

EMERGENCY ORDINANCE (1)

No. 2024 - _____

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

AN ORDINANCE ESTABLISHING THE ORGANIZATION, MANAGEMENT, AND RULES OF PROCEDURE FOR THE AFFAIRS OF THE BOONE COUNTY QUORUM COURT; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF BOONE, STATE OF ARKANSAS:

SECTION 1: *Procedural Rules*

In the absence of specific rules of procedure, as set in this Procedural Ordinance, the rules of procedure for transacting business at all regular and special sessions of the Quorum Court shall be Robert's Rules of Order, Newly Revised, subject to modification or development of our own rules. The Clerk shall commence a roll call vote with a different member of the Quorum Court on a rotating basis or use a paper ballot with the Clerk reading off the votes cast without objection; however, any citizen attending a meeting of the Boone County Quorum Court shall be recognized to speak and given up to a two minute opportunity per topic to comment whether for, against, or make a general statement, prior to a *FINAL DECISION* on any Ordinance, Resolution, or other issue before the Quorum Court. Each Quorum Court member shall not be limited in the number of times to speak on the issues under discussion.

The public shall be entitled to attend any public meeting, pursuant to Ark. Code Ann 25-19-106. There shall be no requirement for public participation, but any individual may be recognized by the presiding officer for comment. However, an individual shall not have more than two (2) minutes to speak on any one (1) issue which shall be restricted to subjects either under discussion by the Quorum Court or those subjects where the Quorum Court has responsibility and authority except where they are in conflict with the general laws of the State of Arkansas. (REF 14-14-904). The issue must be announced before the speaker is recognized. If a speaker would like more than two minutes to speak on a topic, a motion must be made by a Justice for them to have additional time or even an unlimited amount of time, followed by a second of said motion, and get approval of the whole court via voice vote.

SECTION 2: *Secretariat*

The County Clerk shall serve as secretariat to the Quorum Court and shall perform all administrative and record keeping duties of the secretariat of the Quorum Court.

The secretariat of the Quorum Court shall keep written minutes that include the final vote on each *Ordinance or Resolution* indicating the vote of each individual member. (REF.14-14-902....14-14-903)

SECTION 3: *Register of Ordinances and Resolutions*

- a. There shall be maintained in the office of the secretariat of the Quorum Court a “*County Ordinance and Resolution*” *Register* for all Ordinances, Resolutions, and Amendments to each, adopted and approved by the Court. Entries in such Register shall be sequentially numbered in the order adopted and approved; provided however, that a separate sequential numbering system shall be maintained for both Ordinances and Resolutions. The Register shall be maintained by the secretariat as a permanent record of the Court; and shall contain that minimum information needed for indexing as required in Arkansas Code Annotated (14-14-903).
- b. There shall be maintained in the courthouse a *Permanent Record* of all Ordinances and Resolutions, in the form of a uniform bound County Code, in which each enactment is entered in full after passage and approval, *except* when a code or budget is adopted by reference. Such *Permanent Record* shall be so indexed to provide for efficient identification, location, and retrieval of all Ordinances and Resolutions by subject, register number and date enacted. Such *Permanent Record* may be by book and page.

SECTION 4: *Agenda*

- a. It shall be the responsibility of the County Judge to prepare the Agenda and the County Clerk shall distribute the Agenda of the Quorum Court to its members and other interested citizens. Any items submitted to the County Judge for submission on the Agenda must be submitted in writing no later than five (5) business days prior to the regularly scheduled meeting. The name of the sponsor of each Agenda item shall be attached to the Ordinance or Resolution before it is placed on the Agenda. A member of the Quorum Court must sponsor any Ordinances that are submitted. Any timely submission to the office of County Judge by a Justice of the Peace shall be placed on the Agenda by the County Judge. A packet containing items that have been placed on the Agenda shall be delivered to the Quorum Court members and other interested individuals no later than 3 business days prior to the regularly scheduled meeting and also posted prominently in the courthouse no later than the Friday prior to the regularly scheduled meeting. This packet of items may be sent by electronic mail (e-mail). (14-14-905 (a)...14-14-913(a))

- b. Three (3) members of the Quorum Court and the County Judge may jointly submit items after the agenda closes, if it is considered to be in the best interest of the county.
- c. The Quorum Court must vote for approval of the Agenda at the beginning of each Quorum Court meeting. To be placed on the Agenda, a member from the public must call the County Judge's Office and submit the subject to be discussed and the name(s) of those who will be addressing the court. If a member is to remove an item on the Agenda, then a motion must be made by a Justice, followed by a second of said motion, and get approval of the whole court via voice vote.
- d. An individual placed on the Agenda shall not have more than five (5) minutes to speak on their submitted issue/topic and said issue must be announced before the speaker is recognized. If a speaker would like more than five minutes to speak on a topic, a motion must be made by a Justice for them to have additional time or even an unlimited amount of time, followed by a second of said motion, and get approval of the whole court via voice vote.

SECTION 5: *Regular Meetings*

The regular monthly meeting of the Quorum Court will be held at 6:00 p.m. on the second Tuesday of each month at 400 East Prospect in Harrison, Arkansas. The alternate location will be the Boone County Courthouse when necessary. When a regular meeting of the Quorum Court falls on a recognized county holiday, the meeting shall be held at the same time and place on the next day for which county government offices are open for business. All regular meetings of the Quorum Court shall conform to the Arkansas Freedom of Information Act and all other State laws. (14-14-904)

The procedure for payment of per diem for the Justices of the Peace Quorum Court Meetings shall be five hundred dollars (\$500.00) per meeting (regular and special meetings) not to exceed seven thousand dollars (\$7,000.00) per year per Justice per diem. This allows for two special meetings.

SECTION 6: *Special Meetings (14-14-904)*

- a. The County Judge or a majority of the elected Justices of the Peace may call *special meetings* upon at least a twenty-four (24) hour notice. The notice of *special meetings* shall specify the SUBJECTS, DATE, TIME, and DESIGNATED LOCATION of the *special meeting*. Only such business as was included in the notice may be considered.
- b. Notice of a *special meeting* given at any regular or special meetings of the Quorum Court shall constitute due notice to the members given. The County Clerk shall be responsible for giving timely notice to absent members, as well as giving public notice, containing the information specified in subsection (a) of this section.
- c. 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 County Clerk, 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, containing information specified in subsection (a) of this section.

- d. 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 County Clerk, in writing, if time permits. In addition to the information specified in subsection (a), the notice shall also include the *name* of each Justice of the Peace making up the majority calling the meeting. The County Clerk 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.
- e. 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) hour notice should therefore not be resorted to except under extreme and unusual circumstances.
- f. All *special meetings* of the Quorum Court or any of its committees shall be in conformance with the Arkansas Freedom of Information Act and all other Arkansas State laws.

SECTION 7: *Public Notification of Meetings; Notification of Meetings of Committees.*

In addition to all other duties required by law, the County Clerk shall be responsible for giving the public notification required by the Arkansas Freedom of Information Act of *regular* and *special* meetings of the Quorum Court and *committees* thereof. Committee chairpersons shall give the County Clerk notice of meetings of their *committees* in sufficient time for compliance with public notification of such meetings as required by law.

SECTION 8: *Attendance at Meetings by County Treasurer*

- a. In addition to all other duties 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 addition to all other duties required by law, the County Treasurer shall attend all *special meetings* of the Quorum Court where members of the Quorum Court or the County Judge deem such attendance necessary. Timely notice of such need for the attendance shall be furnished the County Treasurer giving the purpose for which attendance is required.

SECTION 9: *Standing and Special Committees*

a. a. Definitions:

(1) Wherever the term “*standing committee*” is used in this section, it shall mean a committee of the Quorum Court, constituted to perform in a continuing function, and intended to remain in existence.

(2) Wherever the term “*special committee*” is used, it shall mean a committee of the Quorum Court constituted to complete a specified assignment to be dismissed upon completion of this task.

(3) Wherever the term “committee” or “committees” is used, it shall mean both *standing* and *special* committees of the Quorum Court.

b. Standing Committees Enumerated. There are hereby established the following:

Budget and Finance

Law Enforcement

Personnel

Roads and Bridges / Buildings and Grounds

Solid Waste Management

- c. Composition. Each committee shall consist of not less than three (3) or more than five (5) members.
- d. Appointments. In accordance with ACA 14-14-703 or other Arkansas State law, the County Judge shall appoint all *standing* and *special* committees of the Quorum Court. The County Judge may appoint non-Quorum Court members to any committee except the Budget and Finance Committee as a non-voting member.
- e. Terms of Members. The length of membership for each committee member shall be one (1) calendar year or remainder of calendar year if appointed during the year. The County Judge or his/her designated agent shall be an ex-officio member of each *standing* or *special* committee. The County Treasurer or his/her designated agent shall be an ex-officio member of the Budget and Finance Committee.
- f. Election of Chairpersons. Committee chairpersons shall be elected by each individual committee, provided that no Justice may serve as the chairperson of more than one (1) *standing* committee. The term of office of chairperson shall be one (1) year, but a chairperson may be selected to serve successive terms.

- g. Committee Meetings. There shall be a regular monthly meeting of all committees at 6:00 p.m. on the day that is one week prior to the regular Quorum Court meeting subject to necessary changes as announced due to recognized holidays, inclement weather, or etc. The agenda for each month shall list all committees along with the chairperson and members and a list of items up for discussion by each committee. If a committee has no business to discuss it will be passed over. The Chairperson or other designated person for each committee shall provide the ordinances or topics for their committee to the County Judges office prior to the meeting so the committee agenda may be prepared. Each agenda shall include a clause stating “New Business – Open as needed” in the event there is unknown new business or updates to bring forth from any committee. In addition, Committees shall meet at the call of the chairperson, or two (2) committee members should the need arise.
- h. Notice of Meetings. All committee meetings shall be open to the public. Representatives of the media shall be given at least a two (2) hour notice of all meetings.
- i. Reports. Each committee shall periodically report its progress, findings and recommendations to the Quorum Court during regular or special meetings. The formal committee report in the regular or special session of the Quorum Court shall provide opportunity for both a *majority* and a *minority* report, if and when such situation exists.
- j. Minutes. Each committee shall require written minutes of the actions taken in such meeting. Copies of committee meeting minutes shall be prepared by a designee in the County Judge’s Office and included in Quorum Court meeting packets. Minutes will be made available to the public upon request.
- k. Appointment of Additional Committees. The County Judge, in accordance with ACA 14-14-703 or other Arkansas State law, may appoint other *standing* and *special* committees, which shall function in accordance with the procedures as set forth in this section.
- l. Presentation of the Budget. The Budget and Finance Committee shall present the *Annual Appropriation Ordinance and Detailed Annual Budget* at the November or December Quorum Court Meeting. These shall be made available for public inspection and comment. (14-14-904 (b) (1) (A) (ii))

SECTION 10: If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 11: All Ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 12: Act 742 of 1977, (Amendment 55). Arkansas General Assembly and amendments thereto, requires the Quorum Court to meet monthly at a specified time and place, and whereas the Quorum Court may call special meetings with twenty-four (24) hour notice, and whereas certain notices must be given under certain circumstances by order of law and whereas, the Quorum Court has authority to require certain persons to attend the special and regular meetings of the Quorum Court and give, record and store certain information and records pertaining to the state, status and condition of the County, and whereas certain committees ordained by the Quorum Court shall function responsively and immediately for the benefit of the County.

EMERGENCY CLAUSE: Therefore, in order to comply with the laws of Arkansas and the workload of this governing body, an emergency is hereby declared to exist for Boone County to be in compliance with Act 742 of 1977, and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

DATE PASSED: _____

SUBMITTED BY: Justice Bryan Snavelly

DATE APPROVED: _____

APPROVED: _____

Robert Hathaway
Boone County Judge

ATTEST: _____

Crystal Graddy
Boone County Clerk