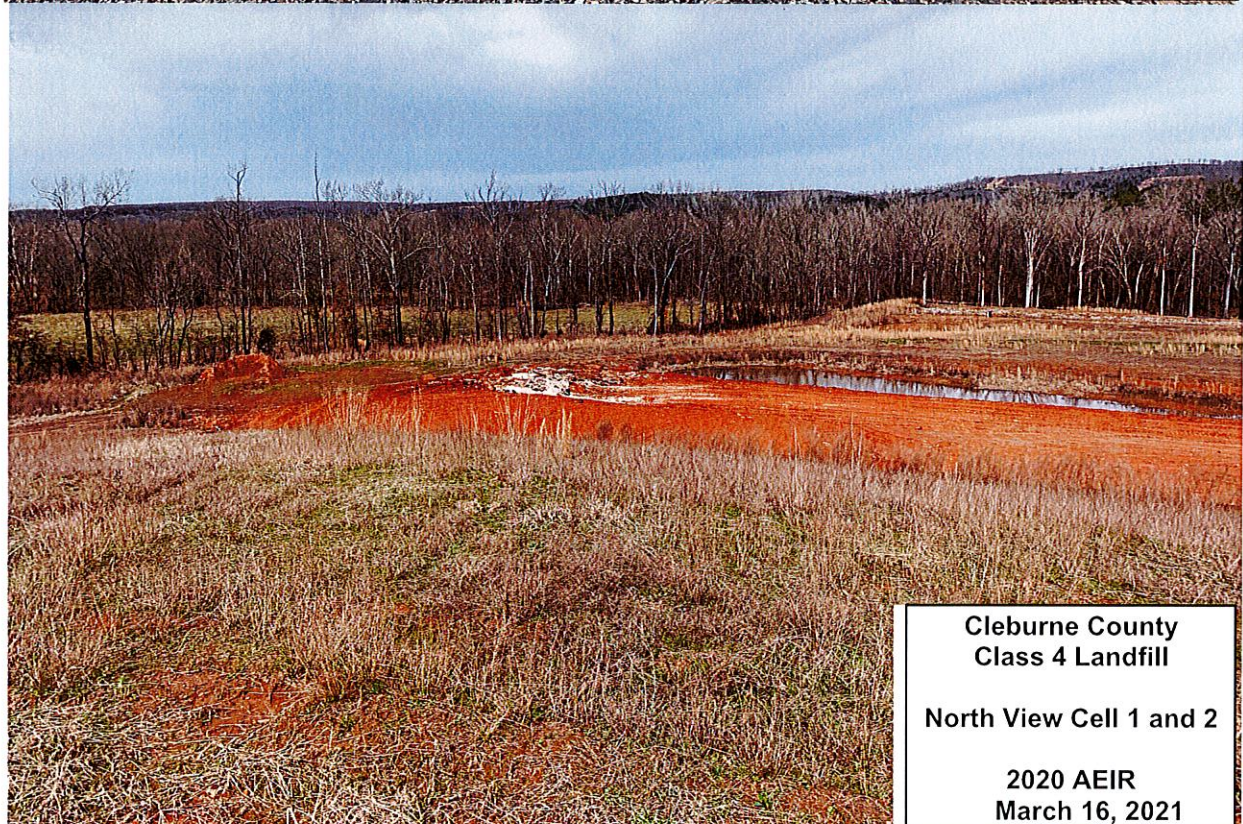
CONWAY • JONESBORO • POPLAR BLUFF



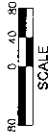


CIVIL ENGINEERING ASSOCIATES, LLC

CONWAY • JONESBORO • POPLAR BLUFF

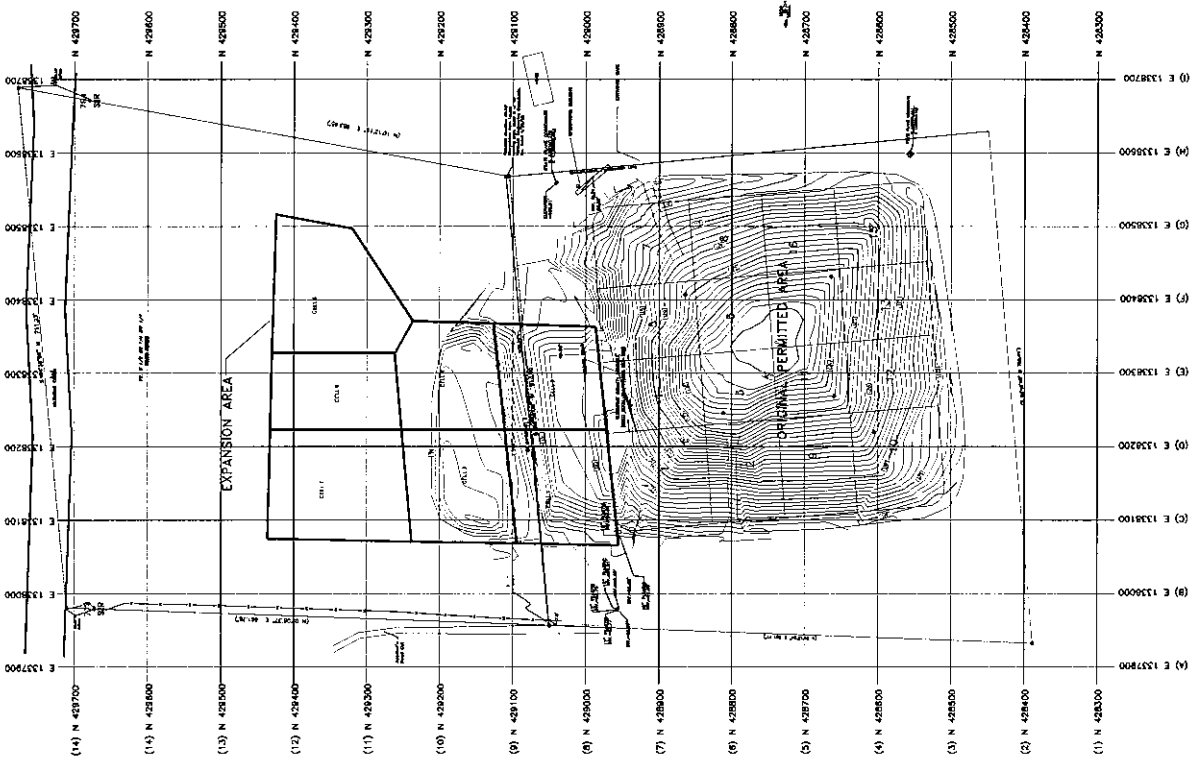


ATTACHMENT B
FIGURE B-1- CLASS 4 LANDFILL SURVEY



SURVEY NOTES:

1. THE TOPOGRAPHIC SURVEY OF THE ACTIVE CELLS WAS PERFORMED ON MARCH 10, 2021.
2. THIS DRAWING IS INTENDED TO DEPICT EXISTING TOPOGRAPHY AND FEATURES ONLY AND DOES NOT REPRESENT A LEGAL BOUNDARY SURVEY. PROPERTY BOUNDARY INFORMATION IS BASED ON RECORDS DETERMINED, VERIFIED, AND PROVIDED BY SAYLES SURVEYING, INC.
3. PERMANENT BENCHMARKS HAVE BEEN ESTABLISHED AT THE SITE AS SHOWN ON THE DRAWING.
4. THE GRID SYSTEM SHOWN IS INTENDED TO COMPLY WITH SECTION 22.425 OF ARKANSAS REGULATION 22. THE COORDINATE MARKERS BEGIN WITH THE LETTER "N" AT THE WEST CORNER SO THE SYSTEM CAN BE EXPANDED AS THE LANDFILL PROGRESSION MOVES NORTH.
5. MARKERS ARE INSTALLED AT THE SITE WITH THE CORRESPONDING NUMBER DESIGNATION AS SHOWN ON THE DRAWING. AS SHOWN, THE MARKERS CAN BE CORRECTED TO THE STATE PLANE COORDINATE SYSTEM.



ORIGINAL PERMITTED AREA

- CELL 1 - ACTIVE CELL
- CELL 2 - ACTIVE CELL
- CELL 3 - ACTIVE CELL
- CELL 4 - ACTIVE CELL
- CELL 5 - ACTIVE CELL
- CELL 6 - ACTIVE CELL
- CELL 7 - ACTIVE CELL
- CELL 8 - ACTIVE CELL
- CELL 9 - ACTIVE CELL
- CELL 10 - ACTIVE CELL
- CELL 11 - ACTIVE CELL
- CELL 12 - ACTIVE CELL
- CELL 13 - ACTIVE CELL
- CELL 14 - ACTIVE CELL
- CELL 15 - ACTIVE CELL
- CELL 16 - ACTIVE CELL

EXPANSION AREA

- CELL 1 - ACTIVE CELL
- CELL 2 - ACTIVE CELL
- CELL 3 - FUTURE CELL
- CELL 4 - FUTURE CELL
- CELL 5 - FUTURE CELL
- CELL 6 - FUTURE CELL
- CELL 7 - FUTURE CELL



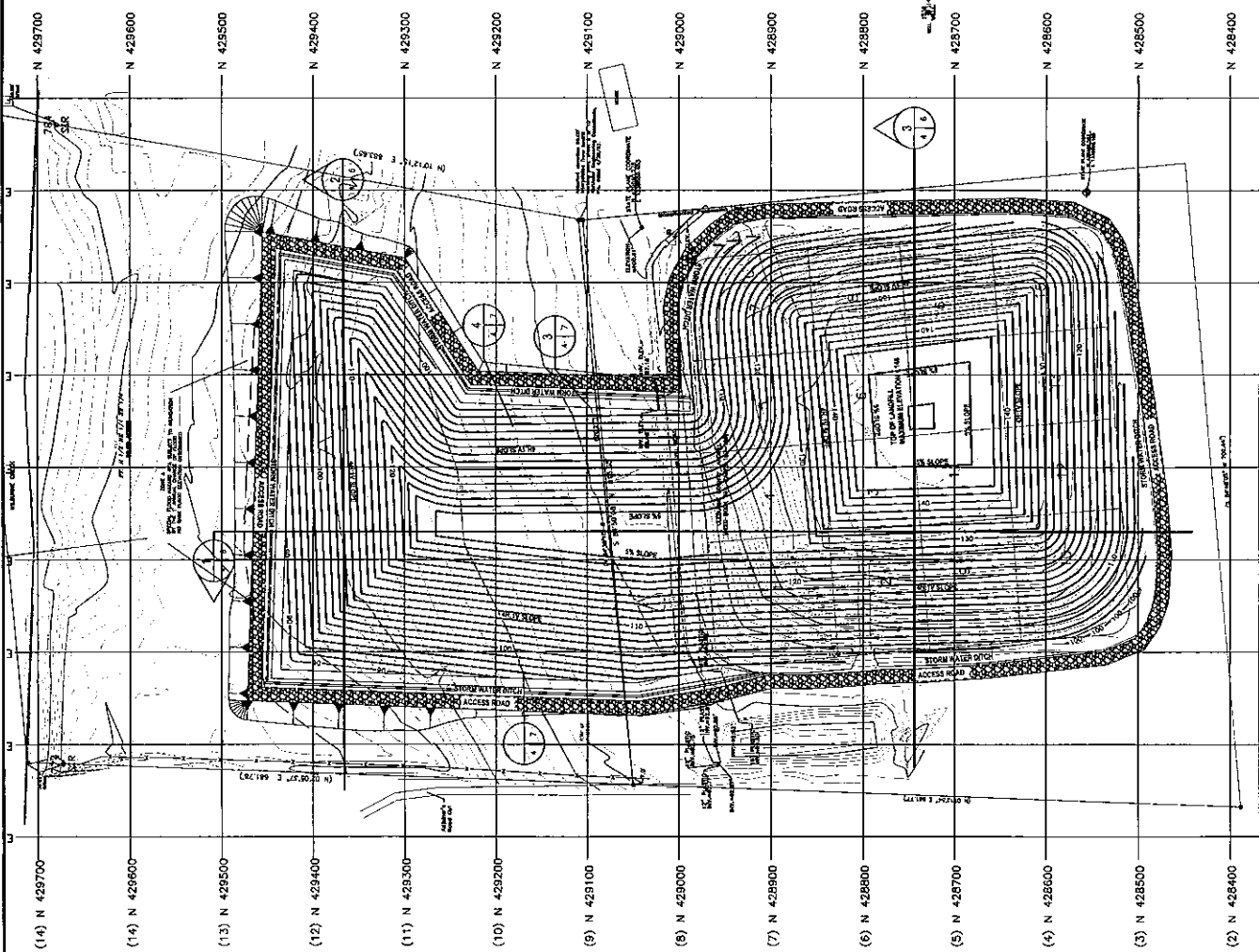
PERMIT DESIGN DRAWINGS
CLEBURNE COUNTY CLASS 4 LANDFILL
CLEBURNE COUNTY, ARKANSAS

FINAL GRADING
PLAN

Checked: JLP
Designed: JLP
Drawn: JLP
Approved: JLP

DATE: 01-12-02
BY: JLP
DATE: JANUARY 2016
BY: JLP

- NOTES:
1. WHEN FILLING TO THE ELEVATIONS SHOWN, OPERATIONS SHOULD CONSIDER AND ALLOW FOR THE FINAL COVER SYSTEM.
 2. THE FINAL COVER SYSTEM FOR THE CLASS 4 LANDFILL SHALL BE A 18" MINIMUM THICKNESS OF COMPACTED CLAY OVERLAIN BY 6 INCHES OF VEGETATIVE COVER.



ATTACHMENT C
UPDATED CLOSURE AND POST CLOSURE COST ESTIMATES

**CLOSURE COST ESTIMATE
CLEBURNE COUNTY
CLASS 4 LANDFILL
LARGEST AREA**

ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
Surface Preparation	370,260.0	SF	\$0.05	\$18,513.00
Compacted Clay Cover (18")	20,570	CY	\$5.00	\$102,850.00
Vegetation/Soil Top Layer (6")	6,857	CY	\$4.76	\$32,637.73
Seeding/Fertilizing/Mulching	8.5	AC	\$1,193	\$10,140.50
Erosion Control	1	LS	\$947	\$947.00
Quality Assurance/Quality Control	1	LS	\$20,000	\$20,000.00
Surveying	1	LS	\$3,000	\$3,000.00
Certification	1	LS	\$2,500	\$2,500.00
TOTAL				\$190,588.23

Notes:

1. All costs are in 2020 Dollars.
2. The costs shown are associated with the largest area requiring closure.

Closure Cost Inflation Adjustment

Year	Inflation Factor (%)	Adjusted Closure Cost Estimate
2021		
2022		
2023		
2024		
2025		

Notes:

1. Inflation factor should be based on the Implicit Price Deflator for the U.S. Gross National Product for the given year.

**POST CLOSURE CARE COST ESTIMATE
CLEBURNE COUNTY
CLASS 4 LANDFILL**

ANNUAL REPAIRS(Subsidence, Settling, Erosion, Roads, Etc.)				
ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
Labor (2 people x 8 hr/day x 3 days/yr)	48	Hours	\$15	\$720
Equipment- Dozer	16	Hours	\$100	\$1,600
Dump Truck	8	Hours	\$85	\$680
Loader	8	Hours	\$100	\$800
Misc. Materials and Services	1	LS	\$1,500	\$1,500
TOTAL ESTIMATED ANNUAL REPAIRS				\$5,300

TOTAL ESTIMATED ANNUAL POST-CLOSURE CARE COSTS:	\$5,300
TOTAL ESTIMATED POST-CLOSURE CARE COSTS (2-YEAR PERIOD):	\$10,600

Notes:
1. All costs are in 2020 Dollars.

Post Closure Cost Inflation Adjustment

Year	Inflation Factor (%)	Adjusted Post Closure Cost Estimate
2021		
2022		
2023		
2024		
2025		

Notes:
1. Inflation factor should be based on the Implicit Price Deflator for the U.S. Gross National Product for the given year.

PROPOSED ORDINANCE NO. 2021-SENIOR CENTER ROOF (WHITE RIVER) GRANT

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 THE CALENDAR YEAR 2021 AND/OR OTHER PURPOSES".

WHEREAS, Cleburne County has been awarded a \$115,000.00 grant from the Economic Development Commission. The grant, a community development project, is for roof improvements for the Cleburne County Senior Center. Since said grant was not completed in 2020, the amount of funding must be appropriated. To close out the grant, the need exists to pay White River Planning & Development District, Inc. their final invoice of \$7,150 for administrative cost and Cleburne County \$550 for a portion of the cost incurred for the required 2020 federal audit.

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

Section 1. The budget shall be amended and increased by adding the following appropriation:

Fund: 3503 Cleburne County Senior Center Roof Grant

LINE ITEM	FROM	TO	CHANGE
3503-0803-3009 Other Professional Services	\$0.00	\$7,150.00	+\$7,150.00
3503-0803-3001 Accounting and Auditing	\$0.00	\$550.00	+\$550.00
Total Increase in Cleburne County Senior Center Roof Grant Budget			\$7,700.00

Fund: 3503 Anticipated Revenue

REVENUE CODE	FROM	TO	CHANGE
3503-7109 Other Federal Grants	\$0.00	\$7,700.00	+\$7,700.00
Total Increase in Anticipated Revenue:			\$7,700.00

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 ____th day of ____ 2021.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Jerry Holmes, Cleburne County Judge

Recorded: Book ____ Page(s) ____

**PROPOSED ORDINANCE NO. 2021-ADOPTION OF HEBER SPRINGS, AR
CITY ORDINANCE 2019-08**

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO ADOPT HEBER SPRINGS, ARKANSAS CITY ORDINANCE 2019-08, "AN ORDINANCE AWARDDING AN EXCLUSIVE FRANCHISE FOR BUSINESS OF TRANSPORTING PERSONS WITHIN THE CITY OF HEBER SPRINGS BY MOTOR AMBULANCE FOR COMPENSATION; PROVIDING FOR APPROVAL OF RATE SCHEDULES; AND FOR OTHER PURPOSES".

WHEREAS, The Quorum Court recognizes a need to adopt City Ordinance 2019-08 (Exhibit 1) to clarify County Policy in agreement with the City Ordinance.

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

Section 1. The Cleburne County Quorum Court hereby adopts City Ordinance 2019-08.

Section 2. 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 the issue and protect the citizens of Cleburne County; 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 ____th day of ____ 2021.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Cleburne County Judge

Recorded: Book ____ Page(s) _____

**PROPOSED ORDINANCE NO. 2021-ADOPTION OF HEBER SPRINGS, AR
CITY ORDINANCE 2019-08**

Exhibit 1.

ORDINANCE NO. 2019- 08

AN ORDINANCE AWARDING AN EXCLUSIVE FRANCHISE FOR THE BUSINESS OF TRANSPORTING PERSONS WITHIN THE CITY OF HEBER SPRINGS BY MOTOR AMBULANCE FOR COMPENSATION; PROVIDING FOR APPROVAL OF RATE SCHEDULES; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Heber Springs has previously passed Ordinance number 94-3 declaring the business of transporting persons within the city of Heber Springs, by motor ambulance, whether by the providing of medical transfer services, including the operation of a motor ambulance, and the same is hereby declared to be a necessary public utility, service subject to regulations and franchising by the City, and;

WHEREAS, applications have been received and reviewed by the City Council, and;

WHEREAS, a public hearing was scheduled and conducted after notice thereof was given to each applicant and to the citizens of the City, and;

WHEREAS, Ordinance number 94-3 provides that the City Council may grant an exclusive franchise for the privilege of using the streets, alleys, public ways and public grounds of said City for the purpose of operating an ambulance business for the inhabitants of and all other persons within said City, including emergency ambulance service;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBER SPRINGS, ARKANSAS, as follows:

Section 1. The City Council hereby finds and determines that the granting of an exclusive franchise for the privilege of using the streets, alleys, public ways and public grounds of said City for the purpose of operating an ambulance business for the inhabitants of and all other persons within said City, including emergency ambulance services, is desirable, necessary, and in the best interests of the citizens and inhabitants of the City.

**PROPOSED ORDINANCE NO. 2021-ADOPTION OF HEBER SPRINGS, AR
CITY ORDINANCE 2019-08**

Section 2. The City Council hereby finds and determines that Survival Flight, Inc. should be and is hereby granted such an exclusive franchise to be effective and beginning November 15, 2019.

Section 3. The requirements of Ordinance number 94-3 shall apply and Survival Flight, Inc. shall comply with all the requirements and any amendments thereof, the requirements of this Ordinance, and also with the standards, rules, regulations and requirements established by the State of Arkansas.

Section 4. The application of Survival Flight, Inc. and all materials submitted and attached thereto are incorporated herein by reference.

Section 5. The rates submitted in the application of Survival Flight, Inc. are hereby approved. Survival Flight, Inc. shall charge such rates so set by this Ordinance. Rates will be reviewed and revised periodically as determined by the City Council.

Section 6. The franchise granted herein shall be for a period of five (5) years and may be renewed upon review and approval by the City Council for additional periods not to exceed five (5) years.

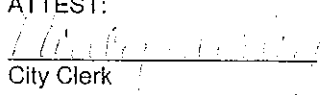
Section 7. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. In the event any subsection, section or part of this Ordinance is later ruled to be invalid, the other provisions of this Ordinance shall remain in force and effect.

PASSED AND APPROVED this 25th day of July, 2019.

Jimmy Clark, Mayor

ATTEST:



City Clerk