

## MARION COUNTY QUORUM COURT MINUTES

JUL 12 2023

June 13, 2023

DAWN MOFFET  
Marion County Clerk  
D.C.

The Marion County Quorum Court held their monthly meeting beginning at 6 p.m. on June 13, 2023.

Judge Stumph presided over the meeting and all Justices were present with the exception of Justice Shipman. Mr. Glen Stumph gave the invocation and Justice Scrima led the Pledge.

All reports were read and accepted. During the Treasurer's report Justice Scrima asked Treasurer Susann Crespino to put the past years ending balance with the present year ending balance.

During the E-911 report, Justice Brigham stated that the report was not in the packet, Clerk Dawn Moffet announced that that report had not gotten to her in time to put it into the packet. Justice Brigham remarked that a request had been made in the past for there to be more information included in that report. OEM Director Jim Kuckenbecker stated that they were still learning how to gather certain information from the CAD system to be included in the report. Justice Brigham commented that the elected officials using the new Financial Intelligence software had learned to run the new reports, and she didn't think that this was a valid excuse. Judge Stumph stated that he would be talking to the E-911 Coordinator and that moving forward the reports would include the requested information.

During the Law Enforcement reports, Sheriff Gregg Alexander stated that there were currently 61 inmates in the jail. He was trying to keep the count at 60 or below, as he was of the mind that the voters had voted for a 60 bed jail. He also announced that the sex offenders living in Marion County had raised to 80. Justice Vancuren asked why the jail was not at maximum capacity. Alexander stated there was not enough staff. Justice Vancuren asked if there were open positions that were not filled or if more positions were needed. Alexander stated they needed more positions.

The motion to read the ordinances by title only was made by Justice Vancuren, seconded by Justice McCalla and passed unanimously.

Old Business:

Ordinance 2023-56 – E-911- Payment for Equipment – Sponsored by Justices Reed, White, Hutching, and Nickels. This ordinance will allow \$288,914.91 to be

appropriated the ARPA Revenue Replacement Fund into the ARA Revenue Replacement Fund – E-911 Fund (1006-0501) to complete the payment for the new CAD system. The motion to adopt was made by Justice Hutching and seconded by Justice Reed. During the discussion, Justice Scrima pointed out that the Ordinance in front of them stated that the amount that was to be appropriated from the fund did not match the actual cost of the payment. Justice Scrima made a motion to amend the ordinance to read correctly, Justice Reed seconded and the motion passed unanimously. The motion to adopt passed with Justice Vancuren voting against it.

#### New Business:

Ordinance 2023-57 – Heritage Society – ARPA Request – Sponsored by Justice McCalla, White, Nickels, and Reed. This ordinance grants a total of \$15,044.35 to be appropriated from the American Rescue Fund (3046) to the American Rescue Fund – Marion County AR. Heritage Society Fund (3046-0606) for the purchase of supplies that are used in daily operations to collect, preserve, and share data of historic and genealogical significances in the Marion County area. The motion to adopt was made by Justice Reed and seconded by Justice McCalla. The motion passed unanimously.

Ordinance – 2023-58 – Bull Shoals Library – ARPA Request – Sponsored by Justices McCalla, White, Nickels, and Reed. This ordinance grants a total of \$4,000.00 to be appropriated from the American Rescue Fund (3046) to the American Rescue Fund – Bull Shoals Library Fund (3046-0605) for installation of a new condenser (heating and air conditioning unit, the replacement of the back door and books to fill in author's series for the Annex of the Library. The motion to adopt was made by Justice McCalla and seconded by Justice Reed. The motion passed unanimously.

Ordinance – 2023-59 – Road Department – Clerical Error – Sponsored by Justices White, Reed, Hutching and Nickels. This ordinance corrects a clerical error. The error occurred when the checks were printed and the funds were taken out of the Corona Virus Relief Fund (1005) instead of Road Department Fund (2000). The motion to adopt was made by Justice Reed and seconded by Justice Nickels. The motion passed unanimously.

Ordinance – 2023-60 – Fire Departments – Appropriation – Sponsored by Justices Reed, Nickels, White and McCalla. This ordinance allows for the transfer of funds in the amount of \$102,000.00 for the distribution of sales tax distribution to the Fire Departments. The motion to adopt was made by Justice Nickels and seconded

by Justice Hutching. Justice Scrima questioned why this was being done by ordinance. Justice Reed questioned why this fund was being appropriated by ordinance and not Fund 1800, 1801, and 1802 (Sales Tax Law Enforcement, County Road and Solid Waste). Justice Brigham asked if the Fire Department had already received the money, Melissa Penn stated that yes, the Fire Department had received their money and that this ordinance simply fixed a numbers error in the 2023 budget. The motion to adopt passed unanimously.

Ordinance 23-61 – Clerk’s Office – Wage Increase – Sponsored by Justices Hutching, Reed, McCalla, White and Nickels. This ordinance would allow for the deputies in the Clerk’s office to receive a wage increase. It would raise the Chief Deputy from \$15.60 to \$18.60 per hour that would be paid out of County General, two other deputies would increase from \$13.25 to \$15.25 per hour paid out of the Recorder’s Fund. It also allows for the Clerk to compensate County General \$19,994.28, which is the amount that she has been paid out of County General, these funds would come from the Recorder’s Fund. The motion to adopt was made by Justice Hutching and seconded by Justice Nickels. During the discussion, Justice Reed applauded the Clerk for her persistence for trying to get this ordinance passed. He also commented that he thought every department should get the same raise and that each deputy should receive the same amount of money. Justice Scrima stated that when one department gets a raise, then all the other departments want raises as well. He continued to state that he felt that there needs to be consistency in giving raises. That more detailed job description needs to be created, and that an average salary needs to be looked at as a class two county. Justice Vancuren commented when the court is considering raises there a lot of emotions and discussions about fairness. Disagreements of what is fair and what is not fair. He also commented that some people bring up working at McDonalds for more pay. He continued to state that he was not in favor of paying for raises out of special funds because not all offices have special funds. He stated that when raises are given out of special funds it gives the impression that perhaps an employee is working for the wrong department if their department doesn’t have a special fund in order to give a raise. He also suggested that the Clerk take her entire budget out of the Recorder’s fund to free up that money for County General. Justice Hutching stated that to be fair the court should allow for any raises, and stated that that wasn’t fair either. The motion to adopt failed, with all Justices voting against it with the exception of Justice Hutching.

Ordinance 2023-62 – E-911 – Transfer Appropriation – Sponsored by Justice Nikels, White, Reed and Hutching. This ordinance allows for the transfer of \$157.68 from the County Building Improvement Fund (3403-3111) to Marion

County 911-E911 Fund (3020-0501). This money was paid from the wrong fund for locks and key service provided for the Emergency Command Center. The motion to adopt was made by Justice McCalla and seconded by Justice Reed and passed unanimously.

Ordinance 2023-63 – E-911 – Transfer Appropriation – Sponsored by Justices White, Hutching, Nickels and Reed. This ordinance transfer \$16,496.60 from Marion County 911 – E-911 Fund (3020-0501) to County General – Emergency Management/Safety Fund (1000-0500) for the purpose of paying the utilities. The motion to adopt was made by Justice Reed and seconded by Justice McCalla. The motion passed with Justice Vancuren voting against it.

Ordinance 2023-64 – Nursing Home Auxiliary – ARPA Request – Sponsored by Justices White, Hutching, Nickels and Reed. This ordinance grants an additional total of \$20,000.00 to be appropriated from the American Rescue Fund (3046) to the American Rescue Fund – Nursing Home Auxiliary Fund (3406-0806), for the purpose of construction. The motion to adopt was made by Justice Reed and seconded by Justice Hutching. The motion passed with Justice Brigham abstaining.

Ordinance 2023-65 – Baxter Marion Rural Water Association #1 – ARPA Request – Sponsored by Justice White, Hutching, Nickels and Reed. This ordinance allow for \$44,541.00 to be transferred from the American Recue Fund (3046) to American Rescue Fund – Baxter Marion Rural Water Association #1 Fund (3046-1001) for the purpose of cleaning and repairing the water town, to purchase a used 4-wheel drive service truck and a side by side with a trailer. The motion to adopt was made by Justice Vancuren and seconded by Justice White. The motion passed unanimously with Justice Scrima abstaining.

Ordinance 2023-66 – Marion County Senior Activity Center – ARPA Request – Sponsored by Justices White, Hutching, Nickels and Reed. This ordinance appropriates \$25,000.00 from the American Rescue Fund (3046) to the American Rescue Fund – Marion County Senior Activity (SAWC) (3046-0808) to the purpose of recouping lost funding due to the pandemic and to replace the commercial dishwasher, repair the damaged floor in the walk-in freezer and to purchase a vehicle. The motion to adopt was made by Justice Nickels and seconded by Justice McCalla. The motion passed unanimously.

Ordinance 2023-67 – Assessor's Office – Wage Increase – Sponsored by Justice White, Hutching, Nickels and Reed. This ordinance would allow the Assessor to

give a wage increase in the amount of \$3.00 per hour per employee. The motion to adopt was made by Justice Hutching. The motion failed for the lack of a second.

Ordinance 2023-68 – Sheriff’s Department – Stipend – Sponsored by Justices White and Hutching. This ordinance allows for the appropriation from County General (1000) to County General – Law Enforcement Fund (1800-0400) in the amount of \$5,382.50 for the purpose of paying salary stipend as referenced in Ordinance 2022-53. The motion to adopt was made by Justice Reed and seconded by Justice Scrima. The motion passed unanimously.

Ordinance 2023-69 – Treasurer’s Office – Wage Increase – Sponsored by Justices Brigham, Hutching, Nickels, Reed and White. This ordinance allows for a \$3.00 per hour raise for the Deputy Treasurer, from \$13.25 to \$16.25 per hour. The motion to adopt was made by Justice Vancuren and seconded by Justice Brigham. Justice Vancuren made the comment that he supported this ordinance because Amber (Knowles) needs a raise. Treasurer Crespino stated that in her prior position as assistant comptroller, Amber (Knowles) never received a 90-day raise, no annual raise and has been in her current position for six months and has not received a 90-day raise. Justice Scrima commented that this was a transfer of an employee that the court was not aware of. The court was not aware that she had changed offices. He continued by stating that the elected official does not own the employee. Justice Vancuren commented that this discussion was a matter of a transfer versus a hiring. He continued stating that the Treasurer’s office comes with a staff, so filling that position was up to the elected official. He continued that the Personnel Policy needed to have more clarification regarding this type of situation. Justice Scrima stated that there had been more than one of these situations this year, and that each elected official should know that if something was created with an ordinance then if a change is needed it needs to be changed with an ordinance. Justice Vancuren stated that this was a gray area and needs to be addressed. Justice McCalla requested information from Sheriff Alexander regarding the pay of the deputies and the jailers. Justice Reed remarked that this was again being inconsistent. He stated that all Chief Deputies were in charge of the office if the elected official was not there. He supports that each of the Chief Deputies get the same amount of money. Ms. Amber Knowles commented that she had busted her butt while in the comptroller’s office trying to get all of the human resources information into the new system (Financial Intelligence), was in charge of the quarterly payroll and is currently putting together a “Treasurer’s Manual”, for the convenience of the next treasurer. The motion to adopt passed with Justice Scima voting against it.

Jim Miller and Doug Hagee from the Pine Mountain Fire Department attended the meeting to get clarification on how they can apply for one of the ARPA grants. They are in need of a brush truck. It was decided that they could apply for the grant for a certain amount of money to purchase the truck and then submit an invoice to the county for payment.

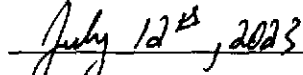
Hannah McKelvey and Angie Dunlap with the Marion County Senior Center thanked the court for the ARPA funds.

The meeting was adjourned at 7:30 p.m.

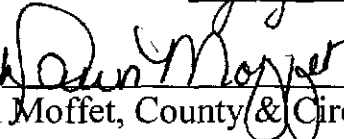
Approved: \_\_\_\_\_

  
Jason Stumph, County Judge

Date: \_\_\_\_\_

  
July 12<sup>th</sup>, 2023

Attest: \_\_\_\_\_

  
Dawn Moffet, County & Circuit Clerk

Appropriation Ordinance 2023- 70

Be it enacted by the Quorum Court of Marion County, Arkansas, an ordinance to be entitled:

An Ordinance amending Marion County Ordinance #22-98, identified as the Marion County Budget to appropriate additional funds to Jurors and Witnesses.

**WHEREAS**, the current Marion County Budget for Jurors and Witnesses was set at \$21,100.00; and

**WHEREAS**, during this year so far, Marion County has expended \$19, 635.54 for Jurors and Witnesses leaving a current balance of \$1,464.46; and

**WHEREAS**, Marion County will have at least three more and possibly four more jury trials this year necessitating the need for additional funds;

**THEREFORE**, it is requested by the Circuit Clerk and Office of the Prosecuting Attorney to appropriate additional funds to ensure the efficient Administration of Justice.

Article 1. Appropriate funds from County General Fund Account 1000 to Account #1000-0405-3095, Jury Per Diem.

From: County General Fund # 1000	Amount	\$25,000.00
To: Jury and Per Diem Fund 1000-0405-3095	Amount	\$25,000.00

Article 2. All County Employees and elected officials involved herein shall prepare all documentation necessary to effectuate the transfer and appropriation described above.

Article 3. This Ordinance is enacted as an Appropriation Ordinance and is effective immediately.

Passed and Approved by the Quorum Court of Marion County, Arkansas on this 11 day of July, 2023.

Approved: [Signature]  
Jason Stumpff, Marion County Judge

Attest: [Signature]  
Dawn Moffett, County and Circuit Clerk

Sponsored By: Hutchings, Reed, Nickels, White

Date: 7/11/23

FILED FOR RECORD  
at 333 o'clock P \_ M

JUL 12 2023

DAWN MOFFETT  
Marion County Clerk  
[Signature] D.C.

**received**  
6/30/23 8:00

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-70

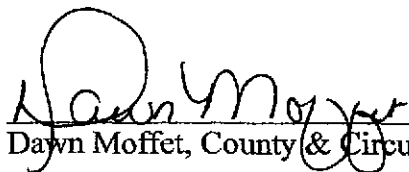
DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Nickels

SECONDED BY JUSTICE White

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk



# MARION COUNTY QUORUM COURT ROLL CALL RECORD

Motion

ORDINANCE 2023-\_\_\_\_\_

DATE: 7/11/23

MOTION TO: Read by Title Only

MOVED BY JUSTICE White

SECONDED BY JUSTICE McCalla

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

Appropriation Ordinance 2023- 71

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR THE OFFICE OF THE MARION COUNTY AND CIRCUIT CLERK, NUMBERS AND COMPENSATION ORDINANCE 2022-98, THE ANNUAL

Section 1. This amendment is for the overall decrease of the budget for the Office of the Marion County & Circuit Clerk, pursuant to the Marion County Numbers and Compensation Ordinance 22-98.

Section 2. The budget for the Marion County & Circuit Clerk was submitted and approved in Ordinance 22-98. This ordinance will lower the County General portion of the Marion County & Circuit Clerk budget.

Section 3. This amendment will decrease the currently appropriated budget and modify the numbers and compensation portion of Ordinance 22-98 for the three deputies currently employed in the Clerk's office.

Fund	Office	Position No.	Title	Budgeted	Current Rate	Salary
1000	102	1002	Deputy Cret & Cnty Clerk	See Exhibit A		

As reads: Recorder's Fund

Fund	Office	Position No.	Title	Budgeted	Current Rate	Salary
3006	102	1001	County & Circuit Clerk (13PP)	X		\$1666.19
3006	102	1002	Deputy Clerk	See Exhibit A		
3006	102	1003	Deputy Clerk	See Exhibit A		

As amended: Recorder's Fund

Fund	Office	Position No.	Title	Budgeted	Current Rate	Salary
3006	102	1001	County & Circuit Clerk (12PP)	X		\$1666.19

Section 4. Amend fund 3006 Recorder's Fund to compensate County General

From Fund 3006 – Recorder's Fund      \$23,326.66 Subtract

To Fund 1000 – County General      \$23,326.66 Add

Section 5. Amend Numbers and Compensation portion of Ordinance 2022-98

As passed:

Fund	Office	FI Pos.	Title	Budgeted	Current Rate	Salary
1000	102	1001	County & Circuit Clerk	x		\$1650.00
1000	102	1002	Deputy Cret & Cnty Clerk	\$15.60	\$15.60	
3006	102	1001	County & Circuit Clerk* (13pp)			\$1650.00

**received**  
6/30/23 8 am

3006	102	1002	Deputy Clerk	\$13.25	\$13.25
3006	102	1003	Deputy Clerk	\$13.25	\$13.25

As amended.

Fund	Office	FI Pos.	Title	Budgeted	Current Rate	Salary
1000	102	1002	Deputy Crct & Cnty Clerk	\$18.60	\$18.60	
3006	102	1001	County & Circuit Clerk* (12pp)			\$1666.19
3006	102	1002	Deputy Clerk	\$15.25	\$15.25	
3006	102	1003	Deputy Clerk	\$15.25	\$15.25	

Section 6. Appropriate \$44,665.60 from Fund 3006 – Recorder’s Fund as follows:

3006-0102-1001	Salaries Full Time	\$33,760.00
3006-0102-1006	Social Security Matching	\$ 2,582.64
3006-0102-1007	Retirement Matching	\$ 517.20
3006-0102-1010	Worker’s Compensation	\$ 34.90
1000-0102-1001	Salaries Full Time	\$ 7,328.43
1000-0102-1006	Social Security Matching	\$ 442.43

Section 7. This amendment is retroactive to January 1, 2023.

Section 8. All County employees and elected officials involved herein shall prepare all documentation necessary to effectuate the transfer and purchase described above.

Section 9. This ordinance is herein enacted as an appropriation ordinance and is therefore effective immediately.

Approved: \_\_\_\_\_  
Jason Stumph, County Judge

Attest: \_\_\_\_\_  
Dawn Moffet, County & Circuit Clerk

Date: \_\_\_\_\_

Sponsored by: Justices Hutching, White and Nickels

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-71

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Nickels

SECONDED BY JUSTICE Hutchings

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)		X		
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)		X		
JUSTICE RICK WHITE (District #4)		X		
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)		X		
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	4	4		1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

ORDINANCE 2023 - 72

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

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET AND NUMBERS AND COMPENSATION, ORDINANCE 2022-98, THE ANNUAL OPERATING BUDGET FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS TO CORRECT AND UPDATE CHANGES IN PROJECTED REVENUE AND EXPENDITURES.**

**ARTICLE 1. ANNUAL BUDGET ADOPTED BY REFERENCE.** The annual budget for calendar year 2023 identified as "ANNUAL BUDGET, MARION COUNTY, ARKANSAS" dated December 20, 2022, is hereby incorporated and adopted by reference. This budget is filed in the office of Circuit/County Clerk and is available for inspection and copying by any person during normal office hours.

**ARTICLE 2. AMENDED ANNUAL BUDGET.** An amended annual budget for calendar year 2023 identified as Amended Annual Budget, Marion County, Arkansas, attached hereto incorporated, and adopted by reference as though fully set forth herein, is hereby passed. A copy of this ordinance and budget shall be filed in the office of the Circuit County Clerk and shall be available for inspection and copying by any person during normal working hours.

**ARTICLE 3. NONRESTRICTED EXPENDITURES CATEGORIES.** Expenditure of funds appropriated by this Ordinance shall not be restricted to the line-item expenditure codes comprising the major categories of expenditures – Personal Services, Supplies, Other Services and Charges, Capital Outlay, and Debt Service – but shall be restricted to office/departmental expenditures within the above enumerated major categories of expenditures except for funds appropriated for personal salaries and wages and related employee's benefits. Personnel expenditures shall not exceed the dollar amounts, numbers of employees and salary or wage rates specified in the annual budget or an amendment thereof.

**ARTICLE 4. PERSONAL SERVICE SCHEDULE AND WAGES.** Wages for county employees are based on the various responsibilities, duties, licensing requirements and length of service. The Personal Service and Wage Schedule is attached. Each Elected Official is responsible for preparing the job descriptions for each position(s) within their department(s). In addition, each elected official is responsible for submitting whatever additional information requested by the Personnel Committee and Budget Committee before any new positions are added to this schedule. In addition, hiring employees due to vacancies or salary increases require prior approval from the budget committee and Quorum Court. Note: During times of Public Emergencies affecting Marion County, employees classified as Public Safety Employees, are exempt from this Article. Public Safety Employees are defined as Law Enforcement Personnel of the Sheriff, Office of Emergency Services Management (OEM), 911 Offices, Road Department and other department's personnel as determined by the Marion County Judge.

**Article 5. EXPENDITURES RESTRICTED TO SPECIFIED FUND.** No expenditure of appropriated funds shall be made from any fund other than the fund specified in this Ordinance or an amendment therein.

**Article 6. REVENUE AND APPROPRIATIONS.** Documentation is attached to this Ordinance and incorporated herein.

**Article 7. TRANSFERS.** Included in this budget are three (3) conditional transfers of County General Funds. The first one is a conditional transfer of up to \$557,171.00 from County General Fund to the Department of the Sheriff's Law Enforcement Fund on a "As Needed Basis" condition. The second one is a conditional transfer of up to \$200,000.00 from County General Fund to the Department of the Sheriff's County Detention Facility Fund on a "As Needed Basis" condition. The third transfer of County General Funds is the conditional transfer of up to \$219,497.00 to the County Judge's E911 Department Fund on a "As Needed Basis" condition.

**Article 8. SEVERABILITY.** If any provisions of this Ordinance or the application thereof any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.

**Article 9.** This ordinance being necessary for the protection and preservation of public health, welfare, and safety, as to ensure proper operation of governmental services, an emergency is declared to exist, and this Ordinance shall be in force and shall take effect upon passage and publication.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, AR on this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED: \_\_\_\_\_ Jason Stumph, Marion County Judge

ATTEST: \_\_\_\_\_ Dawn Moffet, Marion County & Circuit Clerk

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5; Rolin Hutching, JP #6

Date Adopted: \_\_\_\_\_ Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: \_\_\_\_\_ Absent: \_\_\_\_\_

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-72

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Shipman

SECONDED BY JUSTICE Hutching

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)				
JUSTICE MARTY NICKELS (District #2)				
JUSTICE TALON VANCUREN (District #3)				
JUSTICE RICK WHITE (District #4)				
JUSTICE JOHN REED (District #5)				
JUSTICE ROLIN HUTCHING (District #6)				
JUSTICE WESLEY SHIPMAN (District #7)				
JUSTICE CLAUDIA BRIGHAM (District #8)				
JUSTICE JOYCE MCCALLA (District #9)				
TOTALS				

Dawn Moffet, County & Circuit Clerk

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-72

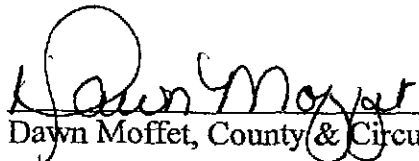
DATE: 7/11/23

MOTION TO: Table

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE Hutchings

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk



Ordinance 2023- 23

Be it enacted by the Quorum Court of Marion County, Arkansas, an ordinance to be entitled:

An Ordinance amending 2022-98, identified as the Marion County Budget, to appropriate additional funds to the Quorum Court.

Article 1. Appropriate unappropriated funds from County General (Fund 1000) to 1000-0107-3040 Advertising .

From: County General Fund 1000                      \$5,000.00 Subtract

To:    1000-0107-3040 Advertising                      \$5,000.00 Add

Article 2. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the transfer and appropriation described above.

Article 3. This Ordinance is herein enacted as an Appropriation Ordinance and is therefore effective immediately.

Passed and approved by the Quorum Court of Marion County, Arkansas on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Approved: \_\_\_\_\_

Jason Stumph, Marion County Judge

Attest: \_\_\_\_\_

Dawn Moffet, County and Circuit Clerk

Sponsored by: Justice White

Date: \_\_\_\_\_



# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 73

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Hutchings

SECONDED BY JUSTICE Shipman

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)				
JUSTICE MARTY NICKELS (District #2)				
JUSTICE TALON VANCUREN (District #3)				
JUSTICE RICK WHITE (District #4)				
JUSTICE JOHN REED (District #5)				
JUSTICE ROLIN HUTCHING (District #6)				
JUSTICE WESLEY SHIPMAN (District #7)				
JUSTICE CLAUDIA BRIGHAM (District #8)				
JUSTICE JOYCE MCCALLA (District #9)				
TOTALS				

\_\_\_\_\_  
Dawn Moffet, County & Circuit Clerk

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 73

DATE: 7/11/23

MOTION TO: Table

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE Nickels

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

ORDINANCE 2023- 74

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

AN ORDINANCE AMENDING ORDINANCE No. 2001-45 ESTABLISHING MINIMUM AMOUNT FOR THE PURCHASE OF EQUIPMENT.

SECTION 1. The Legislative Joint Auditing Committee has directed that a minimum amount be established for the purchase of equipment.

SECTION 2. The minimum purchase price of equipment to be classified as a Capital Outlay Expenditure coded line item (County Financial System Manual), should be raised to \$2,500.00 in order to minimize inventory.

SECTION 3. All county employees and elected officials involved herein shall prepare all documentation necessary to comply with the County Financial System Manual.

SECTION 4. Severability Clause: If any provision or article of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions and articles of this ordinance, and to such end the provisions and articles of the Ordinance are declared severable.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this 11 day of July 2023.

APPROVED: \_\_\_\_\_

Jason Stumph, Marion County Judge

Attest: \_\_\_\_\_

Dawn Moffet, Marion County & Circuit Clerk

FILED FOR RECORD  
at 335 o'clock P M

JUL 12 2023

DAWN MOFFET  
Marion County Clerk  
\_\_\_\_\_  
D.M.

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: 8 Absent: 1

**received**  
7/3/23 11:15 AM

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 74

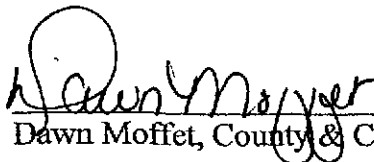
DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE McCalla

SECONDED BY JUSTICE Nickels

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk

TRANSFER APPROPRIATION ORDINANCE 2023-75

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET ORDINANCE 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. TRANSFER APPROPRIATED FUNDS TO THE PURCHASE OF BODY BAGS.

SECTION 1. The monies need to be transferred from line item 3100 to line item 2001 in the County General – County Coroner fund for the purchase of body bags.

SECTION 2. Transfer appropriated money of in the amount of \$1,000.00 as follows:

Transfer FROM County General- County Coroner (1000.0419.3100)

	<u>Amount</u>
1000.0419.3100 Other Miscellaneous	\$1,000.00

Transfer TO County General- County Coroner (1000.0419.2001)

	<u>Amount</u>
1000.0419.2001 General Supplies	\$ 1,000.00

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 11 day of July, 2023.

APPROVED: [Signature]  
Jason Stumph, Marion County Judge

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

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: 8 Absent: 1



# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-75


DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE Brigham

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2023-76

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 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. APPROPRIATE FUNDS FOR THE COOLER INSTALLATION FOR THE COUNTY CORONER.

SECTION 1. This appropriation is for the transfer of funds for the cost of the cooler installation for the County Coroner.

SECTION 2. Marion County Coroner is requesting funds for building the cooler, hanging fans setting condenser plumbing with commercial hardware, copper, install vibration eliminator's, high low side filter dryers if needed shut off on each side of dryers for low loss, refrigerant, and quick-change wiring supplied by Electrician. All labor and material listed,

SECTION 3. Appropriate money of in the amount of \$7,150.55 from the following fund:

<u>Appropriate From</u>	<u>Amount</u>
3046 AMERICAN RESCUE FUND	\$7,150.55

<u>Appropriate To Road ARPA Revenue Replacement Coroner Fund (1006-0419)</u>	<u>Amount</u>
1006-0419-3009 Other Professional Services	\$7,150.55

SECTION 4. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the 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 11 day of July, 2023.

FILED FOR RECORD  
at 3:36 o'clock P M

APPROVED: [Signature]  
Jason Stumph, Marion County Judge

JUL 12 2023

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

DAWN MOFFET  
Marion County Clerk  
[Signature] D.C.

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain \_\_\_\_\_

Present: 8 Absent 1

**received**  
7/13/23 11:15 AM



# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-76

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE McCalla

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

TRANSFER APPROPRIATION ORDINANCE 2023- 77

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET ORDINANCE 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. TRANSFER APPROPRIATED FUNDS NEEDED IN THE SUPPLIES AND OTHER CHARGES CATEGORIES OF BUDGET.

SECTION 1. That the County Judge's Office needs to transfer appropriated money for payment of expenses to run the County Judges and Comptroller's Offices.

SECTION 2. Transfer appropriated money in the amount of \$10,000.00 as follows:

<u>Transfer FROM County Judge Fund (1000-0100-3190)</u>	<u>Amount</u>
1000-0100-3190 NWADD	\$10,000.00

<u>Transfer TO County Judge Fund (1000-0100)</u>	<u>Amount</u>
1000-0100-2001 General Supplies	\$10,000.00

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 11 day of July, 2023.

APPROVED: [Signature]  
Jason Stumph, Marion County Judge

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

FILED FOR RECORD  
at 339 o'clock P M

JUL 12 2023

DAWN MOFFET  
Marion County Clerk  
[Signature] D.C.

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: 8 Absent: 1

**received**  
**7/3/23 11:15 AM**

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-77

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE Hutchings

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2023- 78

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 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. TRANSFER UNAPPROPRIATED FUNDS FROM 1802 SALES TAX- SOLID WASTE/ RECYCLING TO 1802-0700-3063 SALES TAX – SOLID WASTE – WASTE DISPOSAL.

SECTION 1. This appropriation is for the transfer of funds to provide payment to Crystal Clean for Septic Services and Waste Connections for the remainder of the year for Compactor pick up.

SECTION 2. Appropriate money in the amount of \$35,000.00 from the following fund:

<u>Appropriate From Sales Tax- Solid Waste/ Recycling (1802)</u>	Amount
1802 Sales Tax- Solid Waste/ Recycling	\$35,000.00
<u>Appropriate To Sales Tax Solid Waste Fund (1802-0700)</u>	Amount
1802-0700-3063 Utilities- Waste Disposal	\$35,000.00

SECTION 4. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the 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 11 day of July 2023.

APPROVED: [Signature]  
Jason Stumph, Marion County Judge

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

FILED FOR RECORD  
at 339 o'clock P M

JUL 12 2023

[Signature]  
DAWN MOFFET  
Marion County Clerk  
D.C.

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: 8 Absent: 1

**received**  
7/3/23 11:15 AM

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 78

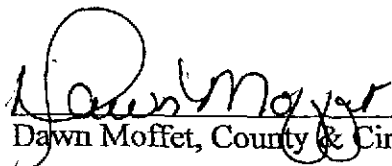
DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE McCalla

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2023-79

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET ORDINANCE 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. TRANSFER UNAPPROPRIATED FUNDS FROM 3009 TRANSFER STATION FEE TO 1802 SALES TAX-SOLID WASTE TO BRING TRANSFER OF FUNDS UP TO DATE PURSUANT TO ORDINANCE 2021-2.

SECTION 1. This appropriation is to bring the transfer of funds up to date pursuant to Ordinance 2021-2. Monies from Fund 3009 to Fund 1802 were not transferred at the beginning of 2022 in the amount of \$120,330.04 or at the beginning of 2023 in the amount of \$122,600.06.

SECTION 2. Appropriate money in the amount of \$242,930.10 as follows:

<u>Appropriate From</u>	<u>Amount</u>
3009 Transfer Station Fee Fund	\$242,930.10

<u>Appropriate to</u>	<u>Amount</u>
1802 Sales Tax-Solid Waste Fund	\$242,930.10

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 11 day of July, 2023.

APPROVED: [Signature]  
Jason Stumph, Marion County Judge

FILED FOR RECORD  
at 3:40 o'clock P M

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

JUL 12 2023

[Signature]  
DAWN MOFFET  
Marion County Clerk  
D.C.

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: 8 Absent: 1

**received**  
7/3/23 11:15 AM

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-79

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Mccalla

SECONDED BY JUSTICE Hutchings

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2023- 80

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 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. TRANSFER UNAPPROPRIATED FUNDS FROM 1802 SALES TAX- SOLID WASTE/ RECYCLING TO 1802-0700-2023 SALES TAX – SOLID WASTE PARTS AND REPAIR AND 1802-0700-3009 OTHER PROFESSIONAL SERVICES.

SECTION 1. This appropriation is for the transfer of funds for the vehicles sold at auction via Witcher Auctions to repair existing route vehicles at the Transfer Station.

SECTION 2. Appropriate money of in the amount of \$9,800.00 from the following fund:

<u>Appropriate From Sales Tax- Solid Waste/ Recycling (1802)</u>	Amount
1802 Sales Tax- Solid Waste/ Recycling	\$9,800.00
<u>Appropriate To Sales Tax Solid Waste Fund (1802-0700)</u>	Amount
1802-0700-2023 Parts and Repair	\$7,350.00
1802-0700- 3009 Other Professional Services	\$2,450.00

SECTION 4. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the 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 11 day of July 2023.

APPROVED: \_\_\_\_\_

Jason Stump, Marion County Judge

Attest: \_\_\_\_\_

Dawn Moffet, Marion County & Circuit Clerk

FILED FOR RECORD  
at 3:41 o'clock P M

JUL 12 2023

DAWN MOFFET  
Marion County Clerk  
D.C.

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: 8 Absent: 1

received  
7/13/23 11:15 AM



# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 80

DATE: 7/11/23

MOTION TO: Accept

MOVED BY JUSTICE McCalla

SECONDED BY JUSTICE Vannuren

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2023- 81

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 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. TRANSFER UNAPPROPRIATED FUNDS FROM 2000 COUNTY ROAD FUND TO 2000-0200-4005 COUNTY ROAD FUND- VEHICLES.

SECTION 1. This appropriation is for the transfer of funds for the vehicles sold at auction via Witcher Auctions.

SECTION 2. Appropriate money of in the amount of \$68,394.20 from the following fund:

<u>Appropriate From County Road Fund (2000)</u>	Amount
2000 County Road Fund	\$68,394.20
<u>Appropriate To Road Department Fund (2000-0200)</u>	Amount
2000-0200-4005 Vehicles	\$68,394.20

SECTION 4. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the 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 11 day of July, 2023.

APPROVED: [Signature]  
Jason Stumph, Marion County Judge

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

SPONSOR: Marty Nickels, JP #2; Justice Rick White, JP #4; John Reed, JP #5;  
Rolin Hutching, JP #6

Date adopted: 7/11/23

Votes for: 8 Votes against: \_\_\_\_\_ Abstain: \_\_\_\_\_

Present: 8 Absent: 1

FILED FOR RECORD  
at 3:41 o'clock P M

JUL 12 2023

DAWN MOFFET  
Marion County Clerk  
[Signature] D.C.

received  
7/13/23 11:5 AM

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 81


DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Nickels

SECONDED BY JUSTICE McCalla

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2023- 82

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR THE OFFICE OF THE MARION COUNTY ASSESSOR'S OFFICE, NUMBERS AND COMPENSATION ORDINANCE 2022-98. FOR THE ANNUAL OPERATING BUDGET FOR CALENDAR YEAR 2023.

Section 1. This ordinance will change Numbers and Compensation as follows:

Title	Current Pay	Proposed Pay
Chief Deputy	\$14.50	\$17.50
Deputy	\$13.50	\$16.50
Deputy	\$13.00	\$16.00

Section 2. This amendment increases the Assessor's Office budget by \$18,720 and would need to be appropriated as follows:

1000-0105-1001	Full Time	\$18,720.00
1000-0105-1006	FICA Matching	\$ 1,432.08
1000-0105-1007	Retirement Matching	\$ 2,888.50
1000-0105-1010	Worker's Compensation	\$ 20.59

Section 3. The Assessor's Office is 100% refunded on the Final Tax Statement of each year. A copy of the Final Settlement is attached as Exhibit A along with a copy of the Assessor's 2022 Budget, attached as Exhibit B.

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

This ordinance is an appropriation ordinance and there is effective immediately upon passage of the Quorum Court.

Approved: \_\_\_\_\_  
Jason Stumph, County Judge

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Dawn Moffet, County & Circuit Clerk

Sponsored by: Budget Committee  
Justices Nickels, White, Reed and  
Hutchings

**received**  
7/5/23 10:42 AM

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 82

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Shipman

SECONDED BY JUSTICE Hutchings

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)		X		
JUSTICE MARTY NICKELS (District #2)		X		
JUSTICE TALON VANCUREN (District #3)		X		
JUSTICE RICK WHITE (District #4)		X		
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)		X		
JUSTICE JOYCE MCCALLA (District #9)		X		
TOTALS	2	6		1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

APPROPRIATION ORDINANCE 2023 - 83

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET ORDINANCE 2022-98 FOR CALENDAR YEAR 2023 FOR MARION COUNTY, ARKANSAS. APPROPRIATE FUNDS FOR THE PURCHASE OF JAIL MANAGEMENT/REPORTING SOFTWARE FOR THE MARION COUNTY SHERIFF'S DEPARTMENT

**SECTION 1.** This amendment is for the funding of incident and case reporting software for the Marion County Sheriff's Department to include a jail management program that will replace the antiquated and unreliable system currently in use in the Detention Center. Also included is the installation of the software, technical support, back-up storage and employee training on the jail management program.

**SECTION 2.** The software provider selected is Relativity, Inc (RPS). This service is crucial and necessary for the operation of the Marion County Detention Center and Marion County Sheriff's Department.

**SECTION 3.** This amendment would require additional funding to be added to the current 2023 budget and will be funded out of Fund 1007 – Local Assistance and Tribal Consistency Fund and transferred into the Marion County Detention Center budget in the amount of \$18,060.00.

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

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

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this 11 day of July 2023.

APPROVED: [Signature]  
Jason Stumph, Marion County Judge

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

Sponsor: John Reed (JP #5)

FILED FOR RECORD  
at 341 o'clock P M

JUL 12 2023

DAWN MOFFET  
Marion County Clerk  
[Signature] D.C.

received  
7/15/23 2:53pm

# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 83

DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Wutching

SECONDED BY JUSTICE Shipman

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

Dawn Moffet  
Dawn Moffet, County & Circuit Clerk

## APPROPRIATION ORDINANCE 2023- 84

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

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET, NUMBERS AND COMPENSATION ORDINANCE # 2022-98 FOR CALENDER YEAR 2023 FOR MARION COUNTY ARKANSAS, IN ORDER TO APPROPRIATE FUNDS FOR THE PURCHASE OF A FLEET OF FOUR (4) VEHICLES FOR LAW ENFORCEMENT AND RELATED EXPENSES FOR EACH VEHICLE, TO REPLACE FOUR (4) EXISTING PATROL VEHICLES, SPECIFICALLY THE FOLLOWING PATROL VEHICLES:

2011 DODGE DURANGO, 186,559 MILES, ADDITIONAL REPAIRS PENDING

2013 FORD INTERCEPTOR, 158,718 MILES

2013 FORD INTERCEPTOR, 137,288 MILES

2015 FORD INTERCEPTOR, 141,652 MILES

SECTION 1. This appropriation is for the transfer of funds for the cost of purchasing a fleet of (4) vehicles and related expenses for each vehicle necessary for Law Enforcement.

SECTION 2. The Marion County Sheriff is requesting funds for the purchase and related expenses of a fleet of (4) four fleet vehicles WDEE75 Dodge Durango Pursuit All Wheel Drive Vehicles in the amount of (4 @ \$39,580.00) \$158,320.00.

SECTION 3. The Marion County Sheriff is requesting funds for the purchase of equipment and accessories necessary for the conversion package in the amount of (4 @ \$8,312.00) for each vehicle. \$33,248.00

SECTION 4. Appropriation money in the total amount of \$191,568.00 for the following fund and transfer it to:

Appropriate From:	<u>AMOUNT</u>
3046 AMERICAN RESCUE FUND	\$191,568.00
Appropriate to: ARPA Rev Replace Law Enforcement Fund (1006-0400)	<u>AMOUNT</u>
1006-0400-4004 Machinery & Equipment	\$33,248.00
1006-0400-4005 Vehicles	\$158,320.00
	<u>TOTAL AMOUNT</u>
	\$191,568.00

SECTION 5. All county employees and elected officials involved herein shall prepare all documentation necessary to effectuate the transfer and purchase described above.

SECTION 6. 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 11

DAY July 2023.

APPROVED: [Signature]  
Jason Starnoph, Marion County Judge

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

Sponsor: John Reed (JP #5)

**received**  
7/5/23 2:53pm



# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023- 84


DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE White

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk

JUL 12 2023

DAWN MOFFET  
Marion County Clerk  
D.C.

ORDINANCE 2023- 85

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

AN EMERGENCY ORDINANCE ADOPTING CERTAIN RULES AND REGULATIONS  
CONCERNING EXTERNAL NOISE ATTENUATION OF DATA CENTERS AND TO  
PREVENT NOISE DISTURBANCE IN MARION COUNTY AND WITHIN ITS  
UNINCORPORATED LIMITS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
PURPOSES

WHEREAS, the equipment associated with the cooling systems and generators required to operate data centers generate broadband noise and low-frequency hums that result in noise disturbance. Noise disturbance is the cause of degradation and may produce negative impacts on public health, property, and the environment.

WHEREAS, noise attenuation should be an integral part of the design and construction of data centers in order to prevent noise pollution and noise disturbance.

WHEREAS, the county finds that the public interest is served by the prevention of unreasonable noise emanating externally from the Data Centers and the provisions of this Ordinance are enacted for the purpose of preserving and protecting the public health, safety, welfare and property of the citizens of Marion County, Arkansas.

THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF MARION COUNTY,  
ARKANSAS, AS FOLLOWS:

**SECTION 1. Purpose and Applicability**

All Data Centers constructed within this jurisdiction shall be designed and built to incorporate external noise attenuation measures in order to minimize the impact of noise disturbance on the residents of Marion County, Arkansas.

This ordinance shall apply to limit the noise disturbance originating within the unincorporated limits of Marion County, Arkansas.

**SECTION 2: Definitions**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. *Ambient Noise*: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the

received  
7/6/23 10:23 AM

locations and approximate time at which comparison with the alleged offensive noise is to be made.

2. *Data Center*: A facility constructed and operated that is engaged in storage, management, processing, and transmission of digital data, including facilities used for cryptocurrency mining, which houses networked computer systems along with supporting equipment such as batteries, back-up power generators, HVAC and cooling systems.
3. *Decibel (dB)*: A unit for measuring the volume of a sound, equal to twenty (20) times to the base ten (10) of the ratio of the pressure of the sound measured to the referenced pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter.)
4. *Mechanical Equipment*: The networked computer systems along with supporting equipment such as batteries, backup generators, and cooling systems housed on the Data Center's property.
5. *Noise Attenuation*: The reduction of noise levels through the use of sound-absorbing material, architectural design techniques, and/or any other suitable means.
6. *Noise Disturbance* is any sound which:
  - a. Endangers or injures the safety or health of humans or animals; or
  - b. Annoys or disturbs a reasonable person of normal sensitivities; or
  - c. Endangers or injures person or real property.
7. *Person*: An individual, association, partnership, or corporation, including any officer, employee, department, or agency.
8. *Property Line*: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
9. *Sound*: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
10. *Sound Level*: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
11. *Sound Level Meter*: An instrument which includes a microphone, an amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

### **SECTION 3: Noise Attenuation Requirements**

Before a Data Center has commenced construction or operating within this jurisdiction, the property owner and operator proposing to build a Data Center shall comply with the following:

### *1. Notice Requirements*

- a. The property owner and operator must notify all residents within a half-mile radius of the parcel, including any affiliated homeowners' association operating within the half-mile radius, that the property owner and operator intends to build and operate a Data Center on the property. The notice required in this section must be mailed to all postal addresses and homeowners' association addresses contained within a half-mile radius extending from the property line where the proposed Data Center will be built. Proof of notification shall be filed with the county clerk's office within 30 days of providing notice. The property owner and operator must notify the County Judge that the property owner and operator intends to build and operate a Data Center. The notification must include the location for the proposed data center.

### *2. Noise Study Requirements*

- a. The property owner of the lands upon which the Data Center is to be located shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line in eight locations (north, south, east, west, northeast, northwest, southeast, southwest.) The report of the study must include sound mitigation recommendations based on the results of the sound study. The property owner must provide a copy of the report of the study to the county judge and file with the county clerk within 30 days of completion of the report.

### *3. Noise Attenuation Plan Requirements*

- a. The property owner must consult with a third-party architectural or design firm to develop a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the Data Center from exceeding the sound level limitations below which will be considered a noise disturbance. The building plan is not required to adopt any or all of the noise attenuation recommendations so long as the plan includes noise attenuation measures that the architectural or design firm deems adequate to be in compliance with this Ordinance. Noise attenuation measures may include but not limited to:
  - i. Soundproofing walls, screens, panels, fences, or enclosures
  - ii. Buffer yards
  - iii. Other noise attenuation measures recommended by the third-party acoustic engineer
- b. Mechanical equipment must be shown on any proposed plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.

- c. The property owner must provide a copy of the building plan to the county judge and file with the county clerk within 30 days of completion of the plan prior to construction.
- d. Any additions, changes, or expansions of the Data Center must comply with the noise attenuation requirements of this Ordinance and must be designed and submitted to the county judge and file with the county clerk within 30 days of completion of the report.

#### *4. Post Completion Noise Study Requirements*

- a. Upon the Data Center's completion, the Data Center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the Data Center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the property line in the original eight locations used during the baseline study. The Data Center operator must provide a copy of the report to the county judge and file with the county clerk within 30 days of completion of the study.
- b. The Data Center shall not begin operations until the completion of the post-construction noise study and submission to the county judge and county clerk as required above. In order for the Data Center to be in compliance, the noise study results must show that its operation is in compliance with this Ordinance. If the results show that the Data Center is not in compliance with this Ordinance, the Data Center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.
- c. Furthermore, the Data Center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The Data Center operator must provide the results to the county judge and file with the county clerk within 30 days after the anniversary date of the first sound study report.

### **SECTION 4: Procedure for Measurement**

All tests shall be conducted according to the following procedures:

1. *Complaint Driven:* When the measurement is the result of a complaint, measurements will be taken at the property line of the receiving property.
2. *Normal Monitoring:* When the measurement procedure is in the normal course of monitoring sound, the measurements will be taken at the real property line of the source of the sound.
3. *Outdoor Conditions:* No outdoor measurements must be taken while winds exceed (including gusts) 15 miles per hour; under conditions that will allow the sound level

meter to become wet; or when the ambient temperature is out of range of tolerance on the sound meter.

4. *Calibration*: The sound level meter must be verified and calibrated according to the manufacturer's specifications immediately prior to taking the measurements.
5. *Meter Placement*: The sound level meter must be placed a minimum of four feet above the ground or from any reflective surface. The microphone must be pointed at the sound source.
6. *Measurements*: Measurements must include "high", "average", and "low" readings. If the sound level meter does not provide these multiple readings, a minimum of three separate measurements must be taken at a single location at varying time intervals. The average sound level reading shall be used to determine whether there has been a violation of this Ordinance.
7. *Monitoring Report*: The report for each measurement session must include:
  - a. The day, date and time of the measurements,
  - b. Date and time of recent calibration,
  - c. Temperature and wind speed the time of measurement,
  - d. Identification of the monitoring equipment,
  - e. Location, land use, and description of the source,
  - f. Location and land use of the listener, and
  - g. Sound level measurements.
8. *Extraneous Sounds*: If there are extraneous sound sources that are unrelated to the measurements and increase the monitored sound level, the measurement shall be postponed until these noises subside.

## **SECTION 5: Noise Limitations**

It shall be unlawful for any Data Center to make, or continue to cause or permit to be made or continued, noise levels constituting a noise disturbance. For the purposes of this section, the external noise level emanating from Data Centers shall be deemed disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public, or their property, if the sound level is:

1. 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. (as determined by a third-party acoustic engineer) measured at the property line of the receiving property.
2. The standard which may be considered in determining whether a violation of this Ordinance exists includes but is not limited to the following:
  - a. The level or volume of the noise
  - b. The time of day or night the noise occurs
  - c. The duration of the noise
  - d. Whether the noise is recurrent, intermittent or constant

- e. Whether proper and reasonable noise attenuation methods were followed and maintained

## **SECTION 6: Violations**

1. Any or all of the following persons may be held responsible for noise violations:
  - a. The person operating the equipment or creating the noise;
  - b. The person who employs the person operating the equipment or creating the noise at the time of the violation;
  - c. The person who owns or rents the property where the violation occurs.
2. The following acts, and the causing thereof, are declared to be in violation of this Ordinance:
  - a. The sound level emanating from the Data Center exceeds 65 dBa or higher during the hours of 8 A.M. to 10 P.M. or 55 dBa or higher during the hours of 10 P.M. to 8 A.M. measured at the property line of the receiving property.
  - b. The noise attenuation measures provided in the design plan to the county judge are not incorporated in the construction of the Data Center.
  - c. Any of the required sound study results are not filed with the county judge and the county clerk within 30 days of completion of the report.
  - d. The building plan is not filed with the county judge and the county clerk within 30 days of completion of the plan prior to construction.
  - e. Failure to act in accordance with any other provision of this Ordinance.
3. All data centers shall be in compliance with the requirements of this Ordinance before commencing operation; failure to do so will be deemed in violation of this Ordinance and result in an injunction and/or a stay in commencing operation.

## **SECTION 7: Penalties**

- (1) Any person(s), firm, corporation, partnership, association, owner, occupant, agent or anyone having ownership in the subject property or supervision or control over the Data Center that violates or fails to comply with any provision of this Ordinance, shall be guilty of a misdemeanor.
- (2) Upon conviction of such violation, any offending party shall be punished by fine of \$1,000 for any one specified offense or violation, or double that sum for repetition of the offense or violation. If the act prohibited is continuous in time, the fine or penalty for allowing the continuance thereof, in violation of this Ordinance, shall be \$500 for each day that it may unlawfully continue. If the prohibited act continues after conviction of violation, an injunction in court of proper jurisdiction to abate the nuisance and violation of the Ordinance may be sought and awarded.

- (3) The county or any citizen shall be entitled to pursue all legal and equitable remedies available under the law in order to abate the nuisance and compel compliance with this Ordinance, including injunctive relief and any civil damages the court deems appropriate.
- (4) Until the Data Center is in compliance with this Ordinance and required noise attenuation measures are implemented and noise limitations met, the data center shall cease operations.

### SECTION 8: Severability

If any provision of this Ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this Ordinance which remain valid and enforceable.

### SECTION 9: Emergency Clause

The Quorum Court finds that the immediate implementation of this ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property, an emergency is hereby declared to exist and that this Ordinance is to be in effect immediately after its adoption.

PASSED AND APPROVED BY THE QUORUM COURT OF Marion County, Arkansas on this 11 day of July, 2023.

APPROVED: \_\_\_\_\_

Jason Stumph, Marion County Judge

FILED FOR RECORD  
at 342 o'clock P M

JUL 12 2023

Attest: \_\_\_\_\_

Dawn Moffet, Marion County & Circuit Clerk

DAWN MOFFET  
Marion County Clerk  
D.C.

SPONSOR: Justice Rick White, JP #4; John Reed, JP #5; Rolin Hutching, JP #6;  
Joyce McCalla, JP #9

Date adopted: 7/11/23

Votes for: 8 Votes against \_\_\_\_\_ Abstain \_\_\_\_\_

Present: 8 Absent 1



# MARION COUNTY QUORUM COURT ROLL CALL RECORD

ORDINANCE 2023-85


DATE: 7/11/23

MOTION TO: Adopt

MOVED BY JUSTICE Vancuren

SECONDED BY JUSTICE McCalla

JUSTICES	YEA	NAY	ABSTAIN	ABSENT
JUSTICE MICHAEL SCRIMA (District #1)	X			
JUSTICE MARTY NICKELS (District #2)	X			
JUSTICE TALON VANCUREN (District #3)	X			
JUSTICE RICK WHITE (District #4)	X			
JUSTICE JOHN REED (District #5)				X
JUSTICE ROLIN HUTCHING (District #6)	X			
JUSTICE WESLEY SHIPMAN (District #7)	X			
JUSTICE CLAUDIA BRIGHAM (District #8)	X			
JUSTICE JOYCE MCCALLA (District #9)	X			
TOTALS	8			1

  
Dawn Moffet, County & Circuit Clerk