

**TENTATIVE AGENDA**  
**INDEPENDENCE COUNTY QUORUM COURT**  
**REGULAR MEETING**  
**Jess B. Carpenter Building**  
**Juvenile Courtroom**  
**June 9, 2008**  
**6:00 P.M.**

**I. CALL TO ORDER**

A. Pledge of Allegiance  
 Mr. Stewart

B. Invocation  
 Mr. McLean

**II. APPROVAL OF MINUTES**

A. May 12, 2008 Regular Meeting

**III. SPECIAL REPORT/PRESENTATIONS**

A. Sheriff's Report (Sheriff Keith Bowers)  
 B. Treasurer's Report (Treasurer Linda Foreman)

**IV. NEW BUSINESS**

Mr. Hatfield

**RESOLUTION 2008-08** A RESOLUTION OF THE QUORUM COURT OF INDEPENDENCE COUNTY CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

Mr. Arms

**ORDINANCE NO. 2008-10** AN ORDINANCE REGARDING TO THE REGULATION OF SALVAGE YARDS AND/OR METAL RECYCLERS WITHIN INDEPENDENCE COUNTY.

Mr. Cash

**ORDINANCE NO. 2008-11** AN ORDINANCE AMENDING ORDINANCE NO. 2007-56 AND THE ANNUAL BUDGET FOR THE PURPOSE OF APPROPRIATING SUPPLEMENTAL FUNDS TO THE COUNTY GENERAL FUND, WITH SAID FUNDS TO BE DERIVED FROM COMMUNITY SERVICE CHARGES; ESTABLISHING A NEW LINE-ITEM; AMENDING ANTICIPATED REVENUES; AND FOR OTHER PURPOSES FOR THE CALENDAR YEAR 2008.

Mr. Cuzzort

**ORDINANCE NO. 2008-12** AN ORDINANCE AMENDING ORDINANCE NO 2007-56 AND THE ANNUAL BUDGET FOR 2008, AS AMENDED, FOR THE PURPOSE OF TRANSFERRING FUNDS BETWEEN LINE-ITEMS, AND CATEGORIES, IN THE JUVENILE DETENTION CENTER FUND; AND FOR OTHER PURPOSES FOR THE CALENDAR YEAR 2008.

**V. BUDGET MATTERS**

**VI. CITIZENS COMMENTS**

**VII. ADJOURNMENT**

May 13, 2008

The Independence County Quorum Court met in its regular session on Monday, May 12, 2008 at 6:00 p.m. in the Jess B. Carpenter Building, Judge Bill Hicks presided. County Treasurer Linda Foreman and Deputy County Clerk Tracey Wyatt were present. Members of the court present:

Tim Stewart	Deborah Wyatt
David McIntosh	Orville Arms
James Darnstaedter	Robert Cuzzort
Mike Hatfield	Bill Cash
Charles Barnett	James McLean

Arms made a motion to approve the minutes of the April 14 regular meeting and the April 24 budget meeting. Wyatt seconded. Motion carried.

Both the treasurer's and sheriff's reports were given out.

Warren Wade spoke to the court about the community service program. He requested an additional \$1000 to be used for drug testing. These tests would be administered to people with drug related charges. Barnett made a motion to verbally approve this. McLean seconded. Motion carried.

Stewart introduced Resolution 2008-06, which is a resolution pertaining to the campaign against sexual exploitation of children. The deputy clerk read the resolution in its entirety. Cash seconded. Motion carried.

Arms introduced Resolution 2008-07, which is a resolution concerning the county's intent to participate in a natural hazard mitigation plan and to work toward becoming a safer community. OEM Coordinator Glen Willis spoke about this resolution and said that this resolution will give the county the opportunity to receive extra funding for flood prevention. The deputy clerk read the resolution in its entirety. Cash seconded. Motion carried.

Darnstaedter introduced Ordinance 2008-08, which is an ordinance adopting an amendment to the interlocal agreement between the city of Newark and the county. The deputy clerk read the ordinance in its entirety. Arms seconded. Motion carried.

Cuzzort introduced Ordinance 2008-09, which is an ordinance amending Ordinance 2007-56 and the annual budget for 2008 for the purpose of appropriating supplemental funds to the county general fund, with said funds to be derived from reimbursement from the city of Newark; establishing another full time deputy position; amending the annual budget for 2008, amending anticipated revenues; and for other purposes for the calendar year 2008. The deputy clerk read the ordinance in its entirety. Barnett seconded. Motion carried.

Arms spoke to the court about a proposed ordinance scheduled for its first reading at next month's meeting. The ordinance would put restrictions on scrap metal businesses. Due to recent metal theft and resale, Arms feels the

county needs have some type of regulation. County Attorney Eric Hance doesn't know of any reason why the county can't pass this type ordinance and would like to get an attorney general's opinion on this matter.

Glen Willis spoke to the court concerning the FEMA flooding assistance program. To date, 111 families in the county have signed up for assistance. Over \$200,000 has been paid in housing assistance, and over \$109,000 has been paid for other type assistance.

Barnett made a motion to adjourn the meeting. Meeting adjourned.

Respectfully Submitted,

*Tracey Wyatt, D.C.*  
Tracey Wyatt, Deputy Clerk

**Independence County Sheriff's Department  
Departmental Activity & Status Report  
APRIL, 2008**

**Patrol Division**

Activity	Metro Total	County Total	Total	Year to Date 2008	Year To Date 2007
Accidents	37	42	79	337	353
Calls for Service	565	570	1,135	4943	5,464
Traffic Warnings	38	43	81	451	699
Traffic Citations	76	114	190	842	1,179
Arrests	26	43	69	291	384
Property Inspections	4,613	6,006	10,619	34220	37,318
Motorist Assists	41	53	94	447	481
*Comp Time for Patrol	234.62	191.38	426	426	378.41
Miles Driven	17,353	16,779	44,132	163,307	172,413
<b>Criminal Investigation Division</b>					
Activity	Total				
Crimes Reported	476		1688		1,753
Crimes Cleared	317		1520		1,641
County Reports Filed	173		690		729
City Reports Filed	165		483		540
Cases Filed on Adults	60		239		728
Cases Filed on Juveniles	18		34		15
*Comp Time for CID	252.14		252.14		230.76
Property Stolen	\$129,360		\$461,368		\$545,736
Property Recovered	\$15,733		\$39,798		\$715,795
<b>Activity</b>	<b>Total</b>				
Warrants Served	378		1,434		1,311
Civil Process Served	275		1,211		1,457
Execution Amounts	\$0.00		\$4,146.38		\$4,357.92
Amount paid to Treasurer	\$3,010.00		\$10,530.00		\$11,050.00
*Comp Time	40		40		59.75
Miles Driven	10,916		37,476		36,235
Call Taken	108		412		408
Call Investigated	39		126		125
Arrests or Warrants Issued	22		69		105
*Comp Time	9.00		9.00		9.00
Miles Driven	794		3,973		4,781
<b>Warrant Fees/Booking Fees</b>					
Booking Fees	\$1,360.00		\$6,120.00		\$7,200.00
In County Warrant Fees	\$6,050.00		\$28,375.00		\$32,450.00
Out of County Warrant Fees	\$475.00		\$1,525.00		\$1,500.00
Citation Fee DC	\$2,682.52		\$27,166.63		\$47,581.73
Total	\$10,567.52		\$63,186.63		\$88,731.73

Comp time totals are year-to-date, not monthly totals

**INDEPENDENCE COUNTY SHERIFF'S DEPARTMENT  
Departmental Activity & Status Report**

Independence County Detention Facility

APRIL, 2008

<u>Revenue Generated</u>	<u>Monthly Total</u>	<u>2008 Year to Date Total</u>	<u>2007 Year to Date Total</u>
Housing Out of County Prisoners	\$5,400.00	\$5,400.00	\$0.00
Housing State Prisoners (309)	\$3,960.00	\$7,950.00	\$8,205.00
Housing State Prisoners	\$0.00	\$14,416.00	\$14,336.00
Inmate Phone System	\$474.79	\$790.63	\$2,536.14
Vending	\$0.00	\$117.19	\$225.83
Social Security	\$400.00	\$400.00	\$2,000.00
Med/Profit Commissary Acct.	\$103.73	\$545.69	\$711.00
Fingerprnt/Copies	\$0.00	\$225.00	\$827.00
Persons Booked Into Detention Facility	183	748	783
Comp Time Year to Date	492.6	492.6	608.60

A RESOLUTION OF THE QUORUM COURT OF INDEPENDENCE COUNTY CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use tax as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Department of Economic Development; and

WHEREAS, Cushman Sawmill located at 2465 White Drive, Batesville, AR 72501 has sought to participate in the program and more specifically has requested benefits accruing from expansion of the specific facility; and

WHEREAS, Cushman Sawmill has agreed to furnish the local government all necessary information for compliance.

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

1. Cushman Sawmill be endorsed by the County of Independence for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.

2. THE DEPARTMENT OF FINANCE AND ADMINISTRATION IS AUTHORIZED TO REFUND LOCAL SALES AND USE TAXES TO CUSHMAN SAWMILL.

3. This resolution shall take effect immediately.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bill Hicks County Judge

\_\_\_\_\_  
County Clerk

ORDINANCE NO. 2008-10

Be it enacted by the Quorum Court of the County of Independence, State of Arkansas.

And Ordinance to be entitled:

**AN ORDINANCE REGARDING TO THE REGULATION OF SALVAGE YARDS AND/OR METAL RECYCLERS WITHIN INDEPENDENCE COUNTY.**

WHEREAS, It shall be the duty of each and every salvage yard and/or metal recycler doing business within Independence County, State of Arkansas, to keep record of any and all transactions over the sum of Twenty-Five Dollars (\$25.00). The records required under subsection (A) of this section shall include:

**Section 1: Definitions**

1) **Salvage Yard:** A business operated for profit having the primary purpose of purchasing, storing and selling used building materials, scrap metal, parts, salvage vehicles or the component parts thereof. A business or other operation where the above described items are stored is not considered a salvage yard if all such items or materials are stored or contained within enclosed buildings and out of public view.

**Section 2: Guidelines**

- 1) A detailed record of each and every transaction over Twenty-Five dollars (\$25.00), including the type of identification displayed by the person from whom the property was received;
- 2) The name, address, race, sex, height, weight, and date of birth of the person from whom the property was received;
- 3) The driver's license number, personal identification number issued, or the number from some other form of photographic identification of the person from whom the property was received; and
- 3) A description of each item sold, including, but not limited to, identifying numbers or serial numbers;

**Section 3: Forms**

- 1) The records shall be maintained on the following form if over \$50.00:

“Ticket”	_____	Description	_____
Owner	_____	D.O.B.	_____
Address	_____	Race	_____
DL#, ID#, or SS#	_____	Sex	_____
Article	_____	Ht.	_____
Serial #	_____	Wt.	_____

2) One (1) copy of the records required under subsection (2) of this section shall be maintained of file with the salvage company and metal recycler for a period of three (3) years.

3) The Director of the Department of Arkansas State Police, any member of the Department of Arkansas State Police, any sheriff or deputy of the county, or any police officer of the municipality in which the salvage company or metal recycler is located shall have access to all such records at any reasonable time.

4) The county sheriff, or the county in which the salvage company or metal recycler is located may require a report of such transactions for such periods of time as he or she shall deem necessary for the efficient enforcement of the criminal laws or to aid in criminal investigations.

5) The failure on the part of any salvage company or metal recycler, owner, or operator to comply with a provision of this section shall be a violation.

**Section 4: Stolen Property**

1) When any salvage company or metal recycler in this county shall, in good faith or otherwise, acquire, by purchase, gift, or otherwise, any article of personal property which has been stolen from the owner thereof, the salvage company or metal recycler shall return the personal property to the true owner thereof upon his or her request and the execution of his or her affidavit of possession.

**Section 5:**

Severability. If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

**Section 6:**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

DATED: \_\_\_\_\_

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

Judge Bill Hicks

ATTEST: \_\_\_\_\_

County Clerk

ORDINANCE NO. 2008-11

AMENDING APPROPRIATION ORDINANCE

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF INDEPENDENCE, STATE OF ARKANSAS;

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING ORDINANCE NO. 2007-56 AND THE ANNUAL BUDGET FOR 2008 FOR THE PURPOSE OF APPROPRIATING SUPPLEMENTAL FUNDS TO THE COUNTY GENERAL FUND, WITH SAID FUNDS TO BE DERIVED FROM COMMUNITY SERVICE CHARGES; ESTABLISHING A NEW LINE-ITEM; AMENDING ANTICIPATED REVENUES; AND FOR OTHER PURPOSES FOR THE CALENDAR YEAR 2008.

SECTION 1. Ordinance No. 2007-56, Section A., COUNTY GENERAL FUND/Community Service Budget and the Annual Budget for 2008, as amended, are hereby amended for the purpose of appropriating \$1,000.00 to purchase drug testing supplies, with said funds to be reimbursed by administering drug test.

SECTION 2. The appropriation contained in the above section, shall be reflected in the Annual Budget for 2008, as follows:

<u>FUND/BUDGET/</u> <u>Category/Line-Item</u>	<u>Original</u> <u>Appropriation</u>	<u>Appropriation</u>	<u>Appropriation</u> <u>Amended</u>
<u>COUNTY GENERAL FUND</u> <u>Community Service Budget</u> <u>Supplies</u> <u>*(01-8727-4)</u> <u>Operating Supplies</u>	\$ -0-	\$ 1,000.00	\$ 1,000.00

\* New Line-item established

SECTION 3. The appropriation contained herein increases the County General to \$7,822,414.54. The County General Anticipated Revenues to \$7,822,414.54. The Community Service Budget is increased to \$36,295.70.

SECTION 4. Severability. If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

SECTION 5. All Ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

DATED: \_\_\_\_\_  
 APPROVED: Judge Bill Hicks

ATTEST: \_\_\_\_\_  
 County Clerk

AMENDING APPROPRIATION ORDINANCE

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF INDEPENDENCE,  
STATE OF ARKANSAS,

AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE AMENDING ORDINANCE NO 2007-56 AND THE ANNUAL BUDGET  
FOR 2008, AS AMENDED, FOR THE PURPOSE OF TRANSFERRING FUNDS  
BETWEEN LINE-ITEMS, AND CATEGORIES, IN THE JUVENILE DETENTION  
CENTER FUND; AND FOR OTHER PURPOSES FOR THE CALENDAR YEAR 2008.

SECTION 1. Ordinance No 2007-56 and the Annual Budget for 2008, as amended, are hereby amended for the purpose of transferring funds between line-items, and categories, within the Juvenile Detention Grant-in-Aid Budget; according to the following schedule of transfers attached hereto as page 2 and made a part of this ordinance as though set out word for word.

SECTION 2. Transfers within certain line-items, and categories are hereby authorized for the following:

FUND/Budget

JUVENILE DETENTION CENTER FUND

Juvenile Detention Grant-in-Aid Budget

Note: The Transfers contained in this ordinance does not increase the Juvenile Detention Center Fund.

SECTION 3. Severability. If any part of this ordinance

shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this

ordinance.

SECTION 4. All Ordinance and parts of ordinances in

conflict with this ordinance are hereby repealed.

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

ATTEST: \_\_\_\_\_  
County Clerk

JUVENILE DETENTION CENTER FUND

TRANSFERRED TO		TRANSFERRED FROM	
<u>Line-Item</u>	<u>BUDGET &amp; Category</u>	<u>Line-Item</u>	<u>BUDGET &amp; Category</u>
<u>Amended</u>	<u>Line-Item Name</u>	<u>Line-Item</u>	<u>Line-Item Name</u>
<u>Amount</u>	<u>Transferred Line-Item Approp.</u>	<u>Amount</u>	<u>Transferred Line-Item</u>
\$ 3,904.55	Juvenile Detention Grant-In-Aid Supplies (91-7227-9) Materials & Supplies	\$ 373.05	Juvenile Detention Grant-In-Aid Other Services (91-7261-7) Elect., Gas, Water, Telephone
\$ 3,630.80	Juvenile Detention Grant-In-Aid Capital Outlay (91-7293-5) Machinery & Equipment	\$ 99.30	Juvenile Detention Grant-In-Aid Other Services (91-7261-7) Elect., Gas, Water, Telephone

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

AN ORDINANCE AUTHORIZING THE FINANCING OF CERTAIN EQUIPMENT TO BE USED BY INDEPENDENCE COUNTY, AUTHORIZING THE EXECUTION AND DELIVERY OF A PROMISSORY NOTE BETWEEN INDEPENDENCE COUNTY, ARKANSAS AND WHITE RIVER PLANNING AND DEVELOPMENT DISTRICT, INC., AUTHORIZING AND PRESCRIBING OTHER MATTERS RELATING TO THE EQUIPMENT AND THE PURCHASE THEREOF.

WHEREAS, there has been presented to the Quorum Court of Independence County, Arkansas, the proposal of a Loan Agreement (Promissory Note) between Independence County, Arkansas (the "County") and White River Planning and Development District, Inc. under Chapter 22 of Title 14 of the Arkansas Code of 1987 Annotated and the recently enacted Amendment One on the year 2000 ballot (the "Acts"), for the purpose of purchasing an Automobile for use in the operations of the Juvenile Detention Facility, and providing for other matters pertaining thereto.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Quorum Court of Independence County, Arkansas:

Article 1. The execution and delivery of the Promissory Note, providing for an obligation in the principal amount not to exceed \$26,000 for a term of no more than 5 years, secured by a pledge of the County's general revenues is hereby authorized.

Article 2. The County Judge is hereby authorized and directed to negotiate the terms of the Promissory Note in compliance with the terms approved herein, and to execute and acknowledge such Promissory Note. Execution shall constitute conclusive evidence of approval.

Article 3. The County Judge, County Treasurer and County Clerk, for and on behalf of the County, are authorized and directed, all in accordance with the powers of their respective offices, to do any and all things necessary to effect the execution and delivery of the Promissory Note, the performance of all obligations of the County thereunder, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred hereby. The County Judge, County Treasurer and County Clerk are further authorized to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Article 4. The County hereby designates the Promissory Note as a "qualified tax-exempt obligation" within the meaning of Section 265(b) of the Internal Revenue Code of 1986, as amended. It is reasonably expected that all obligations issued by the County during the current calendar year, the interest on which is exempt from federal income tax, will not exceed \$10,000,000 in principal amount (excluding "private activity bonds" within the meaning of Section 265).

Article 5. A copy of the Promissory Note shall remain on file in the Office of the County Clerk, where it shall be available for inspection by any person.

Article 6. The provisions of this Ordinance are declared to be severable. In the event any section, provision or part thereof shall be held to be invalid, such invalidity shall not affect the validity of the remainder of this Ordinance.

Article 7. It has been found that the Equipment is needed to continue to provide appropriate police protection for the inhabitants of the County. Therefore, an emergency is declared to exist and this Ordinance, being necessary to meet a public emergency affecting life, health, safety and property, shall be in effect upon its adoption.

### CERTIFICATE

I, THE UNDERSIGNED, County Clerk of Independence County, Arkansas, hereby certify that the foregoing is a true, correct and compared copy of an Ordinance adopted by the Independence County Quorum Court on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, which now appears of record in the Quorum Court records.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

County Clerk of Independence County, Arkansas

(SEAL)

**WHITE RIVER REGIONAL JUVENILE DETENTION CENTER  
INDEPENDENCE COUNTY  
105 COUNTY YARD ROAD  
BATESVILLE, AR 72501  
PHONE: 870-612-6814  
FAX: 870-612-6816**

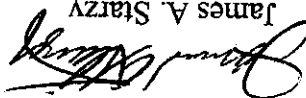
From: James A. Starzy, Administrator  
White River Regional JDC  
105 County Yard Road  
Batesville, AR 72501

To: Mr. Bill Hicks  
Independence County Judge

Date: 5-27-08

I respectfully request permission to purchase a new transport car. The cost of a new car will be approx. \$26,000.00 for a fully equipped Ford Crown Victory police car. We are in need of this car to reduce the use of our transport van when only transporting 1 or 2 juveniles at a time. This would also save in fuel cost. This car would replace the old transport car that has approx. 260,000 miles on it. I would like to go through White River Planning Commission to obtain the loan. I would also like to make the loan payments in (3) three yearly payments in the amount of \$9,638.00 each. These payments would start in the fiscal year 2008 with no increase in cost to the existing budget. I would request the payment for this car be placed in the 2009 budget.

Sincerely,



James A. Starzy  
Administrator