

**RANDOLPH COUNTY            CODE OF ORDINANCES**  
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**Chapter 2:            ADMINISTRATION**

**Article**

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**Article I.    QUORUM COURT**

**A.C.A. § 14-14-702. Authority to establish – restrictions.**

The county quorum court of each county may prescribe, by ordinance, the department, board structure, and organization of their respective county governments and may prescribe the functions of all offices, departments, and boards, However, no ordinance shall be enacted by a quorum court which:

- (1) Divests the county court of any of its original jurisdictions granted by the Arkansas Constitution. However, where any county ordinance establishing a department or board and the assignment of functions thereof interferes with the jurisdictions of the county court, it shall be implied that the functions and acts may be performed on order of the county court or proper order of superior courts on appeal;
- (2) Alters the organization of elected county officials established by the Arkansas Constitution, except through the provisions of Arkansas Constitution Amendment 55, § 2, Part (b). However, any function or duty assigned by statute may be reassigned by ordinance; or
- (3) Limits any provision of state law directing or requiring a county government or any officer or employee of a county government to carry out any function or provide any service. However, nothing in this section shall be construed to prevent the reassignment of functions or services assigned by statute where Arkansas reassignment does not alter the obligation of the county to continue providing such function or service.

**A.C.A. § 14-14-904(a)-(c). Procedures Generally.**

(a) TIME AND PLACE OF QUORUM COURT ASSEMBLY.

(1) (A)(i) The justices of the peace elected in each county shall assemble and organize as a county quorum court body on the first regular meeting date after the beginning of the justices' term in office.

(ii) Alternatively, the county judge may schedule the biennial meeting date of the quorum court on a date in January other than the first regular meeting date of the quorum court after the beginning of the justices' term.

(B) Thereafter, the justices shall assemble each calendar month at a regular time and place as established by ordinance and in their respective counties to perform

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the duties of a quorum court, except that more frequent meetings may be required by ordinance.

- (2) By declaration of emergency or determination that an emergency exists and the safety of the general public is at risk, the county judge may change the date, place, or time of the regular meeting of the quorum court upon twenty-four-hour notice.

(c) **SPECIAL MEETINGS OF THE QUORUM COURT.**

- (1) The county judge or a majority of the elected justices may call a special meeting of the quorum court upon at least twenty-four (24) hours' notice in such manner as may be prescribed by local ordinance.
- (2) In the absence of procedural rules, the county judge or a majority of the elected justices may call a special meeting of the quorum court upon written notification of all members not less than two (2) calendar days prior to the calendar day fixed for the time of the meeting. The notice of special meeting shall specify the subjects, date, time, and designated location of the special meeting.
- (3) (A) Notice of assembly of a county grievance committee or assembly of less than a quorum of the body, referred to under this section as a “regular committee” or “special committee”, may be provided upon oral notice to the members of at least forty-eight (48) hours unless an emergency exists.  
  
(B) If an emergency exists, written notice of at least twenty-four (24) hours stating the basis of the emergency shall be provided.

**A.C.A. § 14-14-801(a). Powers Generally.**

- (a) As provided by Arkansas Constitution, Amendment 55, § 1, Part (a), a county government, acting through its county quorum court, may exercise local legislative authority not expressly prohibited by the Arkansas Constitution or by law for the affairs of the county.

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**Section**

200.00    Juror pay.

200.01    Regular monthly meeting; special meetings

**§ 200.00   JUROR PAY.**

- 1) LEGISLATIVE INTENT. Pursuant to the requirements of Act 1033 of 2007, codified as A.C.A. §§ 16-34-101 et seq., and in order to qualify for reimbursement from the State of Arkansas for a portion of said jury costs, the Randolph County Quorum Court hereby establishes the following minimum requirements necessary for compensation as jurors and corresponding rates of compensation for service as jurors in Randolph County, Arkansas.
  - a. The person must have received official notice that he or she has been selected as a prospective juror and summoned to appear;
  - b. The person must actually appear at the location which they were summoned; and
  - c. Their attendance must be noted in writing by the circuit clerk.
  
- 2) RATES OF COMPENSATION. The following rates of compensation are established for jury service in Randolph County, Arkansas:
  - a. Persons who are selected and seated as a member of the jury, including alternates, shall be compensated at the rate of \$50.00 per day.
  - b. Persons who are summoned and appear, and their qualifications to serve as a juror has been accepted by the court as qualified, but who are not selected as a member of the jury, will be compensated at the rate of \$35.00 per day, and
  - c. Persons who are summoned and appear, but are excused by the court for any reason from serving as a juror, will be compensated at the rate of \$15.00 per day, and
  - d. Persons summoned for jury service but who fail, for any reason, to attend court shall not be entitled to receive compensation.

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- 3) STATE REIMBURSEMENT PROCEDURE AND RESPONSIBILITY ASSIGNMENT. Pursuant to A.C.A. § 16-34-106 the Circuit Clerk of Randolph County, Arkansas, shall be responsible for remitting, in a timely manner all documentation required by the Administrative Office of the Courts in order to receive reimbursement for the jury cost incurred under A.C.A. § 16-34-103(b) and Section 2(1) of this Ordinance.
- 4) REPEALER. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.
- 5) SEVERABILITY CLAUSE. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this Ordinance are declared severable.  
([Ord. 1977-032](#), passed 9-6-77; Am. [Ord. 2007-434](#), passed 11-8-07)

**§ 200.01            REGULAR MONTHLY MEETING; GUIDELINES AND PROCEDURE FOR SPECIAL MEETINGS.**

- 1) The regular monthly meeting of the Randolph County Quorum Court shall be held at 7:00 p.m. on the second Thursday of each month in the courtroom of the Randolph County Courthouse in Pocahontas, Arkansas.
- 2) Special meetings of the Quorum Court may be called by the County Judge or by a majority of the elected justices. Notice of a special meeting must be given at least 24 hours in advance, either written or verbal, and must specify the subjects, date, time and designated location of the special meeting.
- 3) This ordinance hereby amends Randolph County Ordinance #391 of the Quorum Court of Randolph County, Arkansas.
- 4) Arkansas Code Annotated 14-14-904(a) required the Quorum Court to meet monthly at a time and place specified by ordinance. Therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.  
([Ord. 2013-001](#), passed 1-10-13)

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**Article II. COUNTY OFFICERS AND PERSONNEL**

**A.C.A. § 14-14-603. Offices included.**

- (a) Within the purposes of this chapter, the term “elective county office” shall mean any office created under the provisions of Arkansas Constitution, Article 7 §§ 19 and 46, as amended by Amendment 24, § 3.
  
- (b) The elective county offices established by these constitutional provisions are:
  - (1) One (1) sheriff who shall be ex officio collector of taxes, unless otherwise provided by law;
  - (2) One (1) collector of taxes, where established by law;
  - (3) One (1) assessor;
  - (4) One (1) coroner;
  - (5) One (1) treasurer, who shall be ex officio treasurer of the common school fund;
  - (6) One (1) surveyor;
  - (7) One (1) clerk of the circuit court, who shall be ex officio clerk of the county and probate courts and recorder, unless otherwise provided by law; and
  - (8) One (1) county clerk, where established by law.

**A.C.A. § 14-14-604. Elective county officers; exclusions.**

Offices expressly excluded from the provisions of this subchapter are:

- (1) The judge of the county court created pursuant to Arkansas Constitution, Article 7, § 28, such office being an “elective county office” but not deemed separable from the county court which serves as a principal element of county government and constitutional organization;
  
- (2) Justices of the peace who are deemed district offices; and

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- (3) Constables who are deemed township offices and who are not within the provisions of Arkansas Constitution, Amendment 55 § 2, Part (b).

**A.C.A. § 14-14-902. Quorum Court administration.**

- (a) SECRETARIAT. (1) The secretariat of the county quorum court shall be the clerk of the county court of each county unless otherwise provided by county ordinance.

(2) ALTERNATIVE DESIGNATION. A quorum court, by ordinance, may provide for the establishment of minimum qualifications and an appropriation for the employment of a secretariat of the court. The employee so designated shall be a staff member of the county clerk or the county judge as may be specified by the ordinance. Where the separate position of secretariat is created by ordinance, all legislative duties prescribed in this chapter for a county clerk shall thereafter become the duties of the secretariat.

(3) DUTIES OF THE COUNTY CLERK. Unless otherwise provided for by county ordinance, the clerk or the deputy clerk shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all administrative and recordkeeping duties prescribed in this chapter; and

(C) Perform all other duties as may be required by the quorum court through county ordinance.

- (b) COUNSEL. (1) LEGAL COUNSEL. The prosecuting attorney or his deputy serving each county shall serve as legal counsel of the quorum court unless otherwise provided by county ordinance.

(2) ALTERNATIVE DESIGNATION OF LEGAL COUNSEL. A quorum court may, by ordinance, provide for the appropriation of county funds for the employment of legal counsel to serve the court.

(3) DUTIES OF LEGAL COUNSEL. The legal counsel of a quorum court shall:

(A) Attend all regular and special meetings of the court;

(B) Perform all duties prescribed in this chapter; and

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(C) Perform all other duties as may be required by a quorum court.

(c) OTHER ADMINISTRATIVE SERVICES. A quorum court may authorize and provide through ordinance, for the employment of any additional staff or the purchase of technical services in support of legislative affairs.

**A.C.A. § 14-14-1202(a). Ethics for county government officers and employees.**

(a) PUBLIC TRUST. (1) The holding of public office or employment is a public trust created by the confidence which the electorate reposes in the integrity of officers and employees of county government.

(2) An officer or employee shall carry out all duties assigned by law for the benefit of the people of the county.

(3) The officer or employee may not use his or her office, the influence created by his or her official position, or information gained by virtue of his or her position to advance his or her individual personal economic interest or that of an immediate member of his family or an associate, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

**A.C.A. § 16-13-709(a)(1)(A)(i), (a)(1)(B)(i). Responsibility for collection.**

(a)(1)(A)(i) The quorum court of each county of the state shall designate a county official, agency, or department, which shall be primarily responsible for the collection of fines assessed in the circuit courts of this state.

. . . .

(a)(1)(B)(i) The quorum court may delegate the responsibility for the collection of delinquent fines assessed in circuit court to a private contractor.

. . . .

**A.C.A. §§ 25-19-101-110. Freedom of Information Act.**

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**Section**

- 210.00    County Clerk; additional duties.
- 210.01    County Treasurer; additional duties.
- 210.02    Collect fines and forfeitures; Circuit Clerk.
- 210.03    Collection of delinquent circuit court fines, fees and court costs.
- 210.04    District Clerk responsible for collection of fines assessed in District Court.

**§ 210.00    COUNTY CLERK; ADDITIONAL DUTIES.**

- 1) In addition to all other duties required by law, the County Clerk shall be responsible for giving the public notification required by the Arkansas Freedom of Information Act or regular and special meetings of the Quorum Court and committees thereof.
- 2) Committee chairmen shall give the County Clerk notice of meetings of their respective committees in sufficient time for public notification of such meetings required by Arkansas law to be complied with.  
[\(Ord. 1977-005](#), passed 1-3-77)

**§ 210.01    COUNTY TREASURER; ADDITIONAL DUTIES.**

- 1) In addition to all other duties presently required by law, the County Treasurer will attend any regular meeting of the Quorum Court wherein such attendance is deemed necessary by members of the Quorum Court or the County Judge.
- 2) In addition to all other duties presently required by law, the County Treasurer will attend any special meeting of the Quorum court wherein such attendance is deemed necessary by members of the Quorum Court or the County Judge. Timely notice of such need for attendance shall be furnished the County Treasurer giving the purpose for which attendance is required.  
[\(Ord. 1977-006](#), passed 1-3-77)

**§ 210.02    COLLECT FINES AND FORFEITURES; CIRCUIT CLERK.**

- 1) Ordinance 244 designated the Sheriff as collector of fines assessed in Circuit Court. Beginning on January 1, 2009 the Circuit Clerk shall collect such fines. This Ordinance further amends Ordinance 462 to clarify that the Circuit Clerk shall only collect fines assessed after January 1, 2009. All fines assessed prior to said date will continue to be collected by the Sheriff's office.

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- 2) The Circuit Clerk has collected court costs and restitution payments for victims for many years and will continue to do so. In addition the Circuit Clerk will begin collecting the Booking and Administration fee in circuit court criminal cases which are assessed after January 1, 2009. The sheriff's office will continue to collect Booking and Administration fees assessed prior to January 1, 2009.
- 3) The Sheriff's Office has always collected DNA fees, Public Defender fees and Drug Crime Assessment fees which are assessed in Circuit Court and shall continue to do so.
- 4) Any fines, costs, forfeitures or other assessments by any other court of Randolph County shall continue to be collected by the Sheriff's Office.
- 5) LEGISLATIVE INTENT. This Ordinance is adopted to comply with legislative requirements that a particular county office be responsible for collection of the various fines, costs and other assessments made in Circuit Court and for the purpose of alleviating some of the work load at the sheriff's office in collecting same. Any prior Ordinance in conflict herewith is hereby repealed to the extent of such conflict.
- 6) EMERGENCY CLAUSE. It is necessary that this Ordinance be effective in order to implement the collection of fines, costs and other fees and assessments in circuit court. Therefore, this Ordinance being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage and approval. ([Ord. 1995-244](#), 8-4-95; Am. [Ord. 2009-465](#), passed 1-8-2009)

**§ 210.03    COLLECTION OF DELINQUENT CIRCUIT COURT FINES, FEES AND COURT COSTS.**

- 1) The Quorum Court, under its authority granted under A.C.A. § 16-13-709(a)(1)(B) hereby delegates the responsibility for the collection of delinquent fines (as defined under A.C.A. § 16-13-701) assessed in Circuit Court to the Association of Arkansas Counties, a private contractor, properly registered and bonded with the Secretary of State in accordance with A.C.A. § 16-13-709(b).
- 2) The County Judge of Randolph County shall enter into a contract with the Association of Arkansas Counties on behalf of Randolph County, in accordance with the terms and provisions set forth in A.C.A. § 16-13-709, designating the Association of Arkansas Counties as the private contractor responsible for the collection of delinquent circuit court fines.

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- 3) This Ordinance does not repeal or otherwise amend Ord. 2009-465 of Randolph County, regarding the collection of any fines, fees, restitution, or costs by the Circuit Clerk that have not yet become delinquent pursuant to A.C.A. § 16-13-709(a)(A); nor does this Ordinance repeal or otherwise amend Ord. 2009-465 of Randolph County, regarding the collection of any fines, fees, forfeitures, or costs by the Sheriff's Office.  
([Ord. 2016-006](#), passed 4-14-2016)

**§ 210.04 DISTRICT CLERK RESPONSIBLE FOR COLLECTION OF FINES  
ASSESSED IN DISTRICT COURT.**

- 1) The Randolph County District Court Clerk is hereby designated as the person primarily responsible for the collection of fines assessed in Randolph County District Court for the County of Randolph, State of Arkansas.
- 2) REPEALER. All ordinances previously enacted in conflict with this Ordinance are hereby repealed.  
([Ord. 2016-010](#), passed 6-9-2016)

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**Article III. COUNTY ORGANIZATIONS**

**A.C.A. § 14-14-704. Establishment of county departments.**

The county quorum court of each county, by ordinance, may establish any number of departments for the conduct of county affairs and may prescribe the functions and duties of each department. This authority of a quorum court to establish county departments shall be conclusive and shall supersede any department organizations established by any elected officer:

- (1) **DIRECTION OF DEPARTMENTS.** All departments established by ordinance of the quorum court shall be under the direction and supervision of the county judge except departments assigned to other elected officers of the county. Departments established and assigned to an elected officer other than the county judge shall be under the direction and supervision of the respective county officer;
- (2) **JOINT DEPARTMENTS.** Two (2) or more county governments may provide for the establishment of joint departments for the conduct of county affairs. Joint departments so created shall be established by interlocal agreements. The direction and supervision of joint departments shall be under the combined authorities of the county judge of each respective county in a manner to be prescribed by ordinance;
- (3) **EMPLOYMENT OF DEPARTMENT ADMINISTRATOR.** An ordinance establishing a department of county government may provide for the employment of a department administrator; such ordinance may prescribe minimum qualifications for the person so employed as administrator. However, the county judge alone shall employ all county personnel, except employees of other elected county officers. Where a department is established by the quorum court and the responsibility for direction and supervision of the department is assigned to an elected county officer other than the county judge, the elected county officer so designated shall employ all personnel authorized to be employed by the ordinance;
- (4) **MANAGEMENT REPORTS.** A quorum court may require, by ordinance, reports for any purpose from any elective county office, department, board, or subordinate service district, or any administrator or employee of them.

**A.C.A. § 14-14-705(1)(A), (2)(A). County advisory or administrative boards.**

A county quorum court, by ordinance, may establish county advisory or administrative boards for the conduct of county affairs.

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- (1) **ADVISORY BOARDS.** (A) An advisory board may be established to assist a county office, department, or subordinate service district. The advisory board may furnish advice, gather information, make recommendations, and perform other activities as may be prescribed by ordinance. A county advisory board shall not have the power to administer programs or set policy.
- (2) **ADMINISTRATIVE BOARDS.** (A) Administrative boards may be established to exercise administrative powers granted by county ordinance, except that the board may not be authorized to pledge the credit of the county. The administrative board shall be a body politic and corporate, with power to contract and be contracted with and sue and be sued. As to actions of tort, the board shall be considered as an agency of the county government and occupy the same status as a county. No board member shall be liable in a court individually for an act performed by him as a board member unless the damages caused thereby were the results of the board member's malicious acts.

**A.C.A. §§ 14-169-201-240. Housing Authorities Act.**

**A.C.A. §§ 14-169-301-319. Regional Housing Authorities.**

**A.C.A. §§ 14-137-101-123. Public Facilities Boards Act.**

**Section**

- 220.00     Depository Board.
- 220.01     E911 Communications for Randolph County.
- 220.02     Nursing Home Board.
- 220.03     Levee Appeal Board.
- 220.04     Advisory board for the operation of the E911 communications.
- 220.05     Historic Preservation Commission.

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**§ 220.00 DEPOSITORY BOARD.**

- 1) There is hereby established a County Depository Board for Randolph County, Arkansas.
- 2) That the membership of the Board shall consist of the County Judge, County Treasurer, and County Collector, and such Board shall meet not less than once per three months to review the County's investment fund.
- 3) That the board shall be responsible for the investment of all County Funds consistent with the provisions of Act 250 of 1987 and the resolutions and ordinances of the Quorum Court of Randolph County.
- 4) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the peace, welfare and safety of the residents of Randolph County shall be in full force and effect from and after its passage and approval.  
([Ord. 1987-157](#), passed 10-1-1987)

**§ 220.01 E911 COMMUNICATIONS FOR RANDOLPH COUNTY.**

- 1) That there is hereby established an Administrative Board under the procedures of A.C.A. § 14-14-705, an Administrative Board for the operation of E911 Communications of Randolph County.
- 2) Such Board shall consist of five members, which said members shall be appointed by the County Judge with the consent of the Quorum Court of Randolph County.
- 3) The initial appointment of members of the Administrative Board shall be one member for a period of one year; one member for a period of two years; one member for a period of three years; one member for a period of four years; and one member for a period of five years. Thereafter, there shall be a member appointed for a period of five years, each year, from and after the year of initial appointment of members.

It is the intent hereof that each term end and begin on December 31<sup>st</sup> annually.

- 4) No board member shall be appointed for more than two consecutive terms.
- 5) Any person so appointment to such board shall, within ten days from the date of such appointment, subscribe to the oath of office, and the failure to do so shall be deemed a rejection of such appointment.

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- 6) A person may be removed from the Board for cause by the County Judge with confirmation by resolution of the Quorum Court; provided however, that written notification stating that causes for removal shall be provided to such Board Member prior to the date established for Quorum Court consideration of removal and such Board Member shall be afforded the opportunity to meet with the Quorum Court in their deliberation of removal.
- 7) Appeals from removal of the Board Member shall be directed to the Circuit Court of the respective County within thirty days after such removal is confirmed by the Quorum Court.
- 8) The Administrative Board shall have the authority to interview and select the employees of the E911 Communications, contract on behalf of the E911 Communications of Randolph, contract on behalf of the E911 Communications of Randolph County, Arkansas, sue and be sued. However, such Board shall not have the authority to pledge the credit of Randolph County, and such Board shall be considered as an agency of the County Government as to actions of tort, and occupy the same status as Randolph County in that regard. The number and compensation of employees for the E911 system shall be as set forth by appropriate ordinances, and the Board hereby established shall have no authority to establish the number or compensation of employees. There is hereby established the office of Director/Coordinator for the E911 system and the annual compensation for such position shall be \$12,000 plus all other benefits of full time employees of Randolph County. Further, the position may be funded on a temporary basis from the General Fund, but all funds expended shall be promptly repaid when funds are available to the E911 system.
- 9) The time and place of the initial meeting of the Board shall be established by the County Judge through written notification to each of the members on such Board. Such Board shall, by rule, provide the date, time, and place of the regular monthly meetings or other regularly scheduled meetings, and such information shall be filed with the County Court, and notification of all meetings shall be made as required by the Freedom of Information Act for Public Meetings.
- 10) Special meetings may be called by two or more Board members upon written notification of all members not less than two calendar days prior to the calendar day fixed for the date of such meeting.
- 11) Board action may be taken by a majority vote of the members of such Board, a majority being defined as three members.

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- 12) At the initial meeting of such Board, one member of such Board shall be selected as Chairperson of the Board for a term of one year, and such person shall thereafter preside over all such meetings. In the absence of the Chairperson, a majority of the Board present may select one of their members to preside and conduct the affairs of the Board.
- 13) The Board shall provide for the keeping of minutes, including, but not limited to, the final vote on all board action, reflecting the vote of each individual member of such Board on each action taken.
- 14) The Board shall have the authority to hold public hearings in conjunction with the Quorum Court of Randolph County concerning any matter of interest to the general welfare of Randolph County, Arkansas. However, such Board shall have advisory capacity only as affects matters of taxation for purposes of subsidizing such E911 Communications Service.
- 15) The Administrative Board as established shall not, for any reason, violate any of the statutes of the State of Arkansas or laws of the United States of America, and shall operate within such statutes, laws, or rules and regulations as may be now in effect, or become effective in the future.
- 16) The Board shall report to the Quorum Court of Randolph County once every other month from and after the date of their establishment. Such report shall include all material financial data, and other statistics as might be requested by the Quorum Court of Randolph County, Arkansas.
- 17) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.  
(Ord.1991-198, passed 6-6-91; Am. [Ord. 1995-250](#), passed 11-3-95)

**§ 220.02 NURSING HOME BOARD.**

- 1) RANDOLPH COUNTY NURSING HOME.
  - a. There is hereby established a Randolph County Nursing Home Department.
  - b. It shall be the function and responsibility of the Randolph County Nursing Home Department to provide Nursing Home services to all citizens, residents and institutions located in Randolph County, Arkansas, under the supervision and

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control of the Randolph County Nursing Home Board created in Section 2 of this Ordinance.

- c. The administrator of the Randolph County Nursing Home Department shall be the Randolph County Nursing Home Chief Executive officer who shall be responsible to the Randolph County Nursing Home Board created in Section 2 of this Ordinance.

2) **RANDOLPH COUNTY NURSING HOME BOARD.**

- a. There is hereby established a Randolph County Administrative Board to be known as the Randolph County Nursing Home Board.
- b. It shall be the function and responsibility of the Randolph County Nursing Home Board to administer the Randolph County Nursing Home Department, and to that end, to furnish to all residents, citizens and institutions located in Randolph County, Arkansas, nursing home service. To this end, the Randolph County Nursing Home Board shall:
  - i. Have full and complete responsibility for the operation, maintenance and control of all Randolph County Nursing Home property and facilities presently existing or to be acquired in the future.
  - ii. To succeed automatically to all of the powers, duties, and responsibilities of the presently existing Randolph County Nursing Home Board as hereinafter set forth.
  - iii. Employ a Randolph County Nursing Home Director/Administrator, whose qualifications, at a minimum, shall be those required by the laws of the State of Arkansas.
  - iv. Determine the number and employ such other persons as are necessary, in the judgment of the Board, to adequately furnish Nursing Home services in Randolph County, Arkansas.
  - v. Set the salaries of all employees of the Randolph County Nursing Home Department, including the Randolph County Chief Executive Officer/Administrator.

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- vi. Supervise and expend funds from the Randolph County Nursing Home Fund, any funds appropriated for Nursing Home purposes by this Court, and any funds received from other sources.
  - vii. Have the power to contract and be contracted with, sue and be sued, as an agency of county government, accept and receive gifts of money and property for Nursing Home purposes.
  - viii. Do any and all acts, exercise any and all powers and perform any and all duties or obligations necessary or incidental to the operation of the Randolph County Nursing Home Department and the Randolph County Nursing Home not prohibited by law.
  - ix. The Board may make such rules and regulations for the conduct of its business as it deems appropriate, subject to approval by the County Judge of Randolph County, Arkansas.
- c. The Randolph County Nursing Home Board shall not pledge the credit of Randolph County, Arkansas.
- d. The Randolph County Nursing Home Board shall not be responsible for any Nursing Home services presently or hereafter residing in or delegated to the Randolph County Hospital Board.
- e. The Randolph County Nursing Home Board shall consist of five members, each of whom shall be a qualified elector residing in Randolph County, Arkansas, who shall be appointed by the County Judge of Randolph County, Arkansas, subject to confirmation by the Quorum Court of Randolph County, Arkansas. The term of service of a member of the Randolph County Nursing Home Board shall be for a period of five years and members may not be appointed to succeed themselves. All members of the Board shall be voting members, regardless of whether such member is acting as Chairman or any other position upon the Board.
- f. In the conduct of its affairs, the Randolph County Nursing Home Board, the members thereof and all employees of the Randolph County Nursing Home Department shall be governed by and fully subject to the provisions of Act 7421 of the General Assembly of the State of Arkansas for the year 1977, as the same is presently constituted or as said act may exist hereafter as amended.

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- g. REPEALER. This Ordinance hereby amends and modifies any ordinance not consistent with the provisions hereof.
  
- h. EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its passage and approval.  
([Ord. 1997-271](#), passed 5-1-97; Am. [Ord. 2000-313](#), passed 8-3-00)

**§ 220.03 LEVEE APPEAL BOARD.**

- 1) There is hereby established Randolph County Levee Board to be comprised of three members. The members shall be elected from the Randolph County Equalization Board by a majority vote of its members.
  
- 2) In the event Equalization Board members decline the appointment of their peers or withdraw their name from consideration unfilled appointments of the Levee Board shall be made by the Randolph County Judge.
  
- 3) Procedures for the election of Levee Board members shall be instituted by Equalization Board members and their terms of office shall be for two years from the date of their appointment.
  
- 4) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its passage and approval.  
([Ord. 2000-320](#), passed 12-14-00)

**§ 220.04 ADVISORY BOARD FOR THE OPERATION OF THE E911 COMMUNICATIONS.**

- 1) There is hereby established an Advisory Board under the procedures of A.C.A. §14-14-705, for the operation of E911 Communications of Randolph County.
  
- 2) Such Board shall consist of five members, which said members shall be appointed by the County Judge.
  
- 3) The initial appointment of members of the Advisory Board shall be one member for a period of one year; two members for a period of two years; two members for a period of three years.
  
- 4) No Board Member shall be appointed for more than two, three year terms.

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- 5) Any person so appointed to such Board shall, within ten days from the date of such appointment, subscribe to the oath of office, and the failure to so do, shall be deemed a rejection of such appointment.
- 6) A person may be removed from the Board for cause, by the County Judge with confirmation by resolution of the Quorum Court; provided however, that written notification stating the causes for removal shall be provided to such Board Member prior of the date established for Quorum Court consideration of removal and such Board Member shall be afforded the opportunity to meet with the Quorum Court in their deliberation of removal.
- 7) The Advisory Board shall be established to advise, gather information, and make recommendations to the Quorum Court on any issue involving 911 emergency operations.
- 8) The time and place of the initial meeting of the Board shall be established by the County Judge through written notification to each of the members on such Board. Such Board shall, by rule, provide the date, time, and place of the regular monthly meetings or other regularly scheduled meetings, and such information shall be filed with the County Court, and notification of all meetings shall be made as required by the Freedom of Information Act for Public Meetings.
- 9) Special meetings may be called by two or more Board Members upon written notification of all members not less than two calendar days prior to the calendar day fixed for the time of such meeting.
- 10) Board action may be taken by a majority vote of the members of such Board, a majority being defined as three members.
- 11) At the initial meeting of such Board, one member of such Board shall be selected as Chairperson of the Board for a term of one year, and such person shall thereafter preside over all such meetings. In the absence of the Chairperson, a majority of the Board present may select one of their members to preside and conduct the affairs of the Board.
- 12) The Advisory Board as established shall not, for any reason, violate any of the statutes of the State of Arkansas or laws of the United States of America, and shall operate within such statutes, laws, or rules and regulations as may be now in effect, or become effective in the future.

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- 13) REPEALER. Insofar as this Ordinance is in conflict with any other ordinance of the Quorum Court of Randolph County, Arkansas, this Ordinance hereby amends, modifies and supersedes such prior ordinances.
- 14) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect from and after its passage and approval.  
([Ord. 2001-336](#), passed 12-6-01)

**§ 220.05 HISTORIC PRESERVATION COMMISSION.**

- 1) AFFIRMATION. The Court recognizes the need to preserve the historic integrity of properties in the County that have been certified as National or State Historic Register Properties or have been certified as being included in a National Historic District. Excluded from this Ordinance are all properties within the city limits of the City of Pocahontas. Therefore, the Court hereby creates the Randolph County Historic preservation Commission.
- 2) DUTIES OF OWNERS OF HISTORIC PROPERTIES. Owners of historic properties in Randolph County, as defined in Section 1 of this Ordinance, must submit to the office of the Randolph County Judge as least 15 days previous to beginning of construction that would alter the appearance or construction materials of the façade of that historical property, an outline of their construction plans and the materials to be used in that project. A rough sketch of how the altered façade will appear after the construction project shall accompany the outline as well as the planned date of construction on the project.
- 3) DUTIES OF THE RANDOLPH COUNTY JUDGE. The Randolph County Judge shall forward the plans and sketch defined in Section 2 of this Ordinance to the president of the Randolph County Historic Preservation Commission in a timely manner so that the Commission may meet and offer advice to the property owner at least five days before construction beings.
- 4) DUTIES OF THE RANDOLPH COUNTY HISTORIC PRESERVATION COMMISSION.
- a. ***Knowledge Required*** – Members of the Randolph County Historic Preservation Commission shall familiarize themselves with the current standards and requirements published by the Arkansas Historic Preservation Program and the U.S. Secretary of the Interior pertaining to historic structures. Members shall ensure their knowledge of such standards are current through contact with the Arkansas Historic Preservation Program. The Commission shall maintain

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frequent contact and excellent relations with the staff of the Arkansas Historic Preservation Program.

- b. ***Review Duties*** – Upon receipt of construction plans of the owners of historic properties from the Randolph County Judge, the Commission shall meet in a timely manner to review those plans and to return them along with the Commission’s comments to the property owner by five days before the owner plans to start construction.
  
- c. ***Elements of the Commissions Review*** – The Randolph County Historic Preservation Commission shall review the property owner’s plans in regard to:
  - i. **Conformity to the State and Federal Preservation Standards.** The Commission shall review the owner’s plans to ensure they do not violate the State or Federal standards for preservation of historic structures in a significant manner that could result in the structure losing its certification as a state or national register property or as a contributing structure to a national historic district. This shall include a review of the construction material to be used in the planned construction.
  
  - ii. **Advice to the Owner of Alternative Construction of Materials.** The Commission shall advise the property owner of alternative construction or materials that would not result in loss of certification if substituted for prohibited elements of the owner’s construction plan. The Commission shall consult with staff of the Arkansas Historic Preservation Program as necessary in order to give the owner appropriate advice on these matters.
  
  - iii. **Advice to the Owner of Potential Financial Assistance.** The Commission shall advise the owner of potential state or federal financial assistance that may be available in the form of grants, loans, or income tax credits in connection with the planned construction. The Commission shall offer the owner assistance in obtaining potential financial assistance for the construction project.
  
  - iv. **Other Goals of the Commission.** Other goals of the Commission included: encouraging historic preservation, providing technical assistance to citizens, promoting a partnership of local, state, and federal governments, administering appropriate state and local legislation for the designation and protection of historic properties, approving applications for Certificates of Appropriateness (COAs) in designated historic districts,

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maintaining a survey and inventory of local historic properties,  
participating in nominating properties to the national Register of Historic  
Places.

- 5) COMMISSION MAKEUP. The Randolph County Historic Preservation Commission shall consist of 6 members appointed to terms of three years by the Randolph County Judge. The Judge shall make reappointments or appointments to fill vacancies as needed.
  
- 6) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect immediately upon its passage and approval. ([Ord. 2008-458](#), passed 10-9-08)

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**Article IV. COUNTY POLICIES.**

**Section**

*General Policies*

Reserved.

*Employee / Employment Policies*

240.00    Payroll policy.

*Purchasing Policies*

Reserved.

*General Policies*

Reserved.

*Employee / Employment Policies*

**§ 240.00    PAYROLL POLICY.**

- 1) **AFFIRMATION.** This Court affirms that there is a valid desire to change the county payroll from bimonthly [twice a month/24 payrolls per year] to biweekly [every two weeks/26 payrolls per year] for an equal flow of compensation to county employees making for easier money management for the employee. This Court also affirms a need for the county to establish a one-week payroll holdback in order to be assured of no employee being paid in advance in violation of state law.
  
- 2) **COUNTY PAYROLL PERIOD.** The Randolph County payroll period is hereby established as a biweekly payroll- defined as every two weeks for a total of 26 pay periods per year. County finance officers shall comply with A.C.A. § 14-14-1211 concerning salaries for county employees and all other payroll and compensation laws and regulations during and after converting to the biweekly pay period.

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- 3) **PAYROLL HOLDBACK.** Payroll holdback is defined as employee wages earned but held by the employer until certain conditions are met. Payroll holdback is a common and legal payroll practice. The Randolph County government payroll holdback is established as a one-week holdback. The condition for redemption of the one-week holdback shall be termination of employment with Randolph County.
  
- 4) **LEGISLATIVE INTENT.** The intent of this Ordinance is two-fold: (1) to be employee friendly in equalizing pay periods so that every employee of the county is paid ever two weeks from the time of employment until the time of termination of employment; and (2) to be employer friendly in establishing a one-week payroll holdback to guard against advance payment to employees in violation of state law.
  
- 5) **EMERGENCY CLAUSE.** Due to the need to implement the payroll changes identified in this Ordinance prior to other payroll procedure changes an emergency is declared to exist and this Ordinance shall be in full force and effect upon its passage and approval. The County finance officers shall ascertain the proper time for implementing the payroll change even if a shorted payroll must be made in order to implement the biweekly pay period for Randolph County.  
([Ord. 2016-004](#), passed 3-10-2016)

**§ 240.01 ELECTRONIC WARRANTS TRANSFER SYSTEM ESTABLISHED  
(DIRECT DEPOSIT).**

- 1) **AFFIRMATION.** This Court affirms that direct deposit of funds is a proper and modern method of making payment to employees of the county and that counties of Arkansas are given authorization in state law to establish an electronic warrants transfer system by county ordinance.
  
- 2) **ELECTRONIC WARRANTS TRANSFER SYSTEM.** The Randolph County Quorum Court, as authorized by A.C.A. § 14-24-121, does hereby authorize Randolph County finance officer to establish an electronic transfer system for the direct deposit of funds into payees' accounts in financial institutions in payment of a valid payroll claim against the County. The electronic payment method established shall provide for the appropriate internal accounting controls and documentation for audit and accounting purposes.
  
- 3) **EFFECTIVE DATE.** The electronic warrants transfer system established under Article 2 shall be submitted to and approved by the Legislative Joint Auditing Committee of the Arkansas General Assembly prior to implementation. After approval by the Legislative Joint Auditing Committee the County may institute direct deposit of payroll at the most opportune time to coincide with a scheduled payroll date.  
([Ord. 2016-005](#), passed 3-10-2016)

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*Purchasing Policies*

Reserved.

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**Article V.    EMERGENCIES: PLANS, SYSTEMS AND FEES**

**A.C.A. § 14-14-1107. Natural disasters.**

In any county in which a natural disaster, including but not limited to a tornado or flood, results in the county being declared a disaster area by the Governor, an appropriate official of the United States Government, or the county judge of the county, is authorized to use county labor and equipment on private property to provide services which are required as a result of the natural disaster.

**A.C.A. §§ 12-75-101-133. Arkansas Emergency Services Act of 1973.**

**Section**

*General*

- 260.00    Election to fund the implementation of the 911 emergency telephone system and to provide a service charge to finance the 911 emergency telephone service system.
- 260.01    Levying an emergency telephone service charge.
- 260.02    Beaver eradication program.
- 260.03    Special election; emergency telephone service charge in the amount of 10% of the tariff rate.

*Flooding*

- 270.00    Flood damage prevention program.

*General*

**§ 260.00    ELECTION TO FUND THE IMPLEMENTATION OF THE 911 EMERGENCY TELEPHONE SYSTEM AND TO PROVIDE A SERVICE CHARGE TO FINANCE THE 911 EMERGENCY TELEPHONE SERVICE SYSTEM.**

- 1) An election will be held on Tuesday, March 12, 1991, for the purpose of approving or rejecting an ordinance to implement 911 emergency telephone service within the County of Randolph.

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- 2) At the election to be held on that purpose the voters will be asked to vote upon the following question:

FOR a 911 emergency telephone system and Public Safety Communications Center within the county of Randolph to be funded by a charge of up to five percent of the basic telephone tariff approved by the Arkansas Public Service Commission.

AGAINST a 911 emergency telephone system and Public Safety Communications Center within the county of Randolph to be funded by a charge of up to five percent of the basic telephone tariff approved by the Arkansas Public Service Commission.

- 3) REPEALER. All laws or parts of laws inconsistent herewith are hereby repealed. ([Ord. 1991-194](#), no passage date)

**§ 260.01 LEVYING AN EMERGENCY TELEPHONE SERVICE CHARGE.**

- 1) There is hereby levied an emergency telephone service charge on all telephone access lines of any telephone system within Randolph County as follows:
- a. For telephone bills incurred prior to January 1, 2002: five percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission.
  - b. For telephone bills incurred on and after January 1, 2002; ten percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission.
- 2) SEVERABILITY CLAUSE. The provisions of this Ordinance are separable and if any section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.
- 3) REPEALER. All other ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
- 4) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.  
([Ord. 1991-197](#), passed 4-4-91; Am. [Ord. 2001-331](#), passed 11-15-01)

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**§ 260.02 BEAVER ERADICATION PROGRAM.**

- 1) It is hereby established by the Randolph County Quorum Court, the Randolph County Beaver Eradication Program. Such program is to be effective beginning March 1, 1995.

The Randolph County Judge is authorized by the Quorum Court to establish the procedures by which beaver carcasses or parts thereof necessary to receive state reimbursements are delivered to the County. Such procedures will also include a set time or times and place or places that hunters and trappers can turn the beavers into the County. The Judge will also institute accounting procedures to keep track of the beavers turned in, the issuance of receipts and the method by which individuals will be reimbursed for the beavers that are turned in.

The amount that Randolph County will pay individuals for the beavers under the Eradication Program will be set by the Quorum Court by resolution at any regular meeting. The Quorum Court may change the reimbursement as necessary depending on the response to the program and the funds available from the County and the amount that will be available from the State as reimbursement.

The Quorum Court may limit the amount paid per beaver to the amount that the State will reimburse the County. Such reimbursement is expected to be \$5.00 per beaver. However, if the amount is less than \$5.00 or even zero reimbursement, the Quorum Court can choose that amount. The Quorum Court may elect to pay an additional amount for the beaver pelts beyond the State reimbursement amount, with such funds being paid out of County funds.

- 2) The active operation of the Randolph County Beaver Eradication Program will be contingent upon the appropriation of funding by the State and the availability of reimbursements to Randolph County. Therefore, if State money is not appropriated for this project, Randolph County will not have to pay for any beavers, unless the Quorum Court elects otherwise.

If funds are appropriated for this project by the State, the Randolph County Beaver Eradication Program will commence operating. Once any appropriated State reimbursement funds are exhausted, the Quorum Court may suspend its beaver eradication program until such time that additional State funding is available.

In the event that the State program is not funded, the Randolph County Beaver Eradication Program will remain in place and inactive until such times that monies are

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available from the State. When funds are available for Randolph County, this program will be placed into active operation until the funds are exhausted.

([Ord. 1995-240](#), passed 3-2-95)

**§ 260.03 SPECIAL ELECTION; EMERGENCY TELEPHONE SERVICE CHARGE IN THE AMOUNT OF 10% OF THE TARIFF RATE.**

- 1) There be, and there is hereby called a special election to be held on October 16, 2001, at which election there will be submitted to the electors of the County the question of the levy of the Emergency Telephone Service Charge.
- 2) The question of levying the Emergency Telephone Service Charge shall be placed on the ballot for the election in substantially the following form:

FOR the levy by Randolph County of an emergency telephone service charge in the total amount of ten percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission.

AGAINST the levy by Randolph County of an emergency telephone service charge in the total amount of ten percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission.

- 3) The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections and only qualified voters of the County shall have the right to vote at the election.
- 4) A copy of this Ordinance shall be given to the Randolph County Board of Election Commissioners so that the necessary election officials and supplies may be provided.
- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect from and after its date of passage and approval.

([Ord. 2001-329](#), passed 9-6-01)

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*Flooding*

**§ 270.00 FLOOD DAMAGE PREVENTION PROGRAM.**

- 1) STATUTORY AUTHORITY. The Legislature of the State of Arkansas has in A.C.A. §§ 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the Quorum Court for of Randolph County, Arkansas, does hereby ordain as follows:
  - a. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Randolph County in the current scientific and engineering report entitled “The Flood Insurance Study (FIS) for Randolph County, Arkansas Incorporated Areas” dated May 2, 2012, with an effective Flood Insurance Rate Map (FIRM) dated May 2, 2012.
  - b. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, and of which adversely affect the public health, safety and general welfare.
  - c. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods in Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.
- 3) STATEMENT OF PURPOSE. The purpose of this Ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This Ordinance advances the stated purpose through provisions designed to:
  - a. Protect human life and health;
  - b. Protect natural floodplains against unwise development;
  - c. Eliminate adverse impacts of necessary floodplain development;

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- d. Minimize expenditure of public monies on flood control projects;
  - e. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - f. Minimize prolonged business interruptions due to flooding events;
  - g. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard areas;
  - h. Minimize future flood blight areas to help maintain a stable tax base; and
  - i. Provide for notice to potential buyers when property is in a Special Flood Hazard Area.
- 4) LANDS TO WHICH THIS ORDINANCE APPLIES. The Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Randolph County, Arkansas.
- 5) METHODS OF REDUCING FLOOD LOSSES. This Ordinance uses the following methods to accomplish the stated purpose:
- a. This Ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
  - b. This Ordinance requires protection against flood damage for structures of uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
  - c. This ordinance controls the alteration of natural floodplains, stream channels and natural protection barriers which are involved in the accommodation and transport of flood waters;
  - d. This ordinance controls floodplains development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

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- e. This Ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.
- 6) FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE. There is hereby adopted by reference a “Flood Damage Prevention Code for Randolph County, Arkansas,” dated March 8, 2012. The code shall include:

- ARTICLE 1    Definitions
- ARTICLE 2    Administration
- ARTICLE 3    Provisions for Flood Hazard Reduction

A copy of the referenced code shall be filed in the office of the Tax Assessor and shall be available for inspection and copying by any person during normal office hours.

- 7) ABROGATION AND GREATER RESTRICTIONS. This Ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this Ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.
- 8) INTERPRETATION. In the interpretation and application of this Ordinance, all provisions must:
- a. Be considered as minimum requirements;
  - b. Be liberally construed in favor of the governing body; and
  - c. Be deemed to neither limit nor repeal any other powers granted under State statutes.
- 9) WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this Ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This Ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this Ordinance, or from any lawful administrative decision made under the provisions of this Ordinance.

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- 10) COMPLIANCE. Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this Ordinance requires full compliance with the provisions of this Ordinance and all other applicable regulations.
- 11) PENALTY FOR NON-COMPLIANCE. Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this Ordinance discourages non-compliance and is a recognized mechanism of flood hazard reduction.
- a. The Floodplain Administrator must enforce the provisions of this Ordinance and is authorized to do so.
  - b. Issue cease and desist orders on non-compliant floodplain development projects;
  - c. Issue citations for non-compliance;
  - d. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-complaint properties; and
  - e. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this Ordinance.
    - i. It is a misdemeanor to violate or fail to comply with any provision of this Ordinance.
    - ii. Any person found, in a court of competent jurisdiction, guilty of violating this Ordinance is subject to fines of not more than \$500 per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case.
- 12) SEVERABILITY CLAUSE. If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this Ordinance.
- 13) REPEALER. Ordinance No. 150 and any ordinance or parts of ordinance in conflict with this Ordinance are hereby repealed effective May 2, 2012.
- 14) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force from and after its passage and approval.

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([Ord. 1983-101](#), passed 2-3-83; Am. [Ord. 1987-150](#), passed 6-4-87; Am. [Ord. 2012-006](#), passed 3-8-12)

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**Article VI. COUNTY FUNDS AND FEES**

**Section**

- 280.00    Marriage license.
- 280.01    Sheriff’s drug fund.
- 280.02    Drug court program fund.
- 280.03    Drug control fund.
- 280.04    Hospital sale proceeds fund.
- 280.05    District Court probation fee fund.
- 280.06    Solid waste management fund.

**§ 280.00 MARRIAGE LICENSE.**

- 1) **AFFIRMATION.** This Court recognizes and affirms that Randolph County Ordinance No. 258 of 1996 levied the \$5.00 local fee in addition to the \$30.00 fee required to be collected by the County Clerk in accordance with A.C.A. § 21-6-413. This Court understands that state law has since been changed adding additional fees to the “Marriage license application” for such causes as the Domestic Peace Fund, the Children’s Trust Fund and the Public Health Fund. This Court recognizes that the 1996 county ordinance is not succinct in factual presentation and it is therefore needful to repeal the old ordinance and to put in place a new ordinance that concisely levies the \$5.00 local fee and allows the state fees to be collected by merit of state law that requires the collection of those fees.
- 2) **LEVY OF FEE.** The Quorum Court of Randolph County, Arkansas hereby levies a \$5.00 fee on each application for a marriage license by the authority conveyed by A.C.A. § 14-20-111. Such fee shall be collected by the county clerk at the time application is made for a marriage license and all such fees shall be collected by the county clerk at the time application is made for a marriage license and all such fees shall be settled on by the County Clerk to the County Treasurer each month as required by state law.
- 3) **LEGISLATIVE INTENT.** It is the intent of this Court that the \$5.00 local fee levied by this Ordinance is to be considered general revenues of the County as set forth in A.C.A. §§ 14-20-111(b), 9-30-109 and 20-7-123 or as may hereafter be amended or enacted by state law.

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- 4) REPEALER. This Ordinance hereby amends and supersedes any and all ordinances in conflict herewith, and specifically repeals Randolph County Ordinance No. 258.
- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect immediately upon its passage and approval. ([Ord. 1996-258](#), passed 10-3-96; Am. [Ord. 2010-488](#), passed 4-8-10)

**§ 280.01 SHERIFF’S DRUG FUND.**

- 1) AFFIRMATION. It comes before this Court that in September 1987 the Randolph County Quorum Court enacted Ordinance No. 156 establishing the Drug Enforcement Fund for use by the Randolph County Sheriff for drug enforcement activities. Ten years later the Arkansas General Assembly passed Act 362 of 1997 setting forth a process for establishing a drug enforcement fund as well as restricting use of such funds. Act 362 of 1997 was codified as A.C.A. §§14-21-201, et seq., since said code did not exist at the time, there is a perceived conflict since both the 1987 ordinance and the 1997 code use the exact fund name terminology. This Court therefore recognizes and affirms the need to change the name of the County established fund and re-establish the sources of funding and use of said funds.
- 2) ESTABLISHMENT OF FUND. That there is hereby established on the books of the Randolph County Treasurer the Sheriff’s Drug Fund. The County Treasurer shall accomplish the establishment of said fund by simply changing the ledger name of the Drug Enforcement Fund to the Sheriff’s Drug Fund and retaining the cash balance of the Drug Enforcement in the newly named Sheriff’s Drug Fund. The Sheriff’s Drug Fund is a “special revenue account”. At the discretion of the Sheriff any funds not needed by the Sheriff for any of the purposes set forth in Article 4 of this Ordinance may be transferred to the county general fund by an appropriated transfer.
- 3) SOURCE OF FUNDS. The Sheriff’s Drug Fund shall consist of any monies obtained from fines of drug cases by direct order of the district and circuit courts, donations, direct grants, interest earnings and any of the revenues as may be provided by ordinance of this Court. The Sheriff’s Drug Fund is subject to appropriation by the Quorum Court and is subject to the normal disbursement procedures required by state law for county government.
- 4) USE OF FUNDS. Monies in the Sheriff’s Drug Fund may be used for expenses associated with the investigation of the criminal drug laws of this state, for law enforcement and for prosecutorial purposes.

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- 5) **LEGISLATIVE INTENT.** It is the intent of this Court to exercise the power granted by Arkansas Constitution, Amendment 55 and A.C.A. §14-14-801 to exercise legislative authority not expressly prohibited by law for the affairs of the county to differentiate between the Drug Enforcement Fund established by Randolph County Ordinance No. 156 of 1987 and the Drug Enforcement Fund that a 1997 state law allows to be established and establish a special revenue fund by renaming the Drug Enforcement Fund the Sheriff's Drug Fund.
- 6) **REPEALER.** This Ordinance hereby amends and supersedes any and all ordinances in conflict herewith, and specifically repeals Randolph County Ordinance No. 156.
- 7) **EMERGENCY CLAUSE.** An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect immediately upon and after its passage and approval.  
([Ord. 2010-491](#), passed 4-8-10)

**§ 280.02 DRUG COURT PROGRAM FUND.**

- 1) **AFFIRMATION.** This Court recognizes the need for the County Treasurer to create the Drug Court Program Fund on the books of Randolph County in accordance with A.C.A. § 16-98-304(7)(C) as amended by Act 490 of 2009. A.C.A. §16-98-304 determines that the Drug Court Judge of the Circuit Court may order the offender to pay court costs; treatment costs; drugs testing costs; necessary supervision fees, including any applicable residential treatment fees; any fees determined to be paid to the Department of Community Correction; and a program user fee to be used locally to support the local circuit drug court program. The “program user fees” shall be set by the drug court judge and shall be credited to a fund known as the Drug Court Program Fund. The Court understand and affirms that said “program user fees” shall be appropriated, within the limitations set forth in A.C.A §14-20-103, by the quorum court for the benefit and administration of the drug court program. Other aforementioned fees and costs shall be collected and disbursed by the appropriate officials in accordance with current state law or as set forth by order of the Drug Court Judge.
- 2) **DISPOSITION OF USER FEES.** Program user fees assessed by the Drug Court Judge shall be collected by the circuit court clerk and maintained in accordance with County Accounting Law – specifically A.C.A. §§14-25-103 and 14-25-116. Said fees shall be remitted monthly to the Randolph County Treasurer as required by A.C.A. §§ 14-14-1313 and 21-6-310. The County Treasurer shall credit said funds to the Drug Court Program Fund for the benefit of the Drug Court Program. Disbursements from this fund by the County

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Treasurer shall only be made when a proper appropriation has been made by the Quorum Court.

- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and take effect immediately upon its passage and approval. ([Ord. 2010-500](#), passed 10-14-10)

**§ 280.03            DRUG CONTROL FUND.**

- 1) AFFIRMATION. It comes before this Court that there is a need to establish “cash use” standards and limits for the Drug Control Fund in order to comply with standard accounting practices. This Court recognizes and affirms the need for all county offices to operate with optimal accounting standards in place to provide for safety of tax payer funds and to protect against fraud. This is extremely important when cash funds are being used. Therefore this Court shall establish such standards for the Drug Control Fund and in the process will properly establish the Drug Control Fund so that all matters concerning said fund will be streamlined and come under the auspices of one county ordinance.
- 2) ESTABLISHMENT OF FUND. There is hereby created on the books of the Randolph County Treasurer, the Drug Control Fund as defined in Arkansas Code § 5-64-505. The Drug Control Fund shall consist of moneys obtained from the Prosecutor’s Asset Forfeiture Fund and other revenues as may be provided by law or ordinance. Moneys from the fund may not supplant other local, state or federal funds. Moneys in this fund are to be appropriated by the quorum court for the Randolph County Sheriff and must only be used for the investigation of the criminal drug laws of this state, law enforcement in general, and prosecutorial purposes. The fund is subject to audit by the Division of Legislative Audit. The County Treasurer is charged with keeping an accurate account of revenues received to the account and an accounting of the funds paid out through the regular claims process.
- 3) ESTABLISHED NEED FOR CASH FUNDS. Article 2 of this ordinance, properly establishing the Drug Control Fund, provides that the funds may be used for: (1) Expenses associated with the investigation of the criminal drug laws of this state; (2) For law enforcement; and (3) For prosecutorial purposes. Since much of the investigation of drug crimes is undercover and clandestine in nature this Court finds that there is a need for the Randolph County Sheriff to have cash availability for this purpose.
- 4) PROCEDURE AND STANDARDS FOR CASH USE. In establishing a cash account for the Drug Control Fund a check is to be drawn payable to “Cash/Randolph County Sheriff”. This

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procedure should go through the normal county claims process and the cash withdrawal will be docketed as an expense of the Drug Control Fund both on the County Treasurer's books and the County Appropriation Analysis. Once the check is converted to cash the Sheriff, or his designee, shall establish a bookkeeping system within the Sheriff's office for the proper accounting and documentation of the use of the cash in compliance with standards of the Legislative Audit Division. These cash funds may be used for controlled drug buys, informant expenditures or other needed expenditures directly associated with the investigation of drug crimes. The maximum cash amount available at any one time shall be \$500 except that in an emergency situation an amount in excess of \$500 may be made available with the approval of the County Judge. The approval of the Judge shall be deemed made by his signature on the county claim for payment.

- 5) LEGISLATIVE INTENT. It is the intent of this Court, through this ordinance, to allow proper and regulated use of cash funds in the investigation and solving of drug crimes in Randolph County.
- 6) REPEALER. This ordinance hereby amends and supersedes any and all ordinances in conflict herewith, and specifically repeals Ordinance #337 and Ordinance #385 of the Quorum Court of Randolph County, Arkansas.
- 7) EMERGENCY CLAUSE. Therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from and after its date of passage and approval.  
([Ord. 2013-012](#), passed 6-13-13)

**§ 280.04            HOSPITAL SALE PROCEEDS FUND.**

- 1) AFFIRMATION. This Court fully realizes that the Hospital Sale Proceeds Fund, commonly referred to as the Perpetual Investment Fund, was established on the books of the Randolph County Treasurer in 1982 with the proceeds from the sale of a county asset—the Randolph County Hospital and is therefore one-time money which has been used primarily to provide a perpetual source of operation revenue for the county through investment earnings and as a general rule should not be used for ongoing expenses of the county since it is a non-renewing source of revenue. This Court confirms this primary purpose of the fund – but shall further delineate the uses and function of the Hospital Sale Proceeds Fund through this ordinance. The uses and function will be in accordance with designations provided in the current County Financial Management Manual which is required to be used by the Division of Legislative Audit and state law.
- 2) CLASSIFICATION OF FUND. Inasmuch as the principal of the Hospital Sale Proceeds Fund was from the sale of a general asset of the county the fund is declared to be general funds of the county, although maintained in a separate fund with the principal sum being

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surplus funds in accordance with A.C.A. 14-21-106 and with a committed fund balance designation.

- 3) **USE AND FUNCTION OF FUND.** The primary purpose of the fund is to provide a perpetual source of operating revenue for the county through investments as outlined in the Randolph County Investment Policy and related resolutions of this Court and the County Depository Board. Secondly the fund balance may be used as the 10% reserve of projected revenue for the county general budget as required by A.C.A. 14-20-103; emergency one-time capital or infrastructure needs; for the creation of jobs outside the county government entity such as helping secure industry; or for other emergencies as deemed necessary.
- 4) **LEGISLATIVE INTENT.** It is the intent of this Court that the Hospital Sale Proceeds Fund, a.k.a. Perpetual Investment Fund, shall be maintained separately from the general fund but should be construed to be accruable to county general in the manner referenced in Arkansas Code Annotated 14-15-805 as part of the general fund in aggregate.
- 5) **EMERGENCY CLAUSE.** Inasmuch as this ordinance is not an appropriation ordinance such as the budget ordinance which is effective immediately upon passage and approval or date specific but is needful for the effectuation of the 2014 Randolph County budget an emergency is hereby declared and this ordinance shall be effective from and after its date of passage and approval.  
([Ord. 2013-023](#), passed 12-12-13)

**§ 280.05            DISTRICT COURT PROBATION FEE FUND.**

- 1) **AFFIRMATION.** It comes before this Court that there is a need to establish a District Court Probation Fee Fund on the books of the Randolph County Treasurer for the deposit of and proper expending of district court probation fees and/or district court public service work supervisory fees as may be ordered by the Randolph County District Court under the authority of Arkansas Code Annotated § 5-4-322. Being aware that the broad objective of probation is to educate and rehabilitate a person this Court deems the district court probation system as a proper tool in the judicial system and shall properly establish the District Court Probation Fee Fund.
- 2) **ESTABLISHMENT OF FUND.** There is hereby created on the books of the Randolph County Treasurer, a “special revenue fund” to be called the District Court Probation Fee Fund to be used for the district court probation program. The District Court Probation Fee Fund shall consist of moneys obtained as probation fees or public service work supervisory fees as ordered by and collected by the Randolph County District Court through the powers granted to the district court for this cause by Title 5, Chapter 4, Subchapter 3 of the Arkansas Code; any interest earned on the fund balance; and any other funds that may

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hereafter be available to this fund through the auspices of law enacted by state or local governing bodies. The County Treasurer is charged with keeping an accurate account of revenues received to the fund and an accounting of funds paid out through the regular claims process.

- 3) PROCEDURE FOR THE COLLECTION AND DISPOSITION OF FEES AND USE OF THE FUND. The probation fees shall be collected, receipted and deposited to a district court bank account established specifically for the fees collected pursuant to A.C.A. 5-4-322 by the Randolph County District Court Clerk's office. The District Court Clerk shall make a direct monetary settlement of these fees with the county treasurer at the same time that the regular monthly settlement of collections is required to be made which is by the tenth day of the month following the collection month in accordance with Arkansas Code § 16-10-209

The Randolph County Treasurer shall receipt said fees to the District Court Probation Fee Fund – assigning an entity code to the fund and assigning a revenue code to each type of revenue that is receipted to the fund pursuant to the requirements of the County Financial Management System required by state law and regulations of the Arkansas Division of Legislative Audit. The funds may be banked in aggregate fashion with other county funds and kept separated by fund accounting that is used by Arkansas county government.

Revenues of the District Court Probation Fee Fund are to be used for the personnel costs of a probation officer and any other costs associated with the monitoring and supervision of defendants on probation and ordered to pay a monthly probation fee or a public service supervisory fee.

The District Court Probation Officer shall work a maximum of 20 hours per week in the year 2014 at a wage as established by agreement between the District Court Judge, Randolph County and the City of Pocahontas and substantiated by a corresponding appropriation in the personal services section of the District Court Probation Fee Fund budget. Future year maximum hours and compensation for the position of district court probation officer shall be established by agreement between the before stated parties and confirmed by an applicable appropriation for personal services in the District Court Probation Fee Fund budget.

A budget shall be developed for use of the District Court Probation Fee Fund and monies of the fund are subject to appropriation by the quorum court prefacing expenditure of the funds in accordance with Arkansas Constitution, Article 16, § 12 [Disbursement of funds – Appropriation required.].

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The Randolph County Clerk and the Randolph County Judge shall follow the proper procedures outlined in Arkansas Code Title 14, Chapter 23, Subchapters 1 and 2 and A.C.A. 14-14-1102 in processing claims against the District Court Probation Fee Fund. The County Clerk shall also keep current the Appropriation Analysis for the fund in compliance with the County Financial Management System. The County Treasurer shall follow the applicable procedures for payment by check in Subchapter 2 of Title 14, Chapter 24 of the Arkansas Code and shall maintain the required complete financial reporting of all fund activity in the Summary of Account Balances Report; the Recap of Revenues by Classification Report and any other applicable financial reports required by the County Financial Management System.

- 4) LEGISLATIVE INTENT. It is the intent of this Court, through this ordinance, that the District Court Probation system be properly implemented strictly in accordance with the provisions of Arkansas Code Title 5, Chapter 4, Subchapter 3 and that any fees assessed by the district court be collected in full for each month in which a defendant is on probation and that the probation fee shall accrue for each month that a defendant does not make a payment and the defendant remains on probation. It is also the intent of this Court that the district court probation program be self-sustaining through the fees ordered and collected by the district court and that all officers charged with specific duties in this ordinance fulfill their duties with efficiency and effectiveness in order for the program to succeed.
  
- 5) EMERGENCY CLAUSE. Therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from and after its date of passage and approval.  
([Ord. 2014-006](#), passed 4-10-14)

**§ 280.06            SOLID WASTE MANAGEMENT FUND.**

- 1) AFFIRMATION. This Court has been apprised that the Division of Legislative Audit had made a recommendation that the solid waste operation of Randolph County should properly be established as a “special revenue fund” on the books of the county by ordinance. It is found that the Solid Waste Management Fund was established as a separate fund on the books of the county in 1985 by County Court Order and has operated under that authority since. In view of the recommendation of the Division of Legislative Audit this court affirms their finding and henceforward the Solid Waste Management Fund in Randolph County will operate as a “special revenue fund” through the auspices of ordinance authority.
  
- 2) PROPER ESTABLISHMENT OF THE FUND. The Randolph County Quorum Court hereby establishes the Randolph County Solid Waste Management Fund as a “special revenue fund” on the books of the County Treasurer for operation of the Randolph County

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Transfer Station and any other costs associated with the disposal of solid waste and other refuse as allowed under Arkansas Code § 8-6-212. Since this fund already exists on the books of the County Treasurer, the current assets and liabilities of the fund shall remain intact and the only significant change to the fund is the authority by which it exists.

- 3) OPERATION OF THE FUND. Restricted use funds of the Solid Waste Management Fund will be received, classified and posted to the fund by the office of county treasurer. Said revenues shall include, but not be limited to, tipping and hauling fees, recycling fees, budget support payments by a municipality, interest earnings on assets of the fund, funds derived from federal or state grants, funds from private sources, and appropriated transfers of general funds of the county. The Solid Waste Management Fund shall have a separate line item budget, as required of all “special revenue funds” with funds appropriated by the quorum court and administered by the county judge per state law. The Solid Waste Management Fund budget shall include all costs of the operation, maintenance, and capital expense of the Randolph County Transfer Station and any additional costs associated with the disposal of solid waste and other refuse as defined in Arkansas Environmental Law, Title 8, and Chapter 6.
- 4) LEGISLATIVE INTENT. It is the intent of the Randolph County Quorum Court that this ordinance, properly effectuated by the executive branch of Randolph County government, shall make the Randolph County Solid Waste Management Fund a special revenue fund to comply with law and recommendation of the Division of Legislative Audit.
- 5) EMERGENCY CLAUSE. Due to the need to fully comply with law, as it relates to the establishment and operation of the Solid Waste Management Fund, an emergency is hereby declared and this ordinance shall be in full force and effect upon its passage and approval.  
([Ord. 2014-022](#), passed 11-13-14)