

STONE COUNTY
ORDINANCE NO. 2013-01

JAN 23 2013
AT 10:20 O'CLOCK A. M.
DONNA WILSON, CLERK
BY G. B. D

EMERGENCY ORDINANCE

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF STONE, STATE OF ARKANSAS;

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE SETTING THE REGULAR MEETING TIME AND PLACE AND
PROCEDURAL AND OTHER RULES OF THE STONE COUNTY QUORUM COURT.

Section 1. Procedural Rules

In the absence of a specific rule of procedure, as set out 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, except where they are in conflict with the general laws of the State of Arkansas. 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.

A.C.A. 14-14-902

Section 2. Secretariat Designated

The County Clerk shall serve as secretariat to the Quorum court and shall perform the following duties:

- A. Attend all regular and special meetings of the Quorum Court and keep written minutes of such meetings, which include the final vote on each ordinance or resolution indicating the vote of each individual member on the question.
- B. Perform all administrative and recordkeeping duties of the Quorum Court.
- C. Perform all other duties as may be required by the Quorum Court through County ordinance.

A.C.A. 14-14-902

Section 3. Legal Counsel

The Stone County Prosecuting Attorney or his Deputy shall serve as legal counsel of the Quorum Court and shall perform the following duties:

- A. Attend all regular and special meetings of the Quorum Court.
- B. Provide legal advice to the Quorum Court.
- C. Perform all other duties as may be required by the Quorum Court.

The Quorum Court of Stone County may elect to compensate the Prosecuting Attorney or his Deputy for legal services rendered.

The Quorum Court may, by ordinance, provide for the appropriation of funds for the employment of a county civil attorney or county attorney in addition to the services rendered by the Prosecutor or Deputy Prosecutors.

A.C.A. 14-14-903

Section 4. Recordation of Ordinances and Resolutions

- A. Register. There shall be maintained in the office of the County Clerk of the Quorum Court a "County Ordinance and Resolution" register for all the ordinances, resolutions and amendments to each adopted and approved by the Quorum 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 County Clerk as a permanent record of the Quorum Court; and shall contain that minimum information needed for indexing as required in Arkansas Code Annotated 14-14-903.
- B. Permanent Record. 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. Use of a form or codification such as that used by the State of Arkansas will constitute substantial compliance with this section and state law. This permanent record requirement shall be in agreement with the requirements listed in Arkansas code annotated 14-14-903.

A.C.A. 14-14-904

Section 5. Organization Meeting

The Justices of the Peace elected in each County shall assemble and organize as a County Quorum Court body on a date chosen by the County Judge and held within five (5) days, excepting holidays, after the beginning of the justices' term in office.

If the first organization meeting is not held on the Quorum Court's established regular meeting day, the Quorum Court may declare the first organization meeting to be in lieu of the established January meeting.

In order to have the January meeting serve as both an organization meeting as well as the regular January Quorum Court meeting, the Quorum Court, at its December meeting preceding the January meeting, may:

- o To have the January meeting within 5 days after the beginning of the Justices' term in office (excepting holidays), the Quorum Court must pass a motion and meeting notice to that effect.

- To have the January meeting at the regularly scheduled time, the Quorum Court must pass a motion and meeting notice to that effect with the concurrence and waiver of the County Judge to set the organization meeting earlier in the month.

A.C.A 14-14-904

Section 6. Regular Meetings

The regular monthly meeting of the Quorum Court shall be held on the second Thursday of each month. The meeting time is 5:30 pm and the meeting place is the Circuit Courtroom on the second floor of the Stone County Courthouse. All regular meetings of the Quorum Court shall conform with the Arkansas Freedom of Information Act.

By declaration of an emergency, or determination that an emergency exists and the safety of the general public is at risk, the County Judge may change the date, place, or time of the regular meeting of the Quorum Court upon twenty-four (24) hour notice.

A.C. A. 14-14-904

Section 7. Special Meetings

- A. The County Judge or a majority of the elected Justices of the Peace may call special meetings upon at least 24 hours notice. The notice of special meeting 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 meeting of the Quorum Court shall constitute due notice to the members present. 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 regular 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 Peace shall be accomplished by one member 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.
- All special meetings of the Quorum Court or any of its committees shall be in conformance with the Arkansas Freedom of Information Act.

Section 8. Agenda

- A. It shall be the responsibility of the County Judge's Assistant to prepare and distribute the Quorum Court's agenda to the Quorum Court members and the public. The name of the sponsor of each ordinance or resolution will be noted when it is placed on the agenda.

An ordinance or resolution may only be sponsored by a member of the Quorum Court or by initiative or by referendum.

B. The following procedures will be followed by the County Judge's assistant regarding the agenda:

- (1.) The deadline for all Quorum Court members and others wishing to place an item on the agenda for the next Quorum Court meeting will be noon Friday preceding the Thursday meeting date. A request of item to be placed on the agenda by a Quorum Court member shall not be denied.
- (2.) Upon receiving all agenda items by Friday noon, the County Judge's Assistant will complete the agenda and mail it along with any committee minutes, Treasurer's report and any other handouts to all Quorum Court members by 4:00 PM Friday. All Agenda items may be emailed to any Quorum Court member who requests it in lieu of mailing the information. The agenda is to be posted prominently in the Courthouse.
- (3.) The agenda will be posted on the County Judge's website
- (4.) While it is not always possible to have all agenda items by Friday noon and occasionally other late items will be added to the agenda by the Thursday meeting date, this practice is to be discouraged, since it tends to alienate citizens who may have an interest in those late added issues and have not had time to communicate with their JP nor schedule time to attend the meeting.
- (5.) The order of business for the agenda is presented as noted below:

I. CALL TO ORDER

ROLL CALL BY COUNTY CLERK

ESTABLISH A QUORUM

II. MINUTES

III. TREASURER'S REPORT

IV. COMMITTEE REPORTS

V. OLD BUSINESS

VI. NEW BUSINESS

VII. ANNOUNCEMENTS AND MISCELLANEOUS

VIII. PUBLIC COMMENTS

ADJOURNMENT

A.C.A. 25-19-106 (C) (1)-(4)

Section 9. Executive Sessions

- A. The Quorum Court may call an executive session upon a majority vote of the whole number of Justices comprising the Quorum Court. Executive sessions will be called only for the purpose of considering employment, appointment, promotion, demotion,

- disciplining, or resignation of any public officer or employee. The specific purpose of the executive session shall be announced in public before going into executive session.
- B. Only the person holding the top administrative position in the department or office involved, the immediate supervisor of the employee involved, and the employee may be present at the executive session when so requested by the Quorum Court.
 - C. Any person being interviewed for the top administrative position in the County, department, or office involved may be present at the executive session when so requested by the Quorum Court.
 - D. Executive sessions will never be called for the purpose of defeating the reason or the spirit of this chapter.
 - E. No resolution, ordinance, rule, contract, regulation, or motion considered or arrived at in executive session will be legal unless, following the executive session, the Quorum Court reconvenes in public session and presents and votes on the resolution, ordinance, rule, contract, regulation, or motion.

| Section 10. 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 the giving the public notification required by the Arkansas Freedom of Information Act (A.C.A. 25-19-101-et seq.) 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 notifications of such meetings as required by state law.

| Section 11. Freedom of Information Act

All regular, special and committee meetings of the Quorum Court will be subject to the Arkansas Freedom of Information Act, A.C.A. 25-19-101 et.seq.

| Section 12. Attendance at Meetings by County Treasurer

- A. In addition to all other duties required by law, the County Treasurer will be asked to 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 will be asked to attend any special meeting of the Quorum Court where 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 requested.

| Section 13. Attendance at Meetings by County Sheriff

In addition to all other duties required by law, the County Sheriff, or one of his deputies, will be asked to attend all regular and special meetings of the Quorum Court.

| Section 14. Committees

A. Definitions

- (1.) Whenever 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, intended to remain in existence.
- (2.) Whenever 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 standing committees of the Quorum Court:

Budget
Building
Industrial
Insurance
Law Enforcement
Personnel Policy
Recreation
Sanitation
Tourism

In addition, there will be a Grievance Committee consisting of all the Justices of the Peace. A Chairman for this committee will be elected by the Justices at the first session of each term.

- C. Composition. Each committee shall consist of three members, with the exception of the Grievance Committee.
- D. Appointments. In accordance with A.C.A 14-14-703 or other state law, the County Judge shall appoint all standing and special committees of the Quorum Court.
- E. Assignments. Each member of the Quorum Court shall have three committee assignments.
- F. Terms of members. The length of membership for each committee member shall coincide with the Justice's term of office. The County Judge or his designated agent shall be an ex-officio member of each standing and special committee. The Stone County Prosecuting Attorney or his Deputy shall be an ex-officio member of each standing and special committee. The County Treasurer and the County Clerk shall be an ex-officio member of the budget committee.
- G. Chairpersons. Committee chairpersons shall be appointed by the County Judge, provided that no Justice of the Peace may serve as the chairperson of more than one standing committee. The term of the chairperson shall coincide with the Justice of the Peace's term of office.
- H. Ex-Officio members. Any Quorum Court committee may contain ex-officio members. Ex-Officio members should not be counted when determining a quorum for the committee and do not have the right to vote.

- I. Calling of meetings. Committees shall meet at the call of the chairperson, or by two committee members.
- J. Scheduling of meetings. Committees shall coordinate scheduling of meetings in order to allow attendance by committee members. Committee meetings shall be coordinated through the County Judge's office. All Justices of the Peace shall be notified by the County Judge's Administrative Assistant of the time and place of each committee meeting. Justices of the Peace and general public alike shall be given at least 48 hours advance notice of the meeting. Meeting time and place shall be posted at the Stone County Courthouse and if, possible, on the (or a publicized) county website, 48 hours prior to the meeting.
- K. Nature of meetings; notice. All committee meetings shall be open and public. Committees are authorized and encouraged to hold public hearings, where appropriate. Representatives of the media shall be given at least two hours' notice of all committee meetings.
- L. Overlapping issues. If an issue, problem, or program is referred to a committee, which is deemed to be overlapping with another committee's responsibility, both committees shall be entitled to report findings and recommendations.
- M. Appointment of additional committees. The County Judge may appoint other standing and special committees, which shall function in accordance with the procedures as set forth in this section.
- N. Minutes. The Committee chairperson is responsible for taking minutes of committee meetings. The minutes will be given to the County Judge's Administrative Assistant for typing and distribution to all Quorum Court members prior to the next Quorum Court meeting. The minutes will become part of the permanent record. Unless minutes are taken and recorded of the committee meeting, there will be no pay to the committee members. The only Quorum Court members eligible to be paid for a committee meeting are the three members of the committee. Other JP's may attend, but they are not eligible for committee meeting compensation.
- O. Reports. Committee reports will be made by the committee chairperson at the next Quorum Court meeting for all standing and special committees which have met since the last Quorum Court meeting. The committee report and minutes will be filed and become part of the permanent record but not voted upon. The Chairperson of the committee may make a recommendation after giving the report but the motion for the implementation of the recommendation must be made by another member of the Quorum Court. Any recommendation from the committee reports will be considered immediately after the report and not delayed until new business on the agenda.
- P. Annual Report. The Chairperson of any standing or special committee of the Quorum Court shall give a report of the committee to the Quorum Court at least annually if a committee report has not previously been made during the year.

A.C.A. 14-14-109

Section 15. Public Comments

- A. Public Comments and/or Questions at each Quorum Court meeting. Prior to the adjournment of each regular Quorum Court meeting, a thirty-minute maximum time will be provided to the public to voice their concerns via comments and / or questions on any

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relevant subject. The time allowed per speaker will be three minutes and the County Judge will allow speakers both for and against any issue. Any deviation from these guidelines will be at the discretion of the County Judge.

- B. Public comments prior to the final decision. On any ordinance, resolution or motion, the County Judge will ensure that citizens are afforded a reasonable opportunity to participate in the discussion prior to the final decision. The discussion will be allowed if it is specific to the question being voted upon. The County Judge will allow speakers both for and against any issue. The time allowed per speaker will be three minutes and the total length of discussion will be at the discretion of the County Judge.
- C. After being recognized by the County Judge, anyone making a public comment will make their comments at the podium while addressing members of the Quorum Court.

Section 16. Severability

If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining part of this ordinance.

Section 17. Repeal of Previous Ordinances


All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 18. Emergency Clause

As Quorum Court business is an ongoing, necessary, process for the proper conducting of County activities and budgets, and a vital service to the health, safety and well being of the residents of Stone County, an emergency is hereby declared and this Ordinance shall be in full force and effect from date of passage.

DATED: 1/10/2013

APPROVED: 
County Judge

ATTEST: 
County Clerk