

ORDINANCE NO. ____ 2011-13

**BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF GREENE,
STATE OF ARKANSAS, AN ORDINANCE ENTITLED, AN "AN ORDINANCE TO
RATIFY AN INTERLOCAL COOPERATIVE AGREEMENT."**

WHEREAS, the County and Cities of Greene County, Arkansas desire to enter into an Interlocal Cooperative Agreement that will be used to establish a set of guidelines for the operation of the Greene County Jail; and

WHEREAS, an Interlocal Cooperative Agreement has been executed by the Mayors of Paragould, Oak Grove Heights and Marmaduke as well as the Greene County Judge; and

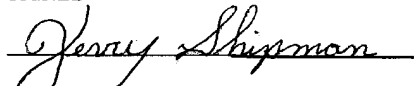
WHEREAS, the Intergovernmental Cooperation Council (est. A.C.A. Sec. 14-27-102) will act as the administrative body of this Interlocal Cooperative Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Quorum Court of Greene County, Arkansas as follows:

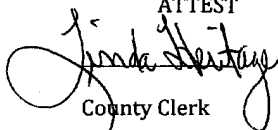
Section One: The Quorum Court hereby ratifies the Interlocal Cooperative Agreement as executed by the Greene County Judge.

Adopted and approved by the Greene County Quorum Court on this 19th day of September 2011.

SIGNED


County Judge

ATTEST


County Clerk

INTERLOCAL COOPERATIVE AGREEMENT **FILED**
BETWEEN THE COUNTY OF GREENE, ARKANSAS AND THE CITY OF PARAGOULD,
ARKANSAS; THE CITY OF MARMADUKE, ARKANSAS; AND THE CITY OF OAK
GROVE HEIGHTS, ARKANSAS FOR HOUSING PRISONERS OF EACH ENTITY IN THE
GREENE COUNTY DETENTION CENTER **LINDA HERITAGE**

THIS INTERLOCAL AGREEMENT is entered into this 20 day of Sept. 2011 ^{BY} DC
 2011 SEP 20 A 8:43
 2011, by and between County of Greene, Arkansas "Greene County" and the Cities of
 Paragould, Marmaduke and Oak Grove Heights, Arkansas.

WHEREAS, Greene County, through its Sheriff's Department, provides a detention facility for the housing of prisoners; and

WHEREAS, the Cities of Paragould, Marmaduke and Oak Grove Heights, Arkansas desire to house certain prisoners in the Greene County Detention Center; and

WHEREAS, Greene County Arkansas is required by Arkansas Code Annotated Sec. 12-41-503 to house Greene County Prisoners subject to the terms and conditions of Arkansas Code Annotated Sec. 12-41-503 and pursuant to this Agreement; and

WHEREAS, pursuant to Arkansas Code Annotated Sec. 12-41-506, County of Greene, Cities of Paragould, Marmaduke and Oak Grove Heights, Arkansas are authorized to enter into this Interlocal agreement; and

WHEREAS, the parties agree that a cooperative agreement should be in place for the housing of misdemeanor incarcerants and others awaiting trial; and

WHEREAS, the Intergovernmental Cooperative Council, A.C.A. Section 14-27-102, consisting of the County Judge of Greene County and the CEO's of each incorporated City, shall be the presiding council; and

WHEREAS, every citizen in Greene County Arkansas contributes to the Sales Tax for the construction and operation of the Greene County Detention Center and this agreement is in the best interest of all citizens of Greene County for the construction and operation of the detention center in accordance with the terms of this agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties agree as follows:

1. Purpose and Security Provided. The purpose of this Agreement is to establish a formal binding relationship between Greene County and the Cities of Paragould, Marmaduke and Oak Grove Heights, Arkansas for the detention of persons charged with, or convicted of violations of state or local law, or held as a material witness at the Greene County Detention Center. Greene County agrees to accept and provide for the secure custody, care and safe-keeping of

Paragould, Marmaduke and Oak Grove Heights, Arkansas prisoners in accordance with state and local laws, standards, policies, procedures or court orders applicable to the operations of the Greene County detention facility. Greene County further agrees to make available to Paragould, Marmaduke and Oak Grove Heights, Arkansas spaces inside the Greene County Detention Center.

2. Period of Performance. This Agreement shall be in effect from the date of the execution of the Agreement by all parties and become perpetual from the time of execution.
3. Intergovernmental Cooperative Council Powers. The powers are set forth in ACA Section 14-27-101, *et. seq.* The County Judge shall serve as the presiding council member. Each participating entity shall have their CEO (mayor) as a member of the council. The Intergovernmental Cooperative Council shall meet on an annual basis or more frequently as required. The council powers are limited to the administration of the terms of this Interlocal Cooperative Agreement and are not acting in a jail management capacity. The Interlocal Cooperative Agreement shall be regulated by Arkansas Code Annotated Section 25-20-104. It is not anticipated that there will be any real or personal property to be disposed of by this council and this agreement.
4. Payment Rate. Each Member of this agreement shall be responsible in the amount of \$1.00 per day for each prisoner incarcerated at the Greene County Detention Center. This amount shall be set aside into an account specified for future expansion needs of the Greene County Detention Center and shall not be used for any other purpose. This amount shall be set aside as specified by Ordinance to be passed by the Greene County Quorum Court. Quorum Court of Greene County understands that any request in change in Payment Rate must be documented, reviewed, and substantiated and presented to the Intergovernmental Cooperative Council for their review and vote.
5. Priority Placement. Greene County shall not refuse any lawfully arrested inmate of the City of Paragould, City of Marmaduke and City of Oak Grove Heights, Arkansas and shall give priority to prisoners from those municipalities within Greene County over those from other counties, prisons, or other forms of federal custody, pursuant to state law. Greene County shall not impose any capacity limitations to any of the local entities, but will bear the responsibility of housing each entities incarcerants. If capacity limitations need to be reviewed, the Intergovernmental Cooperative Council will do so at the appropriate time.
6. Medical Costs and Fees. No incarcerant of the Greene County Detention Center shall be denied access to emergency medical and pain care and Greene County shall provide transportation to and from such treatment. The incarcerant shall

be the primary obligor and responsible party of all medical costs and treatment provided.

7. Transportation. Greene County shall be responsible for transportation cost and transporting prisoners from jail to court sessions and transporting from court to jail regardless of whether the prisoner is considered a county prisoner or a prisoner of Paragould, Marmaduke or Oak Grove Heights, Arkansas.
8. Inmate Labor. Each city shall have priority and authority to use their incarcerants for community service and to utilize the incarcerants for any labor requested by each city. Cities shall be responsible for the transportation and supervision of the inmates performing the service. To the extent that a particular city incarcerant is not needed by the city on a particular day, the County shall have the option to use the inmate for such labor as they deem reasonable.
9. Modification: The Intergovernmental Cooperative Council shall have sole authority to modify the terms, payment amounts, or other as indicated in this Agreement. Each member of the Intergovernmental Cooperative Council receives an equal percentage of the total vote. No other legislative body of the County of Greene, Arkansas or the other entities shall be allowed to modify the Payment Rates. Any modifications to this agreement shall only be made with a unanimous vote.
10. Effective Date: The Sheriff of Greene County shall begin housing of the cities' incarcerants no later than 30 days after the Certificate of Occupancy of the Jail Addition has been entered.
11. Contingent Ballot Issue. This agreement is contingent upon the passing of a Sales Tax measure for the construction of a new Greene County Detention Center and/or a Sales Tax Measure for the Operation and Maintenance of a New Detention Center. Both Measures will be placed before the voters of Greene County Arkansas in 2011. This Agreement will be in effect if either Sales Tax measure passes.
12. Benefit Inured. This Agreement shall not inure to the benefit of entities located outside of Greene County, Arkansas and Greene County shall set the rate for housing any prisoner on behalf of entities located outside of Greene County, Arkansas in the event that Greene County agrees to house any such prisoners.
13. Miscellaneous. This agreement constitutes the entire Agreement between the parties, and supersedes any county ordinance establishing fees for housing of prisoners of Paragould, Marmaduke and Oak Grove Heights, Arkansas, during the term of this agreement. Such agreement shall be filed with the County Clerk, and the city clerk of each city. The County Judge shall enter a County

Court Order adopting the terms of this Agreement and the Quorum Court shall ratify this agreement by Ordinance.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day year first above written.

COUNTY OF GREENE, ARKANSAS

BY: *Jerry Shipman*
COUNTY JUDGE, JERRY SHIPMAN

CITY OF PARAGOULD, ARKANSAS

BY: *Mike Gaskill*
MAYOR, MIKE GASKILL

CITY OF MARMADUKE, ARKANSAS

BY: *Steve Dixon*
MAYOR, STEVE DIXON

CITY OF OAK GROVE HEIGHTS, AR

BY: *Ed Smith*
MAYOR, ED SMITH