

BAXTER COUNTY QUORUM COURT AGENDA
MAY 1, 2018

THE BAXTER COUNTY QUORUM COURT WILL MEET FOR REGULAR SESSION ON **TUESDAY, MAY 1, 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. AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED IN THE MONTH OF MARCH TO THE SHERIFF'S DEPARTMENT 2018 BUDGET.
 2. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$6,620.00 FROM THE SPECIAL JAIL FEES FUND INTO THE SPECIAL JAIL FEES BUDGET.
 3. AN ORDINANCE RE-APPROPRIATING FUNDS IN THE AMOUNT OF \$3,149.95 WITHIN THE RURAL FIRE SERVICES BUDGET.
 4. 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 C&H HOG FARM OF NEWTON COUNTY, ARKANSAS.
- ANNOUNCEMENTS
- ADJOURNMENT

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 MARCH 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 March, 2018:

- \$ 135.00 received from DWI Fines from District Court
- \$ 330.00 received from Drug Enforcement Fines from District Court
- \$ 727.00 received from Act 770 fees
- \$ 197.30 reimbursement for Inmates' Postcards and 309's Cable Bill
- \$ 167.47 received for Inmates' Medical Reimbursement
- \$ 357.36 reimbursement for Inmates' Prescriptions
- \$ 1,200.00 received for Inmates' Social Security
- \$ 160.00 received for Retired Law Enforcement Qualification
- \$ 40.00 received from Seized Drug Buy Money
- \$ 420.00 received in Donations

WHEREAS, it is necessary to appropriate said monies totaling **\$3,734.13** 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:

- \$ 727.00 to GL# 1000-0400-2001 (General Supplies)
- \$ 135.00 to GL# 1000-0400-2007 (Fuel, Oil, Lubricants)
- \$ 40.00 to GL# 1000-0400-3093 (Misc. Law Enforcement)
- \$ 160.00 to GL# 1000-0400-3101 (Training & Education)
- \$ 357.36 to GL# 1000-0418-2004 (Jail: Medicine & Drugs)
- \$ 197.30 to GL# 1000-0418-2011 (Jail: General Supplies)
- \$1,367.47 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:

- \$ 420.00 to GL# 3400-0400-2020 (Bldg Materials & Supplies)
- \$ 330.00 to GL# 3400-0400-2065 (Drug Enforcement)

APPROVED:

MICKEY D. PENDERGRASS, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Gary Smith, JP-1

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 \$6,620.00 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 two line items in the Special Jail Fees budget.

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

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 appropriations from the Special Jail Fees revenue fund (#3017) into the following designated budget line items in the Special Jail Fees budget:

\$ 6,200.00 appropriated to GL# 3017-0418-4004 (Capital Outlay: Machinery & Equipment)

\$ 420.00 appropriated to GL# 3017-0418-4005 (Capital Outlay: Purchase of Vehicles)

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: _____

RE-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 RE-APPROPRIATING FUNDS IN THE AMOUNT OF \$3,149.95 WITHIN THE RURAL FIRE SERVICES BUDGET.

WHEREAS, the OEM Director is requesting a reallocation of funds within the Rural Fire Services budget for the purpose of properly assigning the purchase of an inventoried item; and

WHEREAS, there are sufficient funds available within the Rural Fire Services budget for said transfer.

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

Section 1. The IT Manager is hereby authorized to make the following re-appropriation within the Rural Fire Services budget:

\$3,149.95 from #1000-0502-2055 (Communications Maint.) to #1000-0502-4004 (Capital Outlay: Machinery & Equipment)

APPROVED:

MICKEY D. PENDERGRASS, COUNTY JUDGE

Date Signed:_____

ATTEST:

CANDA J. REESE, COUNTY CLERK

Sponsor: Tink Albright, JP-6

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 C&H HOG FARM OF NEWTON COUNTY, 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 is located in Newton County, Arkansas, in the Buffalo River Watershed and is a family-run farm that has demonstrated an exemplary record of compliance with required regulations and environmental stewardship; and

WHEREAS, the Big Creek Research and Extension Team (BCRET) from the University of Arkansas has been monitoring the C&H 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, Governor Asa Hutchinson has publically expressed support for C&H, agreed with the Arkansas Pollution Control and Ecology Commission in its granting of a stay for the recently denied Arkansas Department of Environmental Quality permit, and believes C&H should be allowed to supplement the permit record through the appropriate appeals process.

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

We express our support for animal agriculture. We further express that the families of the C&H Hog Farm should be allowed to submit specific information that will complete the permitting record, and that decisions regarding permit approval will be based on sound science, without interference from bureaucratic agencies.

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

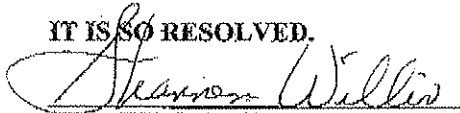
agricultural enterprise, which closure would thereby become a dangerous precedent for the rest of the state's agricultural enterprises for unwarranted closures if/when they too find themselves to be in the crosshairs of the federal land grabbing/land disabling scope; AND

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.

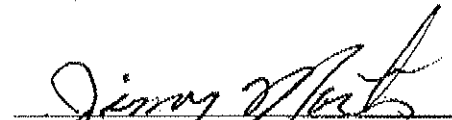

Shannon Willis, Justice of the Peace, District 1

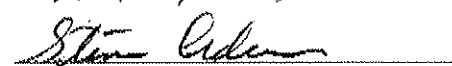
Richard Campbell, Justice of the Peace, District 2


Terry Clark, Justice of the Peace, District 3



Dennis Sahr, Justice of the Peace, District 4


Jerry Lee, Justice of the Peace, District 5

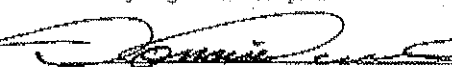

Jimmy Martin, Justice of the Peace, District 6


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.




DONATION AND DISPOSAL OF NON-INVENTORIED SURPLUS ITEMS

May 1, 2018

In accordance with Arkansas Code Annotated §14-16-106, the Baxter County Quorum Court is hereby notified that the following surplus items are of no value to the County and were donated to the Mountain Home High School:

Baxter County Airport

Items donated: outdated/unused runway lights


Mickey D. Pendergrass
Baxter County Judge