

December 21, 2020 Quorum Court Minutes

FILED
JAN 11 2021
LESLI PENNY
COUNTY & PROBATE COURT CLERK

13 Justices of the Peace were present.

Judge Day called the meeting to order at 5:30 p.m.

Invocation by Jim Markley, pastor, Fisher Street United Methodist Church.

Assembly and Pledge of Allegiance.

First order of business was approval of Quorum Court minutes from 12.14.2020. A motion to accept was made by Justice Couch and seconded by Justice Cook. Judge Day took a vote and it passed unanimously. Justice Cline read the Road Committee minutes from 12.14.2020. Justice Price read the Public Service Committee minutes from 12.14.2020. Justice Longmire read the Finance Committee meeting minutes from 12.14.2020.

Old business. 3rd reading of Ordinance setting forth Policies and Best Practices for Fire Districts and Annual reporting to Quorum Court (addendum A). A motion was made by Justice Cline to use title only, seconded by Justice Forrest. Roll was called and passed unanimously. Motion to accept was made by Justice Cline and seconded by Justice Tennison. No comment. Roll was called and passed unanimously.

No other old business.

A resolution was read (addendum B) recommending the appointment of Les Maxwell for re-appointment to the board of directors for the Valley View Fire District for a five-year term. A motion to accept was made by Justice Cline and seconded by Justice Williams. No comments. A vote was taken and passed unanimously.

A resolution was read (addendum C) to appoint Bo James to the Craighead County Solid Waste Board to fill a vacancy left by Jon Milligan. A motion was made to accept by Justice Cline and seconded by Justice Tennison. No comment. A vote was taken and passed unanimously.

An Appropriation Ordinance was read (addendum D) to establish and implement protocols for each department financial policies and internal procedures, and for other purposes. A motion was made to accept as an emergency clause by Justice Cline and seconded by Justice Cook. No comment. Roll was called and passed unanimously.

An Ordinance was read (addendum E) to set forth professional services to include technological needs and services related agreements, and for other matters. This was the first reading, no vote taken.

An Ordinance was read (addendum F) amending the 2020 Annual Operating Budget to add fund 3547, Department 0800, Veterans CARES act grant. Motion to accept by Justice Cline and seconded by Justice Cline and seconded by Justice Couch. Judge Day commented that Craighead County had received a Grant receiving \$5,000.00 to partner with Mid-South Health to increase awareness for Veterans. No comments. Roll was called and passed unanimously.

No new business.

Judge Day thanked Justice Forrest for his time spent on the Quorum Court.

Judge Day let the court know that he was participating by Zoom because he was quarantined and had tested positive that morning for Covid-19.

Justice Forrest thanked the Court for allowing him to serve. He encouraged the Court to continue to look at raises for the employees and get them up to where they need to be.

No public comment.

A motion was made to adjourn by Justice Cline and seconded by Justice Forrest.

Meeting ended at 6:00 p.m.

ORDINANCE NO. 2020-_____

BE IT ORDAINED BY THE QUORUM COURT OF CRAIGHEAD COUNTY, ARKANSAS
AN ORDINANCE TO BE ENTITLED:

**AN ORDINANCE SETTING FORTH POLICIES AND BEST PRACTICES FOR FIRE
DISTRICTS AND ANNUAL REPORTING TO THE QUORUM COURT OF
CRAIGHEAD COUNTY, AND FOR OTHER MATTERS**

WHEREAS, Ordinance 2009-7, 1999-36, and 1999-34 established Craighead County Fire Protection Districts fee structures for the county collector to collect assessments and dues for fire suppression and other emergency services, and

WHEREAS, Fire Protection Districts have a statutory obligation to be financially transparent to the citizens of Craighead County and members of their fire district; and

WHEREAS, Act 210 of the Acts of Arkansas of 2011, codified as Ark Code § 14-86-2202. *et seq.*, mandates of fire protection district and fire improvement districts in Arkansas, be transparent and file an annual report making the full disclosure of contracts, bank account statements and balances; income; expenditures; indebtedness; and financial condition of the district; and

WHEREAS, a fire protection district is clearly engaged in a public purpose, as evidenced by the County's specific authority to make provision for fire prevention and protection services, Ark. Code Annotated 14-14-802, and

WHEREAS, a county may exercise local legislative authority that is not denied by the Constitution or by law under Amendment 55; and

WHEREAS, the Fire Departments are subject to the Arkansas Freedom of Information Act (the "FOIA") Ark. Code Ann. Section 25-19-103, *et. seq.*; and

WHEREAS, by virtue of Amendment 55 of the Arkansas Constitution, the Quorum Court of Craighead County is vested with legislative authority ("Home Rule"), to enact ordinances not prohibited by the Constitutions and laws of the United States or the State of Arkansas; and

WHEREAS, the citizens of Craighead County, of which are also members of subject fire districts are utilizing the statutory authority of the County Collector to remit their district assessments and dues; and

WHEREAS, the citizens of Craighead County should be afforded access to complete and accurate information and documentation to the financial records and financial condition of their local fire district, and

WHEREAS, the Quorum Court, in an effort to assure compliance, seeks to ensure that each Fire District shall adhere to generally accepted principle of accountability agreed upon procedures review by an independent Certified Public Accountant that is licensed by the State of Arkansas;

WHEREAS, said procedures shall be set forth within 30 days of passage of this Ordinance and shall only be modified by this governing body.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF CRAIGHEAD COUNTY, STATE OF ARKANSAS.

Section 1.

- I) Every fire district that is using the county collector to collect their assessment or dues shall on an annual basis file with the county clerk a copy of the agreed upon procedures review on or before March 15, 2021, and each successive year for the previous fiscal year reflecting the following:
 - (a) Perform a proof and reconciliation of cash for all money that is received from the Craighead County Treasurers' office.
 - (b) Confirm that this money was spent on fire protection expenditures as defined in the Act 833 funding guidance or accounting related expenses.
 - (c) Verify 25% the supporting documentation for these expenditures and all expenditures over \$6,000.
 - (d) Confirm that these funds are kept in a separate bank account and not comingled with any other funds
 - (e) Review the policies and procedures that the department is utilizing for internal controls.

Section 2.

- 2) Failure to file the annual financial audit on or before March 15, 2021, and each successive year thereafter, may result in the following:
 - (a). The loss of funds from future appropriations
 - (b). Removal of one or more Board Members
 - (c). Other measures as the Quorum Court shall deem appropriate and reasonable.

Section 3.

Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance, which remains effective, absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

APPROVED:

_____, COUNTY JUDGE

DATE SIGNED: _____

ATTEST:

_____, COUNTY CLERK

SPONSOR: _____

DATE ADOPTED: _____

Votes for: _____ Against: _____

Abstain: _____ Present: _____ Absent: _____

Addendum B

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THE RE-APPOINTMENT OF A BOARD MEMBER TO THE BOARD OF DIRECTORS OF VALLEY VIEW FIRE DISTRICT.

WHEREAS; Act 742 of the General Assembly of the State of Arkansas, states that the County Judge of each county is the appropriate person to appoint and reappoint board members to the Valley View Fire Protection District Board of Directors.

WHEREAS; the said County Judge does hereby make the following reappointment to the Board of Directors of the Valley View Fire District for the following term detailed below:

Mr. Les Maxwell, 925 CR 204, Jonesboro has been recommended to fill a second five (5) year term as a member of the Administrative Board. Mr. Maxwell's term will become effective 1/1/2021 and expire on 1/1/2026.

BE IT HEREBY RESOLVED BY THE QUORUM COURT OF CRAIGHEAD COUNTY, ARKANSAS; that the above described appointment will become effective upon passage by the court and filing of this document in the County Clerk's Office.

Dated this _____ day of December 2020

Approved : _____
Marvin Day, Craighead County Judge

ATTEST: _____
Lesli Penny, Craighead County Clerk

Addendum C

RESOLUTION NO. _____

APPOINTMENT OF NEW BOARD MEMBER TO THE CRAIGHEAD COUNTY SOLID WASTE BOARD

A RESOLUTION RECOMMENDING THE APPOINTMENT OF A NEW BOARD MEMBER TO FILL THE VACANCY OF JON MILLIGAN TO COMPLETE HIS TERM;

WHEREAS; Jon Milligan, whose term was set to expire on July 22, 2022, will be vacating his position as board member of the Craighead County Solid Waste Board on January 1, 2021 due to being elected as State Representative for Arkansas in the November 2020 election.

WHEREAS; The Craighead County Judge and the Quorum Court recommend that Bo James, who resides at 112 Payne Street, Caraway, Arkansas , 72419, be appointed as a board member of the Craighead County Solid Waste Board to complete the term of Jon Milligan.

BE IT HEREBY RESOLVED BY THE CRAIGHEAD COUNTY QUORUM COURT:

That Bo James be appointed to the Craighead County Solid Waste Board to complete the remaining term vacated by Jon Milligan, to become effective January 1, 2021, and expiring July 22, 2022.

THE RESOLUTION ADOPTED ON THE _____ DAY OF _____ 2020.

APPROVED _____
Marvin Day, County Judge

ATTEST _____
Lesli Penny, County Clerk

Addendum D

ORDINANCE NO. 2020-_____

**AN ORDINANCE TO ESTABLISH AND IMPLEMENT
PROTOCOLS FOR EACH DEPARTMENT FINANCIAL
POLICIES AND INTERNAL PROCEDURES, AND FOR OTHER
PURPOSES**

WHEREAS, the purpose of this Ordinance is to adopt procedures for Internal Control to sufficiently protect the County and its employees against possible fraud, and

WHEREAS, Arkansas Code Annotated Section 14-21-101 (a) states that the County Judge, the members and committees of the quorum court and other departments should have a comprehensive financial management system in place, and

WHEREAS, the system shall provide for adequate controls over revenues, expenditures, and balances to assure that current information will always be available concerning the financial condition of the county and its various offices and departments, and

WHEREAS, an environment of accountability should be created to divide certain responsibilities in financial transactions, and

WHEREAS, the Quorum Court has been reviewing specific policies and procedures instituted by the National Association of Counties to manage risks and set decision-making boundaries, and

WHEREAS, subject to the restrictions set forth in Ark. Code Ann. Section 14-14-807, the Quorum Court would like to adopt various policies.

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

SECTION 1:

- A. All departments that take payments allow “read-only” access for all bank accounts held by Craighead County offices to the following designated positions: County Administrator, Deputy Treasurer and Deputy Collector.
- B. All departments that take payments adhere to Best Practices for internal controls including but not limited to the following:
 - a. two signatures required on checks
 - b. separation of duties for opening the mail and receipting payments received in mail;
 - c. timely reconciliation of bank statements and review of reconciliation signed by someone other than the preparer;
 - d. separation of duties regarding individuals that can void a transaction and the ones that receipt payments;
- C. All departments shall provide an implementation of ACH blocks, Positive Pay, and notifications for maximum amounts through services provided by various banking institutions, depending on nature of account;
- D. All departments shall provide any ACH payment by Craighead County to include an ACH worksheet that shall include with the claim, detailed claim information, deposit approval and verification of payment, along with proper supporting documentation;
- E. All departments that receive payments will maintain strict Internal Control standards and the submission of an Internal Control Questionnaire, attached by reference as though incorporated herein, every three months to County

Judge. This information will be compiled and submitted to the Quorum Court.

- F. Audit Committee. An Audit Committee shall be provided to allow for an anonymous tip or complaint to be submitted by any person that becomes suspicious of fraudulent activity. An Audit Committee shall be comprised of three elected officials and the County Administrator. The name, email, and phone number of each Audit Committee member shall be disseminated to all employees on an annual basis.

SECTION 2. If an exception is discovered in the above procedures, the following steps should be taken timely:

- A. Review of complaint by County Judge for determination if probable cause for further investigation to criminal authorities.
- B. Investigation by County Sheriff or related Law Enforcement Agency.
- C. Submission to Legislative Audit for investigation.

SECTION 3. Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance which remains effective absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. Emergency Clause – In order to protect Craighead County assets and to provide for necessary administrative authority as well as proper and timely conduct of County Operations to manage Craighead County funds, an emergency exists,

and this Ordinance, being for the immediate preservation of the public peace, health, safety shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED on this _____ day of _____ 2020.

Marvin Day, County Judge

ATTEST:

Lesli Penny, County Clerk

ORDINANCE NO. 2020-_____

BE IT ORDAINED BY THE QUORUM COURT OF CRAIGHEAD COUNTY,
ARKANSAS AN ORDINANCE TO BE ENTITLED:

**AN ORDINANCE SETTING FORTH PROFESSIONAL SERVICES TO INCLUDE
TECHNOLOGICAL NEEDS AND SERVICES RELATED AGREEMENTS, AND FOR
OTHER MATTERS**

WHEREAS, as a general matter, counties are prohibited by state law from using competitive bidding to procure various professional services as described by Ark. Code Annotated, Sections 19-11-801, and

WHEREAS, professional services listed in Ark. Code Annotated Section 19-11-801 are described as legal, architectural, engineering, land surveying, and such other consulting services as the political subdivision shall designate by two-thirds vote of its governing body, and

WHEREAS, Craighead County has the need to hire certain personal services that require special skill, experience, or particular business judgment. See AG opinion 94-286; 93-412, 91-308, and

WHEREAS, Craighead County is seeking a special skill and experience in the area of Software and Technology Security Measures, and

WHEREAS, the Quorum Court concurs in the importance of expanding the current listing of professional services to better serve the citizens of Craighead County.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF CRAIGHEAD COUNTY, STATE OF ARKANSAS.

Section 1.

- 1) The County of Craighead, by authority in Ark. Code Annotated Section 19-11-801 *et. seq.*, extends professional services to include:

Desktop Management

Software and Data Management

Security and Firewall Management

Backup Solutions

Business Technological Needs

Section 2.

Severability. If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions of the ordinance, which remains effective, absent the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED on this ____ day of _____, 2020.

Marvin Day, County Judge

ATTEST:

Lesli Penny, County Clerk

APPROPRIATION ORDINANCE NO. _____

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

An Ordinance amending the 2020 Annual Operating Budget to add Fund 3547, Dept 0800, Veterans CARES Act grant that was awarded to Craighead County Veterans Service Office through Mid-South Health Systems.

Section 1. That State CARES act monies have become available to the Crisis Stabilization Unit for direct support to Veterans and their families with necessities such as food and clothing. Mid-South Health Systems has granted \$4,996.21 to the Craighead County Veterans Service Office to provide direct support to veterans. These grant funds are required to be included in and expended through the County's Annual Operating Budget for tracking and auditing purposes.

Section 2. That Fund 3547, Department 0800, Veterans CARES Act grant will be created in the 2020 Annual Operating Budget to allow for accurate tracking, disbursing and accounting of funds for veterans services.

FUND 3547	Veterans CARES Act grant	New	Change	Old
Dept 0800	Veterans Service	\$4,996.21	\$4,996.21	\$0.00
Account	Description	<u>New</u>	<u>Change</u>	<u>Old</u>
	Supplies			
2001	General Supplies (consumed or altered)	\$1,000.00	\$1,000.00	\$0.00
3100	Other Miscellaneous	\$3,996.21	\$3,996.21	\$0.00
	Total Department Budget	\$4,996.21	\$4,996.21	\$0.00

There is hereby appropriated \$4,996.21 into Fund 3547, Dept 0800, Veterans CARES Act grant for purchasing items for the direct support of veterans and their families with necessities such as food and clothing. These funds shall be established in the chart of accounts by the County Treasurer and entered into the accounts payable appropriations journal by the County Clerk as described, upon passage of this appropriations ordinance.

Dated this _____ day of December 2020

Approved: _____
Marvin Day
Craighead County Judge

Attest: _____
Lesli Penny
Craighead County Clerk