



WASHINGTON COUNTY, ARKANSAS
County Courthouse

April 15, 2016

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
ORDINANCE REVIEW COMMITTEE

Monday, April 18, 2016
5:30 p.m.
Washington County Quorum Court Room

Daniel Balls
Ann Harbison
Butch Pond

Sharon Lloyd

Rick Cochran
Eva Madison
Bill Ussery

A G E N D A

1. Call to Order.
 2. Adoption of Agenda.
 2. Prayer & Pledge.
 3. Review Actions From The March 7th Committee Meeting For Recommendation To The Quorum Court.
 - Section 1-1 through 1-10 (3.1)
 - Section 2-1 through 2-15 (3.2)
 - Section 2-16 through 2-22 (3.3)
 4. Review of Code of Ordinances:
 - Section 2-31 through 2-130 (4.1)
 5. Other Business: Any other business to be discussed by the Committee will be brought up at this time.
 6. Public Comment.
 7. Adjournment.
- /cs

Chapter 1 - GENERAL PROVISIONS

NO OFFICIAL CHANGES WERE
PROPOSED AT ORDINANCE
REVIEW MEETING ON 3/7/16

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. ***Committee question - should this include electronic means?***

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 Tobacco use - Smoking Tobacco use in County-owned or County-leased buildings and in County vehicles prohibited.

- (a) Smoking Tobacco use is prohibited in all buildings owned or building spaces leased by the County government.
- (b) Smoking Tobacco use will not be permitted is prohibited 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 or road equipment owned or controlled by the County.

- (3) Smoking Tobacco use 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 an holiday or unforeseen contingency arises, the regular meeting may be rescheduled upon a majority vote of the Quorum Court.~~ By declaration of emergency or determination that an emergency exists and the safety of the general public is at risk, the County Judge shall change the date, place or time of the regular meeting of the Quorum Court.
- (c) Pursuant to A.C.A. § 25-19-106, ~~the media shall be duly notified of such.~~ the time and place of each regular meeting shall be furnished to anyone who requests the information

(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)~~ two hundred dollars (\$200.00) 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)~~ thirteen thousand three hundred nineteen dollars (\$13,319). ~~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. However, a Justice of the Peace may receive per diem compensation for one (1) meeting a year for which the member is absent due to an emergency or for personal reasons.
- (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 privately owned vehicle reimbursement rate per mile established by ordinance for County officials. as established by the Internal Revenue Service as expense reimbursement. Otherwise, Justice of the Peace shall be entitled to receive reimbursement of allowable expenses incurred in the conduct of county affairs on the same terms as other elected officials and county employees, within the budgetary limits established by the Quorum Court on an annual basis.~~
- (d) Attendance at a any official, regular, special or committee 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 these 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)(e) ~~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. Pursuant to Act 942 of the 90th General Assembly, (3%) per annum shall be added to the maximum per diem compensation of Justices of the Peace as a cost-of-living adjustment.~~

(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. § 47-4014, 14-14-902 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 or representative 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 a 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.

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.

Sec. 2-32. - Citizen comments.

- (a) After Quorum Court discussion at any full Quorum Court meeting, 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.

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)~~ 5 working 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 and forward to the Court Secretary for meeting scheduling.
- (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 regular 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.

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.

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.

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.

ARTICLE III. - OFFICERS AND EMPLOYEES

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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/she 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.

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.

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).

Sec. 2-60. - Adopted of DOT 1994 Final Rules for Controlled Substances and Alcohol Testing. **Zega checking into this section.**

- (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.

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.

Sec. 2-62. - Computer Usage, Electronic Mail, and Internet Security Policy—Purpose. The section will be dealt with separately at a later date.

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).

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 under contract 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.

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.

DIVISION 2. - COUNTY JUDGE

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~~ accrue compensatory time 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.

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.

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.

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.

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.

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.