AGENDA Cleburne County Quorum Court Thursday, February 10, 2022 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. Ambulance Committee

5. Unfinished Business:

a. None

6. New Business:

- a. Proposed Ordinance No. 2022-Humane Society-JP Malone
- b. Proposed Ordinance No. 2022-COVID Sick Leave-JP Caldwell
- c. Proposed Ordinance No. 2022-ARPA Revenue Replacement Fund-JP Evans
- d. Proposed Ordinance No. 2022-Transfer to ARP Fund-JP Henegar
- e. Proposed Resolution 2022-Hazard Mitigation Plan-JP Malone
- f. Arkansas Rural Connect Grant Award-Judge Martin

7. Comments from the Public:

8. Announcements:

- a. Next Regular Quorum Court Meeting Thursday, March 10, 2022.
- 9. Adjournment:

CLEBURNE COUNTY QUORUM COURT JOURNAL OF PROCEEDINGS

January 13, 2022

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 Karl Martin presided. PRESENT: Henegar, Caldwell, Blackburn, Malone, Evans, Martin, Foust, Tamburo, Roberts, Owens. ABSENT: Pearson

READING, CORRECTION, AND DISPOSITION OF MINUTES:

Motion was made by JP Caldwell to approve the minutes of the December 9, 2021, regular meeting, seconded by JP Owens. Voice vote, motion carried.

REPORT OF TREASURER:

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

REPORT OF COMMITTEES:

JP Foust reported that the Ambulance Committee did meet and there is a Proposed Ordinance on tonight's agenda.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Proposed Resolution No. 2022-Endorsement of Business to Participate in the Tax Back Program JP Blackburn introduced a Resolution: "A RESOLUTION OF THE QUORUM COURT OF CLEBURNE COUNTY CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF DARK THREAT FABRICATION, LLC TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003)."

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

Passed and Adopted as Resolution 2022-01.

Proposed Ordinance No. 2022-Cleburne County Courthouse HVAC Grant

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. 2021-035, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2022 AND FOR OTHER PURPOSES."

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

Passed and adopted as Ordinance 2022-01.

Proposed Ordinance No. 2022-Amend 2022 Sheriff Budget

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. 2021-035, WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2022 AND/OR OTHER PURPOSES TO AMEND THE SHERIFF BUDGET."

JP Malone made a motion to adopt the ordinance, seconded by JP Roberts. Discussion followed. Roll Call was taken. Ayes: Blackburn, Caldwell, Foust, Henegar, Malone, Martin, Owens, Roberts, Tamburo. Nays: Evans. **Passed and adopted as Ordinance 2022-02.**

Proposed Ordinance No. 2022-Ambulance Service Selection Process

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 FOR THE SOLICITATION OF STRUCTURED PROPOSALS FOR ALS AMBULANCE SERVICE, ASSESSMENT OF STRUCTURED AMBULANCE SERVICE PROPOSALS AND PUBLIC HEARING AND SELECTION OF AMBULANCE SERVICE PROPOSAL AND AUTHORIZATION TO OFFER A COUNTY WIDE FRANCHISE FOR AMBULANCE SERVICE".

JP Foust made a motion to suspend the rules and place the Ordinance on the second reading by title only, seconded by JP Roberts. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Roberts, Tamburo. Nays: None. JP Foust read the Ordinance by title only. JP Foust made a motion to suspend the rules and place the Ordinance on a third and final reading by title only, seconded by JP Roberts. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Roberts. Roll Call was taken. Ayes: Blackburn, Caldwell, Evans, Foust, Henegar, Malone, Martin, Owens, Roberts, Tamburo. Nays: None. JP Foust read the Ordinance by title only. JP Foust made a motion to adopt the Ordinance, seconded by JP Malone. Lengthy discussion followed including comments from the public. JP Malone made a motion to amend the Ordinance as follows, seconded by JP Blackburn:

- Page 1, 4th WHEREAS-strike "exclusive"
- Page 1, Section 1(A)(2)-strike "exclusive"
- Page 2, Section 1(A)(5)-strike sentence 1, add "or other covered service areas to end of sentence 2, strike sentence 3, strike "additional" in sentence 4.
- Page 2, Section 1(A)(10)-strike "exclusive"
- Page 3, Section 1(B)(6)-strike sentence 1, add "or the covered service areas" to the end of sentence 2, strike sentence 3, strike "additional" in sentence 4.

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

COMMENTS FROM THE PUBLIC:

ANNOUNCEMENTS:

• The next regular Quorum Court meeting will be held Thursday, February 10, 2022.

ADJOURNMENT:

JP Caldwell made the motion to adjourn, seconded by JP Roberts. Meeting adjourned at 8:05 p.m.

ATTESTED:

Rachelle Evans, Cleburne County Clerk

Book ______ Page (s)_____

This ______th day of ______2022

PROPOSED ORDINANCE NO. 2022-FUNDING FOR HUMANE SOCIETY

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. 2021- 035 WHICH ADOPTED THE BUDGET FOR THE CALENDAR YEAR 2022 AND/OR OTHER PURPOSES TO CREATE A HUMANE SOCIETY BUDGET".

WHEREAS, The Cleburne County Humane Society requested funding for calendar year 2022 during the budget cycle but did not have the documents requested by the budget committee, and since those documents have now been received and reviewed by the committee, and

WHEREAS, The Cleburne County Quorum Court now recommends funding for the Humane Society in the amount of \$8,000.

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

Section 1. The following appropriations are hereby approved:

Fund: 1000 Humane Society Budget

LINE ITEM	FR	ROM	ТО	CHANGE
1000-0119-3103 Grants In Aid		\$0.00	\$8,000.00	+\$8,000.00
TOTAL CHANGE IN HUMANE SOCIETY BUDGET				+\$8,000.00

<u>Section 2</u>. 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.

<u>Section 3</u>. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED this 10th day of February 2022.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Karl Martin, Cleburne County Judge

Recorded: Book Page(s)

PROPOSED ORDINANCE NO. 2022-COVID SICK LEAVE

BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN EMERGENCY ORDINANCE TO ADDRESS LEAVE POLICIES IN TIMES OF COVID-19 IN THE STATE OF ARKANSAS".

WHEREAS, The COVID-19 virus continues to remain an issue in 2022;

WHEREAS, quarantine is one of the recommended management tools by the CDC to prevent the spread of COVID-19;

WHEREAS, it is in the best interest of the County, its employees, and the public, that persons who have been exposed to COVID-19 or who have been diagnosed with COVID-19 be able to remain in quarantine for the full five (5) period;

WHEREAS, the County is attempting to ensure employees are able to quarantine without suffering undue hardship which may be created by limited availability of leave;

NOW, THEREFORE IT IS HEREBY ORDAINED AND ADOPTED:

- 1) During the year of 2022, the following rules will be in place:
- 2) An employee who needs leave for one of the following reasons may be placed on paid administrative leave until they are permitted to resume normal activities per current CDC or ADH guidelines at the time the leave is needed:
 - a. An employee has been in close contact with a known COVID-19 positive person and is subject to quarantine by the ADH and the Elected Official has not requested the employee continue to report to work under the "critical infrastructure worker" exception found in the ADH May 22, 2020, Quarantine Order; or
 - b. An employee has tested positive for COVID-19; or
 - c. An employee is symptomatic for COVID-19 and is seeking a diagnosis.
- 3) After the first need for leave under Section 2 above is completed, and the employee has returned to work, an employee shall only be eligible for additional paid administrative leave time under this Ordinance for a new exposure or new diagnosis.
- 4) Employees who qualify for paid administrative leave under Section 2 above, shall be paid the number of days recommended for quarantine by either:
 - a. Their healthcare provider;
 - b. The ADH by written recommendation; or,
 - c. The Elected Official or Supervisor of the employee.
- 5) This paid time shall not be taken out of any leave bank of the employee up to extension amount of 80 hours.
- 6) Employees who qualify for paid administrative leave due to a COVID-19 infection may be required to provide the following documentation upon the request of the employee's Elected Official and/or supervisor; however, this information may not be necessary if the Elected Official and/or supervisor approves paid administrative leave without such documentation:
 - a. Evidence of a positive COVID-19 test, or pending test result; or
 - b. A written note from a healthcare professional or the Arkansas Department of Health recommending quarantine or isolation due to a COVID-19 exposure, positive COVID-19 test or a pending COVID-19 test; and
 - c. A written note from a healthcare professional or Arkansas Department of Health releasing the employee to return to work after their isolation period has ended is suggested for the

PROPOSED ORDINANCE NO. 2022-COVID SICK LEAVE

employee to return to work, but this requirement shall be left up to the discretion of the Elected Official or employee supervisor.

- 7) Employees who qualify for paid administrative leave due to experiencing symptoms of COVID-19 and seeking a medical diagnosis shall not be permitted to return to work until a release from a healthcare professional is provided or until approved by their Elected Official or employee supervisor
- 8) Employees who qualify for paid administrative leave due to quarantine based on close contact with a known positive individual may be required to provide the following documentation upon the request of the employee's Elected Official and/or supervisor; however, this information may not be necessary if the Elected Official and/or supervisor approves paid administrative leave without such documentation:
 - a. A written and signed statement with the following information:
 - i. The date of the close contact;
 - ii. The location the close contact occurred (i.e., work, home, church, etc.);
 - iii. Whether the employee has consulted with the ADH or health care professional regarding the close contact and need to quarantine.
 - 1. If the employee has consulted with the ADH or a healthcare provider due to close contact, they shall provide written documentation regarding the quarantine period.
- 9) Employees who have already taken time off under the originally awarded eighty (80) hours in year 2020 shall be allowed to use any remaining hours in 2022. The purpose of this Ordinance is to extend the time for using these original eighty (80) hours into year 2022 since COVID-19 continues to be a major factor in day-to-day activities.
- 10) Employees who choose to take time off during the declared public-health emergency for any reason other than those listed above, are still subject to the regular leave provisions as outlined in the County Personnel Policy.
- 11) This temporary policy change shall not affect offices or employees who have been approved by their supervisor to telework or work from home based on COVID-19 exposure or COVID-19 related hardships. Those offices shall remain allowed to manage their personnel accordingly to their telework arrangement as approved by their Elected Official and/or supervisor.
- 12) SEVERABILITY CLAUSE. The provisions of this Ordinance are severable. If any provision hereof shall be held to be invalid or inapplicable to any person or circumstance, such holding or invalidity shall not affect the validity or applicability of the remainder of the provisions hereof.
- 13) This Ordinance and the provisions herein shall be retroactive back to January 1, 2022.
- 14) This Ordinance and the provisions herein shall expire on December 31, 2022, if this Ordinance has not been repealed, replaced, or amended on an earlier date.

PROPOSED ORDINANCE NO. 2022-COVID SICK LEAVE

EMERGENCY CLAUSE

There is significant risk to public health and safety posed by the spread of COVID-19. The Cleburne County Quorum Court has determined that this Ordinance is necessary to help prevent the spread of the illness within the County and to members of the general public who may visit county offices. Therefore, an emergency is hereby declared to exist, and this Ordinance, being necessary for the preservation of public health, safety and welfare, shall be effective from and after its date of passage.

PASSED AND ADOPTED this 10th day of February 2022.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk	Karl Martin, Cleburne County Judge
Recorded: Book Page(s)	
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PROPOSED ORDINANCE NO. 2022-ARPA REVENUE REPLACEMENT FUND

BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS; AN ORDINANCE TO ESTABLISH AND FUND A COUNTY GENERAL SUB-FUND TO BE CALLED THE ARPA REVENUE REPLACEMENT FUND; AND TO DECLARE AN EMERGENCY.

WHEREAS, the Quorum Court desires to establish a sub-fund in order to properly handle, manage, and keep record of any money received from what is commonly known as the American Rescue Plan (ARP).

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

<u>Article 1</u>. <u>Affirmation</u>. It comes before this Court that there is a need to establish a County General sub-fund on the books of the county to track the revenue replacement funds taken from the ARP Fund #3046 from the election of a standard allowance allowed by the final rule. This Court recognizes and affirms the need for such a fund to properly account for and control all such revenues allowed and expenditures made with replacement revenue in compliance with the Coronavirus State and Local Fiscal Recovery Funds Final Rule from the U.S. Treasury.

<u>Article 2</u>. <u>Establishment of Fund</u>. There is hereby created on the books of the Cleburne County Treasurer and the books of the Cleburne County Clerk, a County General sub-fund to be known as the ARPA Revenue Replacement Fund with a fund number of 1006 as assigned by Arkansas Legislative Audit. Any revenue or transfer codes; office/department codes; and expenditure codes are to be assigned locally using the County Financial Management System per the direction of Arkansas Legislative Audit.

Article 3. Operation of Fund. The ARPA Revenue Replacement Fund is subject to all the normal county budgeting, appropriation, and expenditure regulations of Title 14 of Arkansas Code Annotated and the County Financial Management System. Funds transferred to the ARPA Revenue Replacement Fund as "county revenue loss" may be used generally for government services traditionally provided by county government to include, but not limited to: construction and maintenance of roads and bridges; other infrastructure projects; provision of public safety; purchase of government vehicles and equipment; and county administrative costs. Revenue replacement funds cannot be used to make an extraordinary contribution to a pension fund; for debt service; for replenishing county financial reserves; for settlements or judgments or for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act. Proper records and documentation must be maintained on the use of these funds for federal audit purposes.

EMERGENCY CLAUSE

It is found by this Court that the transfer of revenue loss dollars from the American Rescue Plan Fund to the ARPA Replacement Revenue Fund for general county government services is imminent making it necessary to establish the ARPA Revenue Replacement Fund in order to be able to properly track the revenue, appropriated expenditures and/or appropriated transfers. Therefore, an emergency is declared to exist, and this ordinance shall be in full force and effect from the date of passage and approval.

PASSED AND ADOPTED this 10th day of February 2022.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Karl Martin, Cleburne County Judge

Recorded: Book _____ Page(s) _____

PROPOSED ORDINANCE NO. 2022-TRANSFER TO ARP FUND

BE IT ENACTED BY THE QUORUM COURT OF CLEBURNE COUNTY, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: "AN APPROPRIATION ORDINANCE TRANSFERRING FUNDS TO THE AMERICAN RESCUE PLAN FUND".

WHEREAS, the Quorum Court of Cleburne County created the American Rescue Plan Fund for implementing money received from the Federal Government commonly known as the American Rescue Plan funds, and

WHEREAS, the time has come to transfer funds from ARP Fund 3046 into the ARPA Revenue Replacement Fund 1006 in order to continue to properly manage and document the expenditure of said ARPA Revenue Replacement Funds.

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

<u>Section 1</u>. The Quorum Court hereby approves the appropriation from ARP Fund: 3046, and the ARPA Revenue Replacement Fund: 1006 shall be funded as follows:

LINE ITEM	FROM	то	DIFFERENCE
3046-8888-9999 Transfer Out	\$0.00	\$2,320,508.16	+\$2,320,508.16
TOTAL INCREASE IN ARP BUDGET			\$2,320,508.16

<u>Section 2</u>. 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.

<u>Section 3</u>. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED this 10th day of February 2022.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Karl Martin, Cleburne County Judge

Recorded: Book _____ Page(s) _____

PROPOSED RESOLUTION NO. 2022 HAZARD MITIGATION AGREEMENT

A RESOLUTION FOR THE PURPOSE OF AUTHORIZING THE JUDGE OF CLEBURNE COUNTY, ARKANSAS TO ENTER INTO AN AGREEMENT WITH THE WHITE RIVER PLANNING AND DECELOPMENT DISTRICT, INC

WHEREAS, Cleburne, Arkansas has received notification of funding approval from the Arkansas Department of Emergency Management to provide funds for the preparation of a Hazard Mitigation Plan; and

WHEREAS, Cleburne County requires assistance to prepare the Hazard Mitigation Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Cleburne County Quorum Court:

That the Cleburne County Judge be authorized to execute an Agreement with the White River Planning and Development District, Inc., to provide for the preparation of said Hazard Mitigation Plan and provide said services to the County in accordance with the Grant application and award from the Arkansas Department of Emergency Management.

PASSED AND ADOPTED this 10th day of February 2022.

ATTEST:

APPROVED:

Rachelle Evans, Cleburne County Clerk

Karl Martin, Cleburne County Judge

Recorded: Book _____ Page(s) _____

HAZARD MITIGATION PLAN UPDATE

White River Planning and Development District and Cleburne County are working on updating the County Multi-Jurisdictional Hazard Mitigation Plan. Our current plan was adopted and approved in 2018, however, FEMA requires all plans to be updated every 5 years.

Back in 2020 we applied for a grant to help with the cost of getting this done. We were notified in January of this year that we had been approved. FEMA requires that this program be done through White River Planning or an entity like them. White River Planning and Development's cost is \$40,000 to help complete the plan. FEMA will reimburse the county \$30,400 per the grant, but we will be responsible for the rest. When we applied we reached out to all the cities, schools, etc. in the county to see if anyone would be willing to participate in this with the county. Several agreed as follows:

City of Greers Ferry	\$1,000
City of Higden	\$1,000
City of Quitman	\$1,000
City of Heber Springs	\$1,000
West Side School District	\$1,000
Heber Springs School District	\$1,000
Concord School District	\$1,000

The county will be responsible for the remaining amount of \$2,600.

If you have any questions, please feel free to call me at 501-362-8141. I will not be at the meeting so please ask any questions you may have ahead of time. If it is a specific question about the Plan, please reach out to Carson Grant <u>carson@wrpdd.org</u> (281-757-0169). He is the one at White River Planning that is overseeing the project for us.

Sincerely,

Rebekah Knew Administrative Assistant to Judge Jerry Holmes Cleburne County Judge's Office 300 West Main Street Heber Springs, AR 72543 Phone: <u>501-362-8141</u> Fax: <u>501-362-4605</u>

AGREEMENT

This agreement made and entered into by and between White River Planning and Development District, Inc., and Cleburne County, Arkansas.

White River Planning and Development District, Inc., (WRPDD) and Cleburne County, for the consideration, purposes, and covenants hereafter, do hereby agree to the following:

- WRPDD will be responsible for the development, organization and submission of the Pre-Disaster Mitigation Plan following the regulations as set forth by the Building Resilient Infrastructure and Communities (BRIC) Grant Program through FEMA and the Arkansas Department of Emergency Management.
- Compensation to WRPDD will not exceed the County's allocation of \$40,000 as set aside by FEMA and the Arkansas Department of Emergency Management to perform the above mentioned task.
- Cleburne County will be responsible for providing \$9,600 in cash match. The cash match will include county, participating cities, school districts, flood districts, water associations, etc. \$30,400 will be reimbursed to the county from FEMA upon reimbursement submittal.

Payment is contingent on approval of the Plan by FEMA.

This agreement executed in duplicate originals on this _____ day of _____, 2022.

Cleburne County

White River Planning and Development District, Inc.

Karl Martin County Judge Jan Smith Executive Director