

BAXTER COUNTY QUORUM COURT AGENDA

JUNE 5, 2018

THE BAXTER COUNTY QUORUM COURT WILL MEET FOR REGULAR SESSION ON **TUESDAY, JUNE 5, 2018 AT 6:00 PM** IN THE 2ND FLOOR COURTROOM OF THE COURTHOUSE, WITH JUDGE MICKEY PENDERGRASS PRESIDING.

- CALL TO ORDER
- DISPOSITION OF MINUTES FROM PREVIOUS MEETING
- COMMITTEE REPORTS
- NEW BUSINESS
 1. (*1st Reading*) AN ORDINANCE DISBANDING THE INDUSTRIAL PARK BOARD AND TRANSFERRING JURISDICTION OVER ALL MATTERS PREVIOUSLY GOVERNED BY SAID BOARD TO THE BAXTER COUNTY QUORUM COURT.
 2. AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED IN THE MONTH OF APRIL TO THE SHERIFF'S DEPARTMENT 2018 BUDGET.
 3. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$12,500.00 FROM THE SPECIAL JAIL FEES FUND INTO THE SPECIAL JAIL FEES BUDGET.
 4. AN ORDINANCE APPROPRIATING THE REMAINING BALANCE IN THE BAXTER COUNTY NURSING HOME FUND INTO THE BUILDINGS & GROUNDS BUDGET.
 5. A RESOLUTION ADDRESSED TO THE OFFICE OF GOVERNOR ASA HUTCHINSON, THE ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION (APC&EC), AND THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ); HEREBY NOTIFYING SAID PARTIES OF THE BAXTER COUNTY QUORUM COURT'S ACTION TO SUPPORT THE USE OF SOUND SCIENCE AND FAIRNESS IN THE ISSUING AND RE-ISSUING OF PERMITS IN THE STATE OF ARKANSAS.
 6. A RESOLUTION DECLARING A VACANCY IN THE OFFICE OF JUSTICE OF THE PEACE, DISTRICT NO. 5, ON THE BAXTER COUNTY QUORUM COURT.
 7. A RESOLUTION CONFIRMING THE RE-APPOINTMENTS OF KATHY BAILEY-BRACKETT AND JIM BODENHAMER TO THE BAXTER COUNTY BOARD OF EQUALIZATION.
- ANNOUNCEMENTS
- ADJOURNMENT

ORDINANCE NO. 2018 - _____

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

AN ORDINANCE DISBANDING THE INDUSTRIAL PARK BOARD AND TRANSFERRING JURISDICTION OVER ALL MATTERS PREVIOUSLY GOVERNED BY SAID BOARD TO THE BAXTER COUNTY QUORUM COURT.

WHEREAS, the Industrial Park Board was created by the Baxter County Quorum Court in 1980 to oversee all matters related to the Industrial Park property located on Highway 5 North in Midway, Arkansas, including the authority to enter into agreements for the acquisition and selling of said properties; and

WHEREAS, the Industrial Park Board, comprised of five members, continued to function as overseer of the property until gradually disbanding sometime before 2012; and

WHEREAS, at the May 21, 2018 meeting of the Baxter County Economic Development Committee, issues related to the Industrial Park property were discussed and it was determined that before this committee has the authority to make decisions regarding the property, the governing powers granted to the Industrial Park Board must be transferred to the Baxter County Quorum Court.

NOW THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS THAT:

Section 1. The Industrial Park Board of Baxter County, for reasons stated above, is hereby disbanded, and all powers granted said Board are now transferred to the Baxter County Quorum Court.

Section 2. Emergency Clause. The Quorum Court has hereby determined that, due to the timeliness of decisions concerning said property to be made, and in the best interest of the citizens of Baxter County, an emergency is, therefore, declared to exist and this ordinance shall be in full force and effect from and after the date of its approval.

Section 3. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified in the Baxter County Code of Ordinances, and the sections may be re-numbered and re-lettered to accomplish such intention.

APPROVED:

MICKEY D. PENDERGRASS, COUNTY JUDGE

Date Signed:_____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Economic Development Committee

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2018 - _____

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

**AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED
IN THE MONTH OF APRIL TO THE SHERIFF'S DEPARTMENT 2018 BUDGET.**

WHEREAS, the Sheriff's Department has collected the following fees, reimbursements and donations in excess of the anticipated budgeted revenue amount in the month of April, 2018:

- \$ 120.00 received from DWI Fines from District Court
- \$ 115.00 received from Drug Enforcement Fines from District Court
- \$ 884.30 received from Act 770 fees
- \$ 20.00 received for Black Powder Prints
- \$ 327.00 reimbursement for Inmates' Postcards and 309's Cable Bill
- \$ 123.53 received for Inmates' Medical Reimbursement
- \$ 336.27 reimbursement for Inmates' Prescriptions
- \$ 400.00 received for Inmates' Social Security
- \$ 200.00 received for Retired Law Enforcement Qualification
- \$ 1,105.68 received from Sale of Vehicles
- \$ 3,900.00 received from Sale of Seized Evidence
- \$ 293.88 received from Sale of Scrap Parts
- \$ 156.24 received for Insurance Reimbursement
- \$ 40.00 received for Restitution (Horses)
- \$ 35.00 received for Restitution (Medical Bills)

WHEREAS, it is necessary to appropriate said monies totaling **\$8,056.90** to the appropriate line items in the Sheriff's Department 2018 budget.

Section 1. There is hereby appropriated from the 2018 County General Fund (#1000) the following designated sums of money for the following designated expenditures:

- \$ 40.00 to GL# 1000-0400-1005 (Overtime & Other Prem Comp)
- \$ 904.30 to GL# 1000-0400-2001 (General Supplies)
- \$ 120.00 to GL# 1000-0400-2007 (Fuel, Oil, Lubricants)
- \$1,261.92 to GL# 1000-0400-2023 (Parts & Repairs)
- \$ 200.00 to GL# 1000-0400-3101 (Training & Education)
- \$ 336.27 to GL# 1000-0418-2004 (Jail: Medicine & Drugs)
- \$ 327.00 to GL# 1000-0418-2011 (Jail: General Supplies)
- \$ 558.53 to GL# 1000-0418-3006 (Jail: Medical & Hosp.)

Section 2. There is hereby appropriated from the 2018 Sheriff's Special Projects Fund (#3400) the following designated sum of money for the following designated expenditure:

\$4,193.88 to GL# 3400-0400-2020 (Bldg Materials & Supplies)

\$ 115.00 to GL# 3400-0400-2065 (Drug Enforcement)

APPROVED:

MICKEY D. PENDERGRASS, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Edna Fusco, JP-8

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2018 - _____

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

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$12,500.00 FROM THE SPECIAL JAIL FEES FUND INTO THE SPECIAL JAIL FEES BUDGET.

WHEREAS, the Sheriff is requesting that available monies from the Special Jail Fees revenue fund (#3017) be moved into a line item in the Special Jail Fees budget for the purpose of properly assigning the purchase of a new server for the Sheriff's Office and Jail; and

WHEREAS, there are sufficient funds available in the Special Jail Fees Fund for said transfer.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT:

Section 1. The IT Manager is authorized to make the following new appropriation from the Special Jail Fees revenue fund (#3017) into the following designated budget line item in the Special Jail Fees budget:

\$ 12,500.00 appropriated to GL# 3017-0418-4004 (Capital Outlay: Machinery & Equipment)

APPROVED:

MICKEY D. PENDERGRASS, COUNTY JUDGE

Date Signed:_____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Rick Steiner, JP-3

Date Adopted: _____

Votes: For:_____ Against:_____

Abstain:_____ Present:_____ Absent:_____

APPROPRIATION ORDINANCE NO. 2018 - _____

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

AN ORDINANCE APPROPRIATING THE REMAINING BALANCE IN THE BAXTER COUNTY NURSING HOME FUND INTO THE BUILDINGS & GROUNDS BUDGET.

WHEREAS, areas of the Courthouse basement were flooded in the Spring of 2017, which required the services of a professional contractor, who submitted a bid of \$40,441.27, to waterproof the affected areas to prevent a recurrence of the flooding; and

WHEREAS, the County applied for and received a grant from the State in the amount of \$10,000.00, to assist in funding the cost of these repairs at the Courthouse; and

WHEREAS, these grant funds were received in 2017, but not expended, since the project was not completed until 2018; and

WHEREAS, the County Judge is recommending that the remaining balance of funds in the Baxter County Nursing Home Fund be transferred into the Buildings & Grounds budget to supplement the grant monies in order to pay the professional contractor for services provided.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT:

Section 1. The County Treasurer is hereby authorized to transfer the remaining balance from the Nursing Home Fund (#1001) into the County General Fund (#1000); and

Section 2. After the transfer in Section 1, the IT Manager is hereby authorized to appropriate the remaining balance into GL# 1000-0111-3009 (Other Professional Services).

APPROVED:

MICKEY D. PENDERGRASS, COUNTY JUDGE
Date Signed:_____

ATTEST:

CANDA J. REESE, COUNTY CLERK
Sponsor: _____
Date Adopted: _____
Votes: For:_____ Against:_____
Abstain:_____ Present:_____ Absent:_____

RESOLUTION 2018 - _____

A RESOLUTION ADDRESSED TO THE OFFICE OF GOVERNOR ASA HUTCHINSON, THE ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION (APC&EC), AND THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ); HEREBY NOTIFYING SAID PARTIES OF THE BAXTER COUNTY QUORUM COURT'S ACTION TO SUPPORT THE USE OF SOUND SCIENCE AND FAIRNESS IN THE ISSUING AND RE-ISSUING OF PERMITS IN THE STATE OF ARKANSAS.

WHEREAS, it has been brought to our attention that the attached Resolution (#2018-02) was passed by the Newton County Quorum Court on February 6, 2018, in which it detailed and documented why the Newton County Quorum Court supports the continued operation of the C&H Hog Farm; and

WHEREAS, the C&H Hog Farm's permit for operation has been denied, despite the company having met the requirements of the original permit; and

WHEREAS, the Big Creek Research and Extension Team (BCRET) from the University of Arkansas has been monitoring this commercial farm operation, the creek, and the surrounding area for more than four years, and in its latest quarterly report (October-December 2017) stated that "no impact of farm operation on water quality has been observed"; and

WHEREAS, the APC&EC and the ADEQ have the power to approve or reject permits, with their decisions often affecting the sustainability of businesses that require these permits to operate. Many of these businesses that rely on permits from these agencies for continued operation are located in Baxter County.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT:

We support animal agriculture and tourism in Baxter County and in the State of Arkansas. We further express our concern that previous decisions regarding permitting and re-permitting of businesses may not have been based on sound scientific evidence and facts. If businesses in Arkansas cannot depend on these agencies to renew permits, even when all environmental requirements are met, businesses may not want to risk investing the capital and resources involved in starting and maintaining a business in the State of Arkansas. This could affect not only the economy of Baxter County, but the entire State of Arkansas as well. Criteria for re-permitting should not be changed from the original permit without strong scientific evidence that failure to do so would inflict harm to the environment and would not be in the best interest of the public. After a permit is issued, the burden of justification for denial of a permit should fall on the issuing agency. The agency should be required to prove, through scientific evidence, that: (1) the permitted company failed to meet the original permit requirements; or (2) new scientific data has become available to warrant the denial.

APPROVAL:

MICKEY D. PENDERGRASS, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Ty Chapman, JP-11

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

RESOLUTION 2018-02

A Resolution addressed to the Office of Governor Hutchinson, the Arkansas Pollution Control & Ecology Commission (APCE), the Department of Environmental Quality (ADEQ), the other County Quorum Courts of the Buffalo River Watershed, and to all the People therein, hereby notifying said parties, etc. of
Newton County government SUPPORT of the
C & Hog Farm of Newton County Arkansas

Be it Resolved by the Quorum Court of the County of Newton, State of Arkansas, USA:

WHEREAS, the Buffalo National River final master plan dated February 1977 on page 41 states that "Construction, land-clearing, and logging are all activities that must be done in sympathy with the purposes of the national river. Control could probably best be accomplished on the non-federal lands through county and State agencies" (emphasis supplied - see attached) And now, more than 40 years later, that referenced federal "control" we now see being attempted—via the state agency ADEQ—against a lawfully compliant private agricultural enterprise which contributes to the economic stability of families and members of its community and our county, being an exemplary model for operations of its kind, AND being a significant contributor to the Newton County tax base; whereas the federal government NPS land holders which oppose the hog farm are a critical drain on our tax base. NPS through ADEQ is seeking to deny a permit to continue operations of C & H Hog Farm—based solely on controversially questionable administrative procedures rather than any actual violations of environmental safety rules or regulations; AND

WHEREAS, due to the steady encroachment of the federal agencies acting in concert with various state agencies and non-governmental organizations throughout the 45 year history of the Buffalo National River to oppress and to unduly regulate and to usurp authority of private property and county government, therefore, in 2008, in compliance with provisions of certain federal laws (FLPMA* and NEPA*, et al, - see attached) Newton County adopted a Comprehensive County Land Use and Management Plan Code, as a defense and offense mechanism of self-protection for our county and its people and their private property rights; AND

WHEREAS, the aforementioned Newton County Land Use Plan (pages 33-50) cites the federal NEPA, et al provisions that require federal agencies to preserve culture, customs, and heritage that the local land plan has defined—(i.e. in whatever actions the federal agency may take to protect the earth's environment, the federal agency must also take care to not negatively affect the human environment). In accordance with NEPA, on page 11 of the Newton County Land Use Plan, the Newton County Court, did define our Newton county customs, culture, and heritage as follows: "The citizens of Newton County are willing to work and develop the resources of the land to bring forth a community, supporting their customs and culture which historically is based in, but not limited to, timber, cattle, swine, poultry, wildlife and agricultural industries. Newton County people historically have earned their livelihood from these and other methods involving the county's natural resources. Their economic stability has always depended upon the availability and utilization of these natural resources, either directly or indirectly..."; so therefore, federal law coupled with county law dictates that this environmentally compliant swine operation be "permitted" to continue operation without further bureaucratic interference; AND

WHEREAS, ADEQ has already for four years "permitted" C & H Hog Farm to operate and has documented NO violations to the environment in that time, it is evident that federal influences are on a major mission to "control non-federal lands through state agencies" as was "master-planned" more than 40 years ago. Those federal influences are now heavily persuading our governor and environmental officers and commissioners to betray the people of our county and state by forcing the closure of a highly efficient, environmentally safeguarded, and profitable

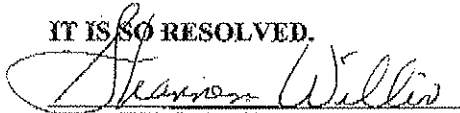
agricultural enterprise, which closure would thereby become a dangerous precedent for the rest of the state's agricultural enterprises for unwarranted closures if/when they too find themselves to be in the crosshairs of the federal land grabbing/land disabling scope; AND

WHEREAS, it has been well documented in past years by the Arkansas Legislature (ISP 99-25), and, by this Newton County Court declared to be invalid, that the Buffalo River federally influenced, state ERW designation on which the federal agency heavily relies in purporting its "protection" of the Buffalo watershed, -- that ERW designation is invalid for administrative errors far more egregious than the alleged administrative error of the C & H Hog Farm; AND

WHEREAS, Article 7, Section 28 of the Arkansas Constitution has been repeatedly ordained (see Ordinance No. 08-37, et al) by this Newton County Court to acknowledge our duty to exercise our "exclusive, original jurisdiction in all matters...that may be necessary to the internal improvement and local concerns of {our county};" and further we support local governance by our local Conservation Districts as taking the leading role over the state or federal conservation agencies in matters such as this, as is acknowledged in the Arkansas Legislative Concurrent Resolution of HCR 1012 of 2007 which is based on Act 197 of 1937; SO

THEREFORE BE IT RESOLVED that the above named parties to whom this Resolution is addressed take notice that the Newton County Quorum Court on this Fifth day of February in the Year of our Lord Two Thousand Eighteen in Regular Session hereby adopts this Resolution acknowledging our duty to contend for the cessation of the unwarranted federal and state governmental interference with the C & H Hog Farm in Newton County, and also hereby declare our intention to support the continued lawful operation of said farm.

IT IS SO RESOLVED.

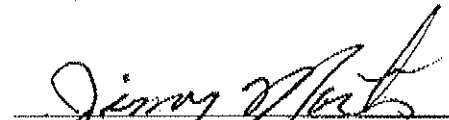

Shannon Willis, Justice of the Peace, District 1

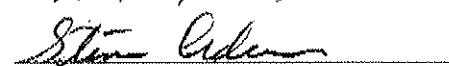
Richard Campbell, Justice of the Peace, District 2


Terry Clark, Justice of the Peace, District 3



Dennis Sahr, Justice of the Peace, District 4


Jerry Lee, Justice of the Peace, District 5

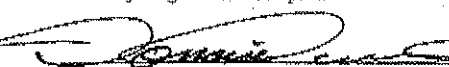

Jimmy Martin, Justice of the Peace, District 6


Steven Adams, Justice of the Peace, District 7


Kris Jones, Justice of the Peace, District 8


John D. Phillips, Justice of the Peace, District 9


Newton County Judge Warren Campbell


Newton County Clerk Donnie Davis

FILED
OFFICE OF THE CIRCUIT CLERK
NEWTON COUNTY ARKANSAS

FEB 06 2018

8:00 A.M. P.M.
BOOK 6 PAGE 534

DONNIE DAVIS

NOTE: Once this Resolution is signed and file-marked, it is the lawful duty of the County Clerk to see that it is immediately sent to the Governor's Office, the APCE Commission, and to ADEQ via facsimile transmission. The County Clerk shall then record verification of the transmission and of receipt from the receivers. In addition, copies of the original shall be sent via certified U.S. mail.



RESOLUTION NO. 2018 - _____

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF BAXTER, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION DECLARING A VACANCY IN THE OFFICE OF JUSTICE OF THE PEACE, DISTRICT NO. 5, ON THE BAXTER COUNTY QUORUM COURT.

WHEREAS, a position on the Baxter County Quorum Court has become vacant due to the resignation of Justice of the Peace James Kerr from District No. 5, who has accepted a position that creates a conflict of interest in his service as a Justice of the Peace; and

WHEREAS, the position of Justice of the Peace, District No. 5, must be filled by appointment of the Governor of the State of Arkansas for the duration of this elected term, ending December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF BAXTER, STATE OF ARKANSAS THAT:

Section 1. The Baxter County Quorum Court hereby declares that a vacancy exists for Justice of the Peace, District No. 5, of the Quorum Court, due to the resignation of former Justice of the Peace James Kerr, and

Section 2. The Baxter County Quorum Court requests that said position be filled by appointment of the Governor of the State of Arkansas to complete the term of former Justice of the Peace James Kerr, ending December 31, 2018.

APPROVAL:

MICKEY D. PENDERGRASS, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

RESOLUTION NO. 2018 - _____

A RESOLUTION CONFIRMING THE RE-APPOINTMENTS OF KATHY BAILEY-BRACKETT AND JIM BODENHAMER TO THE BAXTER COUNTY BOARD OF EQUALIZATION.

BE IT RESOLVED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT:

Section 1. The following member of the Baxter County Board of Equalization, having been re-appointed by the Baxter County Quorum Court for a term of three (3) years to expire June, 2023 is hereby confirmed by the Quorum Court:

KATHY BAILEY-BRACKETT

Section 2. The following member of the Baxter County Board of Equalization, having been re-appointed by the Municipal Mayors for a term of three (3) years to expire June, 2023 is hereby confirmed by the Quorum Court:

JIM BODENHAMER

Section 3. This resolution shall be in full force and effect from and after its passage and approval.

APPROVAL:

MICKEY D. PENDERGRASS, COUNTY JUDGE
Dated Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: Gary Smith, JP-1

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____