

BAXTER COUNTY QUORUM COURT AGENDA

MARCH 7, 2023

THE BAXTER COUNTY QUORUM COURT WILL MEET FOR REGULAR SESSION ON TUESDAY, MARCH 7, 2023 AT 6:00 PM IN THE 2ND FLOOR COURTROOM OF THE COURTHOUSE, WITH JUDGE KEVIN LITTY PRESIDING.

- CALL TO ORDER
- DISPOSITION OF MINUTES FROM PREVIOUS MEETING
- TREASURER REPORT
- COMMITTEE REPORTS: LEGISLATIVE COMMITTEE
- PRESENTATION: DONALD GRAY (492-4623) ESTABLISH A NOISE ORDINANCE ED TOSCANO – AMERICORPS PRESENTATION

- NEW BUSINESS
 1. AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED IN THE MONTH OF JANUARY TO THE SHERIFF'S DEPARTMENT 2023 BUDGET.
 2. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$12,500.00 FROM THE SPECIAL JAIL FEES FUND (#3017) INTO THE JAIL MAINTENANCE & OPERATIONS 2023 BUDGET.
 3. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$10,000.00 FROM COUNTY GENERAL FUND (#1000) INTO THE BUILDING AND GROUNDS 2023 BUDGET.
 4. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$1,200.00 FROM COUNTY GENERAL FUND (#1000) INTO THE VETERANS SERVICE OFFICE 2023 BUDGET.
 5. AN ORDINANCE ALLOWING BAXTER COUNTY TO CONDUCT BUSINESS WITH MIKE WATTS.
 6. AN ORDINANCE PROHIBITING THE DEVELOPMENT OF A NEW OR REOPENING OF ANY CLOSED SOLID WASTE LANDFILL IN BAXTER COUNTY, ARKANSAS. **(PENDING APPROVAL)**
 7. A RESOLUTION RECOGNIZING THE OUTSTANDING CONTRIBUTION AND PERFORMANCE OF THE AMERICORPS ORGANIZATION.

- ANNOUNCEMENTS:

- ADJOURNMENT

APPROPRIATION ORDINANCE NO. 2023 - _____

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

AN ORDINANCE APPROPRIATING FEES AND REIMBURSEMENTS RECEIVED IN THE MONTH OF JANUARY TO THE SHERIFF'S DEPARTMENT 2023 BUDGET.

Article 1: Affirmation. This court affirms that the Baxter County Sheriff's Department has collected the following fees, reimbursements and donations in excess of the anticipated budgeted revenue amount in the month of January, 2023:

- \$ 60.00 received from DWI Fines from District Court
- \$ 1,275.00 received from Act 770 Fees
- \$ 2,915.69 received for Installment Fees
- \$ 691.11 received for Reimbursement (Check)
- \$ 20.00 received for Court Ordered Restitution (Extradition-Reserve Per Diem)
- \$ 234.22 received for Reimbursement (Check)
- \$ 231.11 reimbursement Inmates' Medical
- \$ 303.15 reimbursement Inmate Prescriptions (Sent from BXSO to Treasurer's Office)
- \$ 33.90 reimbursement for Court Ordered Restitution (Extradition- Prisoner Transport)

Article 2: Appropriation. It is necessary to appropriate said monies totaling **\$5,764.18** to the appropriate line items in the Sheriff's Department 2023 budget.

There is hereby appropriated from the 2023 County General Fund (#1000) **\$2,060.01** for the following designated expenditures:

- \$ 1,275.00 to GL# 1000-0400-2001 (Sheriff: General Supplies)
- \$ 93.90 to GL# 1000-0400-2007 (Sheriff: Fuel, Oil, Lubricants)
- \$ 691.11 to GL# 1000-0400-2023 (Sheriff: Parts & Repairs)

There is hereby appropriated from the 2023 Sheriff's Special Projects Fund (#3400) **\$2,915.69** for the following designated expenditures:

- \$ 2,915.69 to GL# 3400-0400-3003 (Sheriff's Projects – Computer Services)

There is hereby appropriated from the 2023 County Jail Fund (#3401) \$788.48 the following designated expenditures:

- \$ 20.00 to GL# 3401-0418-0199 (Jail: Transport for Prisoners)
- \$ 303.15 to GL# 3401-0418-2004 (Jail: Medicine & Drugs)
- \$ 234.22 to GL# 3401-0418-2005 (Jail: Food)
- \$ 231.11 to GL# 3401-0418-3006 (Jail: Medical, Dental & Hospital)

Article 3: Effective Date. This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2023 -

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

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$12,500.00 FROM THE SPECIAL JAIL FEES FUND (#3017) INTO THE JAIL MAINTENANCE & OPERATIONS 2023 BUDGET.

Article 1: Affirmation. It is necessary to appropriate funds into the Jail Maintenance & Operations 2023 Budget for the purchase of spike strips and light bars for jail vehicles. There are sufficient funds available in the Special Jail Fees Fund for said transfer.

Article 2: Appropriation. The Quorum Court authorizes the County Treasurer to transfer \$12,500.00 from Special Jail Fees Fund (#3017) into the Jail Maintenance & Operation Fund #3401.

The IT Manager is hereby authorized to make the following appropriation:

\$ 12,500.00 appropriated to GL #3401-0418-2002 (Small Equipment)

Article 3: Effective Date. This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE
Date Signed: _____

ATTEST:

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

APPROPRIATION ORDINANCE NO. 2023 -

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

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$10,000.00 FROM THE COUNTY GENERAL FUND (#1000) INTO THE BUILDING AND GROUNDS 2023 BUDGET.

Article 1: Affirmation. The Building and Grounds Department is requesting funds be moved into Building and Grounds Department 2023 Budget, for the purpose of needed upgrades to the Baxter County Courthouse.

Article 2: Designation. There are funds available in the County General Revenue Fund #1000 for said transfer.

Article 3: Appropriation. The IT Manager is hereby authorized to make the following appropriation to the following designated budget line item:

\$ 10,000.00 appropriated to GL #1000-0111-3009 (Other Professional Services)

Article 4: Effective Date. This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

APPROPRIATION ORDINANCE NO. 2023 -

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

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$1,200.00 FROM THE COUNTY GENERAL FUND (#1000) INTO THE VETERANS SERVICE OFFICE 2023 BUDGET.

Article 1: Affirmation. The Veterans Service Office is requesting donated funds received be moved into Veterans Service Office 2023 Budget, for the purpose of supporting the annual Veterans Office Benefit Fair.

Article 2: Designation. There are funds available in County General Fund #1000 for said transfer.

Article 3: Appropriation. The IT Manager is hereby authorized to make the following appropriation to the following designated budget line item:

\$ 1,200.00 appropriated to GL #1000-0800-2001 (General Supplies)

Article 4: Effective Date. This appropriation ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

ORDINANCE NO. 2023 - _____

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

AN ORDINANCE ALLOWING BAXTER COUNTY TO CONDUCT BUSINESS WITH MIKE WATTS.

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

Article 1: Affirmation. Arkansas Code Annotated § 14-14-1202 states that all quorum court members, county officers and county employees refrain from benefiting economically, either directly or indirectly, from doing business with any vendor paid by the County, except when it is determined to be in the County's best interest. In such circumstances, subsection (2) (A) (i) states that the quorum court may permit the county by ordinance to purchase goods or services directly or indirectly from quorum court members, county officers or county employees; and

Article 2: Designation. It has been determined that it is in the County's best interest to permit the purchase of goods or services from Mike Watts who performs auto body repairs. Mike Watts is the spouse of Karla Watts who is a Baxter County Employee in the Treasurer's Office

Article 3: Appropriation. the Baxter County Quorum Court authorizes the County to transact business with Mike Watts, effective immediately and in the manner prescribed by ACA § 14-14-1202.

Article 4: Effective Date: This ordinance shall be effective immediately upon its passage by the quorum court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

ORDINANCE NO. 2023 - _____

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

AN ORDINANCE PROHIBITING THE DEVELOPMENT OF A NEW OR REOPENING OF ANY CLOSED SOLID WASTE LANDFILL IN BAXTER COUNTY, ARKANSAS.

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

Article 1: Affirmation. Baxter County is in an area of the State of Arkansas in which the scenic beauty of the Ozark Mountains and water bodies such as Bull Shoals Lake, Norfolk Lake and the various streams and rivers of the area contribute in large part to the mental and physical well-being of the citizens of Baxter County, and also are major attractions for people from other parts of the State of Arkansas and the United States to visit Baxter County, and are major contributors to the economy of Baxter County; and

Baxter County, Arkansas is located in a geological area that consists largely of formations of Dolomite and Limestone, both of which are soluble in groundwater. Geologic features (fractures, caverns, crevasses, etc.), also known as "karst", caused by surface and groundwaters are common in the subsurface throughout the county. The solution of such formations is accelerated by the relatively high, near-surface, groundwater flow rates caused by the topographic of the Ozark Mountains. Solution creates channels and cavities along bedding planes, fractures, and joints, and enlarges some open vertical fractures and joints to form deep chasms in the subsurface through which surface waters and groundwaters can easily and quickly flow to aquifers, streams and rivers, transporting contamination from sources on or near the surface of the ground; and

NABORS Landfill ("the Landfill") and its predecessors, located in Baxter County, Arkansas operated for over 40 years until being ordered to close by the Arkansas Department of Environment Quality in or about 2013, during which time of operation it accepted for landfilling large volumes of waste materials from Baxter County and adjoining counties classified as household, commercial and other waste products, some of which may have contained liquid or soluble hazardous wastes; and

During the time of its operation, various parts or "cells" of the NABORS Landfill were filled beyond their design capacity ("overfilled"), and were not properly handled, managed and/or covered, and the Landfill was not properly closed as required by regulatory standards; and

The Arkansas Department of Environmental Quality has taken multiple enforcement actions against the owner/operator of the Landfill to address environmental problems resulting from the operation and management of the Landfill, including the continuous release of leachate into the environment; and

The Landfill is located over karst geology which is known to be capable of allowing groundwater to rapidly migrate for significant distances, thereby presenting a threat to

underground sources of water for human consumption, and to streams, rivers and lakes; and

The overfilling and improper placement of waste materials, the inadequate cover of such materials after placement, and the generation of large quantities of leachate or contaminated waters flowing from the Landfill have the potential for contaminating groundwater and surface waters, including Bull Shoals Lake and Norfolk Lake and streams, rivers and other water bodies in Baxter County; and

The reopening of portions of the Landfill for the placement of additional waste materials, would add to the volume of waste materials to be managed, and has the potential for exacerbating the existing problems of leachate generation and management; and

Scientific evidence clearly indicates that locating new or additional landfills or expanding existing landfills in Baxter County would result in many of the same or similar problem that currently exist as a result of the NABORS Landfill due to the features and characteristics of the geology underlying Baxter County; and

Article 2: Designation. The Quorum Court of Baxter County deems the protection of the health, safety, wellbeing, environmental quality and economic prosperity of the citizens of Baxter County to be their primary duty and responsibility;

Article 3: Appropriation. In order to secure the benefits to the public of a coordinated and harmonious development of solid waste management for Baxter County and its environs and to promote the health, safety, economic prosperity, environmental quality and general welfare of the citizens thereof, the Baxter County Quorum Court, in accordance with Rule 22.408(e) of the Rules of Arkansas Pollution Control & Ecology Commission, does hereby prohibit and declare unlawful the following;

- (i) The siting, construction or operation of any landfill in Baxter County, Arkansas, not constructed or in operation as of the date of enactment of this Ordinance;
- (ii) The siting, reopening, expansion, reconstruction or operation of any landfill, or portion, cell or other component of any existing but closed landfill in Baxter County, Arkansas, not constructed or in operation as of the date of enactment of this Ordinance.

Article 4: Emergency Clause: The Quorum Court of Baxter County finds that, due to the previous permitting and siting of landfills in Baxter County and the features and characteristics of the geology underlying Baxter County that are not suitable for the siting of landfills, conditions have been created that cause potential harm to health, safety, economic prosperity, environmental quality and general welfare of the citizens of Baxter County; that an emergency exist in the potential for future landfills or expansion of existing or closed landfills to be developed and operated; and that this Ordinance shall be effective immediately upon its passage by the Quorum Court.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: _____

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

RESOLUTION NO. 2023 - _____

A RESOLUTION RECOGNIZING THE OUTSTANDING CONTRIBUTION AND PERFORMANCE OF THE AMERICORPS ORGANIZATION.

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

WHEREAS, service is a hallmark of the American character and has the unique ability to bring people of all backgrounds together in a common cause, and throughout our history, citizens have stepped up to meet our most pressing challenges of the day by volunteering in their communities; and

WHEREAS, AmeriCorps and AmeriCorps Seniors programs provide opportunities for more than 200,000 Americans to serve their country through service at nonprofits, schools, public agencies, and community and faith-based groups across the country; and

WHEREAS, AmeriCorps members and AmeriCorps Seniors volunteers demonstrate commitments, dedication and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars resulting in \$35.8 million AmeriCorps education scholarships earned by Arkansans since 1994; and

WHEREAS, through their service, AmeriCorps members and AmeriCorps Seniors volunteers strengthen the lives of their families, communities, and Arkansas as a whole and Baxter County in particular; and

WHEREAS, AmeriCorps week is an opportunity to recognize the dedication and commitment of the more than 1.2 million Americans who have chosen to serve their country through AmeriCorps and millions more who have served in AmeriCorps Seniors and their community partners and to encourage more Americans to follow their footsteps in service; and

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

The week of March 12-18, 2023 shall be set aside as

AmeriCorps Week in Baxter County, Arkansas

And urge citizens to thank AmeriCorps members and alumni and AmeriCorps Seniors volunteers for their service and to find ways to give back to their communities.

APPROVED:

KEVIN LITTY, COUNTY JUDGE

Date Signed: _____

ATTEST:

CANDA J. REESE, COUNTY CLERK

SPONSOR: Roger Steele – JP - 8

Date Adopted: _____

Votes: For: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____