

ORDINANCE NO. 2023 2

**BE IT ENACTED BY THE QUORUM COURT OF DESHA COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO ESTABLISH A PUBLIC COMMENT PERIOD PRIOR TO THE FINAL DECISION ON ANY ORDINANCE, RESOLUTION OR OTHER FINAL DECISION; ESTABLISHING RULES OF PROCEDURES RELATED THERETO; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES" as follows:**

1. Section One: Public Comment During Meeting. Prior to the final decision by the Quorum Court on any motion to adopt an ordinance, resolution or other final decision, the presiding officer shall afford citizens in attendance a reasonable opportunity to offer comments subject to the following rules of procedure:

a) Prior to a final decision on a motion to adopt an ordinance, resolution or other final decision, the presiding officer shall recognize any citizen in attendance who desires to offer comment or speak on the pending issue;

b) A citizen recognized by the presiding officer may speak for up to three (3) minutes on the pending issue. A citizen speaker recognized by the presiding officer shall not speak or offer comment on any subject or issue other than the matter then pending for final vote by the Quorum Court.

Any members of the Quorum Court who desires to ask questions of a citizen speaker offering comments may do so after the citizen speaker is finished and yields the floor, but only after first asking to be recognized by the presiding officer. If the County Judge or a Quorum Court member asks questions of a citizen speaker, then the speaker shall have not more than one (1) minute to respond to each question;

c) The time limits provided for herein shall not be extended except by a two-thirds (2/3) vote of the total membership of the Quorum Court;

d) Citizens who are recognized to speak shall address their comments to the governing body and shall not address their comments or questions to other citizens or individuals present in the audience;

e) All comments offered by citizen speakers shall be presented in a respectful manner. Any citizen who presents comments in an unnecessarily loud, argumentative or disrespectful manner may have their comment period terminated early by the presiding officer;

f) The person serving as Clerk of the Quorum Court or their nominee shall serve as timekeeper and shall notify the citizen speaker when their time has expired and upon such notification the speaker shall yield the floor unless their time is extended by the Quorum Court as provided herein;

g) Individuals present in the audience at Quorum Court meetings shall conduct themselves in a quiet and respectful manner that does not interrupt or interfere with the conduct of Quorum Court business. No individual present in the audience at Quorum Court meetings shall offer or attempt to offer comments on Quorum Court business unless first recognized by the presiding officer; and

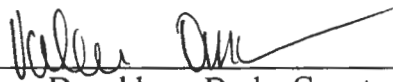
h) Any citizen speaker who violates these rules of procedure may be removed from the meeting at the direction of the presiding officer.

3. Section Two: Emergency. This Ordinance is necessary for the immediate preservation of the public peace, health and safety of the citizens of Desha County, Arkansas; it is, therefore, declared that an emergency exists and this Ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 16 day of Feb, 2023.

  
Richard Tindall, County Judge

ATTEST:

  
Valerie Donaldson, Desha County Clerk

ORDINANCE NO. 2023-3

**BE IT ENACTED BY THE QUORUM COURT OF DESHA COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE SETTING RULES OF PROCEDURE FOR THE DESHA COUNTY QUORUM COURT."**

**WHEREAS**, rules and procedures assure orderly conduct and encourage clear, efficient discussion of ideas; and

**WHEREAS**, the rules and procedures adopted by the Quorum Court should be reviewed on a regular basis and modified when necessary; and

**WHEREAS**, the rules and procedures shall be used for all regular and special meetings of the Quorum Court that are legislative in nature and, as applicable, to public hearing of the Quorum Court or its committees.

**NOW THEREFORE BE IT ORDAINED** by the Quorum Court of Desha County, Arkansas that:

**Article 1. Regular Meetings**

- (a) The regular meetings of the Quorum Court will be held at the Desha County Courthouse at 1:30 p.m. on the third Thursday of each month. The regular monthly meeting may also be held at any other location and time that is designated by the Quorum Court at the regular scheduled meeting of the preceding month. If a regular quorum court meeting or committee meeting of the Quorum Court is scheduled to be held on a holiday recognized by Desha County, then the regular or committee meeting will be held the next business day.
- (b) The order of business for regular Quorum Court meetings shall be:
  - 1. Invocation;
  - 2. Pledge of Allegiance;
  - 3. Attendance roll call;
  - 4. Approval of the previous meeting's minutes;
  - 5. Reports from committees if requested by the presiding officer;
  - 6. Old business;
  - 7. New business;
  - 8. Announcements; and
  - 9. Adjournment.

**Article 2. Special Meetings**

As provided by Ark. Code Ann. §14-14-904(c), the County Judge or a majority of the elected justices may call a special meeting of the Quorum Court upon at least twenty-four (24) hours' notice by telephone, facsimile or electronic mail.

### Article 3. Rules of Procedure for Quorum Court Meetings

- (a) Adopted. The rules of procedure for transacting business at quorum court meetings shall be those contained in the latest edition of the “Procedural Guide for Arkansas County Quorum Court Meetings” as prepared by the Association of Arkansas Counties, except as otherwise provided by ordinance or where such guide is in conflict with the general laws of the State of Arkansas.
- (b) Use. In any event where the “Procedural Guide for Arkansas County Quorum Court Meetings” is inadequate, the quorum court shall abide by “Robert’s Rules of Order,” including any provisions regarding rules of electronic meetings.
- (c) Interpretation. Any question as to the interpretation or application of the procedural guide or Robert’s Rules will be referred to the parliamentarian of the quorum court, who will then make his or her interpretation to the presiding officer of the meeting. The county attorney will serve as the parliamentarian of the quorum court. The application of the procedural guide or Robert’s Rules will then be resolved by the presiding officer.
- (d) Public Health Emergency. When a public health emergency is declared by the Governor of the State of Arkansas via executive order, pursuant to Ark. Code Ann. §12-75-101, et seq., that is applicable to Desha County, Arkansas, members of the quorum court shall be authorized, as contemplated by Ark. Code Ann. §14-14-904(e), as well as, Ark. Code Ann. §§14-14-901 and 14-14-801(a) & (b)(12), to attend and participate in a regular or special quorum court meeting or standing committee meeting. Such attendance shall meet the requirements set forth in Ark. Code Ann. §14-14-904(f)-(h) for the purposes of ensuring a quorum and conducting county legislative affairs. This provision is solely operative for such time periods that the public health emergency executive order, entered into by the Governor of the State of Arkansas, and applicable to Desha County, Arkansas is in effect.
  - 1. Any quorum court member that provides prior written notice to the county judge or his/her designees, which can occur by electronic mail (e-mail), at least three (3) days prior to the regular or special quorum court meeting or standing committee meeting, shall be entitled to attend and participate electronically. If a special meeting is called, such notice under this Article shall be consistent with the time periods for special meetings set forth in Article 2 of this ordinance.
  - 2. The county judge or his/her designees, in their sole discretion, shall determine the appropriate format for allowing electronic access to a regular or special quorum meeting or standing committee meeting.
  - 3. The county judge or his/her designees shall ensure that quorum court members are provided access to the electronic meeting format, no later than three (3) hours before the regular or special quorum court meeting or

standing committee meeting. If a special meeting is called, such notice under this Article shall be consistent with the time periods for special meetings set forth in Article 2 of this ordinance.

#### **Article 4. Agenda**

- (a) The agenda shall be prepared by the County Judge or the County Judge's designee under the County Judge's supervision. The County Judge shall place such items on the agenda as the County Judge deems appropriate for consideration of the Quorum Court.
- (b) Items not specifically listed on the agenda may be raised for discussion by any Quorum Court member during the discussion period for old business or new business as applicable.
- (c) If a Quorum Court member desires to have a proposed ordinance or resolution considered by the Quorum Court for a vote, each proposed item to be considered by the Quorum Court for vote should be submitted in writing to county judge or his/her designees. Once the proposed items have been submitted, the county judge or his/her designees may assign them to an appropriate committee of the quorum court for consideration or place them on the agenda for the next meeting.
  - 1. Each request shall have at least one (1) quorum court member listed as a sponsor;
  - 2. Requests to have proposed items considered may require supporting documents that clearly state the reason(s) or justification(s) for the proposed item; and
- (d) An agenda, including all ordinances, resolutions and appointments to be introduced to the Quorum Court, shall be sent by email to the quorum court members a minimum of three (3) days prior to the introduction at a Quorum Court meeting. However, this restriction may be suspended by a two-thirds (2/3) vote of the whole number of the quorum court in times of an emergency or dire need. All ordinances, resolutions and appointments shall be filed in the Desha County Clerk's office.

In lieu of receiving the agenda by email, a quorum court member may request that the information be sent by United States Postal Service by signing and filling out a form in the office of the county judge or his/her designees. The agenda for each quorum court meeting shall be set by the county judge or his/her designees.

#### **Article 5. Presiding Officer**

- (a) The County Judge shall preside over the Quorum Court without a vote, but with the power of veto;

- (b) In the absence of the County Judge, a quorum of the justices by majority vote shall elect one (1) of their number to serve as presiding officer, but without the power to veto.

**Article 6. Quorum**

- (a) All legislative affairs of the quorum court shall be conducted through the passage of ordinances, resolutions and motions.
- (b) A majority of the whole number of justices composing a quorum court shall constitute a quorum and shall be necessary to conduct any legislative affairs of the county.

**Article 7. Handling of Motions**

A motion is a formal statement or proposition presented to the Quorum Court for consideration and action. Presenting and disposing of a motion follows this pattern:

1. Addressing the presiding officer, asking to be recognized, and stating their reason for requesting recognition (e.g. question, statement or motion);
2. Recognition by the presiding officer;
3. Statement of the motion by the member;
4. Seconding the motion. If there is no second then the motion fails for lack of a second;
5. Statement of the motion by presiding officer or chairperson;
6. Reading of Ordinance or Resolution by County Clerk;
7. Discussing the motion to adopt the ordinance, resolution or other decision, if applicable;
8. An opportunity for public comment by citizens as provided by separate Ordinance; and
9. Voting on the motion.

**Article 8. Procedure for Quorum Court Members to Speak**

Any Quorum Court member who desires to speak at a quorum court meeting should first ask to be recognized by the presiding officer.

Once recognized by the presiding officer, each quorum court member shall be allowed to speak without interruption by other quorum court members or others present at the meeting.

During the discussion period for old business or new business the presiding officer should allow any quorum court member to speak or offer comment after they properly ask to be recognized.

During the discussion period applicable to any pending motion to adopt an ordinance, resolution or other final decision the presiding officer should allow any quorum court member to speak or offer comment after they properly ask to be recognized.

#### **Article 9. Passing Ordinances or Amendments to Ordinances**

A concurrence by a majority of the whole number of the quorum court shall be required to pass any ordinance or amendment. All ordinances or amendments to existing ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days, unless two-thirds (2/3) of the members comprising the whole quorum court shall dispense with the rule.

This rule does not serve to:

1. Require a vote after each individual reading, but vote only after the third and final reading;
2. Require the ordinance or amendment to be read in its entirety on the first, second, or third reading; or
3. Restrict the passage of emergency, appropriation, initiative, or referendum measures in a single meeting as provided by law.

#### **Article 10. Voting on Ordinances and Resolutions**

- (a) Ordinance. To effect adoption of each ordinance, a roll call vote of each quorum court member shall be made as follows: The first roll call vote taken at any meeting will be made in order according to the alphabetically listed names of the quorum court members. Subsequent roll call votes shall be made by moving the first name listed alphabetically and called first on the preceding roll call vote to the last roll call position, and beginning the roll call with the next person's name listed alphabetically. Each subsequent roll call vote will follow this procedure.
- (b) Resolution. The County Clerk shall read Resolutions by title only unless the presiding officer requests that it be read in its entirety. To effect passage of each resolution, a voice vote of the whole quorum court shall be made that allows the presiding officer to determine the results by the volume of the votes for and against the resolution. If the presiding officer is uncertain of the result, he or she may call for a roll call vote of each quorum court member.

- (c) Motion to Read by Title Only. In certain circumstances it may be desired for the County Clerk to read a proposed ordinance by title only. In those instances, before there is a motion to approve the ordinance, there must be a separate and distinct motion to suspend the rule to read by title only. Once there is a motion and a second to suspend the rule and read by title only, the presiding officer will then ask for a voice vote on the motion to suspend the rule. If there are any votes against the suspension of the rule and the outcome of the vote is uncertain, the presiding officer may ask that a roll call vote be taken of each quorum court member. If the motion to suspend the rule passes there may then be a motion and second to approve the ordinance.

**Article 11. Procedure to Adopt an Ordinance in Less Than Three Different Days**

In order to adopt an ordinance in one meeting, the procedure would be as follows:

1. First reading.
2. Motion to suspend the rule and put the ordinance on second reading, roll call vote on suspension, approval by two-thirds of the whole number of the quorum court.
3. Second reading. Can be by title only.
4. Motion to suspend the rule and put the ordinance on third reading, roll call vote on suspension, approval by two-thirds of the whole number of the quorum court.
5. Third reading (can be by title only), roll call vote on the ordinance, approval by a majority of the whole number of the quorum court.

**Article 12. Appropriation and Emergency Ordinances**

- (a) Appropriation Ordinance. An appropriation ordinance or amendments enacted without separate readings shall require a two-thirds (2/3) vote of the whole number of the quorum court.
- (b) Emergency Ordinance. An emergency ordinance or an emergency amendment does not require separate readings. The passage of an emergency measure shall require a two-thirds (2/3) vote of the whole number of the quorum court.

**Article 13. Standing Committees of the Quorum Court**

- (a) Purpose. This provision is intended to facilitate the orderly conduct of county business through quorum court standing committees, procedural guidelines and rules of membership for such committees, and the subject matter to be considered by each of the various committees.



- (b) Establishment. There are three (3) standing committees of the quorum court: (1) the Finance Committee, (2) the Public Works & Safety Committee and (3) the Human Resources (HR) Committee. Each quorum court member may serve on both the Finance Committee and the Public Works & Safety Committee. The HR Committee membership is appointed by the County Judge and may consist of such number as decided by the County Judge.
- (c) Duties - Finance Committee
1. The Finance Committee shall have the responsibility of hearing and making recommendations on resolutions and ordinances concerning budget items and appropriations of the quorum court. The duties of the Finance Committee shall include, but not be limited to the following:
    - (i) To develop and recommend to the full quorum court policies related to financing Desha County government;
    - (ii) Maintain an inventory of Desha County policies that pertain to budget and finance and periodically assess the effectiveness of those policies and determine need for policy changes;
    - (iii) Receive orientation and training on county government finance in Arkansas and specifically Desha County;
    - (iv) Maintain knowledge and understanding of Desha County's fiscal condition on an ongoing basis (monthly, quarterly and annual reports);
    - (v) Maintain knowledge and understanding of state laws and regulations pertaining to county government finance;
    - (vi) Review long-term revenue and expenditure projections prepared by the Comptroller and other financial advisers employed by the county and anticipate budgetary issues beyond the current operating year;
    - (vii) Work with other quorum court standing committees to determine or assign priorities to county government programs and operations and develop sustainable financing arrangements for high priority needs; and
    - (viii) Review quarterly budget amendment ordinances being considered by the other standing committee of the quorum court.

2. The Finance Committee shall also have responsibility of hearing and making recommendations on all resolutions and ordinances that do not require an appropriation concerning the following: administrative services, county assessor, board of equalization, circuit clerk, county clerk, county collector, county coroner, county attorney, county judge, financial management department, all circuit courts, economic development, election commission, general services, grants, health department, juvenile justice, district courts, personnel, prosecuting attorney, public defender, quorum court and county treasurer.

(d) Duties - Public Works & Safety Committee

1. The Public Works & Safety Committee shall have the responsibility of hearing and making recommendations on all resolutions and ordinances that do not require an appropriation concerning the following: animal services, communications, community services, county extension, detention facility, emergency services, planning, road and bridge, recycling, sanitation and county sheriff.

(e) Duties - HR Committee

1. The HR Committee shall have the responsibility of hearing and making recommendations on resolutions and ordinances concerning the following: personnel policies, Personnel Policy Manual, County benefit package, official and employee payroll, and human resources issues.

(f) Any items not concerning the above departments or services or any items that are of question as to their assignment shall be assigned to the appropriate standing committee by the presiding officer of the quorum court.

**Article 14. Membership**

(a) The Finance Committee is appointed by the County Judge and may consist of such number of members as decided by the County Judge.

(b) The Public Works & Safety Committee is appointed by the County Judge and may consist of such number of members as decided by the County Judge.

(c) The HR Committee membership is appointed by the County Judge and may consist of such number of members as decided by the County Judge.

(d) The members and chairman of each committee shall be appointed by the County Judge, subject to any procedural rules adopted by the quorum court as required by Ark. Code Ann. §14-14-904(d).

**Article 15. Committee Review of Agenda Items**

To the extent deemed necessary by the County Judge or the Quorum Court, agenda items will be considered by at least one (1) of the standing committees.

**Article 16. Modification**

The Quorum Court may at any regular meeting revise or modify these rules or adopt new rules by a majority vote of the full membership.


**Article 17. Repealer**

All ordinances in conflict with this ordinance are hereby repealed.


**Article 18. Emergency Clause**

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 full force and effect from and after its passage and approval.

PASSED AND APPROVED this 16 day of February, 2023.

  
Richard Tindall, County Judge

ATTEST:

  
Valerie Donaldson, Desha County Clerk

ORDINANCE 2023- 4

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

AN APPROPRIATION ORDINANCE AUTHORIZING THE PAYMENT FOR GRANT ADMINISTRATIVE SERVICES FROM FUNDS RECEIVED FROM THE CORONAVIRUS FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN; AMENDING THE ANNUAL OPERATING BUDGET FOR THE CALENDAR YEAR 2023, AND FOR OTHER PURPOSES.

WHEREAS, the Quorum Court commit the following amounts of grant fund as listed below;

WHEREAS, these funds will be paid out when the vendor receiving the funds presents invoices for the item and the county will pay directly to the vendor;

WHEREAS, Federal Procurement Guidelines 2 CFR Part 200 Subpart D were followed during the procurement and award process for grant administrative services;

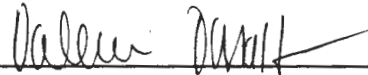
WHEREAS, the following is recommended by the Desha County Judge;

Payment of twenty-five hundred dollars (\$2,500.00) a month to Barlow Consulting LLC payable on or around the 16<sup>th</sup> of each month beginning with first payment due February 16, 2023, until all American Rescue Plan Act 21 funds have been spent and final close-out completed. Total compensation shall not exceed sixty-thousand dollars (\$60,000.00).

THEREFORE, be it enacted by the Quorum Court of Desha, State of Arkansas; an Ordinance Entitled Authorizing Payment for Grant Administrative Services for the American Rescue Plan Act 2021.

Signed   
Desha County Judge

Date 2-22-23

Attest   
Desha County Clerk

Date 2-22-23

**F I L E D**

ORDINANCE 2023 5

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

AN APPROPRIATION ORDINANCE AUTHORIZING THE PAYMENT FOR FEMA MITIGATION OF 2 HOUSES IN A FLOOD PRONE AREA AND \$173,853.90 PLACED IN BUDGET TO PURCHASE SAID HOUSES.

WHEREAS, THESE TWO HOUSES WERE FLOODED:

WHEREAS, FEMA WILL REPAY FUNDS TO PURCHASE THESE TWO PROPERTIES AND,

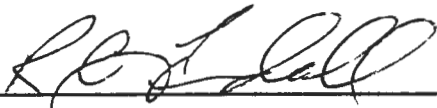
WHEREAS, BOTH PROPERTIES WERE APPRAISED BY A REGISTERED APPRAISER, WITH BOTH PARTIES DESIRING TO SELL AT THE APPRAISED PRICE LESS 25% WITH THE COUNTY PAYING CLOSING COST TO MRS. PAM BLISSETT OF SOUTHEAST REALTY, MCGEHEE, ARKANSAS ACTING AS CLOSING AGENT, AND,

WHEREAS THE FOLLOWING PERSONS WISH TO SELL THEIR PROPERTY AS FOLLOWS:

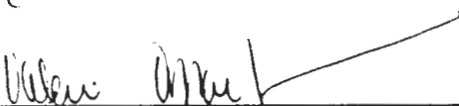
1. MS. BETTY TIMMONS (173 MILLER LANE, DUMAS, ARKANSAS 71639) \$30,000.00 LESS 25% GRANT MATCH = \$7500.00 FOR A TOTAL AMOUNT TO DELIVERED TO SELLER \$22,500.00
2. MR. & MRS. BRUCE & KATHY RAGAN (191-A PENDELTON LANE, DUMAS, ARKANSAS 71639) \$141,000.00 LESS 25% GRANT MATCH = 35,250.00 FOR A TOTAL AMOUNT DELIVERED TO SELLER \$105,750.00

A TOTAL OF \$173,853.90 FOR PROPERTIES INCLUDING CLOSING COST.

THEREFORE, Be it enacted by the Quorum Court of Desha, State of Arkansas: an ordinance entitled an appropriation ordinance, authorizing the placement of \$173,853.90 in budget to be used to purchase the two listed properties.

SIGNED 

DATE 2-23-23

ATTEST 

DATE 2-23-23