

AGENDA
Cleburne County Quorum Court
Thursday, April 13, 2023

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. Election Committee
 - b. Emergency Services oversight Committee
 - c. Budget Committee
5. **Unfinished Business:**
 - a. None
6. **New Business:**
 - a. Information on the 2024 Eclipse, Roger Pearson-**JP Malone**
 - b. Proposed Ordinance No. 2023-Blue & You Foundation Grant-Road-**JP Caldwell**
 - c. Proposed Ordinance No. 2023-Budget Amend-911-**JP Malone**
 - d. Proposed Ordinance No. 2023-Amend Budget-Juvenile Drug Court Grant-**JP Malone**
 - e. Proposed Ordinance No. 2023- Amend Budget-Unemployment Line Item-**JP Evans**
 - f. Proposed Resolution No. 2023-Tax Back Program Defiance Metal-**JP Evans**
7. **Comments from the Public:**
8. **Announcements:**
 - a. Next Regular Quorum Court Meeting is Thursday, May 11, 2023.
9. **Adjournment:**

CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

March 9, 2023

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 Eric Crosby presided.

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

ABSENT: Wildmon

READING, CORRECTION, AND DISPOSITION OF MINUTES:

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

REPORT OF TREASURER:

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

REPORT OF COMMITTEES:

Election Committee: JP Martin reported the committee met twice since the last Quorum Court meeting. Discussions of the committee included: the voting process, and how to better educate voters, how the election process works, how the process of using paper ballots would work or not work, amending the paper ballot Resolution, and repealing the paper ballot Resolution. The Election Committee made the decision to bring a Resolution before the Court at the March 2023 regular Quorum Court meeting to repeal the paper ballot resolution passed in January (Resolution 2023-01).

Emergency Services Oversight Committee: JP Foust reported the committee is still discussing communication within the County, repeater sites, and UHF/VHF radios. JP Foust further reported that discussions continue concerning the property on the South side of the lake for the purpose of possibly housing an ambulance. JP Foust distributed information regarding February 2023 emergency calls for Cleburne County. JP Evans reported the committee has discussed possibly dividing the County into four (4) sections for repeaters. JP Evans stated that the costs for the repeater system are being studied and he will be bringing an appropriation ordinance to the Court.

UNFINISHED BUSINESS:

Proposed Resolution No. 2023-Sheriff Interim Filling of Vacancies

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

JP Martin made a motion, seconded by JP Malone, to adopt the Resolution. Lengthy discussion followed. There is still concern about the current individual in the Chief Deputy's position being able to immediately take on the roll of Sheriff. County Attorney Haney advised, in his opinion with explanation, the person currently in the position of Chief Deputy would be able to immediately take the roll of Sheriff. Discussion continued. JP Malone called for the question. With no opposition to the call for the question, roll call was taken. Ayes: Fletcher, Foust, Malone, Martin, Moorehead, Owens, Tamburo.

Nays: Caldwell, Evans, Henegar. Absent: Wildmon

Passed and adopted as Resolution 2023-03.

Proposed Ordinance No. 2023- Amend County Handbook-Sheriff

JP Martin placed an Ordinance on the second reading: **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE AMENDING THE CLEBURNE COUNTY EMPLOYMENT POLICIES AND PROCEDURES HANDBOOK 7TH EDITION".**

PROPOSED ORDINANCE NO. 2023-AMEND BUDGET-911

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2022-040 WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND/OR OTHER PURPOSES TO PURCHASE COMMUNICATION REPEATERS FOR 911 SERVICES."

WHEREAS, the communications between the 911 dispatchers and the volunteer fire departments, volunteer ambulance services, paid ambulance services, and paid fire departments in the county is difficult and completely without coverage in several areas of the county, and

WHEREAS, the Cleburne County Quorum Court finds it necessary to update and modernize equipment, and

WHEREAS, a plan has been proposed by the Emergency Services Oversight Committee to divide the county into quadrants to provide full coverage by placing a repeater in each quadrant, and

WHEREAS, two repeaters need replaced and three additional repeaters are needed to cover the county (5 new Motorola UHF repeaters-1 per quadrant and 1 universal back-up)

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

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

Fund-3020 Emergency 911, Department-501 Nine One One

LINE ITEM	FROM	TO	CHANGE
3020-0501-4004 Machinery & Equipment (other than Vehicles)	\$0.00	\$55,000.00	+\$55,000.00
TOTAL INCREASE IN EMERGENCY 911 BUDGET			+\$55,000.00

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 ____th day of ____ 2023.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Eric Crosby, Cleburne County Judge

Recorded: Book ____ Page(s) _____

PROPOSED ORDINANCE NO. 2023-AMEND BUDGET-JUVENILE DRUG COURT 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. 2022-040 WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND/OR OTHER PURPOSES TO ADD THE JUVENILE DRUG COURT BUDGET."

WHEREAS, the Juvenile Drug Court Grant has been awarded and the 2023 Budget needs to be amended.

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

Section 1. The following appropriation is hereby approved:

Fund-3509 Juvenile Drug Court Grant, Department-Juvenile Court

LINE ITEM	FROM	TO	CHANGE
3509-0414-3007 Drug Testing	\$0.00	\$4,300.00	+\$4,300.00
3509-0414-3100 Other Miscellaneous	\$0.00	\$2,760.00	+\$2,760.00
TOTAL CHANGE IN THE JUVENILE DRUG COURT GRANT BUDGET			+\$7,060.00

Fund-3509 Anticipated Revenue

REVENUE CODE	FROM	TO	CHANGE
3509-7010 State Grants	\$0.00	\$7,060.00	+\$7,060.00
Total Increase in Anticipated Revenue			+\$7,060.00

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 _____ 2023.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Eric Crosby, Cleburne County Judge

Recorded: Book ____ Page(s) _____

PROPOSED ORDINANCE NO. 2023-BLUE & YOU GRANT-ROAD DEPARTMENT

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2022-040, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND FOR OTHER PURPOSES TO ADD BLUE & YOU FOUNDATION GRANT FOR THE ROAD DEPARTMENT.

WHEREAS, Cleburne County Road Department has been awarded a \$1,000 grant from the Blue & You Foundation. The need exists to appropriate the funding to pay for an AED (Automated External Defibrillator) for the Cleburne County Road Department.

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

Section 1. The following appropriation is hereby approved:

Fund-3510 Blue & You Foundation Grant, Department-200 Road

LINE ITEM	FROM	TO	CHANGE
3510-0200-2002 Small Equipment	\$0.00	\$1000.00	+\$1,000.00
TOTAL INCREASE IN BLUE & YOU FOUNDATION GRANT BUDGET			+\$1,000.00

Fund 3510 Anticipated Revenue

REVENUE CODE	FROM	TO	CHANGE
3510-7095 Blue & You Foundation Grant	\$0.00	\$1000.00	+\$1,000.00
TOTAL INCREASE IN ANTICIPATED REVENUE			+\$1,000.00

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 ____th day of ____ 2023.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Eric Crosby, Cleburne County Judge

Recorded: Book ____ Page(s) _____

JP Foust made a motion to place the Ordinance on the third and final reading by title only, seconded by JP Henegar. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Henegar, Moorehead, Owens, Tamburo. Nays: Malone, Martin. Absent: Wildmon.

JP Martin read the Ordinance by title only. Lengthy discussion followed regarding the effects if this Ordinance were to pass. Roll call was taken. Ayes: Malone, Martin. Nays: Caldwell, Evans, Fletcher, Foust, Henegar, Moorehead, Owens, Tamburo. Absent: Wildmon.

Proposed Ordinance 2023-Amend County Handbook-Sheriff failed.

NEW BUSINESS:

JP Caldwell announced the 2023 Bobby Mooney Fire Department/ Volunteer EMS Services Matching Funds Fundraiser Challenge will begin Memorial Day and run through Thanksgiving. The County will match up to \$750 of funds raised between the above stated dates.

Proposed Resolution No. 2023-Repeal Resolution 2023-01

JP Martin withdrew Proposed Resolution No. 2023- Repeal Resolution 2023-01 from the agenda, but after a very lengthy discussion JP Martin introduced the Resolution. **BE IT APPROVED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED: "A RESOLUTION REPEALING CLEBURNE COUNTY RESOLUTION NO. 2023-01"**. JP Martin made a motion to adopt the Resolution, seconded by JP Henegar. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Henegar, Martin, Moorehead, Owens, Tamburo. Nays: Malone. Absent: Wildmon.

Passed and adopted as Resolution 2023-04.

Proposed Ordinance No. 2023-Public Safety Grant-Sheriff

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. 2022-040 WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND/OR OTHER PURPOSES TO ADD A PUBLIC SAFETY GRANT BUDGET"**.

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

Passed and adopted as Ordinance 2023-08.

Proposed Ordinance No. 2023-Amend 2022 Court Building 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. 2022-040 AND ORDINANCE 2022-039 TO CORRECT THE SALARIES, FULL TIME LINE ITEM IN THE COURT BUILDING BUDGET"**.

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

Passed and adopted as Ordinance 2023-09.

COMMENTS FROM THE PUBLIC:

- Mr. Lynn Hartman addressed the Court.

ANNOUNCEMENTS:

ADJOURNMENT:

JP Caldwell made a motion to adjourn, seconded by JP Martin. The meeting was adjourned at 8:06 p.m.

ATTESTED:

Rachelle Evans, Cleburne County Clerk
March 9, 2023

Book _____ Page (s) _____
Date
Cleburne County Quorum Court Journal of Proceedings
Page 2 of 2

**PROPOSED ORDINANCE NO. 2023-AMEND 2023 BUDGET-UNEMPLOYMENT
COMPENSATION**

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE AMENDING ORDINANCE NO. 2022-040, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2023 AND FOR OTHER PURPOSES TO AMEND THE UNEMPLOYMENT COMPENSATION LINE ITEM.

WHEREAS, Cleburne County paid a premium pay in January of 2023, and

WHEREAS, the Unemployment Compensation line item was inadvertently overlooked in the appropriation for the premium pay, and

WHEREAS, need exists to amend the 2023 Budget to correct this error.

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

Section 1. The following appropriations are hereby approved to increase Line Item 1011-Unemployment Compensation in the following 2023 Budgets by the amount listed:

Fund-Department	Office	Amount
1006-100	County Judge	\$2.33
1006-101	County Clerk	\$4.34
1006-102	Circuit Clerk	\$11.85
1006-104	Tax Collector	\$6.67
1006-105	Assessor	\$10.91
1006-200	County Road	\$60.31
1006-400	Sheriff	\$24.43
1006-409	District Court	\$8.68
1006-418	Jail	\$4.06
1006-497	Jail Maintenance Sales Tax	\$4.80
1006-500	OEM	\$1.94
1006-501	Nine One One	\$11.41
1006-600	County Library	\$12.37
1006-701	Landfill	\$2.19
	TOTAL	\$166.29

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 _____ 2023.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Eric Crosby, Cleburne County Judge

Recorded: Book ____ Page(s) _____

RESOLUTION NO. 2023-TAX BACK PROGRAM-DEFIANCE METAL PRODUCTS

RESOLUTION OF THE QUORUM COURT OF CLEBURNE COUNTY CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF DEFIANCE METAL PRODUCTS DBA DEFIANCE METAL PRODUCTS OF ARKANSAS, INC. TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15- 4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Defiance Metal Products dba Defiance Metal Products of Arkansas, Inc. located at 944 ByPass Road Heber Springs, AR has sought to participate in the program and more specifically has requested benefits accruing from construction of the specific facility; and

WHEREAS, Defiance Metal Products dba Defiance Metal Products of Arkansas, Inc. has agreed to furnish the local government all necessary information for compliance.

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

1. Defiance Metal Products dba Defiance Metal Products of Arkansas, Inc. be endorsed by the Quorum Court of Cleburne County for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. The Department of Finance and Administration is authorized to refund local sales and use taxes to Defiance Metal Products dba Defiance Metal Products of Arkansas, Inc.
3. This resolution shall take effect immediately.

PASSED AND ADOPTED this _____th day of _____ 2023.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Eric Crosby, Cleburne County Judge

Recorded: Book _____ Page(s) _____