

AGENDA
Cleburne County Quorum Court
Thursday, April 11, 2024
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. Emergency Services Oversight Committee-**JP Foust**
 - b. Budget Committee-**JP Evans**
5. **Unfinished Business:**
 - a. Proposed Ordinance No. 2024-Regulation of Dogs-**JP Foust**
6. **New Business:**
 - a. Joe Tournear, Election Commission
 - b. Proposed Ordinance No. 2024-Amend Ordinance 2023-36-Starting Salaries-**JP Henegar**
7. **Comments from the Public:**
8. **Announcements:**
 - a. Next Regular Quorum Court Meeting is Thursday, May 9, 2024.
9. **Adjournment:**

CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

March 14, 2024

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 6:01 p.m. County Judge Eric Crosby presided.

PRESENT: Moorehead, Caldwell, Fletcher, Malone, Evans, Martin, Foust, Tamburo.

ABSENT: Henegar, Owens

VACANT: JP 11

READING, CORRECTION, AND DISPOSITION OF MINUTES:

Motion was made by JP Malone to approve the minutes of the February 8, 2024, regular meeting, seconded by JP Evans. 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:

Emergency Services Oversight Committee: JP Foust reported the repeater system is up, and many of the radios have been programmed. The ambulance contract will be discussed in conjunction with the Ordinance that is on the agenda.

Finance Committee: JP Evans reported there are Ordinances on tonight's Agenda proposed by the Finance Committee. Due to conflicts in schedules, the March meeting will be moved to the first part of April. Also, documents regarding funding for EMS equipment that will be on the Finance Committee's agenda were distributed to the Quorum Court members.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

JP Caldwell announced the \$750.00 Bobby Mooney Matching Fund Fundraiser Challenge for Fire Departments and EMS will run from Memorial Day, Monday, May 27, 2024, through Thanksgiving Day, Thursday, November 28, 2024.

Proposed Ordinance No. 2024-2023 Budget Clean-up-Prosecuting Attorney

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 CALENDAR YEAR 2023 AND/OR OTHER PURPOSES FOR THE PURPOSE OF AMENDING THE PROSECUTING ATTORNEY BUDGET".**

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

Passed and adopted as Ordinance 2024-09.

Proposed Ordinance No. 2024-Amend 2024 Budget-Senior Center Grant

JP Moorehead 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. 2023-38, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2024 AND/OR OTHER PURPOSES TO AMEND THE CLEBURNE COUNTY SENIOR CENTER GRANT BUDGET".**

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

Passed and adopted as Ordinance 2024-10.

Proposed Ordinance No. 2024-Amend 2024 Budget-Treasurer, Assessor, Courthouse Maintenance, District Court

JP Martin 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. 2023-38, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2024 AND/OR OTHER PURPOSES TO AMEND THE TREASURER, ASSESSOR, COURTHOUSE MAINTENANCE, AND DISTRICT COURT BUDGETS".**

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

Passed and adopted as Ordinance 2024-11.

Proposed Ordinance No. 2024-Amend Ordinances 2023-37 and 2023-38/OEM and 911 Budgets and Salaries

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. 2023-38, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2024 AND/OR OTHER PURPOSES TO AMEND OEM AND 911 BUDGETS AND AMENDING ORDINANCE 2023-37 ESTABLISHING THE NUMBER OF EMPLOYEES AND AUTHORIZED SALARY PER EMPLOYEE FOR EACH DEPARTMENT OF THE CLEBURNE COUNTY GOVERNMENT".**

JP Evans made a motion to adopt the Ordinance, seconded by JP Malone. Discussion followed concerning the Stipend. Roll call was taken. Ayes: Evans, Fletcher, Foust, Malone, Martin, Moorehead, Tamburo. Nays: Caldwell. Absent: Henegar, Owens. Motion failed. After further discussion and JP Caldwell requesting to change his previous vote, JP Evans made a motion to suspend all the formal readings and read by title only, seconded by JP Malone. Voice vote, motion carried unanimously. JP Evans read Ordinance by title only. JP Evans made a motion to adopt the Ordinance, seconded by JP Malone. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Tamburo. Nays: None. Absent: Henegar, Owens

Passed and adopted as Ordinance 2024-12.

Proposed Ordinance No. 2024-Amend Ordinance 2023-36-OEM and 911 Starting Salaries

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 ORDINANCE AMENDING ORDINANCE NO. 2023-36 WHICH ESTABLISHED THE 2024 NUMBER OF POSITIONS AND STARTING SALARIES FOR NON-ELECTED COUNTY POSITIONS FOR THE PURPOSE OF RESTRUCTURING IN OEM AND 911".**

JP Evans made a motion to suspend all the formal readings and read by title only, seconded by JP Moorehead. Voice vote, motion carried unanimously. JP Evans read Ordinance by title only. JP Evans made a motion to adopt the Ordinance, seconded by JP Malone. Discussion followed. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Tamburo. Nays: None. Absent: Henegar, Owens

Passed and adopted as Ordinance 2024-13.

Proposed Ordinance No. 2024-Contract for Ambulance Service

JP Foust introduced an Ordinance. **BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE APPROVING THE CONTRACT WITH SURVIVAL FLIGHT EMS, LLC TO PROVIDE FOR AMBULANCE SERVICE THROUGHOUT CLEBURNE COUNTY, ARKANSAS".**

JP Foust made a motion to suspend all the formal readings and read by title only, seconded by JP Martin. Voice vote, motion carried unanimously. JP Foust read the Ordinance by title only. JP Foust made a motion to adopt the ordinance, seconded by JP Fletcher. After a very lengthy discussion and under advisement of County Attorney Daniel Haney, JP Malone made a motion, seconded by JP Martin to amend the Ordinance "Exhibit A" by stating the city of Heber Springs, the remedy to be changed that one termination by one party does not terminate the contract with all other parties (Mr. Haney to correct issues with words party/parties), under section 5 Deployment-"all parties" will be substituted by "only upon the approval of the Emergency Service Oversight Committee"

Mr. Haney will make the appropriate changes to "Exhibit A" and "Exhibit A" is to be included in the Ordinance as it is word for word. Roll Call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Tamburo. Nays: None. Absent: Henegar, Owens. JP Foust made a motion to adopt the Ordinance as amended, seconded by JP Fletcher. Roll call was taken. Ayes: Caldwell, Evans, Fletcher, Foust, Malone, Martin, Moorehead, Tamburo. Nays: None. Absent: Henegar, Owens
Passed and adopted as Ordinance 2024-14.

Proposed Ordinance No. 2024-Regulation of Dogs

JP Foust made a motion to suspend the rules and put on first reading by title only, seconded by JP Martin. Voice vote, motion carried unanimously after recount. JP Foust read Ordinance by title only.

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE RELATED TO THE REGULATION OF DOGS; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND FIXING PENALTIES FOR VIOLATIONS; AND FOR OTHER PURPOSES".

JP Foust made a motion, seconded by JP Martin, to place this Ordinance on second reading on the April 2024 Agenda. Voice vote, motion carried unanimously.

COMMENTS FROM PUBLIC:

Mr. Keisler thanked the Quorum Court for the passage of the ambulance ordinance and asked the Court to look at the Survival Flight Facebook page for updates.

ANNOUNCEMENTS:

Next Regular Quorum Court Meeting is Thursday, April 11, 2024, at 6:00 p.m.

ADJOURNMENT:

JP Caldwell made a motion to adjourn, seconded by JP Foust. The meeting was adjourned at 7:59 p.m.

ATTESTED:

Rachelle Evans, Cleburne County Clerk

Book _____ Page(s) _____

ORDINANCE NO. 2024-__

BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

“AN ORDINANCE RELATED TO THE REGULATION OF DOGS; PRESCRIBING THE RESPONSIBILITIES OF OWNERS THEREOF AND FIXING PENALTIES FOR VIOLATIONS; AND FOR OTHER PURPOSES.”

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

SECTION 1. Except as specified herein, This Ordinance does not pertain to areas of the incorporated municipalities of Cleburne County, but does include all other areas of Cleburne County.

SECTION 2. The following words and phrases shall for purposes of this article have the following meanings:

- (a) **Owner.** Every person, firm, partnership or corporation, owning, keeping or harboring a dog within the geographical limits of Cleburne County. Ownership is also established by a person whose name appears on the identification tag affixed to the collar or harness of the dog.
- (b) **Dogs.** When used herein shall include animals of all ages, both male and female, which are members of the canine or dog family.
- (c) **Competent (responsible) person.** A person who is capable of controlling and governing the dog in question.
- (d) **Injured or Neglected.** Any dogs running at large in Cleburne County that are ill, wounded, and/or that have no obvious owner and/or that require a quick response regarding rabies vaccination when a dog bite occurs.
- (e) **Animal Control Officer.** Any person or entity employed or appointed or contracted by Cleburne County who is authorized to investigate and/or enforce violations relating to animal control.
- (f) **Vicious Dog.**
 - 1. Any dog which when unprovoked, in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

2. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of persons, domestic animals or livestock; or
 3. Any dog which bites, inflicts injury, assaults or otherwise attacks a person, domestic animal or livestock without provocation on public or private property; or
 4. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
 5. Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.
 6. No dog may be declared vicious if any injury or damage was sustained by a domestic animal or livestock which at the time of such injury or damage the domestic animal, livestock or a person was teasing, tormenting, abusing or assaulting the dog.
 7. No dog may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
- (g) **Nuisance.** An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's or on public walks or recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or interferes with persons in the public right-of-way; or chases vehicles; or roams at large upon the real property of a person other than its owner, or onto a public right-of-way.
- (h) **Stray.** Any dog that is at large.
1. **At large.** Any dog shall be deemed to be at large where it is off the premises of its owner's real property and not properly restrained by a competent person, regardless of whether the owner had actual knowledge that the dog had left the owner's premises or real property.

SECTION 3. Vicious Dogs.

- (a) No owner of, custodian of, or person with authority to control a vicious dog shall suffer or permit such a dog to go unconfined on the premises of any other person's real property or onto a public right-of-way. A vicious dog is "unconfined", as the term is used in this section, if such a dog is not securely confined indoors or confined in a secure enclosed and locked pen or a dog run area upon the premises of said person.
- (b) No owner of, custodian of, or person with authority to control a vicious dog shall suffer or permit such a dog to go beyond the premises of said owner unless the vicious dog is

securely muzzled and restrained with a restraint having a minimum tensile strength of 300 pounds and not exceeding three (3) feet in length. The dog must be handled by a person competent to maintain control at all times.

- (c) The owner of a dog declared vicious must have the animal spayed/neutered by a veterinarian and must possess veterinary certification of such.
- (d) Notification of escape or bite incident. The owner or keeper of a vicious dog shall notify the Cleburne County Sheriff's Department and animal control authority immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person, domestic animal or livestock.
- (e) If any dog(s), while unconfined and off the property of the owner, custodian, or person with authority to control, bites or seriously injures a person, domestic animal or livestock, it is a violation of this article. The dog(s) involved shall be immediately surrendered to the local animal control authority or Cleburne County Sheriff's Office and a citation will be issued. The owner, custodian, or person with authority to control, must verify the animal has been properly vaccinated according to Arkansas state law. Failure to appear may result in the immediate order of euthanasia of the animal for submission to the state lab for rabies testing. All other state or federal laws concerning restitution and liability shall remain in force and may be used in conjunction herewith.
- (f) No person shall own or harbor any dog for the purpose of dog fighting or to train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon persons, domestic animals or livestock.
- (g) No person shall possess with intent to sell, offer for sale, breed, or buy or attempt to buy within the county any vicious dog.
- (h) Failure to comply. It shall be unlawful and a misdemeanor for any owner of a vicious dog to fail to comply with all the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment.
- (i) Any person found guilty of violating this section shall pay all expenses, including shelter, food and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog.
- (j) Any vicious dog which attacks a person, domestic animal or livestock may be ordered destroyed, when in the court's judgement, such a vicious dog represents a continuing threat of serious harm to persons, domestic animals, livestock, or to personal or real property.

SECTION 4. Containment Exceptions.

- (a) Dogs officially entered in shows or competition requiring completion of entrance forms and taking place on land designated for the purpose of said dog show or competition.
- (b) Dogs secured (housed and/or fenced) within a gate, doorway or animal carrier on the private property of the owner or others with the actual implied, customary or constructive consent of the owner of such private premises.
- (c) Dogs used for official business or purposes by any law enforcement agency or disabled person.
- (d) Dogs actively being used for lawful hunting purposes by an owner, custodian or person with authority to control said dogs. Dogs used for hunting shall at all times be under the supervision or control of the responsible person.

SECTION 5. Complaints.

Enforcement personnel (either the Cleburne County Sheriff's Department or animal control authority) will investigate all complaints against dogs in the county. If the complaint includes a bite, the dog(s) involved will immediately be surrendered to either the Cleburne County Sheriff's Department or animal control authorities for mandatory quarantine. If it is determined during any complaint investigation that the owner is out of compliance with this Ordinance, the owner will be cited.

SECTION 6. Enforcement.

The Cleburne County Sheriff's Office and other law enforcement officials authorized by state or local law, are authorized, for violation of any portion of this article to give to the owner, custodian, or person with authority to control, a summons in lieu of arrest, to appear in the Cleburne County District Court, Criminal Division.

SECTION 7. Regulations of Dogs.

- (a) Each owner shall have on his, her or its dog collar or harness to which is securely fastened a metal plate or tag which is legibly and permanently inscribed the name, address and/or phone number of its owner and verification that the dog has been vaccinated against rabies as required by state law.
- (b) It shall be unlawful for any person, firm or corporation to abandon any dog in Cleburne County.

SECTION 8. Penalty.

- (a) Any person in violation or aiding in or abetting the violation of any provision of this Ordinance, or resisting, obstructing, or impeding the Sheriff or any authorized officer in enforcing this Ordinance or refusing to produce for inoculation any dog in his

possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a petty offense, for a first or second offense and shall be fined not less than \$25 nor more than \$200, and for a third and subsequent offense shall be fined not less than \$250.00 or more than \$500.00, except that if an act prohibited herein or rendered unlawful is, in its nature, continuous in respect to time, the fine for allowing continuance thereof in violation of the Ordinance shall not exceed \$250.00 for each day that the same is unlawfully continued.

SECTION 9. Severability.

If any provisions of this Ordinance or the application thereto to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 10. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED this _____ day of _____ 2024.

ATTEST: _____
Rachelle Evans
Cleburne County Clerk

APPROVED: _____
Eric Crosby
Cleburne County Judge

Recorded: Book _____ Page(s) _____

PROPOSED ORDINANCE NO. 2024-AMENDING ORDINANCE 2023-36-POSITION CHANGES

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE AMENDING ORDINANCE 2023-36 ESTABLISHING THE NUMBER OF POSITIONS AND STARTING SALARIES FOR NON-ELECTED COUNTY POSITIONS".

WHEREAS, in December of 2023 the Cleburne County Quorum Court passed Ordinance No. 2023-36, establishing the number of positions and starting salaries, and;

WHEREAS, there is need to amend Ordinance No. 2023-36 to correct an error in Section 2 relating to position changes and the percentages of the cost of living raise used for year 2024 and thereafter.

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

Section 1. Ordinance No. 2023-36, Section 2. Shall be amended as follows:

Section 2. The starting salaries for existing full-time county employees changing to a position with a different salary should be the established starting salary for the new position plus 50% of all cost of living raises received by the employee in the employee's former position(s) through budget year 2018 plus 75% of the cost of living raise received by the employee for budget year 2019 through 2023, plus 100% Zero percent (0%) of cost of living raise for year 2024, and hereafter until such time as this percentage may change.

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.

Section 4. 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 retroactively from January 1, 2024.

PASSED AND ADOPTED this _____th day of _____ 2024.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Eric Crosby, Cleburne County Judge

Recorded: Book _____ Page(s) _____