

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Chapter 2: ADMINISTRATION

Article

- I. QUORUM COURT**

- II. COUNTY OFFICERS AND PERSONNEL**

- III. COUNTY ORGANIZATIONS**

- IV. COUNTY POLICIES**

- V. EMERGENCIES: PLAN, SYSTEMS, FEES**

- VI. COUNTY FUNDS AND FEES**

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

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(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, or 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.
 - (ii) At the first regular meeting, the quorum court shall establish the date, time, and location of meetings of the quorum court.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- (iii) The organizational ordinance adopted at the first regular meeting of the quorum court shall be effective upon adoption.
- (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.

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(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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CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Section

- | | |
|--------|--|
| 200.00 | Time and Place of the Regular Monthly Meeting. |
| 200.01 | Juror Pay. |
| 200.02 | Daily Hours at the County Courthouse. |

§ 200.00 TIME AND PLACE OF THE REGULAR MONTHLY MEETING.

- 1) **RULES OF PROCEDURE.** The temporary rules of procedure for transacting business at all regular or special sessions of the Quorum Court shall be Robert's Rules of Order, newly revised, except where they are in conflict with the general laws of the State of Arkansas. The Quorum Court may, at any regular meeting, revise or modify these rules or adopt new rules by a majority vote of the full membership. (A.C.A. §14-14-904(e)).
- 2) **AGENDA.** It shall be the responsibility of the County Judge to prepare the Agenda and the County Clerk to distribute the Agenda of the Quorum Court to the Quorum Court members and other interested citizens.
- 3) **ITEMS PRESENTED IN FORM OF WRITTEN SUMMARY.** All interested citizens shall be required to submit a written summary of an item he or she wishes to be presented to the Quorum Court and/or to the County Judge.
- 4) **DEADLINE FOR WRITTEN SUMMARY.** Agenda items received in the form set forth in Article 3 of this Ordinance will be placed on the next regularly scheduled Quorum Court meeting if received by 3:00 p.m. on or before the 15th business day preceding the next regular meeting, unless otherwise specified by the County Judge.
- 5) **REGULAR MONTHLY MEETING DATE, TIME, AND PLACE.** The regular monthly meeting of the Quorum Court shall be held at 9:00 a.m. on the 3rd Tuesday of each month at the Chicot County Courthouse in Lake Village, Arkansas. When the regular meeting date is declared a legal holiday, the County Judge shall provide written notice, via United States mail, postage prepaid, setting forth an alternative date for such regular meeting unless such alternative date is decided and established at the regularly scheduled Quorum Court meeting which preceded the legal holiday.
- 6) **TWO DAY WRITTEN NOTICE FOR SPECIAL MEETINGS.** The County Judge or a majority of the elected Justices of the Peace may call a special meeting 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 meetings shall specify the subjects, date, time and designated location of the special meeting. (A.C.A. §14-14-904(c)).

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

- 7) **TWENTY-FOUR HOUR NOTICE FOR SPECIAL MEETINGS UNDER EXTREME CIRCUMSTANCES ONLY.** In order to protect the rights and interests of county officials and citizens of Chicot County, notice of a call for a special meeting shall be given as far in advance as possible considering the nature and immediacy of the purpose for which the special meeting is called. Upon showing that an extreme and unusual circumstance exists, the normal two (2) day written notice set forth in Article 6 of the Ordinance for special meetings shall be replaced by notice which is not less than twenty-four (24) hours from the special meeting. Said notice shall be given by telephone, facsimile, hand-delivery, online notification, or other form of notice deemed to be effective. Such notice shall specify the subjects, date, time, and designated location of the special meeting. (A.C.A. § 14-14-904(c)).
- 8) **NOTICE OF MEETING GIVEN AT MEETING.** Notice of a meeting given at any regular or special meeting of the Quorum Court shall constitute effective notice to the members present. The County Clerk or the County Judge shall be responsible for giving timely notice to absent members as well as giving sufficient public notice.
- 9) **SPECIAL MEETINGS CALLED BY THE COUNTY JUDGE.** When calling a special meeting pursuant to A.C.A § 14-14-904(c), the County Judge shall notify the County Clerk, in writing, if possible, of said special meeting and the County Clerk shall in turn notify all Quorum Court members and give due public notice including the required information as set forth in Articles 6 and 7 of notice of special meetings.
- 10) **SPECIAL MEETINGS CALLED BY A MAJORITY OF THE JUSTICES OF THE PEACE.** When calling a special meeting pursuant to A.C.A. § 14-14-904(c), a majority of the Justices of the Peace shall designate a Justice to notify the County Clerk, in writing if possible, of said special meeting and the County Clerk in turn notify all other Quorum Court members who are not a part of the majority of Justices calling the meeting and shall give due public notice including the required information as set forth in Articles 6 and 7 for notice of special meetings, supra. (That is, the County Clerk shall provide appropriate notice to the remaining Quorum Court members who have not called the meeting and public notice as set forth in A.C.A. § 14-14-901).
- 11) **ATTENDANCE OF COUNTY TREASURER AT REGULAR MEETINGS.** In addition to all other duties required by law, the County Treasurer shall attend, as requested, regular meetings of the Quorum Court for the purpose of responding to any questions concerning the monthly financial statement that the County Treasurer is required to present to the Quorum Court.
- 12) **ATTENDANCE OF COUNTY TREASURER AT SPECIAL MEETINGS.** In addition to all other duties required by law, the County Treasurer shall attend any special meeting of the Quorum Court where such attendance is deemed necessary for a majority of members of

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

the Quorum Court or the County Judge. Timely notice of such need for attendance shall be furnished to the County Treasurer. Said notice shall include the purpose for which the Treasurer's attendance is required.

- 13) SEVERABILITY CLAUSE. If any provision of this Ordinance is declared to be invalid, such invalidity shall not affect other provisions of the Ordinance, which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.
- 14) CONSISTENCY REQUIRED. All state laws and parts of state laws in conflict herein are hereby declared not applicable where provisions of this Ordinance are consistent with such state laws or parts of state law. This Ordinance shall be deemed consistent if it establishes a standard, which is the same as, or higher than, or more stringent than imposed by state law. (A.C.A. § 14-14-901)
- 15) REPEALER. All ordinances, parts of ordinances, and County Court Orders in conflict herewith are hereby repealed.
- 16) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and it is that this Ordinance is necessary for the immediate preservation of the public property, safety, and welfare of the citizens of Chicot County. Certain basic procedures of the Quorum Court meetings are necessary for conducting the legislative affairs of the County. A.C.A. § 14-14-904(a) established the requirements of regular monthly meetings and the manner in which special meeting of the Quorum Court are to be called. This Ordinance shall be in full force and effect from and after its date of passage by two-thirds (2/3) vote of the whole number of Justices comprising the Quorum Court and upon approval by the County Judge. (A.C.A. § 14-14-908)
- ([Ord. 1977-001](#), passed 01-03-1977; Am. [Ord. 1977-002](#), passed 01-03-1977; Am. [Ord. 1999-001](#), passed 01-04-1999; Am. [Ord. 2001-001](#), passed 01-08-2001; Am. [Ord. 2001-005](#), passed 04-26-2001; Am. [Ord. 2003-001](#), passed 01-06-2003; Am. [Ord. 2004-001](#), passed 02-26-2004; Am. [Ord. 2005-001](#), passed 01-03-2005; Am. [Ord. 2007-001](#), passed 01-01-2007; Am. [Ord. 2009-001](#), passed 01-06-2009; Am. [Ord. 2011-001](#), passed 01-06-2011; Am. [Ord. 2013-001](#), passed 01-04-2013; Am. Ord 2015-001, passed 01-20-2015; Am. [Ord. 2017-001](#), passed 01-03-2017; Am. [Ord. 2019-001](#), passed 01-15-2019; Am. [Ord. 2021-001](#), passed 01-19-2021)

§ 200.01 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 Chicot County Quorum Court hereby establishes the following minimum requirements necessary for compensation as jurors

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

and corresponding rates of compensation for service as jurors or prospective jurors in Chicot 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 Chicot 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 but who are not selected and seated as a member of the jury shall be compensated at the rate of \$20.00 per day; and
 - c) Persons summoned for jury service but who fail, for any reason, to attend court shall not be entitled to receive compensation.
- 3) **STATE REIMBURSEMENT PROCEDURES AND RESPONSIBILITY ASSIGNMENT.** Pursuant to A.C.A. § 16-34-106 the Circuit Clerk of Chicot 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 applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.
- 6) **EFFECTIVE DATE.** This Ordinance is adopted to comply with the provisions of A.C.A. §§ 16-34-101, et seq., and shall be effective as of January 1, 2008.
([Ord. 1977-009](#), passed 06-23-1977; Am. [Ord. 1977-015](#), passed 08-25-1977; Am. [Ord. 2007-015](#), passed 12-18-2007)

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

§ 200.02 DAILY HOURS AT THE COUNTY COURTHOUSE.

- 1) Hours at the Chicot County Courthouse will be open from 8:00 a.m. to 4:30 p.m. at all times. It will be open from 12:00 p.m. to 1:00 p.m. with personnel alternation for lunch break.

- 2) But in the event there comes a time when any office must be manned by one person because of illness, vacation or any other reasons, that person shall work no more than 8 hours, and office hours will have to be adjusted accordingly. Chicot County will pay no overtime in order to accomplish these daily hours.

- 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 effect from and after its date of passage and approval. ([Ord. 1988-007](#), passed 10-27-1988; Am. [Ord. 1989-002](#), passed 02-23-1989; Am. [Ord. 1994-006](#), passed 10-27-1994)

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

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, as amended by Arkansas Constitution, Amendment 24, § 3 and Arkansas Constitution, Article 7 § 46.

- (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 clerk of the probate division and ex officio clerk of the county 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
- (3) Constables who are deemed township offices and who are not within the provisions of Arkansas Constitution, Amendment 55, § 2(b).

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

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
 - (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.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

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.

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(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.

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A.C.A. §§ 25-19-101-111. Freedom of Information Act.

Section

- | | |
|--------|--|
| 210.00 | Collector of Fines. |
| 210.01 | Additional duties of County Clerk. |
| 210.02 | Additional duties of County Treasurer. |

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

§ 210.00 COLLECTOR OF FINES.

- 1) Pursuant to Arkansas Code Ann. § 16-13-709, the Chicot County Sheriff is hereby designated as the “Collector of fines assessed in the Circuit and Chancery Courts of Chicot County.
- 2) REPEALER. All Ordinances or parts thereof in conflict herewith are hereby repealed.
- 3) This Ordinance shall be in full force and effect from and after its passage, approval, and publication.
- 4) EMERGENCY CLAUSE. That is any provisions of this Ordinance is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without invalid provisions, and to this end the provision of this Ordinance are declared to be severable.
([Ord. 1996-006](#), passed 10-24-1996; Am. [Ord. 1997-006](#), passed 04-24-1997; Am. [Ord. 1997-014](#), passed 12-18-1997)

§ 210.01 ADDITIONAL DUTIES OF COUNTY CLERK.

- 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 of 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.
- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.
([Ord. 1977-004](#), passed 01-03-1977)

§ 210.02 ADDITIONAL DUTIES OF COUNTY TREASURER.

- 1) In addition to all other duties presently required by law, the County Treasurer shall attend all regular meetings of the Quorum Court for the purpose of responding to any questions which may arise concerning the financial statement required to be submitted monthly to the Quorum Court by the County Treasurer.
- 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

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

attendance shall be furnished by the County Treasurer giving the purpose for which attendance is required.

- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.
([Ord. 1977-003](#), passed 01-03-1977)

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Article III. COUNTY ORGANIZATIONS

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

- (a) 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 county officer:

- (b)
 - (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.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

A.C.A. § 14-14-705. County advisory or administrative boards.

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

(b) (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.

(B) All advisory board members shall be appointed by the county judge.
Confirmation of advisory board members by a quorum court shall not be required.

(C) An advisory board may contain any number of members as may be provided by the ordinance creating the advisory board.

(D) The term of all advisory board members shall not exceed three (3) years.

(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.

(B) No member of any administrative board shall be interested, either directly or indirectly, in any contract made with the administrative board. A violation of subsection (2)(B) of this section shall be deemed a felony.

(C) An administrative board may be assigned responsibility for a county department of a subordinate service district.

(D) All administrative board members shall be appointed by the county judge. These appointments shall require confirmation by a quorum court.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

(E) An administrative board shall contain five (5) members. Provided, a county library board created after August 1, 1997, shall consist of not less than five (5) members nor more than seven (7) members and shall serve until their successors are appointed and qualified.

(F) The term of any administrative board member shall be for a period of five (5) years. However, the initial appointment of any administrative board shall provide for the appointment of one (1) member for a one-year term, one (1) member for a two-year term, one (1) member for a three-year term, one (1) member for a four-year term, and the remaining member or members for a five-year term, thereby providing, except for county library boards with more than five (5) members, for the appointment of one (1) member annually thereafter.

(3) **BOARDS GENERALLY.**

(A) No board member, either advisory or administrative, shall be appointed for more than two (2) consecutive terms.

(B) All persons appointed to an advisory or administrative board shall be qualified electors of the county. A quorum court may prescribe by Ordinance additional qualifications for appointment to a county administrative board.

(C) All board members appointed to either an advisory or administrative board shall subscribe to the oath of office within ten (10) days from the date of appointment. Evidence of oath of office shall be filed with the county clerk. Failure to do so shall be deemed to constitute rejection of the office, and the county judge shall appoint a board member to fill the vacancy.

(D) No member of a quorum court shall serve as a member of a county advisory or administrative board.

(E) A person may be removed from a county board for cause by the county judge with confirmation by resolution of the quorum court. Written notification stating the causes for removal shall be provided to the board member prior to the date established for quorum court consideration of removal, and the board member shall be afforded the opportunity to meet with the quorum court in their deliberation of removal.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

(F) Appeals from removal of a county board member shall be directed to the circuit court of the respective county within thirty (30) days after the removal is confirmed by the quorum court.

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	Rural development authority.
220.01	Library board.
220.02	Industrial development board.
220.03	Depository board.
220.04	Board of Governors to Chicot Memorial Hospital; abolished.
220.05	County Metropolitan Port Authority; established.
220.06	Parks Advisory Board; created.
220.07	Administrative Board for the County Park.
220.08	Early Childhood Development Program; established.
220.09	Public Facilities Board; established.

§ 220.00 RURAL DEVELOPMENT AUTHORITY.

- 1) A Chicot County Rural Development Authority is hereby established to function as an advisory board and to be appointed by the County Judge. Said Board is to consist of five (5) members with terms not to exceed three (3) years.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- 2) Duties of the Rural Development Authority will be as specified in Act 742, Section 103, of 1977.
- 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 effect from and after its date of passage and approval. ([Ord. 1977-011](#), passed 07-28-1977)

§ 220.01 LIBRARY BOARD.

- 1) A County Library Board is hereby established to function as an administrative board with the responsibility of administering the business affairs, including hiring of employees, at the three (3) County libraries located in the cities of Dermott, Eudora, and Lake Village. Members of the Library Board will be appointed by the County Judge with confirmation by the Quorum Court.
- 2) The term of the board members shall be for a period five years; provided, however, that the initial appointment shall provide for the appointment of one member for a 1-year term; one member for a 2-year term; one member for a 3-year term; one member for a 4-year term; and one member for a 5-year term; thereby providing for the appointment of one member annually thereafter. The Board shall be established, organized and will function as provided in Act 742, Sections 103 and 105, of 1977.
- 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 effect from and after its date of passage and approval. ([Ord. 1978-014](#), passed 06-22-1978)

§ 220.02 INDUSTRIAL DEVELOPMENT BOARD.

- 1) There shall be appointed by the County Judge six members to this board with two from each populated area of the county.
- 2) This Board shall have a chairman and a secretary to be selected at the first meeting in January, each to serve a term of one year, and not more than two consecutive years.
- 3) At the first board meeting all members shall draw lots for length of term from one to six years.
- 4) The County Judge shall be an ex-officio member of this Board. ([Ord. 1987-004](#), passed 06-25-1987)

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

§ 220.03 DEPOSITORY BOARD.

- 1) To comply with provisions of Act 250 of the 1987 regular session of the 76th General Assembly of the State of Arkansas, a County Depository Board is hereby appointed. Members of the Board will be the Chicot County Judge, Chicot County Treasurer and Chicot County Sheriff. This Board shall designate depositories and supervise the depositing of all county funds, and all other funds held by the County Treasurer, except funds of school districts, and shall also designate depositories and supervise depositing of all funds collected and held by the County Collector.
- 2) County officials will abide by all provisions of Act 250 in handling of all county funds.
- 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 effect from and after its date of passage and approval. ([Ord. 1987-007](#), passed 08-27-1987)

§ 220.04 BOARD OF GOVERNORS TO CHICOT MEMORIAL HOSPITAL; ABOLISHED.

- 1) Whereas Chicot County has entered into an assignment and lease agreement in accordance to A.C.A. § 14-263-106, therefore, the Board of Governors of Chicot Memorial Hospital is abolished.
- 2) REPEALER. All Ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
- 3) SEVERABILITY CLAUSE. That is any provision of this Ordinance is held invalid, such invalidity, shall affect other provisions of this Ordinance which can be given effect without the invalid provisions, and to this end, the provisions of this Ordinance are declared to be severable.
- 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 date of passage and approval. ([Ord. 1978-012](#), passed 06-22-1978; Am. [Ord. 2010-002](#), passed 04-21-2010)

§ 220.05 COUNTY METROPOLITAN PORT AUTHORITY; ESTABLISHED.

- 1) The Petition of this County for the establishment of the Chicot Desha County Metropolitan Port Authority, pursuant to the provisions of Act No. 439 of 1961, as

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

amended, is hereby approved and the Order of the County Court authorizing the Petition is hereby approved. The Order and form of Petition have been presented to the Quorum Court at the session at which this Ordinance is adopted, and the Petition shall be in substantially the form of the Petition so presented.

- 2) The County Judge is authorized to proceed with the appropriate proceedings for the establishment of the Authority and to further the purposes approved hereby and to execute such writings and take such action as may be incidental thereto or to evidence the authority conferred hereby.
- 3) The provisions hereof are declared to be severable. The invalidity or inapplicability (to any person or circumstance) of any provision hereof shall not affect the validity or applicability of the remainder of the provisions hereof.
- 4) REPEALER. All Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.
- 5) EMERGENCY CLAUSE. It has been found and it is hereby declared that the establishment of the Chicot-Desha Metropolitan Port Authority is necessary to the economic growth and development of the County and that there is an immediate and urgent need for the Authority and the facilities which it may be authorized to finance and develop. Therefore, this Ordinance, being necessary to meet a public emergency affecting life, health, safety and property of the people, shall be in effect upon its passage and approval.
- 6) The County Clerk shall publish this Ordinance within two days of its adoption and approval.
([Ord. 1979-024](#), passed 11-26-1979)

§ 220.06 PARKS ADVISORY BOARD; CREATED.

- 1) REPEAL ORDINANCE 1999-2. Ordinance 1999-2 is hereby repealed in its entirety.
- 2) ADVISORY BOARD CREATED. An Advisory Board is hereby created known as the Chicot County Parks Advisory Board (hereinafter “Advisory Board”) to assist the County Judge and Quorum Court by furnishing advice, gathering information, making recommendations, and performing other activities is directed by the County Judge and/or Quorum Court. The Advisory Board shall not have the power to administer programs or set policy. (A.C.A. §14-14-705(1)(A)).
- 3) MEMBERS APPOINTED BY COUNTY JUDGE. All Advisory Board Members shall be appointed by the County Judge. Confirmation of Advisory Board Members by a Quorum

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Court shall not be required. (A.C.A. § 14-14-705(1)(B)).

- 4) **NUMBER OF ADVISORY BOARD MEMBERS.** There shall be no less than three (3) Advisory Board Members and no more than three (3) Advisory Board Members. (A.C.A. §14-14-705(1)(C)).
- 5) **TERM OF SERVICE.** The term of all Advisory Board Members shall not exceed three (3) years. (A.C.A. §14-14-705(1)(D)).
- 6) **MORE THAN TWO (2) CONSECUTIVE TERMS PROHIBITED.** No Advisory Board Member shall be appointed for more than two (2) consecutive terms. (A.C.A. §14-14-705(3)(A)).
- 7) **MEMBERS SHALL BE QUALIFIED ELECTORS.** All Advisory Board Members shall be qualified electors of the county. (A.C.A. §14-14-705(3)(B)).
- 8) **OATH OF OFFICE.** All Advisory Board Members shall subscribe to the oath of office within ten (10) days from the date of appointment. Evidence of oath of office shall be filed with the County Clerk. Failure to do so shall be deemed to constitute rejection of the office, and the County Judge shall appoint a Board Member to fill the vacancy. (A.C.A. §14-14-705(3)(C)).
- 9) **QUORUM COURT MEMBERS PROHIBITED TO SERVE ON ADVISORY BOARD.** No member of the Quorum Court shall serve as a member of the Advisory Board. (A.C.A. §14-14-705(3)(D)).
- 10) **REMOVAL.** An Advisory Board Member may be removed for cause by the County Judge with confirmation by resolution of the Quorum Court. Written notification stating the causes for removal shall be provided to the Advisory Board Member prior to the date established for the Quorum Court consideration of removal, and the Advisory Board Member shall be afforded the opportunity to meet with the Quorum Court in their deliberation of removal. (A.C.A. §14-14-705(3)(E)).
- 11) **APPEALS.** Appeals from removal of an Advisory Board Member shall be directed to the Circuit Court of Chicot County within thirty (30) days after the removal is confirmed by the Quorum Court. (A.C.A. §14-14-705(3)(F)).
- 12) **SEVERABILITY.** If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions of the Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

13) **CONSISTENCY REQUIRED.** All state laws and parts of state laws in conflict herein are hereby declared not applicable where provisions of this ordinance are consistent with such state laws or parts of state law. This Ordinance shall be deemed consistent if it establishes a standard which is the same as, or higher than, or more stringent than that imposed by state law. (A.C.A. §14-14-901).

14) **REPEALER.** All Ordinances, parts of Ordinances, and County Court orders in conflict herewith are hereby repealed.

15) **EMERGENCY CLAUSE.** An emergency is hereby declared to exist in that this Ordinance is necessary for the immediate preservation of public property, safety, and health of Chicot County. This Ordinance shall be in full force and effect from and after passage by two-thirds (2/3) vote of the whole number of Justices comprising the Quorum Court and upon approval by the County Judge. (A.C.A. §14-14-908).

([Ord. 1999-002](#), passed 05-27-1999; Am. [Ord. 2003-002](#), passed 01-32-2003)

§ 220.07 ADMINISTRATIVE BOARD FOR THE COUNTY PARK.

- 1) There shall be appointed by the County Judge five (5) members to this board whose term shall be five (5) years.
- 2) This board shall have a chairman and a secretary to be selected at the first board meeting, each to serve a term of one (1) year.
- 3) The following qualified citizens of Chicot County are hereby appointed to this board:

JAMES GRUBBS – ROUTE 1 BOX 452, LAKE VILLAGE – TERM ENDING 8-96.

CAROL JORDAN – P.O. BOX 603, EUDORA – TERM ENDING 8-93.

BUDDY ROBERG – ROUTE 1 BOX 753, LAKE VILLAGE – TERM ENDING 8-95.

MORRIS PARKER – 911 SOUTH TROTTER, DERMOTT – TERM ENDING 8-87.

R.B. LANIER – ROUTE 1 BOX 589, LAKE VILLAGE – TERM ENDING 8-94.

- 4) Appointment of the above named qualified persons to serve on the Chicot County Park Board as shown, is by adoption of this Ordinance, approved. The County Judge shall be an ex-officio member of this board.

([Ord. 1992-006](#), passed 08-27-1992)

§ 220.08 EARLY CHILDHOOD DEVELOPMENT PROGRAM; ESTABLISHED.

- 1) Act 742 of the regular session of the 1977 Arkansas General Assembly provides that Administrative Boards of a county be appointed by the County Judge and confirmed by

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Ordinance of the Quorum Court.

- 2) The County Judge and Quorum Court in setting up this program does recognize the need for childcare at all ages, and does approve the appointment of the following people as Administrative Board members ad for the terms as shown.

Billy Perry – Term to end September 1, 1995.

Robbie Reddish – Term to end September 1, 1996.

Cynthia Charleston – Term to end September 1, 1997.

Delmer Plummer – Term to end September 1, 1998.

Joyce Vaught – Term to end September 1, 1999.

- 3) Appointment of the above named qualified citizens of Chicot County, to serve on the Administrative Board of the Early Childhood Development Program, with terms ending as shown, is hereby approved by the Chicot County Quorum Court.
- 4) EMERGENCY CLAUSE. The Quorum Court is Chicot County, Arkansas, has determined that there is an immediate need for confirmation of appointments to the Administrative Board of the Early Childhood Development Program and this Ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Chicot County, Arkansas shall become law immediately upon its passage and approval.
([Ord. 1994-005](#), passed 08-18-1994)

§ 220.09 PUBLIC FACILITIES BOARD; ESTABLISHED.

- 1) CREATION OF PUBLIC FACILITIES BOARD FOR CHICOT COUNTY, ARKANSAS. There is hereby created a Public Facilities Board pursuant to the provision of Ark. Stats. Ann. Section 20-1701, et seq., that said Board shall be known as the Residential Housing Facilities Board of Chicot County, Arkansas. That said Board shall have the powers provided for by Ark. Stats. Ann. Section 20-1704. The governing body of this county may at its sole discretion, and at any time, alter or change the structure, organization, programs, or activities of the Board; but no such valid action shall be effective to alter or impair contracts enter into by the Board prior to the effective date of such action.
- 2) MEMBERSHIP OF THE BOARD. The Board shall consist of five members who shall be appointed by the Chicot County Judge by order of the County Court.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Successor members shall be appointed by the County Judge and approved by the Quorum Court for terms of five years each. Each member shall qualify by taking and filing with the Clerk of the County, his oath of office in which he shall swear to support the Constitution of the United States and to discharge faithfully his duties in the manner provided by law. Each member shall serve until his successor is appointed and qualified. In the event of a vacancy in membership, however caused, the County Judge shall appoint a successor member, with approval of the Quorum Court, to serve the unexpired term. A member shall be eligible to succeed himself.

- 3) **ORGANIZATION OF THE BOARD.** The members of the Board shall meet and organize by electing one of their members as chairman, and one as vice-chairman, one as secretary and one as treasurer, and such officers shall be elected annually thereafter in a like manner. The duties of the secretary and treasurer may be performed by the same member. The Board may also appoint an Executive Director who shall not be a member of the Board and receive such compensation as shall be fixed by the Board. The members of the Board shall receive no compensation for their services but shall be entitled to reimbursement of expenses incurred in the performance of their duties. Any member of the Board may be removed for misfeasance, malfeasance, or willful neglect of duty by the Chicot County Judge after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal.

- 4) **GENERAL POWERS OF THE BOARD.** The Board is hereby specifically empowered:
 - a. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or dispose of residential housing facilities or any interest in such facilities, including, without limitation, leasehold interests in and loans evidenced by promissory notes and secured by real estate mortgages and/or security interest in personal properties of such facilities from the owners thereof and to make loans to mortgage lenders (as defined in Act 142 of 1975) to provide financing for such facilities;

 - b. To issue bonds to obtain funds and revenues for accomplishment of any of the public facilities projects herein authorized, either alone or together with other available funds and revenues thereof.

- 5) **ADDITIONAL AUTHORITY OF THE BOARD.** The Board is hereby additionally authorized and empowered:
 - a. As a body politic and corporate to adopt bylaws, not in conflict with this Ordinance or the Public Facilities Board Act as it may, from time to time be amended, for the regulations of its affairs and the conduct of its business;

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- b. To maintain an office at such place or places in Chicot County, Arkansas, as the Board may designate, from time to time;
 - c. To sue and be sued in its own name;
 - d. To fix, charge and collect rents, fees, loan repayments, interest and charges for the use of any public facilities project or loan made in connection therewith;
 - e. To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, architects, surveyors, accountants, financial experts, and others as it may in its judgment find necessary for the accomplishment of the purposes and objectives for which it has been created and to fix their compensation;
 - f. To do any and all other acts and things to accomplish the public facilities projects for which it is authorized by this Ordinance and all other acts and things authorized or required by the Public Facilities Board Act as it may, from time to time be amended, except as may be specifically limited herein and any and all other things necessary or convenient to accomplish the purpose for which the Board has been created.
- 6) USE OF THE FUNDS AND REVENUES. This Board is hereby authorized to use any available funds and revenues for the accomplishment of the public facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or to give or take leasehold interests in and to fund loans with respect thereto in exchange for promissory notes secured by real estate mortgages and/or security agreements in personalty from owners, users or others in connection with any such public facilities projects. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the public facilities project involved; the cost of issuing the bonds, the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other cost and expenditures of whatever nature incidental to the accomplishment of the public facilities involved and the placing of it in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness or to implement any public facilities project) shall not inure to the benefit of any person other than Chicot County, Arkansas.
- 7) AUTHORITY WITH RESPECT TO BONDS. This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power with respect thereto set forth and contained in Ark. Stats. Ann. Sub-Sections 20-1709 through 20-1713, inclusive, which terms and provisions are hereby incorporated in this Ordinance as though herein expressly set forth,

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

word for word, except to the extent of changes required for the provisions thereof to be consistent in the context of this Ordinance, and such additional authority as may be granted in similar provision by amendment of the Public Facilities Board Act from time to time hereafter, except within 60 days prior to the date of each issue of obligations of the Bond, the Board shall obtain the approval of the Quorum Court of Chicot County, Arkansas.

- 8) **MEETINGS.** The Board shall meet upon the call of its Chairman, or majority of its members, and at such times as may be specified in the bylaws for regular meetings, and a majority of its members shall constitute a quorum for the transaction of business. The affirmative vote of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

- 9) **RECORDS.** The Secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any, shall be adopted. The secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates.

- 10) **ANNUAL REPORTS.** Within the first 90 days of each calendar year, this Board shall make a written report to the Chicot County Judge and Quorum Court of Chicot County, Arkansas, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year.

- 11) **AUTOMATIC AMENDMENT.** To accomplish the specific public facilities objectives set forth above, the Board shall have such additional authority and power as may, from time to time, hereafter be authorized for Public Facilities Boards by amendments to the Public Facilities Act without additional action by this Quorum Court.

- 12) **SEVERABILITY CLAUSE.** The provisions of this Ordinance are severable. If any provision hereof shall be held to be invalid or inapplicable to any person or circumstances such holding or invalidity shall not affect the validity or applicability or the remainder of the provisions hereof.

- 13) **EMERGENCY CLAUSE.** An emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health and safety, shall be in

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

full force and effect from and after its passage and approval.
([Ord. 1999-005](#), passed 04-13-1979)

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Article IV. COUNTY POLICIES.

Section

General Policies

- 230.00 Freedom of Information Act; defined.
- 230.01 Ban Smoking and Tobacco use in County Owned Facilities.
- 230.02 Grievance Procedures for Handicapped Persons.

Employee / Employment Policies

- 240.00 Employment Policy.
- 240.01 Reimbursement Rate for Personal Auto Use.

Purchasing Policies

Reserved.

General Policies

§ 230.00 FREEDOM OF INFORMATION ACT; DEFINED.

- 1) When any public records have a common place of storage, the County Judge of Chicot County shall be designated the custodian of the records.
- 2) Request shall be in writing and directed to the custodian of records or if the records are not stored in a common area it should be directed to the county official in charge.
- 3) Records must be made available immediately unless in active use or in storage, in which case they must be made available within three working days.
- 4) Chicot County will assess a reasonable charge of 25¢ per page for FOI copies. No one shall be left alone with or allowed to remove any records or other FOI requested material

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

from the Courthouse.

- 5) No records may be inspected except during regular Courthouse hours.
- 6) All parts of this Ordinance pertain only to records that have been requested under the Freedom of Information Act of 1967.
- 7) EMERGENCY CLAUSE. Therefore, an emergency is declared to exist and this Ordinance necessary for the public peace, health, and safety shall be in full force and effect from and after its passage and approval.
([Ord. 1995-001](#), passed 01-26-1995)

§ 230.01 BAN SMOKING AND TOBACCO USE IN COUNTY OWNED FACILITIES.

- 1) That the smoking of any cigarette or cigarettes, cigar or cigars, pipe or pipes, use of any burning or smokeless tobacco products of any kind, in any public place in any building owned by Chicot County, Arkansas, be and it is hereby prohibited.
- 2) That any activity prohibited by Section 1, above, be and it is hereby declared to be a violation of law and punishable as such.
- 3) That any person convicted by a court of competent jurisdiction of a violation of this Ordinance shall be fined in an amount not to exceed \$25.00.
- 4) EMERGENCY CLAUSE. That this Ordinance being necessary for the protection and preservation of the public health, safety and welfare and to implement public policy determination of this court, an emergency is hereby declared and this Ordinance shall take effect and be in force from and upon the date of its adoption.
([Ord. 1996-005](#), passed 09-24-1996)

§ 230.02 GRIEVANCE PROCEDURES FOR HANDICAPPED PERSONS.

- 1) From and after passage and approval of this Ordinance, procedures to be followed by handicapped persons who allege handicapped discrimination against Chicot County, are established.
- 2) DEFINITIONS.
 - a. "HANDICAPPED INDIVIDUAL" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- b. A grievance is defined as a dispute or disagreement about the availability of county services, buildings, or employment to handicapped persons.
- 3) PROCESS. Any grievance which arises during the enforcement of these policies and procedures for handicapped persons to file a grievance, shall be processed through the following steps:
- a. STEP 1. Within two days after the facts giving rise to the grievances occur and are known to the grievant, the matter shall be discussed between the aggrieved handicapped person and Chicot County Judge, designated county employee to hear grievances.
 - b. STEP 2. If the difference is not promptly resolved, the grievance must be reduced to writing, stating briefly the facts which are claimed to give rise to the grievance. The written grievance must be signed by the aggrieved person and filed with Chicot County Judge within five (5) days after the first meeting with the County Judge. Within five (5) days after the written grievance is filed, the County Judge will meet with the aggrieved person to again discuss the grievance. A written answer shall be given by the County Judge to the aggrieved person within five (5) days after this meeting.
 - c. STEP 3. If the grievance has not been disposed of in Step 2, the grievance may be appealed within thirty (30) days to the Chicot County Quorum Court by filing written notice with the Chicot County Clerk. The aggrieved person will be given an opportunity too meet with the Chicot County Quorum Court at its regular meeting to present the grievance to the full court. After hearing the grievance, and discussion, a vote of court members will be taken to resolved the issue. the decision of the Quorum Court shall be final and binding upon the parties involved.
 - d. STEP 4. All time limits provided in this Ordinance may be extended by mutual agreement in writing.
- 4) Records of grievances shall be maintained by the County Clerk of Chicot County.
- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the health, safety and welfare of the public, will be in full force and effect from and after its passage, approval and publication.

Employee / Employment Policies

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

§ 240.00 EMPLOYMENT POLICY.

- 1) The Chicot County Personnel Manual is hereby adopted, by reference, as the guide for procedures to be used in the further conduct of the county's personnel functions.
- 2) Implementation of the personnel manual and subsequent administration thereof shall be a function of the County Judge's Office.
- 3) A "grandfather" clause in reference to the nepotism and vacation policies applies to employees hired prior to January 1, 2011.
- 4) A copy of the personnel manual, and changes made thereto, shall be maintained by the Chicot County Clerk.
- 5) REPEALER. Chicot County Ordinance 2001-006 and all amendments thereto are hereby repealed, as they are in conflict or have been incorporated into this Ordinance.
- 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 effect from and after its date of passage and approval. ([Ord. 1992-003](#), passed 02-27-1992; Am. [Ord. 1995-005](#), passed 07-27-1995; Am. [Ord. 2001-006](#), passed 08-23-2001; Am. [Ord. 2002-002](#), passed 03-28-2002; Am. [Ord. 2007-002](#), passed 01-23-2007; Am. [Ord. 2009-004](#), passed 02-04-2009; Am. [Ord. 2010-006](#), passed 12-20-2010; Am. [Ord. 2011-002](#), passed 01-18-2011; Am. [Ord. 2013-006](#), passed 06-18-2013; Am. [Ord. 2013-009](#), passed 07-16-2013)

§ 240.01 REIMBURSEMENT RATE FOR PERSONAL AUTO USE.

- 1) After the passage of this Ordinance, the rate of reimbursement for a private owned auto is 25¢ per mile or no more than the rate the State of Arkansas uses.
- 2) A list of miles to and from the destination shall be presented along with an odometer reading on each trip.
- 3) There shall be no other reimbursement except by this standard of use.
- 4) There shall also be periodic inspections by an authorized representative of Chicot County appointed by the County Judge.
- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the health, safety, and welfare of the public, will be in full force and

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

effect from and after its passage, approval and publication.
([Ord. 1996-008](#), passed 11-21-1996)

Purchasing Policies

Reserved.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

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, 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; Service charge to finance the system.

Flooding

270.00 Flood Damage Prevention Program.

General

§ 260.00 ELECTION TO FUND THE IMPLEMENTATION OF THE 911 EMERGENCY TELEPHONE SYSTEM; SERVICE CHARGE TO FINANCE THE SYSTEM.

- 1) An election will be held on November 3, 1992 for the purpose of approving or rejecting an Ordinance to implement 911 emergency telephone service within Chicot County.

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

FOR a 9-1-1 emergency telephone system and Public Safety Communications Center within Chicot County to be funded by a charge of up to five percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission.

OR

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

AGAINST a 9-1-1 emergency telephone system and Public Safety Communications Center within Chicot County to be funded by a charge of up to five percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission.

- 3) SEVERABILITY CLAUSE. If any part of this Ordinance is held invalid, such invalidity shall not affect the validity of any other portion of this Ordinance.
- 4) REPEALER. All laws and parts of laws in conflict with this Ordinance are hereby repealed.
- 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 effect from and after its date of passage and approval. ([Ord. 1992-004](#), passed 04-23-1992)

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 minimum flood losses. Therefore the Quorum Court of Chicot County, Arkansas, does hereby ordain as follows:
 - a. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Chicot County, Arkansas (unincorporated areas) in the current scientific and engineering report entitled “The Flood Insurance Study (FIS) for Chicot County,” dated October 2, 2012, with an effective Flood Insurance Rate Map (FIRM) dated October 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 prevention and relief, all 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,
- 2) FINDINGS OF FACT.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

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 floodplain against unwise development;
- c. Eliminate adverse impacts of necessary floodplain development;
- 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 blights 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 Chicot County, Arkansas (unincorporated areas).

5) **METHODS OF REDUCING FLOOD LOSSES.** This Ordinance uses the following methods to accomplish the stated purpose:

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

- 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 or 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 protective barriers which are involved in the accommodation and transport of flood waters;
- d. This Ordinance controls floodplain 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.

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 Chicot County, Arkansas, (unincorporated areas)” dated 09/23/08. 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 Chicot County Clerk 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:

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

- a. Be considered as minimum requirements;
 - b. Be liberally construed in favor of the governing body;
 - 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 of these requirements. On rare occasions, flooding events greater than those considered for this Ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that lands 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.
- 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 for flood hazard reduction.
- a. The Floodplain Administrator must enforce the provisions of this Ordinance and is authorized to:
 - i. Issue cease and desist orders on non-compliant floodplain development projects;
 - ii. Issue citations for non-compliance;
 - iii. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
 - iv. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this Ordinance.

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration

1. It is a misdemeanor to violate or fail to comply with any provision of this Ordinance.
2. 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) 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 date of passage and approval. ([Ord. 1979-017](#), passed 09-27-1979; Am. [Ord. 1979-019](#), passed 10-25-1979; Am. [Ord. 1986-002](#), passed 12-23-1986; Am. [Ord. 1987-002](#), passed 02-27-1987; Am. [Ord. 1987-008](#), passed 08-27-1987; Am. [Ord. 2001-004](#), passed 02-22-2001; Am. Ord.2008-009, passed 09-23-2008; Am. [Ord. 2008-010](#), passed 09-23-2008; Am. [Ord. 2012-005](#), passed 09-18-2012)

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Article VI. COUNTY FUNDS AND FEES

Section

280.00	Marriage License Fee Increase.
280.01	Memorial Hospital Fund.
280.02	Chicot Solar, LLC-PILT Fund; established.
280.03	American Rescue Plan Fund; established.
280.04	Coronavirus Relief Fund; established.
280.05	Motor Fuel Tax Fund; established.
280.06	Sheriff Drug Eradication Fund; established.

§ 280.00 MARRIAGE LICENSE FEE INCREASE.

- 1) A fee of \$5 shall be charged on each application for marriage license, hereby making the total charge \$30. Such fee shall be collected by the County Clerk at the time application is made, and credited by the Treasurer to the County General Fund, as provide by Act 465 of 1989.

- 2) 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 date of passage and approval. ([Ord. 1989-012](#), passed 7-27-89)

§ 280.01 MEMORIAL HOSPITAL FUND.

- 1) Expenditures will be authorized through normal county procedures.

- 2) All state laws and parts of state laws in conflict herewith are hereby declared not applicable where the provision of the Ordinance is consistent with such state laws or parts of state law. This Ordinance shall be deemed consistent if it establishes a standard, which is the same as, or higher, or more stringent, than imposed by state law.

- 3) REPEALER. All Ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

- 4) SEVERABILITY CLAUSE. In the event any subsection, section or part of this Ordinance is later ruled to be invalid, the other provisions of this Ordinance shall remain in full force and effect.

- 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 effect from and after its date of passage and approval. ([Ord. 2009-007](#), passed 03-25-2009)

§ 280.02 CHICOT SOLAR, LLC-PILT FUND; ESTABLISHED.

- 1) AFFIRMATION. It comes before this Court that there is a need to establish a revenue fund on the books of the county to track the revenues, expenditures and/or appropriated transfers of funds through the Chicot Solar, LLC-PILT. This Court recognizes and affirms the need for such a fund to properly account for and control all such revenues received and expenditures made in compliance with all applicable laws and guidance from the State of Arkansas.

- 2) ESTABLISHMENT OF FUND. There is hereby created on the books of Chicot County Treasurer and the books of the Chicot County Clerk or Comptroller a revenue fund to be known as the Chicot Solar, LLC-PILT Fund with a fund number of 6400 as assigned by Arkansas Legislative Audit.

- 3) OPERATION OF FUND. The Chicot Solar, LLC-PILT Fund is subject to all the normal county budgeting, appropriation and expenditure regulations of Arkansas Code Annotated, Title 14 and the County Financial Management System implemented in accordance with § 14-21-101.

- 4) EMERGENCY CLAUSE. It is found by this Court that the deposit of Chicot Solar, LLC-PILT funds are imminent making it necessary to establish this Fund in order to be able to properly track the revenue, appropriated expenditures and/or appropriated transfers. Therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval. ([Ord. 2021-007](#), passed 10-19-2021)

§ 280.03 AMERICAN RESCUE PLAN FUND; ESTABLISHED.

- 1) AFFIRMATION. It comes before this Court that there is a need to establish a special revenue fund on the books of the county to track the revenues, expenditures and/or appropriated transfers of federal assistance through the American Rescue Plan Act. This

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

Court recognizes and affirms the need for such a fund to properly account for and control all such revenues received and expenditures made in compliance with all applicable laws and guidance from the U.S. Treasury.

- 2) ESTABLISHMENT OF FUND. There is hereby created on the books of the Chicot County Treasurer and the books of the Chicot County Clerk or Comptroller a special revenue fund to be known as the American Rescue Plan Fund with a fund number of 3046 as assigned by Arkansas Legislative Audit. The revenue code for the federal assistance through the ARP Act, as assigned by Legislative Audit, is 7112 – Federal Coronavirus Relief.

- 3) OPERATION OF FUND. The American Rescue Plan Fund is subject to all normal county budgeting, appropriation and expenditure regulations of Arkansas Code Annotated, Title 14 and the County Financial Management System implemented in accordance with § 14-21-101. Funds must be used only in accordance with guidelines used by the U.S. Rescue Plan Act of 2021 (P.L. 11-2), which established the Federal Coronavirus State and Local Fiscal Recovery Fund. Proper records and documentation must be maintained for federal audit purposes.

- 4) EMERGENCY CLAUSE. It is found by this Court that the deposit of federal assistance funds from the American Rescue Plan Act are imminent making necessary to establish the American Rescue Plan Fund in order to be able to properly track the revenue, appropriated expenditures and/or appropriated transfers. Therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval.

([Ord. 2021-004](#), passed 05-18-2021)

§ 280.04 CORONAVIRUS RELIEF FUND; ESTABLISHED.

- 1) AFFIRMATION. It comes before this Court that there is a need to establish fund on the books of the County as a sub fund of the County General Fund [#1000] to track the revenues, expenditures and/or appropriated transfers of federal assistance through the CARES Act as received by the county from the State of Arkansas. This Court recognizes and affirms the need for such a fund to properly account for and control all such revenues received and expenditures made in compliance with all applicable laws.

- 2) ESTABLISHMENT OF FUND. There is hereby created on the books of the Chicot County Treasurer and the books of the Chicot County Clerk or Comptroller a fund to be known as Coronavirus Relief Fund with a fund number of 1005 as assigned by Arkansas Legislative Audit. The revenue code for federal assistance through the CARES Act, as

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

assigned by Legislative Audit, is 7112 – Coronavirus Relief.

- 3) OPERATION OF FUND. The Coronavirus Relief Fund is subject to all normal county budgeting, appropriation and expenditure regulations of Arkansas Code Annotated, Title 14 and the County Financial Management System. As a sub fund of the County General Fund any balance in the fund is considered accruable to the County General and is part of the general fund balance in the aggregate as defined in A.C.A. 14-15-805(3). Any revenue received from the CRF for an approved county project shall be used exclusively for said project. Any revenue received from the CRF to compensate the county for eligible and approved expenditures made by the county due to the public health emergency with respect to COVID-19 is unrestricted county revenue and may be expended for any legal county expense.

- 4) EMERGENCY CLAUSE. It is found by this County that the arrival of federal assistance funds from the CARES Act are imminent making it necessary to establish the Coronavirus Relief Fund, a sub fund of County General in order to be able to properly track the revenue, appropriated expenditures and/or appropriated transfers. Therefore, an emergency is declared to exist, and this Ordinance shall be in full force and effect from the date of passage and approval.
([Ord. 2020-006](#), passed 12-15-2020)

§ 280.05 MOTOR FUEL TAX FUND; ESTABLISHED.

- 1) AFFIRMATION. It comes before this Court that there is a need to establish a fund on the books of the County Treasurer as a sub fund of the County Road Fund [#2000] to track the revenues and expenditures of the wholesale tax on gasoline and diesel as levied by Act 416 of 2019. This Court recognizes and affirms the need for such a fund to properly account for, control, and report expenditures of such in compliance with Act 416 of 2019, Section 6 and codified as § 26-64-104.

- 2) ESTABLISHMENT OF FUND. There is hereby created on the books of the Chicot County Treasurer a fund to be known as the Additional Motor Fuel Tax Fund (Act 416 of 2019) with a fund number of 2003 as assigned by Arkansas Legislative Audit. The Revenue Code for the county highway turnback received to this fund is 7002.

- 3) OPERATION OF FUND. The Additional Motor Fuel Tax Fund (Act 416 of 2019) is subject to all normal County budgeting, appropriate and expenditure regulations of Title 14 and Title 27 in Arkansas Code Annotated. The fund is subject to annual reporting and disclosure requirements to be submitted to the Director of the Department of Finance and Administration. The report shall detail the (a) amount of highway revenue turnback revenues received; (b) expenditures made from the highway revenue turnback revenues

CHICOT COUNTY CODE OF ORDINANCES
Chapter 2 - Administration

received; and (c) projects funded using the highway revenue turnback.

- 4) EMERGENCY CLAUSE. It is found by this Court that since revenues from this source will be received in December it is fundamentally necessary to establish the Additional Motor Fuel Tax Fund (Act 416 of 2019) immediately in order to track the revenue and expenditures in accordance with the precepts of Act 416 of 2019. Therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval.

[\(Ord. 2019-007](#), passed 11-19-2019)

§ 280.06 SHERIFF DRUG ERADICATION FUND; ESTABLISHED.

- 1) This fund set forth by the minutes of the June 1986 Quorum Court meeting and passed by motor, thus set forth this proclamation that 50% of all drug related fines in the Circuit Court shall be deposited in a bank account to be used for Drug Eradication Surveillance equipment and purchase money.
- 2) This Account shall have a ceiling of \$10,000 and all checks written for this account shall require two signatures per check. The account shall be maintained in the Sheriff's Office for audit.
- 3) EMERGENCY CLAUSE. It is hereby found that the problems created by drugs are severe in Chicot County and that this legislation is immediately needed. Therefore, an emergency is declared to exist and this Ordinance necessary for the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

[\(Ord. 1991-005](#), passed 08-27-1991)

CHICOT COUNTY **CODE OF ORDINANCES**
Chapter 2 - Administration