



WASHINGTON COUNTY, ARKANSAS
County Courthouse

May 29, 2015

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

June 1, 2015
5:30 P.M.
Washington County Quorum Court Room

Vice-Chair John Firmin
Robert Dennis
Tom Lundstrum

Chair Eva Madison

Daniel Balls
Sharon Lloyd
Sue Madison

AGENDA

1. Call to Order.
2. Adoption of Agenda.
3. Review of Quorum Court Organizational Procedures. (3.1)
4. Other Business: Any other business to be discussed by the Committee will be brought up at this time.
5. Public Comments.
6. Adjournment.

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ARTICLE II. QUORUM COURT

DIVISION 1. GENERALLY

Sec. 2-16. Regular meetings.

(a) The regular meeting of the County Quorum Court shall be held at 6:00 p.m. on the third Thursday of each month at the Washington County Courthouse, Fayetteville, Arkansas.

(b) If a holiday or unforeseen contingency arises, the regular meeting may be rescheduled upon a majority vote of the Quorum Court.

(c) Pursuant to A.C.A. § 25-19-106, the media shall be duly notified of such. (Ord. No. 81-1, Art. 1, 1-6-81; Ord. No. 2009-02, Art. 1, 1-5-09; Ord. No. 2011-57, Art. 1, 8-11-11; Ord. No. 2012-31, Art. 1, 4-12-12)

State law reference—Authority to establish regular meeting times and places, A.C.A. § 14-14-904(a).

Sec. 2-17. Special meetings.

(a) The County Judge or a majority of the elected Justices of the Peace may call special meetings upon at least twenty-four (24) hours' notice.

(b) Such notice shall include time, date, and place of the special meeting. The notice shall also include the purpose of the meeting, however, this does not preclude the Quorum Court from acting on, or considering other matters, which may appropriately come before the body at such special meeting.

(c) Notice of a special meeting given at any regular or special meeting of the Quorum Court shall constitute due notice to the members present. The Court Secretary shall be responsible for giving timely notice to absent members, as well as giving public notice, containing the information specified in subsection (b).

(d) Notice of a special meeting of the Quorum Court called by the County Judge at other than a meeting of the Quorum Court shall be accomplished by the County Judge notifying the Court Secretary in writing if time permits who shall be responsible for notifying each Justice of the Peace individually, in writing if time permits, and giving due public notice.

(e) Notice of a special meeting of the Quorum Court called by a majority of the Justices of the Peace shall be accomplished by one (1) member of the majority notifying the Court Secretary, in writing if time permits. In addition to the information specified in subsection (b), the notice shall also include the name of each Justice of the Peace making up the majority calling the meeting. The Court Secretary shall be responsible for notifying the County Judge and each Justice of the Peace individually, not included in the majority calling the special meeting, in writing if time permits and giving due public notice.

(f) In order to protect the rights and interests of all County officials concerned and the general public, it is the intent of this body that notice of a call for a special meeting shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the special meeting. The minimum twenty-four (24) hours' notice should, therefore, be resorted to only under extreme and unusual circumstances.

(Ord. No. 77-2, §§ 1—6, 1-3-77)

Cross references—Court Secretary, § 2-19; introduction of ordinances, § 2-33.

State law reference—Authority to establish procedure for calling of special meetings, A.C.A. § 14-14-904(c).

Sec. 2-18. Compensation.

(a) Justices of the Peace serving as Quorum Court members shall receive per diem compensation for attending any official, regular, special or committee meeting of the Quorum Court in the sum of one hundred ten dollars (\$110.00) provided, the per diem compensation of any Justice of the Peace during any one calendar year shall not exceed the amount of eight thousand thirty-five dollars (\$8,035.00). Compensation amounts are established by Act 1170 of the 83rd Arkansas General Assembly, 2001, pertaining to maximum and minimum salaries for elected County officers, and said Act is herein adopted as if set out word for word.

(b) Per diem compensation is hereby defined as a per calendar day allowance, exclusive of allowable expenses, which shall be paid a Justice of the Peace for attending any official, regular, special or committee meeting or meetings of the Quorum Court during any single calendar day without regard to the duration of such meeting or meetings.

(c) Beginning January 1, 1983, each Justice of the Peace shall be compensated for travel to and from any official, regular, special or committee meeting of the Quorum Court at the rate per mile established by ordinance for County officials.

(d) Attendance at a meeting of the Quorum Court shall be verified by roll call by the Court Secretary. Attendance at a committee meeting of the Quorum Court shall be verified by the committee chairman, who shall file with the County Clerk written reports of those Justices attending committee meetings. Such reports shall be filed within thirty (30) days following the committee meeting.

(e) Any Justice of the Peace who shall preside over a Justice of the Peace Court, shall do so without compensation.

(f) Each year that the General Assembly changes the minimum per diem compensation and the maximum yearly compensation shall result in an automatic increase of such.

(Ord. No. 83-3, Arts. 1—5, 2-11-83; Ord. No. 83-44, Art. 1, 12-8-83; Ord. No. 89-43, Arts. 1, 2, 12-28-89; Ord. No. 92-2, Arts. 1, 2, 1-14-93; Ord. No. 93-22, Arts. 1—6, 10-21-93; Ord. No. 94-5, 3-10-94; Ord. No. 95-22, Art. 1, 7-13-95; Ord. No. 96-46, Art. 3, 12-16-96; Ord. No. 97-28, Arts. 1, 2, 11-14-97)

Note—Section 2 of Act 320 of the 87th Arkansas General Assembly, 2009, established the compensation amounts for Justices of the Peace to be one hundred twenty-five dollars (\$125.00) per diem and not to exceed ten thousand three hundred seventy-six dollars (\$10,376.00) during any one calendar year. Section 3 of Act 320 of the 87th Arkansas General Assembly, 2009, established a cost-of-living adjustment of three percent (3%) per annum beginning January 1, 2011, and on each January 1 thereafter. The amount shall be added to the minimum and maximum salaries and per diems of elected county officers. During the 2014 Budget Process, the Quorum Court approved an increase to their per diem compensation to two hundred dollars (\$200.00).

Cross reference—Court Secretary, § 2-19.

State law reference—Compensation of elected County officers, A.C.A. § 14-14-1204.

Sec. 2-19. Court Secretary.

(a) There is hereby created for the County the position of executive secretary and secretariat of the Quorum Court pursuant to the authority of Ark. Stat. Ann. § 17-4014, to be known as the Court Secretary.

(b) The minimum qualifications for employment, job duties and classification shall be those specified in the Job Description made a part hereof by reference.

(c) In addition to or as a part of the duties prescribed in subsection (b), the Court Secretary shall perform such legislative duties as are prescribed for the Clerk of the County Court in the capacity of secretariat of the Quorum Court by Act 742 of 1977 [Ark. Stat. Ann. § 17-3101 et seq.], as amended.

(d) The Court Secretary shall be a staff member of the Office of the County Judge.
(Ord. No. 82-2, Arts. 1—4, 2-19-82)

Cross references—Special meetings, § 2-17; compensation, § 2-18; introduction of ordinances, § 2-33.

State law reference—Quorum Court administration, A.C.A. § 14-14-902.

Sec. 2-20. Duties of County Treasurer.

(a) In addition to all other duties now required by law, the County Treasurer shall attend all regular meetings of the Quorum Court for the purpose of responding to any questions which may arise concerning the financial statement required to be submitted monthly to the Quorum Court by the County Treasurer.

(b) In compiling the monthly financial statement, the County Treasurer shall contact any County office, official, or employee that is necessary in order to compile such a statement. In return, the office, official, or employee shall provide any and all materials and dates requested by the County Treasurer.

(c) In addition to all other duties presently required by law, the County Treasurer shall attend any special meeting of the Quorum Court wherein such attendance is deemed necessary by members of the Quorum Court or the County Judge. Timely notice of such need for attendance shall be furnished the County Treasurer giving the purpose for which attendance is required.

(Ord. No. 77-7, §§ 1—3, 2-10-77)

Sec. 2-21. Maximum penalties levied for misdemeanors by the Quorum Court.

If any penalty set out in the Washington County Code exceeds that as set out in A.C.A. § 14-14-805, then said penalty is hereby amended as follows:

- (1) Five hundred dollars (\$500.00) for the first offense;

- (2) One thousand dollars (\$1,000.00) for any subsequent offense; and
- (3) Two hundred fifty dollars (\$250.00) a day for any continuing offenses.

All provisions for incarceration are hereby repealed. (Ord. No. 2001-23, Art. 1, 4-12-01)

Editor's note—Ord. No. 2001-23, Art. 1, adopted April 12, 2001, did not specifically amend the Code; hence, inclusion herein as § 2-21 was at the discretion of the editor.

Sec. 2-22. Committees of Quorum Court.

(a) The following committees of the Quorum Court are hereby established:

- (1) County Services;
- (2) Jail/Law Enforcement/Courts;
- (3) Personnel;
- (4) Public Works; and
- (5) Finance and Budget.

(b) The Finance and Budget Committee shall be a committee of the whole comprised of all fifteen (15) members of the Quorum Court.

(c) Each committee shall provide for its own organization and management of its affairs, including the election of its own chair and vice chair. (Ord. No. 2013-12, Arts. 1—3, 2-21-13)

Secs. 2-23—2-30. Reserved.

DIVISION 2. PROCEDURES

Sec. 2-31. Adoption of Robert's Rules of Order.

(a) The rules of procedure for transacting business at all regular and special sessions of the Quorum Court, and all regular and special meetings of the committees of the Quorum Court shall be the most recent version of Robert's Rules of Order except where they are in conflict with the general laws of the County and the State.

(b) 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. (Res. No. 77-1, §§ 1, 2, 1-3-77; Res. No. 99-24, Art. 1, 11-12-99)

Sec. 2-31.1. Agenda order; responsibility for establishing agenda.

The responsibility for establishing the agenda of the regular Quorum Court meeting shall be that of the County Judge. The responsibility for establishing the agenda for the Committee shall be that of the Committee Chairman in consultation with the County Judge. Any Justice of the Peace may request that any relevant item be placed on the Quorum Court agenda. Any Justice of the Peace may also request any relevant item be placed on the Committee agenda or may bring such up under "other business".

At the beginning of each Quorum Court or Committee Meeting the agenda shall be approved. Any Justice of the Peace may request an item be added to the agenda subject to approval of two-thirds ($\frac{2}{3}$) of the Quorum Court.

(Res. No. 91-4, Art. 2, 3-14-91)

Sec. 2-32. Citizen comments.

(a) After Quorum Court discussion, and before the vote on the final passage of any ordinance or resolution, a ten-minute period shall be allowed for citizen comment with speakers alternating as proponents and opponents.

(b) At the end of each Quorum Court meeting there shall be a fifteen-minute period during which citizens may comment on any issue that is relevant to the business of the Quorum Court or the County. No individual may speak longer than three (3) minutes.

(c) Additional time may be added to any of the public comment periods by a majority vote of the Quorum Court or committee holding the meeting.

(d) Written comments are welcome to be submitted at any time to the Quorum Court or any of its members.

(e) A specific resource person may be called upon by any Quorum Court member at any time during consideration of an item provided such is approved by a majority vote of the Quorum Court. Otherwise, such may be referred to the appropriate committee.

(f) In instances where there is extensive public interest and the need to allow for substantial public comment, the Quorum Court may call for a public hearing before the appropriate committee of the Quorum Court.

(g) There shall be a ten (10) minute public comment period before a vote on any proposed resolution or ordinance during any regular or special meeting of a committee of the Quorum Court. This shall follow the discussions by the committee members, and Quorum Court members not on the committee, and other County officials or employees involved.

(h) There shall also be a ten (10) minute public comment period at the end of each committee meeting.

(Res. No. 77-3, §§ 1—3, 2-10-77; Res. No. 91-4, Art. 1, 3-14-91; Res. No. 99-24, Art. 2, 11-12-99)

Sec. 2-33. Introduction of ordinances.

(a) The Quorum Court recognizes the need for an efficient manner in which ordinances shall be introduced.

(b) All general ordinances shall be presented to the County Attorney by the member of the Quorum Court sponsoring that ordinance, in rough draft form, at least fourteen (14) days prior to the date of the Quorum Court meeting at which the member of the Quorum Court wishes to introduce the ordinance.

The County Attorney shall review the ordinance in rough draft form for legal sufficiency and prepare it in proper legal form.

(c) The County Attorney shall be responsible for presenting the ordinance in proper legal form to the County Secretary at least eight (8) days prior to the meeting of the Quorum Court at which the ordinance is to be presented. The Court Secretary shall cause to be sent to each member of the Quorum Court a copy of the ordinance at least six (6) days prior to the meeting of the Quorum Court at which the ordinance is to be presented.

(d) Appropriation ordinances shall be exempt from the requirements of this section, however, the member of the Quorum Court sponsoring the introduction of an appropriation ordinance shall be responsible for the preparation of that appropriation ordinance in proper form.

(e) Any ordinance that does not comply with the requirements herein shall be deemed to be out of order if presented at a meeting of the Quorum Court, provided, however, that by a two-thirds ($\frac{2}{3}$) vote of the members of the Quorum Court, the requirements herein may be suspended.

(f) Unless otherwise specified by the sponsor, all ordinances submitted to the Quorum Court for approval shall be written in the following manner:

- (1) The title of the ordinance shall include, in summary form, all actions performed by the ordinance.
- (2) The current text of any section of Code to be amended shall be written in full, with amendments included as follows:
 - a. Language added to the section of Code shall be underlined.
 - b. Language deleted from the section of Code shall be struck through.
- (3) A new section of Code to be established shall be written and underlined in full, including any title.
- (4) A current section of Code to be totally repealed shall be written and struck through in full, including any title.

- (5) Failure to follow the rules of this section shall not invalidate any previous or subsequent ordinances of the Quorum Court.
(Res. No. 79-1, Arts. 1—5, 2-9-79; Ord. No. 2001-55, Art. 1, 9-20-01; Res. No. 2002-12, Art. 1(1—5), 3-14-02)

Editor's note—Ord. No. 2002-11, Art. 1, adopted March 14, 2002, repealed § 2-33(f), in its entirety. Res. No. 2002-12, Art. 1(1—5), adopted March 14, 2002, enacted new provisions to be set out as § 2-33(f). Prior to amendment § 2-33(f), pertained to similar subject matter and derived from Ord. No. 2001-55, Art. 1, adopted Sept. 20, 2001.

Cross references—Court Secretary, § 2-19; County Attorney, § 2-171 et seq.

Sec. 2-34. Abstention by member with special interest.

(a) If an official vote is taken on any issue wherein an individual member of the Quorum Court feels that his or her special interest on the question would prevent an impartial decision, such member(s) shall vote "present" or abstain from voting.

(b) Should a member of the Quorum Court determine he or she could not vote impartially on a question in accordance with subsection (a), this will not prevent the member from debating the issue on the floor before a vote is taken.

(Res. No. 77-5, §§ 1, 2, 6-23-77)

Sec. 2-35. Meetings to open with pledge of allegiance and prayer.

Each meeting of the Quorum Court shall open with the pledge of allegiance and a prayer. The pledge of allegiance and prayer may be led by a Quorum Court member or invited guest.

(Res. No. 99-2, Arts. 1, 2, 1-5-99)

Sec. 2-36. The Chairman of any Administrative or Advisory Board or body of the County whose members are appointed by the County Judge are requested to report to the Quorum Court annually.

The Washington County Quorum Court requests the chair of each of the above report annually to the Court, either in person during a regular meeting or in writing through the County Judge's office.

(Res. No. 2002-28, Art. 1, 5-9-02)

Editor's note—Res. No. 2002-28, Art. 1, adopted May 9, 2002, did not specifically amend the Code, thus inclusion as § 2-36 was at the editor's discretion.