



WASHINGTON COUNTY, ARKANSAS
County Courthouse

March 4, 2016

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
ORDINANCE REVIEW COMMITTEE

Monday, March 7, 2016
(immediately following Personnel)
Washington County Quorum Court Room

Daniel Balls, Vice-Chair
Ann Harbison
Eva Madison

Bill Ussery, Chair

Rick Cochran
Sharon Lloyd
Butch Pond

A G E N D A

1. Call to Order.
2. Prayer and Pledge of Allegiance.
3. Adoption of Agenda.
4. Chairman Comments
5. Review of Code of Ordinances:
 - Chapter 1 – General Provisions (5.1)
 - Chapter 2 – Administration (5.2)
6. Other Business: Any other business to be discussed by the Committee will be brought up at this time.
7. Public Comment.
8. Adjournment.

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Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Washington County, Arkansas", and may be so cited, or cited as the "Washington County Code".

State Law reference— Codification of ordinances, A.C.A. § 14-14-903(d).

Sec. 1-2. - Definitions and rules of construction.

In the construction of this Code and of all ordinances of this County, the following rules of construction and definitions shall be observed, unless such construction or definition would be inconsistent with the manifest intent of the Quorum Court, be repugnant to the context of the provisions, or the context clearly requires otherwise:

Generally. All words and phrases shall be construed and understood according to the common and approved usage of language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Code. The terms "Code" or "this Code" shall refer to the Washington County Code.

County. The words "the County" or "this County" shall mean the County of Washington.

Gender. The word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise specifically declared.

Law. Any statute, ordinance or regulation promulgated by the United States, the State, the County or any agencies thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

Month. The word "month" shall mean a calendar month.

Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officials, employees, boards, commissions, etc. Whenever reference is made to officials, employees, boards, commissions, or other agencies of the County by title only, i.e., it shall be deemed to refer to the officials, employees, boards, commissions, or other agencies of this County.

Owner. The word "owner" shall, when applied to a building or land, include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

Person. The word "person" shall include and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

Personal property includes every species of property except real property.

Public property. The term "public property" shall mean any property, real or personal, owned by the County or lawfully being used, occupied or possessed by the County.

Shall, may. The word "shall" is mandatory. The word "may" is permissive.

State. The words "the State" shall be construed to mean the State of Arkansas.

Time. In computing any period of time prescribed or allowed by this Code, by order of the Court or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, or legal holidays shall be excluded in the computation. "Legal holiday" means those days designated as a holiday by the President or Congress of the United States or designated by the laws of this State.

State Law reference— Rule 6 - Arkansas Rules of Civil Procedure.

Writing, written. The words "writing" and "written" shall include typewriting, printing on paper and any other mode of representing words and letters.

Year. The word "year" shall mean a calendar year.

Cross reference— Definitions, Code §§ 11-1, 12-21

State Law reference— Statutes and statutory construction, A.C.A. § 1-2-101 et seq.

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. - Effect of repeal of ordinances.

- (a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- (b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-5. - Miscellaneous ordinances not included herein.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance not included herein. This Code shall take precedence over any previously enacted conflicting ordinances.

Sec. 1-6. - Amendments to Code.

All ordinances passed subsequent to this Code, which amend, repeal, or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections, and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the Quorum Court.

Sec. 1-7. - Supplementation of Code.

- (a) By contract or by County personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Quorum Court. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the Quorum Court during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headlines, and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the same may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and,
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into the Code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-8. - Altering Code.

It shall be unlawful for any person in the County to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof or to alter or tamper with such Code in any manner whatever which will cause the law of the County to be misrepresented thereby.

Sec. 1-9. - Liberal construction.

All general provisions, terms, phrases and expressions used in any ordinance shall be liberally construed, in order that the true intent and meaning of the Quorum Court may be fully carried out.

State Law reference— Similar provisions, A.C.A. § 1-2-202.

Sec. 1-10. - Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

State Law reference— Severability of state statutes, A.C.A. § 1-2-117.

Chapter 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1. - County seal.

- (a) The attached seal is hereby adopted as the official seal for the County and the seal is hereby incorporated herein by reference.
- (b) The official seal may be permanently affixed to County property including motor vehicles and equipment for purposes of identification as the property of the County.



County Seal

(Ord. No. 82-7, Arts. 1, 2, 2-19-82)

Cross reference— Identification of County vehicles, § 16-11 et seq.

Sec. 2-2. - Smoking in County-owned or County-leased buildings and in County vehicles prohibited.

- (a) Smoking is prohibited in all buildings owned or building spaces leased by the County government.
- (b) Smoking will not be permitted in County-owned vehicles.
- (c) Definitions.
 - (1) County building means any enclosed, indoor area which is owned, leased, or controlled by the County including, but not limited to, offices or other work areas, restrooms, and rooms in which a public meeting, hearing, or other official proceeding open to the public is in progress.
 - (2) County vehicle means any motor vehicle owned or controlled by the County.
 - (3) Smoking means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind, and includes use of any tobacco product and electronic cigarettes.
- (d) Signs shall be posted at each public entrance informing both employees and the public that smoking is prohibited.
- (e) The County may provide smoking education and cessation programs during work hours for employees wishing to stop smoking. This is an effort to promote a healthy attitude about the benefits of not smoking.

- (f) No employee who makes a formal complaint regarding smoking or rules governing smoking or nonsmoking shall be subject to discrimination or termination.
- (g) Enforcement. The County Judge shall be responsible for enforcing the provisions of this section.
- (h) Penalty. The violation of any provision of this section shall be punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00), except that an inadvertent first offender may be given a warning. Each day a violation of this section continues shall be a separate offense.

(Ord. No. 96-37, Arts. 1—8, 10-10-96; Ord. No. 2014-70, Art. 1, 11-20-14)

Editor's note— Ord. No. 96-37, Arts. 1—8, adopted October 10, 1996, did not specifically amend the Code; hence, inclusion herein as § 2-2 was at the discretion of the editor.

Sec. 2-3. - Constitution adopted and recognized as law.

The Constitution of the State of Arkansas is hereby adopted and recognized as law in Washington County.

(Ord. No. 2002-29, Art. 1, 7-11-02)

Editor's note— Ord. No. 2002-29, Art. 1, adopted July 11, 2002, did not specifically amend the Code; hence, inclusion herein as § 2-3 was at the discretion of the editor.

Secs. 2-4—2-15. - Reserved.

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 reference— 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 reference— 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) Ordinance Review.
- (b) 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; Ord. No. 2015-64, Art.1, 8-20-15)

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 (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 (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 reference— 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.

Secs. 2-37—2-45. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES

FOOTNOTE(S):

--- (1) ---

State Law reference— Duties imposed on County Officers by state law are enumerated in the Arkansas Constitution and State Statutes.

DIVISION 1. - GENERALLY

Sec. 2-46. - Office hours for constitutional officers.

- (a) The offices of the elected constitutional officers of the County, including those of the County Judge, County Clerk, Circuit Clerk, Assessor, Treasurer, Sheriff, and Collector, will be open to serve the citizens of the County from 8:00 a.m. until 4:30 p.m., Monday through Friday.
- (b) Offices shall be maintained through the noon hour, although they may be maintained by a reduced staff.
- (c) The County Judge will determine holidays to be observed and advise other elected officials of the holiday well in advance so that sufficient notice may be given the public.
- (d) Any elected official may elect to keep their office open longer than those hours specified in subsection (a), but in no case will the hours be shorter than specified in subsection (a).
- (e) Any elected constitutional officer who shall be guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not to exceed fifty dollars (\$50.00). Each day that a violation of this section occurs shall constitute a separate offense and shall be punishable as a separate violation.
- (f) The provisions of this section, subsections (a)—(e) may be waived by the Quorum Court for any particular office upon simple motion passed by a majority of the whole number of the justices comprising the Quorum Court.

(Ord. No. 77-10, §§ 1—4, 5-12-77; Ord. No. 77-12, §§ 1—5, 6-24-77; Ord. No. 93-24, Art. 1, 8-12-93)

Case Law reference—This section is a reasonable exercise of the Quorum Court's authority and is not in violation of the Constitution's separation of powers. *Walker v. County of Washington*, 263 Ark. 317 564 S.W. 2d 513 (1978).

Sec. 2-46.1. - Reserved.

Editor's note— Ord. No. 94-30, Art. 1, adopted October 17, 1994, repealed former § 2-46.1 in its entirety. Former § 2-46.1 pertained to establishment of civil service system, and derived from Ord. No. 83-14, Art. 1, adopted April 15, 1983; and Ord. No. 83-25, Art. 1, adopted July 20, 1983.

Sec. 2-47. - Adoption of personnel policy.

- (a) There is hereby recognized the need for a comprehensive personnel policy for the governmental unit of the County, such policy to provide specific guidelines for the employment, working hours and conditions, benefits and termination of employees of the governmental unit.
- (b) There is hereby adopted and approved a personnel policy for Washington County, Arkansas, as it now exists with amendments that have been enacted by ordinance or by simple motion, to be known as the Washington County Employees Handbook.
- (c) All elected County officials and employees shall be familiar with the personnel policy and comply with the provisions thereof.
- (d) Though the employees handbook is by and large internal policy and thus does not have or need the force of law as would an ordinance, when an amendment to the employees handbook applies to the general public and/or provides criminal penalties, then such shall be amended by ordinance.

(Ord. No. 78-28, §§ 1—3, 8-14-78; Ord. No. 82-30, 12-14-82; Ord. No. 2003-28, Arts. 1, 2, 6-12-03)

Note— See § 2-48(c) and the editor's note accompanying § 2-48

State Law reference— Powers denied to Quorum Courts, A.C.A. § 14-14-805.

Sec. 2-47.1. - Deferred compensation plan.

- (a) The Washington County Deferred Compensation Plan is hereby established, and made available for voluntary participation of all eligible County employees and elected officials.
- (b) The Washington County Judge is hereby authorized to execute individual participation agreements with each employee requesting the same, to act as the "Administrator" of the plan representing the County, and to execute such agreements and contracts as are necessary to implement the program. It is implicitly understood that, other than the incidental expenses of collecting and disbursing of the employees' deferrals and other minor administrative matters, there is to be no cost or contribution by the County to the program.

(Res. No. 84-1, Arts. 1, 2, 3-8-84)

Editor's note— Articles 1 and 2 of nonamendatory Res. No. 84-1, passed March 8, 1984, have been included herein as § 2-47.1, at the discretion of the editor.

Sec. 2-47.2. - Holiday pay incentive for employees working in areas requiring continuous staffing.

- (a) Employees working in areas that must be staffed at all times (such as communications, jail, law enforcement, juvenile detention, and the animal shelter) shall comprise a separate classification of employees that do not receive time off for holidays.
- (b) Employees in this classification shall accrue additional annual leave in lieu of holiday hours at the same rate as other similarly situated employees, but the additional leave hours will be purchased from said employees by the County from the holiday incentive line item. Employees who report sick the day before or after the holiday, or on the actual holiday itself, must attach a physician's statement of need to their time card or forfeit the additional leave hours and resulting incentive pay.

(Ord. No. 93-36, Arts. 1—3, 12-17-93; Ord. No. 94-3, Arts. 1, 2, 2-14-94; Ord. No. 95-38, Arts. 1, 2, 12-18-95; Ord. No. 2012-71, Art. 1, 11-15-12)

Sec. 2-48. - Adoption of program of salary administration; transfer of portions of previous system; responsibilities of County officials and department heads.

- (a) The program of salary administration designated as "Appendix A" and incorporated by reference herein as if set out word for word is hereby adopted. Amendments to the salary administration program may be made by simple motion and approved by a majority of the whole number of the Justices comprised in the Quorum Court.
- (b) Ordinance No. 78-30, which created a comprehensive job classification and wage system is hereby repealed except as hereinafter provided.
- (c) That portion of Ordinance No. 78-30, which dealt with the hire date and anniversary date is hereby transferred to and made a part of the personnel policy as per Ordinance No. 78-28. This portion

which appears at page 3-3 of the job classification and wage scale system, is hereby amended to read as follows:

"Hire Date. An employee's hire date shall be the date of employment with the County.

Vacation and sick leave accrual are based on the hire date.

An employee who terminates employment with the County and is rehired by the County after a break in service will receive a new hire date.

An employee who is reinstated after a break in service would retain his/her original hire date.

A part-time employee going to full-time will receive a new hire date."

"Anniversary date. An employee's anniversary date shall be date on which he/she entered into his/her position. Should the position be upgraded, the anniversary date shall remain the same. Should the employee change to another position in the same or different department, he/she shall receive a new anniversary date (the date the employee entered the new position).

A part-time person going to full-time will receive a new anniversary date."

- (d) The County Clerk shall immediately, upon the adoption hereof, disseminate to each County official and/or department head a copy of said plan and further, each County official and/or department head is responsible for informing all of their employees of said plan and making the same available to any employee at all times.

(Ord. No. 86-5, Arts. 1—4, 3-13-86)

Editor's note— Ord. No. 86-5, Arts. 1—4, adopted March 13, 1986, repealed Ord. No. 78-30, §§ 1—4, adopted Sept. 29, 1978, in part, from which former § 2-48 was derived. Said former section adopted the comprehensive job classification and wage scale system, portions of which have been transferred to Ord. No. 78-28 (§ 2-47) as herein provided.

Sec. 2-48.1. - Direct deposit.

- (a) Each and every new County employee is required, as a condition of employment with the County, to make arrangements for direct deposit of his or her pay. The County Treasurer and the County Human Resources Office shall make appropriate coordination to ensure that this section is properly effectuated.
- (b) An applicant or new employee shall be exempt from the provisions of the ordinance upon written request.
- (c) In the event that because a County employee or official is paid on an irregular basis, such that financial institutions will not accept direct deposits, then this Code provision shall not apply.

(Ord. No. 2002-2, Arts. 1, 2, 1-10-02; Ord. No. 2006-54, Art. 1, 9-14-06; Ord. No. 2011-02, Art. 1, 1-6-11)

Sec. 2-48.2. - Retention of time cards required.

- (a) All time cards of individual employees shall be retained by the elected official for four (4) years after said employee terminates his or her employment with the County.
- (b) Said records may be retained and stored electronically.
- (c) This section may be enforced by appropriate civil action or by other measures deemed appropriate by the Quorum Court.

(Ord. No. 2007-24, Arts. 1—3, 5-17-07)

Editor's note— Ord. No. 2007-24, Arts. 1—3, adopted May 17, 2007, did not specify manner of inclusion; hence, inclusion as section 2-48.2 is at the discretion of the editor.

Sec. 2-49. - Adoption of affirmative action plan.

- (a) There is hereby recognized the continuing need for the compliance with the policy of affirmative action by the County government.
- (b) The affirmative action plan incorporated by reference herein is hereby adopted as the official affirmative action plan for Washington County, Arkansas. Amendments to the affirmative action plan may be made by simple motion and approved by a majority of the whole number of the Justices comprised in the Quorum Court.
- (c) The County Clerk shall immediately, upon the adoption hereof, disseminate to each County official and/or department head a copy of said affirmative action plan and further each County official and/or department head is responsible for informing all their employees of said plan and making the same available to any employee at all times.
- (d) The responsibility for the compliance and enforcement of the provisions of said affirmative action plan shall rest with the County official and/or department head responsible for the recruitment, interviewing, hiring, and determining the salary of employees within their respective departments.

(Ord. No. 86-11, Arts. 1, 2, 4, 5, 6-12-86)

Editor's note— Art. 3 of Ord. No. 86-11, adopted June 12, 1986, provided that Ord. No. 81-12, Arts. 1—4, adopted March 16, 1981, from which § 2-49 was derived, be repealed to the extent that it conflicted with the provisions currently set out in § 2-49 and with the affirmative action plan (Appendix A of Ord. No. 86-11) currently on file in the County Clerk's office.

Cross reference— Discrimination, Ch. 3.5

Sec. 2-50. - Reserved.

Editor's note— Section 2-50, relative to hiring of new employees, which section derived from emergency Ord. No. 81-6, adopted Feb. 13, 1981, was repealed by Ord. No. 83-40, Art. 1, adopted Dec. 8, 1983.

Sec. 2-51. - Compensation for mileage.

The rate of compensation for reimbursement of expenses incurred by County officials and employees for each mile driven by such in their privately owned vehicle while in the course of official County business shall be paid at the rate of compensation as established by the Internal Revenue Service.

(Ord. No. 81-16, Art. 1, 4-10-81; Ord. No. 90-7, Arts. 1, 2, 4-12-90; Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08)

Sec. 2-52. - Trip expense records.

County elected officials are responsible for authorizing employees' travel and the approving of trip expense records. Such travel is subject to budget allocations. All County employees and elected officials who travel outside the County and incur any cash or credit expenses eligible for reimbursement by the County must submit trip expense records to the Comptroller who shall file such with the County Clerk. This includes trips not involving overnight stays.

(Ord. No. 78-11, § 1, 5-22-78; Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08)

Sec. 2-53. - Vehicles to be used; type of air travel.

County cars will be used for County business travel, except when such vehicles are not available or when it is less expensive to travel otherwise. County vehicles are not to be driven outside the state without prior authorization by the department head. Air travel must be at economy.

(Ord. No. 78-11, § 2, 5-22-78; Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08)

Sec. 2-54. - Reimbursement for meals and lodging.

Reimbursements for meals and lodging shall be on a per diem basis at the rate established by the Internal Revenue Service for the particular location. The County Judge is authorized to promulgate rules and regulations concerning such and other related matters to be approved by the Quorum Court.

(Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08; Ord. No. 2009-47, Art. 1, 8-13-09)

Editor's note— Ord. No. 2007-75, Art. 1, adopted December 13, 2007, amended § 2-54 in its entirety to read as herein set out. Formerly, § 2-54 pertained to actual expenses; receipts; approval, and derived from Ord. No. 78-11, § 3, adopted May 22, 1978.

Sec. 2-55. - Reserved.

Editor's note— Ord. No. 2008-52, Art. 1, adopted September 11, 2008, repealed section 2-55 in its entirety. Formerly, section 2-55 pertained to advance money, and derived from Ord. No. 78-11, § 4, adopted May 22, 1978 and Ord. No. 2007-75, Art. 1, adopted December 13, 2007.

Sec. 2-56. - One record per trip.

Each trip must be filed on a separate trip expense record, and all expenses for a single trip must be on one (1) trip expense record.

(Ord. No. 78-11, § 5, 5-22-78; Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08)

Sec. 2-57. - Payment authorized by County Comptroller.

The County Comptroller is responsible for making sure travel reimbursement is authorized in the respective department budget. He is not to authorize payment of any travel expenses, either paid with

cash or charged to the County, until the proper trip expense record documenting the expenses is completed and submitted to the Comptroller who shall file such with the County Clerk.

(Ord. No. 78-11, § 6, 5-22-78; Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08)

Sec. 2-58. - Use of purchase cards or fuel cards.

Purchase cards may be used for meals; purchase cards may not be used for fuel except in the event a qualified fuel station is unavailable. Fuel cards used for travel shall be used only in the County vehicle to which said card is assigned.

(Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08)

Editor's note— Ord. No. 2007-75, Art. 1, adopted December 13, 2007, amended § 2-58 in its entirety to read as herein set out. Formerly, § 2-58 pertained to use of credit cards, and derived from Ord. No. 78-11, § 7, adopted May 22, 1978, and Ord. No. 2004-73, Arts. 1—8, 12-9-04.

Sec. 2-59. - Violations.

Any elected official or employee who shall be guilty of violating the provisions of this Section shall be deemed guilty of a misdemeanor and shall be fined not to exceed fifty dollars (\$50.00).

(Ord. No. 78-11, § 8, 5-22-78; Ord. No. 2007-75, Art. 1, 12-13-07; Ord. No. 2008-52, Art. 1, 9-11-08)

State Law reference— Reimbursement of allowable expenses, A.C.A. § 14-14-1207.

Sec. 2-60. - Adopted of DOT 1994 Final Rules for Controlled Substances and Alcohol Testing.

- (a) All personnel policies of the county are hereby revised and amended to incorporate the 1994 DOT Final Rules [Department of Transportation's 1994 Final Rules for Controlled Substances and Alcohol Testing]. Said rules are, by reference, incorporated herein in their entirety as if restated word for word.
- (b) This section specifically amends any personnel policy providing for conditions of employment for employees whose duties require them to maintain a commercial driver's license in order to lawfully carry out their duties.
- (c) Any ordinance, resolution, rule, regulation or part of any ordinance, resolution, rule, regulation now in effect which conflicts with the rules is hereby repealed.
- (d) The County Judge is hereby directed to establish procedures to ensure compliance with the rules, including the assignment of a designated representative responsible for the execution of the procedures.
- (e) Any laboratory, medical review officer, substance abuse professional or any other professional who receives payment for testing, evaluating, record-keeping, or other services mandated by the rules must be qualified according to the rules and must perform such services in conformance with 49 CFR Part 40 and Part 382.
- (f) The County will pay for the costs of any testing of split specimens. However, the County will seek reimbursement in all instances where a driver requests split specimen testing and results are positive

from the employee via wage withholding. Furthermore each employee shall sign an acknowledgment acknowledging that he or she has been advised of such policy.

(g) The County's employment policy manual shall be updated to include these new provisions.

(Ord. No. 95-39, §§ 1—6, 12-14-95; Ord. No. 97-4, Art. 1, 3-14-97)

Editor's note— Nonamendatory Ord. No. 95-39, §§ 1—6, has been included herein as § 2-60 at the discretion of the editor. The DOT Final Rules have not been set out herein at length but have been added to the County's employment policy manual.

Sec. 2-61. - Use of seatbelts by County personnel required.

The personnel of the County while on duty shall wear seat belts as required by State law (Ark. Code Ann., § 27-37-701 et seq.).

(Res. No. 99-1, 1-15-99)

Sec. 2-62. - Computer Usage, Electronic Mail, and Internet Security Policy—Purpose.

The purpose of the Computer Usage, Electronic Mail, and Internet Security Policy document is to:

- (1) Present an overall description of Washington County's Computer Usage, Electronic Mail, and Internet Security Policy;
- (2) Describe the handling of electronic documents; and
- (3) Identify each user's responsibilities with regard to the use of County-owned or supported computers, the handling of e-mail, and the Internet.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Editor's note— Ord. No. 2002-6, Arts. 1—3, adopted Feb. 14, 2002, did not specifically amend the Code; hence, inclusion as §§ 2-62—2-62.6 was at the discretion of the editor.

Sec. 2-62.1. - Responsibilities of Washington County and its computer users.

- (a) Opportunities and risks. The wide array of resources, services and interconnectivity available via the Internet introduce new opportunities and risks. In response to these risks, this document details Washington County's official policy regarding computer usage, e-mail, and Internet security.
- (b) Applicability. This policy applies to everyone (employees, contractors, temporaries, state employees, federal employees, elected officials, etc.) who uses Washington County computing or networking resources, as well as those who represent themselves as being connected-in one way or another with Washington County. Washington County computing or network resources are defined as computers and related equipment purchased with County funds, attached to the County's network, or supported by County Computer Systems staff. All users are expected to be familiar with and comply with this policy. Questions about the policy should be directed to the Computer Systems Administrator.
- (c) County property. As a productivity enhancement tool, Washington County encourages the business use of electronic communications (notably the Internet and e-mail). Electronic communications systems and all messages generated on or handled by electronic communications systems, including back-up copies, are considered to be the property of Washington County.

- (d) Computing equipment and software purchases. In order to more efficiently maintain and support Washington County's computer systems and network and to maximize value for money spent, minimum standards for computing equipment and software have been developed. Each computing equipment or software purchase should be made using a Washington County purchase order to assure that these minimum standards are met.
- (e) Use without authorization prohibited. No one shall connect with or otherwise use any County computer, modem, network, or other computing resource without proper authorization; or assist in, encourage, or conceal any unauthorized use, or attempted unauthorized use, of any County computer, modem, network or computing resource; or misrepresent his or her identity or relationship to the County to obtain access to computing resources.
- (f) Authorized usage. Washington County electronic communications systems must generally be used only for business activities. Incidental personal use is permissible so long as it does not consume more than a trivial amount of resources and does not preempt any business activity. Users are forbidden from using the County's electronic communication systems for chain letters, charitable endeavors, private business activities, political activities or amusement/entertainment purposes. Electronic mail attachments are to be used for business purposes only because they consume large amounts of computer resources and can easily be infected with viruses. For the same reasons, downloading files from the Internet is prohibited without the express consent of the Computer Systems Department. Use of County computing resources for game playing of any kind is prohibited. Users are reminded that the use of County resources, including computing resources and electronic communications, should never create either the appearance or the reality of inappropriate use.
- (g) Default privileges. The privileges of using computing and electronic communications systems are assigned such that only those capabilities necessary to perform a job are granted. For example, end-users are not allowed nor able to reprogram electronic mail system software. With the exception of emergencies and regular system maintenance notices, broadcast facilities must be used only after the permission of an elected official or department head has been obtained. End-users may not install hardware or software or alter their user interface without the approval of the Computer Systems Department.
- (h) User accountability. Regardless of the circumstances, individual passwords must never be shared or revealed to anyone besides the authorized user. To do so exposes the authorized user to responsibility for actions the other party takes with the password. If users need to share computer resident data, they should utilize message forwarding facilities, public directories on local area network servers and other authorized information sharing mechanisms. To prevent unauthorized parties from obtaining access to the County's network, users must shutdown their computer when leaving their workstation for extended periods and at the end of the day and choose passwords which are difficult to guess (for example, not a dictionary word, not a personal detail and not a reflection of work activities).
- (i) Disclosing confidential information. Users must not publicly disclose confidential information via the Internet or e-mail.
- (j) Copyrights. Washington County strongly supports strict adherence to software vendor's license agreements. When at work or when County computing or networking resources are employed, copying of software in a manner that is not consistent with the vendor's license is strictly forbidden. Likewise, off-hours participation in pirate software bulletin boards and similar activities represent a conflict of interest with County work and are, therefore, prohibited. Similarly, the reproduction, forwarding, or, in any other way, republishing or redistributing words, graphics or other materials must be done only with the permission of the author/owner. Users should assume that all materials on the Internet are copyrighted unless specific notice states otherwise.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.2. - Privacy expectations for electronic communications.

- (a) Respecting privacy rights. Except as otherwise specifically provided, users may not intercept or disclose, or assist in intercepting or disclosing, electronic communications. Washington County is committed to protecting the rights of its computer users, including their reasonable expectation of privacy. However, Washington County also is responsible for servicing and protecting its electronic communications networks. To accomplish this, it is occasionally necessary to intercept or disclose, or assist in intercepting or disclosing, electronic communications.
- (b) No default protection. Computer users are reminded that Washington County's electronic communications systems are not encrypted by default. If sensitive information must be sent by electronic communications systems, encryption or similar technologies to protect the data must be employed.
- (c) No guaranteed message privacy. Washington County cannot guarantee that electronic communications will be private. Users should be aware that electronic communications can, depending on the technology, be forwarded, intercepted, printed and stored by others. Furthermore, electronic communications can and, occasionally, will be accessed by others.
- (d) The Arkansas Freedom of Information Act. The electronic files, including e-mail files, stored on Washington County computing systems are potentially subject to public inspection and copying under the state Freedom of Information Act (FOIA). The FOIA defines public records to include "data compilations in any form, required by law to be kept or otherwise kept, . . . which constitute a record of performance or lack of performance of official functions which are or should be carried out by a public official or employee [or] a governmental agency. . . ." All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records. Various exceptions apply. Any (FOIA) requests for electronic files submitted to the Computer Systems Administrator will be forwarded immediately to the user who authored or received the file.
- (e) Regular message monitoring. It is not the policy of Washington County to regularly monitor the content of electronic communications. However, the usage of electronic communications systems will be monitored for volume of traffic to support operational, maintenance, auditing, security, and investigative activities. Users should structure their electronic communications in recognition of the fact that Washington County may, from time to time, examine the content of electronic communications strictly for the purposes mentioned above.
- (f) Incidental disclosure. It may be necessary for technical support personnel to review the content of an individual user's communications during the course of problem resolution. Technical support personnel may not review the content of an individual user's communications out of personal curiosity or at the behest of individuals who have not gone through proper approval channels.
- (g) Internet activity logging. For statistical purposes, Washington County routinely logs Web sites visited, time spent on the Internet, traffic levels and related information. This information will be used to determine expansion needs before critical traffic levels are reached in order to maintain optimal system conditions.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.3. - Computer security.

- (a) Security responsibilities. No one shall knowingly endanger or compromise the security of any County computer, network facility, or other computing resource or willfully interfere with others' authorized computer usage; or attempt to circumvent data protection schemes, uncover security loopholes, or decrypt secure data; or modify or reconfigure, or attempt to modify or reconfigure, any software or hardware of any County computer or network facility in any way, unless specific authorization has been obtained from the Computer Systems Department; or use County computer resources and communication facilities to attempt unauthorized access to or use of any computer or network facility, no matter where located, or to interfere with others' legitimate use of any such computing resource.

- (b) Problem notification process. E-mail is the preferred method of communication with the Computer Systems Department, when possible. If it is not possible to use e-mail, telephone the Help Desk and leave a message containing a detailed description of your situation.

If sensitive information is lost or disclosed to unauthorized parties, or suspected of being lost or disclosed to unauthorized parties, the Computer Systems Administrator must be notified immediately. If any unauthorized use of the County's computer or network systems has taken place, or is suspected of taking place, the Computer Systems Administrator must likewise be notified immediately. Similarly, whenever passwords or other system access control mechanisms are lost, stolen, or disclosed, or are suspected of being lost, stolen, or disclosed, the Computer Systems Administrator must be notified immediately. Because it may indicate a computer virus infection or similar security problem, all unusual systems behavior, such as missing files, frequent system crashes, misrouted messages and the like must also be reported. The specifics of security problems should not be discussed widely but should instead be shared on a need-to-know basis.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.4. - E-mail policy.

- (a) Contents of messages. Users must not use profanity, obscenities or derogatory remarks in electronic mail messages. Such remarks, even when made in jest, may create legal problems for the author and/or the County. Special caution is warranted because back-up and archival copies of electronic mail may actually be more permanent and more readily accessed than traditional paper communications.
- (b) Message forwarding. Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, electronic communications users should exercise caution when forwarding messages. Sensitive information must not be forwarded without the approval of an elected official or a department head.
- (c) User back-up. If an electronic mail message contains information relevant to the completion of a business transaction, contains potentially important reference information or has value as evidence of an elected official's or department head's decision, it should be retained for future reference. Most electronic mail messages will not fall into these categories and, accordingly, can be erased after receipt. Users must regularly move important information from electronic mail message files to word processing documents, databases, and other files. Electronic mail systems are not intended for archival storage of important information. Important stored electronic mail messages can be periodically expunged by system administrators, mistakenly erased by users and otherwise lost when system problems occur.
- (d) Purging electronic messages. Messages no longer needed for business purposes must periodically be purged by users from their personal electronic message storage areas. After a certain period (generally six (6) months), electronic messages stored on multi-user systems will be automatically deleted by systems administration staff. The users will be notified before the messages are purged.
- (e) Harassing or offensive materials. Washington County's computer and communications systems are not intended to be used for, and must not be used for, the exercise of the users' right to private or personal free speech. Harassment of any kind, especially harassment based on color, religion, age, sex (whether or not of a sexual nature), national origin, disability, veteran status, or any other protected status, including electronic mail and Internet mail, is strictly prohibited and is cause for disciplinary action up to and including termination. Users are encouraged to politely respond directly to the originator of offensive electronic mail messages. If the originator does not promptly stop sending offensive messages, users must report the communications to their supervisor and the appropriate elected official or department head. Washington County retains the right to remove from its information systems any material it views as offensive or potentially illegal.
- (f) Paper confirmation for contracts. All contracts formed through electronic offer and acceptance messages (EDI, electronic mail, etc.) must be formalized and confirmed via paper documents and

follow the same procedures for approval as all other contracts. Separately, because it may facilitate fraud, users must not employ scanned versions of hand-rendered signatures to give the impression that an electronic mail message or other electronic communications were signed by the sender.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.5. - Internet policy.

- (a) Access to the Internet. Access to the Internet will be provided to each Washington County computer user who has access to a PC and the County's network if it is deemed appropriate by the elected official or department head who supervises the user. The ability to surf the Web and engage in other Internet activities is not a fringe benefit. Internet access is provided for business needs only. All connections to the Internet must pass through Washington County's firewall. For security reasons, no stand-alone Internet connection is allowed into or out of the County's network.
- (b) Internet content filtering. Washington County reserves the right to block access to specific Web pages for the following reasons:
 - (1) To define and enforce access privileges;
 - (2) To protect against potential legal action;
 - (3) To preserve bandwidth and server space; and
 - (4) To manage Internet resources.
- (c) Information integrity. All information taken off the Internet should be considered suspect until confirmed by separate information from another source considered to be reliable. There is no general quality control process on the Internet and a considerable amount of its information is outdated, inaccurate and, in some instances, even deliberately misleading.
- (d) Virus checking. All files residing on Washington County's computing or network resources are subject to anti-virus screening. Infected files will be deleted as soon as they are discovered. To help protect from viruses, downloading of files from the Internet or sharing files by floppy disk without the consent of the Computer Systems Department is prohibited.
- (e) Push technology. Automatic updating of software or information on Washington County's computers via background "push" Internet technology is prohibited unless the involved vendor's system has first been tested and approved by the Computer Systems Department. While powerful and useful, this new technology could be used to spread viruses and cause other operational problems such as system unavailability.
- (f) User anonymity. Misrepresenting, obscuring, suppressing or replacing a user's identity on the Internet or any Washington County electronic communications system is forbidden. The user name, electronic mail address, organizational affiliation and related information included with messages or postings must reflect the actual originator of the messages or postings. If users have a need to employ remailers or other anonymous facilities, they must do so on their own time, with their own information systems and with their own Internet access accounts.
- (g) Web page changes. Users may not establish new Internet Web pages dealing with Washington County unless they have first obtained approval of their department head or elected official and the approval of the Computer Systems Department. The Computer Systems Department has the overall responsibility to see that all posted material has a consistent and polished appearance, is pertinent and proper information for the County's website, and is protected by adequate security measures.
- (h) Message interception. Wiretapping and other types of message interception are frequently encountered on the Internet. Accordingly, Washington County's confidential or private information must not be sent over the Internet unless it has first been encrypted by approved methods.
- (i) Appropriate behavior. To avoid libel, defamation of character and other legal problems, whenever any affiliation with Washington County is included with an Internet message or posting, "flaming" or

similar written attacks are strictly prohibited. Likewise, users must not make threats against another user or organization over the Internet. All Internet messages intended to harass, annoy or alarm another person are similarly prohibited.

- (j) Internet Service Providers (ISP). Users must not employ non-County Internet Service Provider (ISP) accounts and dial-up lines to access the Internet or electronic mail with Washington County computers. Instead, all Internet and electronic mail activity must pass through Washington County's firewalls so that access controls and related security mechanisms can be applied.
- (k) Establishing network connections. Unless the prior approval of the Computer Systems Administrator has been obtained, users may not establish Internet or other external network connections that could allow non-Washington County users to gain access to Washington County systems and information.

These connections include the establishment of multi-computer file systems (like Sun's NFS), Internet Web pages, FTP servers and the like.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.6. - Computer Usage, Electronic Mail, and Internet Security Policy revisions.

Washington County reserves the right to revise this document as it sees fit to accommodate new technologies and the needs of its citizens and computer users.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-63. - Procedures for hiring of employees.

- (a) All applicants for any County position shall apply for said position on the form prescribed by the Office of Human Resources.
- (b) Said application shall be completed and signed by the applicant and turned into the Office of Human Resources.
- (c) No elected official, department head, supervisor, or other person acting in their behalf, shall receive or review such application for employment until such has been processed by the Office of Human Resources.
- (d) This section shall appear in the Washington County Code and shall also be made a part of the Washington County Employees Handbook.
- (e) A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

(Ord. No. 2006-35, Arts. 1—5, 6-8-06)

Sec. 2-64. - Choice of physician for Worker's Compensation purposes.

- (a) Any elected official or employee of Washington County who has or purports to have an injury covered under Worker's Compensation shall first seek treatment and/or evaluation by the physician of choice as designated by the County Judge. However, upon agreement by the employee and his or her supervisor, the employee may first be seen by one (1) of the registered nurses employed by the County at the Sheriff's Office.
- (b) Any elected official or employee of Washington County may seek a change in physician after having been treated or evaluated by the physician of choice of the County.
- (c) Necessary forms for seeking a change of physician shall be provided by the Human Resources Office.

(d) This section shall also appear as part of the Washington County Employees Handbook.

(Ord. No. 2006-36, Arts. 1—4, 6-8-06; Ord. No. 2010-17, Art. 1, 3-11-10)

Sec. 2-65. - Insurance contracts to be bid on regular periodic basis.

- (a) All health, life and dental insurance policies shall be bid in even-numbered years, the first such bid to occur for the year 2010; this shall include contracts for third party administrators to administer any self-funded insurance program the County has in place.
- (b) All other insurance contracts shall be bid in odd-numbered years, the first such bidding to take place for the year 2011.
- (c) No person who sells or has an interest in the sale of any insurance products shall advise the County in analyzing bids or recommend to whom a bid should be awarded.
- (d) The bidding required in subsections (a) and (b) of this section shall not apply if the County Judge certifies that the County can realize savings by multi-year insurance agreements.

(Ord. No. 2009-52, Arts. 1—4, 9-10-09)

Editor's note— Ord. No. 2009-52, Arts. 1—4, adopted Sept. 10, 2009, did not specifically amend the Code; hence, inclusion as § 2-65 was at the discretion of the editor.

Secs. 2-66—2-80. - Reserved.

DIVISION 2. - COUNTY JUDGE

FOOTNOTE(S):

--- (2) ---

Cross reference— Monthly Comptroller's report, § 2-231

Sec. 2-81. - Use of dirt moving and road building equipment.

- (a) When not in use on County projects, the County Judge shall make available to the cities, towns, and school districts any dirt moving and road building equipment owned by the County along with the trained operators and supervisors or foremen needed to operate them.
- (b) Since the operators, supervisors, or foremen will have completed a forty (40) hour week while working for the County, they will be paid time and one-half on Saturdays and Sundays while working on projects of the cities, towns, and school districts.
- (c) The County will make no charge for the use of the equipment but the County Judge will invoice the legal entities named for the labor and fuel.

(Ord. No. 77-8, §§ 1—3, 3-10-77)

Sec. 2-82. - County Judge authorized to implement a fleet safety program.

- (a) The County Judge is authorized to implement a fleet safety program.

- (b) Rules and regulations for such will be promulgated by the County Judge to be approved by a majority vote of the Quorum Court.

(Ord. No. 2000-25, Arts. 1, 2, 6-9-00)

Sec. 2-83. - Washington County Detention Center Judicial Officer.

- (a) The position of Washington County Detention Center Judicial Officer as contemplated by the Arkansas Rules of Criminal Procedure is hereby created to appear as a budget item under the County Judge's office.
- (b) Said Judicial Officer shall be appointed by the Circuit Judges of Washington County, and shall possess such qualifications and perform such duties as deemed appropriate in accordance with A.C.A. § 16-88-103, Amendment 80 to the Arkansas Constitution, and any other authority or inherent power of the courts. Furthermore, said Judicial Officer shall be an elected District Judge until the Circuit Judges deem otherwise. Said appointment shall be made at such time as the Quorum Court appropriates sufficient monies for such.
- (c) Compensation of said Judicial Officer shall be set by the Quorum Court.

(Ord. No. 2001-60, Arts. 1—3, 10-11-01; Ord. No. 2005-05, Art. 1, 2-10-05)

Sec. 2-84. - Warrants transfer system.

- (a) An electronic warrants transfer system is hereby established for Washington County.
- (b) The County Judge is hereby authorized to select which warrants are eligible for electronic transfer.
- (c) All other warrants shall be processed pursuant to existing State law and County ordinances.

(Ord. No. 2004-40, Arts. 1—3, 7-8-04)

Sec. 2-85. - Removal of burned structures.

- (a) Whenever any building or structure in the unincorporated portions of the County is partially burned, the owner of such shall, within one hundred twenty (120) calendar days, remove from the premises all refuse, debris, charred and partially burned lumber and material.
- (b) Said one hundred twenty (120) days shall begin upon written notice from the County Judge or his designee which shall not be issued any sooner than thirty (30) days after the burning has occurred.
- (c) If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner shall, within one hundred twenty (120) calendar days, remove from the premises all the remaining portion of the building or structure.
- (d) Said one hundred twenty (120) days shall begin upon written notice from the County Judge or his designee which shall not be issued any sooner than thirty (30) days after the burning has occurred.
- (e) The County Judge or his designee is authorized to grant extensions of time for good cause.
- (f) A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00) per day or by appropriate civil action by the County Judge.
- (g) Burned structures are hereby declared to be a public nuisance, therefore this section shall be deemed to operate retroactively.

(Ord. No. 2007-41, Arts. 1—7, 9-13-07)

Secs. 2-86—2-100. - Reserved.

DIVISION 3. - CIRCUIT CLERK

Secs. 2-101—2-110. - Reserved.

DIVISION 4. - COUNTY CLERK

Secs. 2-111—2-120. - Reserved.

DIVISION 5. - ASSESSOR

Secs. 2-121—2-130. - Reserved.

DIVISION 6. - SHERIFF

Sec. 2-131. - Appointment of Deputy Sheriffs by County Sheriff; number; requirements for appointment; compensation; termination.

- (a) In addition to the Deputy Sheriffs authorized by the Quorum Court as paid employees of Washington County, the Washington County Sheriff is hereby authorized to appoint additional deputies as he requires. The Sheriff shall advise the Quorum Court of the number of said deputies.
- (b) The Sheriff is specifically authorized to appoint as Deputy Sheriffs of Washington County, Arkansas, the Chiefs of Police and other police officers of all municipalities located within Washington County, members of the Washington County Sheriff's Auxiliary, Arkansas Game and Fish Commission officers, officers of the State Forestry Department, and officers of the University of Arkansas Police Department.
- (c) Only certified law enforcement officers shall be appointed as Washington County Deputy Sheriffs under the provisions of this section.
- (d) The compensation of persons appointed as Deputy Sheriffs under this section, if any, shall be in accordance with the budget for the Sheriff's Department.
- (e) Persons appointed as Deputy Sheriffs, except auxiliary deputies who are listed as part time employees, under the provisions of this section shall not be considered to be personnel in the Washington County Sheriff's Office.
- (f) Persons appointed as Washington County Deputy Sheriffs under the provisions of this section shall not be considered to be employees of Washington County, Arkansas; except the auxiliary deputies as stated above.
- (g) All appointments made under the provisions of this section shall terminate as follows:
 - (1) When the Sheriff shall withdraw the appointment.
 - (2) Whenever a person's certification as a law enforcement official is withdrawn.

- (3) Whenever the person ceases to reside in Washington County, Arkansas.
- (4) In the case of a person who is a Chief of Police or police officer of a municipality located within Washington County or the University of Arkansas Police Department, or an officer of the Arkansas Game and Fish Commission or the State Forestry Department, when his/her employment with such police department or agency ceases.
- (5) In the case of a member of the Washington County Sheriff's Auxiliary, when he/she ceases to be a member of the Auxiliary in good standing.
- (6) In every case, at the end of the Sheriff's term of office.
- (h) Nothing in this section shall be construed to limit the authority of the Sheriff to summon persons to assist him in emergency situations, as authorized by Arkansas law.

(Ord. No. 85-35, Arts. 1—8, 12-12-85; Ord. No. 2003-10, Arts. 1—5, 2-13-03)

Editor's note— At the discretion of the editor, Ord. No. 85-35, Arts. 1—8, enacted Dec. 12, 1985, has been included herein as § 2-131, said ordinance being not specifically amendatory of the Code.

Cross reference— Civil Service System for Sheriff's Office personnel established; exemptions, § 2-46.1

Sec. 2-132. - County Jail Physician.

The official position of County Jail Physician is hereby created for the purpose of providing the Sheriff access to a physician as a part of the Sheriff's duty to not be deliberately indifferent to the necessary health care needs of jail detainees and is hereby considered to be a county official appointed by the Sheriff.

(Ord. No. 2009-71, Art. 1, 12-10-09)

Editor's note— Ord. No. 2009-71, Art. 1, adopted Dec. 10, 2009, did not specifically amend the Code; hence, inclusion as § 2-132 was at the discretion of the editor.

Sec. 2-133. - County Fire Marshal's office.

- (a) The County Fire Marshal's office is hereby transferred from a department under the County Judge to a department under the direction and supervision of the Sheriff.
- (b) The Comptroller and the Human Resources Director, upon consultation with the County Judge and the Sheriff, are hereby directed to take any and all necessary steps to accomplish such.

(Ord. No. 2010-32, Arts. 1, 2, 5-13-10)

Editor's note— Ord. No. 2010-32, Arts. 1, 2, adopted May 13, 2010, did not specifically amend the Code; hence, inclusion as § 2-133 was at the discretion of the editor.

Secs. 2-134—2-140. - Reserved.

DIVISION 7. - COLLECTOR

Sec. 2-141. - Preparer of tax books.

- (a) To assure compliance with the above-referenced laws and rules of the assessment coordination department it is necessary for the County to designate an elected official as the official preparer of the tax books for the County. The Quorum Court hereby designates the County Collector as the preparer of the tax books to annually report the information required by the above-referenced laws and Rules.
- (b) The County Clerk, Assessor, Collector, and Treasurer shall each cooperate in the accumulation, exchange, transmission, certification and storage of data contained in their respective offices which may be used or is requested by the preparer of the tax books in making the reports mandated by the above-referenced laws and rules.
- (c) It is the intent of the Washington County Quorum Court that this section be enacted and discharged as prescribed in order to protect and preserve the state funding sources of general County aid and real property reappraisal.

(Ord. No. 2007-37, Arts. 1—3, 8-9-07)

Secs. 2-142—2-150. - Reserved.

DIVISION 8. - TREASURER

FOOTNOTE(S):

--- (3) ---

Cross reference— Duties of County Treasurer, § 2-20

Secs. 2-151—2-160. - Reserved.

DIVISION 9. - COUNTY SURVEYOR

Secs. 2-161—2-165. - Reserved.

DIVISION 10. - CORONER

Sec. 2-166. - Reserved.

Editor's note— Ord. No. 94-22, Art. 1, adopted July 14, 1994, repealed former § 2-166 in its entirety. Former § 2-166 pertained to the Coroner's salary, and derived from Ord. No. 79-42, Art. 1, adopted June 18, 1979.

Secs. 2-167—2-170. - Reserved.

DIVISION 11. - COUNTY ATTORNEY

Sec. 2-171. - Creation of position.

There is hereby created the office of County Attorney in Washington County. The County Attorney shall be a full time salaried position; furthermore, the County Attorney shall not engage in the private practice of law during normal County business hours, nor shall such interfere or conflict with his day to day duties as County Attorney.

(Ord. No. 81-45, Art. 1, 11-13-81; Ord. No. 86-1, Art. 1, 1-9-86; Ord. No. 2000-24, Art. 1, 6-9-00)

Sec. 2-172. - Selection; removal.

- (a) The County Attorney shall be nominated by the County Judge and approved by the Quorum Court. The County Attorney shall report to the County Judge, but shall render legal services to all elected officials.
- (b) The County Attorney shall be removed by a majority vote of the Quorum Court who shall seek the advice of the County Judge and may seek the advice of other elected officials.

(Ord. No. 81-45, Art. 4, 11-13-81; Ord. No. 86-1, Art. 4, 1-9-86; Ord. No. 2000-24, Art. 2, 6-9-00)

Sec. 2-173. - Compensation.

- (a) The County Attorney shall receive a compensation specified by the budget.
- (b) Upon approval by the County Judge, the County Attorney may retain a law clerk when necessary to perform the duties as set out herein.
- (c) The Prosecuting Attorney is hereby authorized to pay full time and/or part time secretaries and overtime to other staff paid by the County from the Prosecuting Attorney's hot check fee account at no cost to the County.

(Ord. No. 81-45, Art. 3, 11-13-81; Ord. No. 86-1, Art. 3, 1-9-86; Ord. No. 2000-24, Art. 3, 6-9-00; Ord. No. 2003-4, Art. 1, 2-13-03)

Sec. 2-174. - Duties.

The duties of the County Attorney shall include all civil duties as prescribed by law to be carried out by the Prosecuting Attorney, including the following:

- (1) To draft all ordinances, resolutions, contracts, leases, conveyances, bonds, and such other instruments of writing as may be required by the County in the conduct of its business;
- (2) To furnish written opinions upon subjects of a legal nature relating to the affairs of the County government when requested to do so by the Quorum Court, County Judge, other elected officials, or the chairman of any administrative board, commission, committee or authority of the County;

- (3) To furnish legal advice regarding the activities of the County to the Quorum Court, County Judge, other elected officials, various administrative boards, commissions, or authorities of the County;
- (4) To attend all meetings of the Quorum Court, including committee meetings if requested by the chairman of such, and to render such advice and consultation as may be appropriate thereto; and upon request by the County Judge, to attend any meetings of the various administrative boards, commissions or authorities of the County; and
- (5) To represent the County's interest in all legal matters and proceedings. The County Attorney shall not be responsible for initiating or maintaining civil actions involving mental commitments.

(Ord. No. 81-45, Art. 2, 11-13-81; Ord. No. 86-1, Art. 2, 1-9-86; Res. No. 2000-2, Art. 1, 2-14-00; Ord. No. 2000-24, Art. 4, 6-9-00)

Cross reference— Introduction of ordinances, § 2-33

Sec. 2-175. - Authority to retain counsel other than County Attorney.

Should the Quorum Court determine that it would be in the best interest of the County for an attorney other than the County Attorney to render legal services, the County Judge may authorize the retention of another attorney to render such services.

(Ord. No. 81-45, Art. 3, 11-13-81; Ord. No. 86-1, Art. 3, 1-9-86)

State Law reference— Quorum Court administration, A.C.A. § 17-4014; County Attorney authorized, A.C.A. § 16-21-114.

Secs. 2-176—2-180. - Reserved.

DIVISION 12. - TOWNSHIP OFFICERS

Sec. 2-181. - Salary for Constables.

The salary of each Constable in Washington County, Arkansas, is hereby set at seven dollars and fifty cents (\$7.50) per year.

(Ord. No. 81-9, Art. 1, 3-16-81)

State Law reference— Compensation of Township Officers, Ark. Stat. Ann. § 14-14-1205.

Secs. 2-182—2-190. - Reserved.

DIVISION 13. - ETHICAL CONDUCT

Sec. 2-191. - Code of conduct for administration of Arkansas Community and Economic Development Program.

The following constitutes a standard of conduct which shall govern the actions of all officials, employees, and authorized agents in the receiving and/or administration of federal, state and local funds under the Arkansas Community and Economic Development Program.

The Arkansas Code of Ethics for Elected Officials, as set forth in Arkansas Statutes 12-3001 through 12-3007, the Arkansas Code of Ethics in Public Contracting, as set forth in Arkansas Statutes 14-1101 through 14-1115, and the regulations governing the administration of Arkansas Community and Economic Development Program grants are hereby established as the minimum standard for the code of conduct hereunder.

The code of conduct shall include, but not be limited to, the following minimum procedures:

- (1) The purchasing of goods and services shall comply with all ordinances, statutes, and laws of federal, state and local governments.
- (2) Conflicts of interest are specifically forbidden.
- (3) Small, minority, women's business enterprises, and labor surplus area firms shall be utilized when possible as sources of supplies and services.
- (4) Procurement transactions, whether by sealed bid, negotiation or other method, shall be conducted in a manner that provides maximum open and free competition.
- (5) Suppliers shall be provided a clear and accurate description of the requirements for any material, product, or service to be procured.
- (6) Entities of local government reserve the right to accept or reject any or all bids or price quotations.
- (7) All procurement procedures shall comply with and meet the administrative requirements of the federal, state and local governments in regard to any contracts supported by federal, state or local funds.
- (8) All matters of personnel shall be conducted so as to fully comply with all regulations of affirmative action and equal employment opportunity.
- (9) No person covered by this code of conduct shall seek or receive personal gain, favors or profit resulting from confidential information or the misuse of public time or funds.
- (10) All procurement information shall be a matter of public record to the extent provided in the Freedom of Information Act.

These ethical principles are adopted as a constant reminder that people in public service must personify the highest ideals of honor and integrity in all public relationships.

(Res. No. 89-6, 4-13-89; Ord. No. 92-8, 7-16-92)

Editor's note— Res. No. 89-6, adopted Apr. 13, 1989, and Res. No. 92-8, adopted July 16, 1992, not specifically amendatory of the Code, have been included herein as § 2-191 at the discretion of the editor.

Sec. 2-192. - Standards governing ethics in government.

- (a) Purpose and intent. It shall be the sole purpose of this section to establish specific, reasonable, and uniform ethical standards to be followed by all elected officials in the County as a means of protecting the rights and the property of the good citizens of the County. It is not the intent of this section to keep an elected official from acting in any legal manner, or accepting remuneration set forth in the statutes of the State and intended as compensation for their services in their capacity as an elected official.
- (b) Definitions.

Elected official means each and every person elected by the voters of the County, or otherwise serving in any of the following offices: County Judge, County Sheriff, County Clerk, Circuit Clerk, County Assessor, County Treasurer, County Collector, County Coroner, and Justice of the Peace.

Family member means the spouse, father, mother, brother, sister, child, and/or step-child of an elected official.

Profit means to benefit financially or personally.

(c) Standards. The following are the standards that shall govern the behavior of every elected official in certain circumstances:

(1) Contracts.

- a. No elected official shall profit directly or indirectly from contracts with the county except as allowed by law.
- b. No family member shall profit directly from contracts with the County.
- c. No contracts shall be entered into by elected officials when said contract fails to set forth specifically the products or services to be provided under the contract. This includes human service contracts. Said contracts shall provide products or services to the population which would not otherwise be provided by the County in the normal course of business.
- d. No contract shall be let that has not first been offered for competitive bidding pursuant to law.
- e. No contract shall be entered into or renewed without first being reviewed by the County Attorney for adherence to the standards set forth in this section. Every contract shall include a signature line for the County Attorney. Once affixed to the contract, said signature shall be evidence only of the County Attorney's review in accordance with this subsection.
- f. No elected official shall profit directly or indirectly from contracts with the County for a period one (1) year from the date of leaving office, except by a majority vote of the Quorum Court.
- g. No family member shall profit directly from contracts with the County for a period of one (1) year from the date the elected official leaves office.
- h. No contract may be entered into with a third party that employs or otherwise profits any elected official or family member of an elected official.
- i. Any contract entered into in violation of these standards shall be void ab initio.

(2) Felony conviction while in office.

- a. No elected official shall remain in office if convicted of a felony while serving as an elected official. Their term in office shall terminate immediately upon conviction and the office shall be filled according to State law, as soon as is practically possible.

(3) Employment after leaving office.

- a. No elected official shall be given employment with the County for a period of one (1) year from the date of leaving office except by a majority vote of the Quorum Court.
- b. If an elected official is employed in violation of this section, said elected official shall be liable to the County for any and all monies paid, including any benefits and parts of benefits; and, for attorneys fees and any costs incurred in the process of enforcing this section. Said employment shall be void ab initio.

(d) This section may be enforced by any remedy available at law or equity.

(Ord. No. 99-3, Arts. 1—4, 2-11-99)

Secs. 2-193—2-200. - Reserved.

ARTICLE IV. - DEPARTMENTS, BOARDS, AND SUBORDINATE SERVICE DISTRICTS

FOOTNOTE(S):

--- (4) ---

Cross reference— County Depository Board, § 2-241 et seq.; Election Commission, § 4-11 et seq.; Emergency Services Advisory Board, § 5-11 et seq.; 911 Advisory Board, § 5-31 et seq.; Hospital Board of Governors, § 7-11 et seq.; Jail Advisory Board, § 8-11 et seq.; Jail Board, § 8-21 et seq.; Criminal Justice Advisory Council, § 8-36 et seq.; Juvenile Justice Advisory Board, § 8-46 et seq.; Library Board, § 9-11 et seq.; Law Library Board, § 9-31 et seq.; Planning Board, § 11-11 et seq.; Highway Commission, § 12-11 et seq.; Rural Development Authority, § 13-11 et seq.; Northwest Arkansas Regional Solid Waste Authority, § 14-21 et seq.; Reappraisal Advisory Board, § 15-21 et seq.; Historic Washington County Courthouse Advisory Board, § 3-81

State Law reference— Establishment of County Organizations, Departments, Boards, and Subordinate Service Districts, A.C.A. § 14-14-701 et seq.

Sec. 2-201. - Upper Illinois River Watershed Advisory Board.

- (a) [Created.] There is hereby created the Upper Illinois River Watershed Advisory Board.
- (b) [Statutory authority.] Pursuant to A.C.A. § 14-14-705, members shall be appointed by the County Judge and serve terms in compliance with said statute.
- (c) [Purposes.] The purposes of said Advisory Board shall be, among other things, to study causes of pollution in the Upper Illinois River Watershed; how said pollution can be abated; and recommend ordinances to effectuate such.
- (d) Emergency clause. It is hereby ascertained and declared that the creation of this Advisory Board is immediately needed for the preservation of the public peace, health and safety. Therefore, it is declared that an emergency exists and this ordinance [Ord. No. 2005-44] being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.

(Ord. No. 2005-44, Arts., 1—4, 9-8-05)

Secs. 2-202—2-220. - Reserved.

ARTICLE V. - FINANCES

FOOTNOTE(S):

--- (5) ---

Cross reference— Ch. 15, Taxes.

State Law reference— Quorum or Levying Courts, appropriations, A.C.A. § 14-14-907; claims against Counties, A.C.A. § 14-23-101 et seq.; County warrants, A.C.A. 14-24-101 et seq.; County purchasing procedure, A.C.A. § 14-22-101 et seq.; accounting procedures and systems for County offices, A.C.A. § 14-25-101 et seq.; County-Municipality taxation, A.C.A. § 26-73-101 et seq.

DIVISION 1. - GENERALLY

Sec. 2-221. - Payment of claims.

- (a) Upon receipt of a bill or invoice which has been signed by the appropriate elected official or his/her designee, the Comptroller, after confirming sufficient funds are available, shall create an accounts payable voucher reflecting the vendor, the appropriate fund from which payable, the invoice number, the appropriate line item, and the total dollar amounts. These vouchers may contain several invoices from one (1) vendor and processed at integrals such as time permits.
- (b) Purchase orders shall be obtained in advance of all purchases for goods and services unless impossible or impractical.
- (c) Once the Comptroller has entered the information from the accounts payable voucher, then an affidavit register shall be printed containing all accounts payable vouchers that are being processed for payment and presented to the County Judge or his designee for signature. Said voucher shall have all invoices attached.
- (d) The Comptroller shall then cause a warrant number to be assigned for each vendor and print a warrant register.
- (e) All the aforesated documentation shall then be filed with the County Clerk who shall sign such and deliver it promptly to the Treasurer.
- (f) The Comptroller shall also create an electronic and paper document reflecting the above transactions and deliver such promptly to the Treasurer who shall print, sign, and insert checks into envelopes for delivery to the Comptroller to insert remittance documents and distribute to the appropriate vendor.
- (g) The County Clerk shall retain all said documents for a period of seven (7) years after the year in which such has been audited, and such has been accepted and filed by the Joint Legislative Auditing Committee, at which time the County Court may order said documents to be destroyed; all said documentation is public and subject to inspection by any citizen pursuant to the Arkansas Freedom of Information Act.

(Ord. No. 2004-3, Art. 1, 1-8-04)

Editor's note— Ord. No. 2004-3, Art. 1, adopted Jan 8, 2004, repealed § 2-221, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 2-221 pertained to similar subject matter and derived from Ord. No. 77-11, §§ 1, 2, adopted April 14, 1977.

Cross reference— County Collector, §§ 2-46, 2-141 et seq.; County Assessor, § 2-46, Ch. 2, Art. III, Div. 5.

Sec. 2-222. - Line item transfers.

- (a) It is recognized that it is impossible to predict in advance with one hundred (100) percent accuracy, every line item expenditure of any department of County government, although a total expenditure can be accurately predicted; that because of unanticipated expenditures, or the lack of anticipated expenditures, it frequently becomes necessary to transfer moneys from certain line item appropriations to others within the same department.
- (b) Such line item transfers, except changes in salaries and number of employees that are not authorized by the Quorum Court, within a particular department and at the request of the head of

such department, should be and hereby are authorized, and the County Comptroller is authorized to effectuate the same; provided that in no event shall the total appropriation of that department be changed or altered without prior approval of the Quorum Court. Quorum Court members shall be notified in writing of such changes.

(Ord. No. 77-20, §§ 1, 2, 1-3-78)

Sec. 2-223. - Participation in State contracts.

- (a) The County Judge hereby requests authority in the name of the County to participate in State contracts which the Department of Finance and Administration, Office of Purchasing, has entered into for the purchase of supplies, services, equipment and certain materials pursuant to the State Purchasing Law and Amendment 54 to the Arkansas Constitution.
- (b) The County Judge is hereby authorized to agree in the name of the County to be bound by all contract terms and conditions as the Department of Finance and Administration, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department of Finance and Administration incurs as a result of the County's participation in a contract. Further, the County Judge does hereby agree to be bound by such terms and conditions.
- (c) The County Judge is hereby authorized to agree in the name of the County to directly pay the vendor under such State contract in which it participates for terms it receives pursuant to the contract, and the County does hereby agree to directly pay the vendor.

(Res. No. 89-8, Arts. 1—3, 5-11-89)

Editor's note— Res. No. 89-8, Arts. 1—3, adopted May 11, 1989, not specifically amendatory of the Code, has been included herein as § 2-223 at the discretion of the editor.

Sec. 2-224. - Compensation for Board of Equalization members.

The members of the Board of Equalization shall be paid at the rate of one hundred twenty dollars (\$120.00) per day.

(Ord. No. 95-11, Art. 1, 4-13-95; amended by voice vote, 6-8-95; Ord. No. 2012-52, Art. 1, 9-20-12)

Editor's note— Art. 1 of Ord. No. 95-11, adopted April 13, 1995, did not specifically amend the Code; hence, inclusion herein as §§ 2-224 and 2-225 was at the discretion of the editor.

Sec. 2-225. - Compensation for Washington County Election Commission.

The members of the Washington County Election Commission shall be paid at the rate of one hundred dollars(\$100.00) per public meeting.

(Ord. No. 95-11, Art. 1, 4-13-95; Ord. No. 2007-34, Art. 1, 7-12-07)

Note— See editor's note, § 2-224

Sec. 2-226. - Human services contracts.

(a) Definitions.

Human services contracts: Those contracts commonly entered into by the County with nonprofit organizations. This section shall not apply to emergency medical services and rural fire protection services.

Washington County resident: One who is bodily present, and has as their residence a place of abode in the County.

(b) Standards. The following are the standards that shall govern the human service contracts in certain circumstances:

- (1) Human services contracts shall be subject to competitive bidding pursuant to the laws of the State which govern contracts for services by governmental bodies with the private sector;
- (2) No human services contract shall be entered into without there first being full disclosure of the following:
 - a. The budget of the organization;
 - b. The staff of the organization, including the board of directors;
 - c. The sources of its income;
 - d. The salaries of its staff, including benefits and perquisites;
 - e. The legal status of the organization, including whether the organization has 501(c)3 status;
 - f. The goals and mission statements for the preceding year and the proposed contract period;
 - g. The goals that were met and not met the year before;
 - h. The percentage of its beneficiaries that are County residents;
 - i. The value of services rendered to County residents is at least equal to the amount of money paid by the County;
 - j. Detailed performance and financial records which are open to public inspection. Said performance must be documented to the County before being considered for funding the following year;
 - k. Accounting of its assets and liabilities;
 - l. Provide an accounting of what the money paid by the County will be used for; and
 - m. Certificates of liability and workers compensation insurance with the County being shown as a co-insured party.

These disclosures shall be signed under penalty of perjury and filed with the County Clerk before any consideration shall be given to the organization's request. Any provider of products or services under this section may be subject to annual performance and financial audits by a professionally qualified outside auditor in the years preceding, and including, the contract period.

(c) Any contract entered into in violation of these standards shall be void ab initio.

(d) This section may be enforced by any remedy available at law or equity.

(Ord. No. 98-38, Arts. 1—4, 12-10-98)

Secs. 2-227—2-230. - Reserved.

DIVISION 2. - COMPTROLLER

FOOTNOTE(S):

--- (6) ---

Cross reference— Payment of travel expense reimbursement authorized by County Comptroller, § 2-57; line item transfers, § 2-222(b); procedures to collect sales tax rebate, § 15-15

Sec. 2-231. - Monthly Comptroller's report.

- (a) The County Comptroller shall submit a monthly statement of the account balances, accounts receivable, including both State and/or federal grants, accounts payable, along with a comparison figure of the same fiscal condition of the County one (1) year ago. The aforementioned monthly Comptroller's report shall be submitted by and through the County Judge's Office.
- (b) In addition to all other duties now required by law, the County Judge shall attend all regular meetings of the Quorum Court for the purpose of responding to any questions which may arise concerning the aforementioned monthly Comptroller's report to be submitted by and through the County Judge's Office.

(Ord. No. 77-6, §§ 1, 2, 2-10-77)

Secs. 2-232—2-240. - Reserved.

DIVISION 3. - COUNTY DEPOSITORY BOARD

FOOTNOTE(S):

--- (7) ---

State Law reference— County Depository Boards, A.C.A. § 19-8-106.

Sec. 2-241. - Created.

Pursuant to Act 742 of the 1977 General Assembly of the State of Arkansas [Art. Stat. Ann. § 17-3101 et seq.], there is hereby created the Washington County Depository Board.

(Ord. No. 78-17, § 1, 6-28-78)

Sec. 2-242. - Composition.

The Depository Board shall be composed of three (3) members; the County Judge, County Treasurer, and the County Collector.

(Ord. No. 78-17, § 2, 6-28-78; Ord. No. 94-31, § 1, 10-17-94)

Secs. 2-243, 2-244. - Reserved.

Editor's note— Ord. No. 94-31, § 2, adopted Oct. 17, 1994, repealed §§ 2-243 and 2-244 in their entirety. Former §§ 2-243 and 2-244 derived from Ord. No. 78-17, §§ 3 and 4, adopted June 28, 1978 and pertained to appointment and terms of public members.

Sec. 2-245. - Powers and duties.

The powers and duties of the Depository Board shall be as prescribed by law.

(Ord. No. 78-17, § 5, 6-28-78)

Secs. 2-246—2-255. - Reserved.

ARTICLE VI. - ARCHIVES AND RECORDS MANAGEMENT

FOOTNOTE(S):

--- (8) ---

Editor's note—Ord. No. 90-19, Arts. 1—6, adopted Aug. 9, 1990, pertaining to an archives and records management program, did not specify manner of codification; hence, such provisions have been designated by the editor as Art. VI, §§ 2-256—2-262.

Sec. 2-256. - Definitions.

[As used in this article, the following words and terms shall have the meaning ascribed thereto:]

Archives means those records which shall have been designated as having permanent informational or evidential value for administrative, legal, fiscal, or historical purposes, for preservation in the permanent archives of this County. "Archives" also means the secure and accessible building in which the permanently valuable records of the county are stored.

County office means any office of Washington County created by the Constitution of the State of Arkansas or by the laws of Washington County for the purpose of carrying on one (1) or more functions of government.

County officer means the lawful head or principal officer of any County office accountable for the management and safekeeping of office records.

Public records means all documents, regardless of physical form, which have been or shall be created or received by any County office or its lawful successor, or official thereof in the exercise of his or her office, or in the conduct, transaction, or performance of any business, duty, or function, pursued in accordance with law.

(Ord. No. 90-19, Art. 1, 8-9-90)

Sec. 2-257. - Program established; administrator.

There is established a Washington County Archives and Records Management Program to be administered by the Washington County Judge.

(Ord. No. 90-19, Art. 2(1), 8-9-90)

Sec. 2-258. - Retention and disposition.

- (a) It shall be the duty of the County Judge and each County officer, acting jointly and in cooperation, to schedule the period of time during which each type, class, or category of records of the County office shall be retained in the office as current or noncurrent office records.
- (b) It shall be the duty of the County Judge and each County officer, acting jointly and in cooperation, to designate those records which shall be retained in the Washington County Archives and when said records shall be transferred to the County Archives.
- (c) Creation of records retention and disposal schedules shall be in accordance with current Arkansas records management statutes and/or published records retention schedules.

(Ord. No. 90-19, Art. 2(2)—(4), 8-9-90)

Sec. 2-259. - Records access and use.

- (a) The records of Washington County are declared to be the property of the people of Washington County and the people of the State of Arkansas. Public records shall be preserved, stored, transferred, destroyed, or otherwise disposed of only in accordance with the provisions of this Article.
- (b) Title to all current and noncurrent records in the physical possession of a County office shall be vested in the County office. Title to all archives in the physical possession of the Washington County Archives shall be vested in the Washington County Archives, to be preserved and administered by the Washington County Judge, in accordance with the provisions of this Article.
- (c) No current or noncurrent records in custody of any County office or in the County Archives shall be designated, classified, regarded, or treated as confidential or as closed to public access, except in accordance with the laws of the State of Arkansas.
- (d) All records that the State of Arkansas declares to be confidential or restricted to specific uses, shall be preserved as confidential or restricted records. Those records shall not be open to the public except in the manner provided by the law.

(Ord. No. 90-19, Art. 6, 8-9-90)

Sec. 2-260. - Records storage.

Washington County officers shall:

- (1) Store original copies of all current records in County offices.
- (2) Store original copies of all current and noncurrent records classified as confidential or closed to public access in County offices.
- (3) Store original copies of all noncurrent records classified as archives in the County archives.
- (4) Store all microfilms and/or other legally acceptable copies of original records in County offices.
- (5) Store security copies of all microfilms and/or other legally acceptable copies of original records in a secure vault of a private or public institution, other than Washington County, for perpetual safe-keeping.
- (6) Store all other records in County offices until such time they are scheduled for destruction or for transference to the County archives.

(Ord. No. 90-19, Art. 5, 8-9-90)

Sec. 2-261. - Records preservation.

- (a) Washington County shall copy all of its permanently valuable noncurrent records on a regular basis to safeguard the County against accidental loss or destruction of information having enduring value. The County shall copy permanently valuable current records when it is necessary to reduce storage requirements.
- (b) It shall be the duty of the County Judge and each County officer, acting jointly and in cooperation, to establish a schedule for copying permanently valuable records.
- (c) It shall be the duty of the County Judge to ensure that County records are copied onto legally acceptable media and that such media faithfully reproduce original records.
- (d) After they have been copied onto legally acceptable media, records classified as archives shall be preserved in the County archives in accordance with standards for the care and storage of archival records.

(Ord. No. 90-19, Art. 4, 8-9-90)

Sec. 2-262. - Records disposition.

- (a) At the expiration of their retention periods, as provided in State of Arkansas records retention schedules, records designated as archives shall be transferred to the Washington County Archives.
- (b) Copies of a list of records transferred to the County archives shall be preserved in County offices and the County archives.
- (c) All records not designated as archives shall be destroyed in accordance with current Arkansas records management statutes and/or published records retention schedules. Records shall be destroyed in a manner approved by County officers, the County Archivist, and the County Environmental Affairs Officer.
- (d) A list of all records destroyed shall be prepared, and copies of the lists, together with copies of a statement certifying compliance with provisions of this article and current Arkansas records management statutes, shall be preserved in County offices and the County archives.

(Ord. No. 90-19, Art. 3, 8-9-90)

Sec. 2-263. - Reserved.

Editor's note— Ord. No. 2002-8, Art. 1, adopted March 14, 2002, repealed § 2-263, in its entirety. Former § 2-263 pertained to fee for research of files maintained by Circuit Clerk, County Treasurer or County Clerk and derived from Ord. No. 95-41, Arts. 1, 2, adopted Dec. 14, 1995.

Secs. 2-264—2-270. - Reserved.