

MARION COUNTY QUORUM COURT MINUTES

June 14, 2022

The Marion County Quorum Court held their monthly meeting beginning at 6 p.m.

County Judge Massey presided over the meeting. All Justices were present. Representative Jack Fortner gave the invocation and Mayor David Nixon led the pledge.

The minutes and all reports were approved.

Before moving on to regular business, Judge Massey had a few comments that he wanted to make. He stated that in January the cost of unleaded gas was \$2.5488 per gallon and diesel was \$2.6574 per gallon. As of June 9, the price of unleaded gas was \$4.4537 per gallon and the price of diesel was \$4.3783 per gallon. As of June 9, the county has spent \$181,396.34 for fuel. In 2021 the county spent \$201,536.19 in fuel. He also pointed out that in December of 2021, the cost of unleaded was \$2.13 and the cost of diesel was \$2.25. Another concern, Judge Massey had was that for all his employees, road, transfer station, E-911 etc. there was 551.45 hours of overtime, the road shop alone had 241.25 hours of overtime that has not been paid out.

County Attorney John Russo addressed the court to state he had been asked numerous times to write ordinances, he stated that his office was not responsible to write any ordinances, but was responsible for reviewing them. He suggested that the elected officials that needed help in writing ordinances should contact AAC, as they have various manuals and have the resources to help write the ordinances correctly.

Mayor David Nixon spoke on the contract with Ozark Mountain Solid Waste District. The District was asking for their hauling fee contract to be renegotiated to cover the higher gas prices. The District was offered \$2.00 more an hour to cover the cost of fuel. However, in the contract that was presented the cost went from being \$154 a ton to \$261 a ton. That contract was not approved and was sent back to the District to be reworked. Ozark Mountain Solid Waste did agree to pay \$32,000 to help over the cost of the canopy at the transfer station.

Old Business:

New Business:

FILED FOR RECORD
at 10:17 o'clock A M

JUL 20 2022

Dawn Moffet
Marion County Clerk
D.C.

JC 6

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Ordinance 2022-32 – Election Commission – Appropriation of Advance Reimbursement – Sponsored by the Budget Committee. This ordinance appropriates the advance on the primary election reimbursement in the amount \$13466.04 (receipt #28532) in the 1000-0109-1003 Extra Help/Per Diem line item. The motion to adopt was made by Justice Underwood and seconded by Justice McCalla. The motion passed unanimously.

Ordinance 2022-33 – Personnel Policy – Library Hours – Sponsored by Justices McCalla, Brigham and Nickels. This ordinance amends the Personnel Policy to include the working hours for the Marion County Library. The motion to adopt was made by Justice Vancuren and seconded by Justice Nickels. The motion passed unanimously. The motion to suspend the rules and place the ordinance on second reading was made by Justice Vancuren and seconded by Justice Scrima, the motion passed unanimously by voice vote. The motion to adopt (second reading) was made by Justice Vancuren and seconded by Justice McCalla. The motion passed unanimously. The motion to suspend the rules and place the ordinance on third reading was made by Justice Vancuren and seconded by Justice McCalla. The motion passed unanimously by voice vote. The motion to adopt (third reading), was made by Justice Vancuren and seconded by Justice McCalla. The motion passed unanimously.

Ordinance 2022-34 – Transfer Station – Appropriation of Grant Money – Sponsored by Justice White. This ordinance appropriates \$5000 from fund 3559 Transfer Station Electronic Grant to the line item 3559-0700-2001 General Supplies. This money will be used for the purchase of supplies to operate the transfer station. The motion to adopt was made by Justice McCalla and seconded by Justice Underwood. The motion passed unanimously.

Ordinance 2022-35 – Transfer Station – Tires – Sponsored by Justice White. This appropriates \$3600.00 from fund 3051 Transfer Station Waste Tire Fund to 3051-0700-2023 Repair and Parts. This money will be used for the purchase of tires. The motion to adopt was made by Justice McCalla and seconded by Justice Nickels. The motion passed unanimously.

Ordinance 2022-36 – Coronavirus Relief Fund – Generators – Sponsored by Justice White. This ordinance appropriates \$55600.89 from fund 1005 Coroavirus Relief Fund to 1005-0100-2002 Machinery & Equipment (\$42566.00); 1005-0100-3009 Other Professional Services (\$1511.89); 1005-0100-4004 Machinery & Equipment (\$11523.00). The motion to adopt was made by Justice Vancuren and seconded by Justice McCalla. The motion passed unanimously.

Ordinance 2022-37 – Personal Services – Drug Restitution – Sponsored by Justice Vancuren. This ordinance makes corrections in the appropriated budget and line items within personal services and also corrects a fund number in the Appropriated Funds Special Funds part of the budget from 3403-0400 Drug Restitution to 3404-0400 Drug Restitution. The motion to adopt was made by Justice Vancuren and seconded by Justice Nickels. The motion passed unanimously.

Ordinance 2022-38 – Appropriations – Motor Fuel Tax – Sponsored by Justice White. This ordinance appropriates \$80000.00 from fund 2003 – Additional Motor Fuel Tax Fund (Act 416 of 2019) to 1801-0200-2007 Fuel, Oil and Lubricants in the Sales Tax – County Road Fund (1801-0200). This is due to the high cost of fuel at the current time. The motion to adopt was made by Justice Vancuren and seconded by Justice McCalla. The motion passed unanimously.

Ordinance 2022-39 – Road Department – Overtime – Sponsored by Justice White. This ordinance appropriates \$150000.00 from fund 2000 County Road Fund, into the Overtime line item 2000-0200-2005. Judge Massey commented on this ordinance by saying that the state had called him twice and asked when MC 4018 was going to be completed. That being said, Judge Massey continued that this overtime was necessary to complete this project. He also stated that this overtime would be mandatory, and those that didn't work could be subject to layoff. The motion to adopt was made by Justice Vancuren and seconded by Justice Nickels. The motion passed with Justice Underwood voting against it.

Resolution 2022-7 – New E-911 System – Sponsored by Justices Scrima, Nickels, Vancuren, Brigham and McCalla. This resolution authorizes the Marion County Judge to explore funding option for a new E-911 systems. The system we have currently is seven years old and has maintenance issues and has been struck by lightning numerous times. The motion to ratify was made by Justice Scrima and seconded by Justice McCalla. The motion passed with Justice Nickels voting against it.

Resolution 2022-8 – Storm Shelter – Sponsored by Justices Scrima, Nickels, Vancuren, Brigham and McCalla. This resolution authorizes the County Judge with work with the Marion County Community Center Board for a storm shelter to be installed at 386 Community Center Circle in Yellville. The motion to ratify was made by Justice Madden and seconded by Justice McCalla. The motion passed unanimously.

Resolution 2022-9 – Renovation of Former Sheriff's Office – Sponsored by Justices Scrima, Nickels, Vancuren, Brigham and McCalla. This resolution authorizes the County Judge to explore using American Rescue Funds and obtaining bids for renovation of the former Sheriff's Office building located at 491 Hwy. 62 W. Yellville. This building if renovated will be used for an Emergency Command center. The motion to ratify was made by Justice Brigham and seconded by Justice McCalla. The motion passed unanimously.

Judge Massey announced that his office has working on an ordinance to allow for a second Covid stimulus check for the employees and elected officials. He stated that he hoped that each employee and elected official would receive \$3.50 for each hour actually worked in 2021.

Justice Vancuren asked the Judge that no from the Assessor's office regarding CAMA be paid until the court found out what exactly was going on. The Judge stated that he would not sign any claim and that no claim would be stamped in his absence.

The meeting was adjourned.

Approved: _____

John Massey, County Judge

Date: _____

7/10/22

Attest: _____

Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2022- 40

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET AND NUMBERS AND COMPENSATION ORDINANCE 2021-124 AND 2022-37 FOR CALENDAR YEAR 2022 FOR MARION COUNTY, ARKANSAS. APPROPRIATE RETIREMENT MATCH FUNDS FOR CIRCUIT COURT, DIVISION 3 EXTRA HELP.

SECTION 1. This appropriation is for Circuit Judge Putman's personal services budget to match required APERS contributions for extra help.

SECTION 2. Appropriate unappropriated money in the amount of \$488.78 as follows:

| | |
|-------------------------------------|---------------|
| <u>Appropriate from Fund (1000)</u> | <u>Amount</u> |
| County General Fund | \$ 488.78 |

| | |
|---|---------------|
| <u>Appropriate to Division 3 Judge Putman (1000-0401)</u> | <u>Amount</u> |
| 1000-0401-1007 Retirement Matching | \$ 488.78 |

SECTION 3. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the transfer and purchase described above.

SECTION 4. This Ordinance is herein enacted as an appropriation Ordinance and therefore effective immediately.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this 12 day of July, 2022.

APPROVED: _____

John Massey, Marion County Judge

Attest: _____

Dawn Moffet, Marion County & Circuit Clerk

Sponsor: _____

The Budget Committee

Date adopted: 7/12/22

Votes for: 8 Votes against: _____ Abstain _____

Present: _____ Absent 1

FILED FOR RECORD
at 1243 o'clock P M

JUL 20 2022

Dawn Moffet
Marion County Clerk
D.C.

APPROPRIATION ORDINANCE 2022-41

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET AND NUMBERS AND COMPENSATION ORDINANCE 2021-124 FOR CALENDAR YEAR 2022 FOR MARION COUNTY, ARKANSAS. APPROPRIATE FUNDS FROM OAKLAND/PROMISELAND STATE GRANT FUND (3561) TO OAKLAND/PROMISELAND VFD STATE GRANT (3561-0502). THE TOTAL AMOUNT WILL BE \$12,232.61.

SECTION 1. A check for a grant has been received for the Oakland Promise Land Fire Protection District for Marion County in the amount of twelve thousand, two hundred thirty-two dollars and sixty-one cents (\$12,232.61) per receipt #28553.0100 dated 05/19/2022.

SECTION 2. This Appropriation is for the purchase of battery powered Extraction Equipment.

SECTION 3. Appropriating unappropriated money in the amount of \$12,232.61 from the Oakland/Promiseland State Grant Fund (3561) to Oakland/Promiseland VFD State Grant (3561-0502).

| <u>Appropriate From</u> | <u>Amount</u> |
|--|---------------|
| 3561- Oakland/Promiseland State Grant Fund | \$12,232.61 |

| <u>Appropriate To Oakland/Promeland VFD State Grant (3561-0502)</u> | <u>Amount</u> |
|---|---------------|
| 3561-0502-2002 Small Equipment | \$12,232.61 |

Section 4. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate this transfer and purchase described above.

Section 5. This Ordinance is herein enacted as an Appropriation Ordinance and therefore effective immediately.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this 12 day of July 2022.

Approved: [Signature]
John Massey, Marion County Judge

Attest: [Signature]
Dawn Moffet, Marion County & Circuit Clerk

Dated: 7/12/22

Sponsor: The Budget Committee

Date adopted: 7/12/22

Votes for: 8 Votes against _____ Abstain _____ Present: _____ Absent 1

FILED FOR RECORD
at 1254 o'clock P M

JUL 20 2022

[Signature]
Dawn Moffet
Marion County Clerk
D.C.

FILED FOR RECORD
at 101 o'clock P M

JUL 20 2022

Ordinance No. 2022- 42

Dawn Moffet
Marion County Clerk
D.C.

Be It Enacted By the Quorum Court of Marion County, State of Arkansas:

An Ordinance to Establish a County General Sub-Fund to be called the ARPA Revenue Replacement Fund; and to Declare an Emergency.

Article 1. Affirmation. It comes before this Court that there is a need to establish a County General sub-fund on the books of the county to track the revenue replacement funds taken from the ARPA Fund #3046 either calculated annually according to the formula articulated in the final rule or from the election of a standard allowance allowed by the final rule. It is also affirmed that the expenditures and/or appropriated transfers of federal assistance through the ARPA Fund. This Court recognizes and affirms the need for such a fund to properly account for and control all such revenues allowed and expenditures made with replacement revenue in compliance with the Coronavirus State and Local Fiscal Recovery Funds Final Rule from the U.S. Treasury.

Article 2. Establishment of Fund. There is hereby created on the books of the Marion County Treasurer and the books of the Marion County Clerk or Comptroller a County General sub-fund to be known as the ARPA Revenue Replacement Fund with a fund number of **1006** as assigned by Arkansas Legislative Audit. Any revenue or transfer codes; office/department codes; and expenditure codes are to be assigned locally using the County Financial Management System per the direction of Arkansas Legislative Audit.

Article 3. Operation of Fund. The ARPA Revenue Replacement Fund is subject to all the normal county budgeting, appropriation and expenditure regulations of Title 14 of Arkansas Code Annotated and the County Financial Management System. Funds transferred to the ARPA Replacement Revenue Fund as "county revenue loss" may be used generally for government services traditionally provided by county government to include, but not limited to: construction and maintenance of roads and bridges; other infrastructure projects; provision of public safety; purchase of government vehicles and equipment; and county administrative costs. Revenue replacement funds cannot be used to make an extraordinary contribution to a pension fund; for debt service; for replenishing county financial reserves; for settlements or judgments or for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act. Proper records and documentation must be maintained on the use of these funds for federal audit purposes.

Article 4. Emergency Clause. It is found by this Court that the transfer of revenue loss dollars from the American Rescue Plan Fund to the ARPA Replacement Revenue Fund for general county government services is imminent making it necessary to establish the ARPA Revenue Replacement Fund in order to be able to properly track the revenue, appropriated expenditures and/or appropriated transfers.

Therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of passage and approval.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this 12 day of July, 2022.

APPROVED: _____

John Massey, Marion County Judge

Attest: _____

Dawn Moffet, Marion County & Circuit Clerk

Sponsor: Talon Vancuren, Justice of the Peace, District 3

Date adopted: 7/12/22

Votes for: 8 Votes against: _____ Abstain _____

Present: _____ Absent 1

APPROPRIATION ORDINANCE 2022- 43

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET AND NUMBERS AND COMPENSATION ORDINANCE 2021-124 AND ORDINANCE 2022-13, TO CORRECT NUMBERS AND COMPENSATION ERROR AND APPROPRIATED BUDGET AND LINE ITEMS, FOR CALENDAR YEAR 2022 FOR MARION COUNTY, ARKANSAS.

SECTION 1. This Ordinance is for correction of appropriated budget and line items within personal services.

SECTION 2. Amended 2022 Marion County Personal Services and schedule and Wages for County Road Department:

As Reads:

Equipment Operator II (2) Full Time @ \$15.00

As Amended

Equipment Operator II (1) Full Time @ \$15.00

SECTION 3. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the transfer and purchase described above.

SECTION 4. This Ordinance is herein enacted as an appropriation Ordinance and therefore effective immediately.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this 12 day of July, 2022.

APPROVED:

John Massey
John Massey, Marion County Judge

Attest:

Dawn Moffet
Dawn Moffet, Marion County & Circuit Clerk

Sponsor:

The Budget Committee

Date adopted: 7/12/22

Votes for: 8 Votes against: _____ Abstain _____

Present: _____ Absent: 1

FILED FOR RECORD
at 114 o'clock P M

JUL 20 2022

Dawn Moffet
Dawn Moffet
Marion County Clerk
D.C.

JUL 20 2022

APPROPRIATION ORDINANCE 2022-

44

Dawn Moffet
Marion County Clerk

D.C.

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET AND NUMBERS AND
COMPENSATION ORDINANCE 2021-124 AND ORDINANCE 2022-13, TO APPROPRIATE
FUNDS FROM AMERICAN RESCUE FUND (3046) TO AMERICAN RESCUE FUND E-911
FUND (3046-0501). THE TOTAL AMOUNT WILL BE \$408,245.22

SECTION 1. Affirmation. This Court affirms that purchase of equipment for E-911 emergency
services is a recommended use of ARPA funding in accordance with the Final rule issued by the
U.S. Treasury; and that this equipment is vital in the ongoing Covid pandemic. Therefore, this
Court declares that the purchase of equipment to be used for E-911 emergency services be
budgeted as set forth in this ordinance.

SECTION 2. Emergency Services. The purchase of equipment for E-911 Emergency
Services is needed to replace equipment that is out of date, frequently inoperable, and unable to
be updated. Replacement of E-911 Emergency Services equipment is vital to the day to day
operations and with the ongoing Covid pandemic.

SECTION 3. Amendment/Appropriation. The following is an amendment to the 2022 Marion
County Budget Ordinance 2021-124 and Ordinance 2022-13 as amended:

| | |
|-----------------------------|---------------|
| <u>Appropriate from</u> | <u>Amount</u> |
| 3046 - American Rescue Fund | \$408,245.22 |

| | |
|--|----------------------------|
| <u>Appropriate to E-911 Fund (3046-0501)</u> | <u>Amount \$408,245.22</u> |
|--|----------------------------|

SECTION 4. Legislative Intent. It is the intent of Marion County Quorum Court that that
appropriation contained herein are to be used only for county purchase of equipment for E-911
emergency services; and this ordinance is only an amendment to the 2022 county operating
budget as established by ordinance 2021-124 and Ordinance 2022-13 county operating budgets
and other amendments thereto. All other appropriations and policy statements of Ordinance
2021-124 and Ordinance 2022-13 shall remain in full force and effect.

SECTION 5. Effective Date. This appropriation ordinance shall be effective immediately upon
the passage by the quorum court and approved by the county judge in accordance with
Arkansas Code Ann. 14-14-907(f).

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this
12 day of July, 2022.

APPROVED

John Massey
John Massey, Marion County Judge

Attest:

Dawn Moffet
Dawn Moffet, Marion County & Circuit Clerk

Sponsor:

The Budget Committee

Date adopted:

7/12/22

Votes For:

8

Votes Against:

Abstain:

Present:

Absent:

1