

PERRY COUNTY CODE OF ORDINANCES
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Chapter 2: ADMINISTRATION

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Article I. QUORUM COURT

Section

- 200.00 Time and place of the regular Quorum Court meeting.
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§ 200.00 TIME AND PLACE OF THE REGULAR QUORUM COURT MEETING.

- 1) A regular meeting of the justices shall occur on the second Monday of each month for the calendar year of 2023 at 6 p.m. o'clock, until adjournment of each respective meeting. ([Ord. 1977-001](#), passed 1-3-1977; Am. [Ord. 1977-022](#), passed 3-3-1977; Am. [Ord. 1977-024](#), passed 3-18-1977; Am. [Ord. 1977-042](#), passed 9-13-1977; Am. [Ord. 1978-014](#), passed 11-13-1978; Am. [Ord. 2003-002](#), passed 1-6-2003; Am. [Ord. 2011-001](#), passed 1-3-2011; Am. [Ord. 2013-001](#), passed 1-3-2013; Am. [Ord. 2015-001](#), passed 1-12-2015; Am. [Ord. 2017-002](#), passed 1-9-2017; Am. [Ord. 2019-001](#), passed 1-7-2019; Am. [Ord. 2023-001](#), passed 1-9-2023)

§ 200.01 NUMBERING SYSTEM FOR PROPOSED ORDINANCES AND RESOLUTIONS.

- 1) When a proposed Ordinance or resolution is filed with the County Clerk as required by Ordinance, the County Clerk shall assign a chronological reference number. Proposed Ordinances shall be designated "O-[number]" and proposed resolutions shall be designated "R-[number]".
- 2) When a proposed Ordinance or resolution is passed by the Quorum Court and approved by the County Judge, it shall be assigned a chronological reference number with the last two digits of the year it was approved and a hyphen preceding the chronological number. Ordinances and resolutions shall be numbered in the order they are approved. For example, the first Ordinance of 1977 will be numbered "Ordinance No. 77-1" and the first resolution of 1977 will be numbered "Resolution No. 77-1". If the County Judge vetoes an Ordinance or resolution, it shall be numbered by the Clerk after and if it is passed by the Quorum Court over the veto.

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- 3) Any indexing system adopted by the County Clerk shall use this numbering system.
([Ord. 1977-009](#), passed 1-3-1977)

§ 200.02 MANNER OF CALLING SPECIAL MEETINGS.

- 1) The County Judge or a majority of the Justices of the Peace may call special meetings upon at least twenty-four (24) hours' notice.
- 2) Such notice shall include the time, date, and place of the special meeting. The notice shall also include the general purpose of the meeting; however, this does not preclude the Perry County Quorum Court from acting on or considering other matters which may appropriately come before the body at such special meeting, provided that six (6) Justices of the Peace so vote.
- 3) Notice of a special meeting given at any regular or special meeting of the Perry County Quorum Court shall constitute due notice to the members present. The County Clerk shall be responsible for giving timely notice to absent members and public notice containing the information specified in Section 1.
- 4) Notice of a special meeting of the Perry County Quorum Court called by the County Judge at other than a meeting of the Perry County Quorum Court shall be accomplished by the County Judge notifying the County Clerk, in writing if time permits, who shall be responsible for notifying each Justice of the Peace individually, in writing if time permits, and giving due public notice.
- 5) Notice of a special meeting of the Perry County Quorum Court called by a majority of the Justices of the Peace shall be accomplished by one (1) member of the majority notifying the County Clerk, in writing if time permits. In addition to the information specified in Section 1, the notice shall also include the name of each Justice of the Peace constituting the majority of Justices of the Peace calling the meeting. The County Clerk shall be responsible for notifying the County Judge and each Justice of the Peace individually, not including those in the majority calling the special meeting, in writing if time permits, and giving due public notice.
- 6) In order to protect the rights and interests of all County officials concerned and the general public, it is the intent of this body that notice of a call for a special meeting shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the special meeting. The minimum twenty-four hours' notice should therefore be resorted to only under extreme circumstances.
([Ord. 1977-002](#), passed 1-3-1977)

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§ 200.03 ESTABLISH AGENDA MEETINGS FOR REGULAR MEETINGS OF THE QUORUM COURT.

- 1) Agenda meetings of the Perry County Quorum Court shall be held the First and Third Tuesday of each month at 7:30 P.M. in the Perry County Courthouse.
- 2) The agenda for any regular meeting of the Quorum Court shall be established at the preceding agenda meeting. Agenda meetings shall be public meetings.
- 3) Before any Ordinance or resolution may be considered at the regular meeting of the Quorum Court, it must be filed with the County Clerk at least twenty-four hours before the agenda meeting. When it is filed it will be numbered and placed in a public inspection file.
- 4) The agenda may be altered at a regular meeting of the Perry County Quorum Court if five Justices of the Peace so vote.
([Ord. 1977-012](#), passed 1-24-1977)

§ 200.04 PUBLICATION OF ORDINANCES AND RESOLUTIONS OF A GENERAL AND PERMANENT NATURE.

- 1) All Ordinances and resolutions of a general or permanent nature and all those imposing any fine penalty, or forfeiture shall be published within fifteen days of their enactment by the Perry County Quorum Court in a newspaper of general circulation in the County. In the publication of Ordinances or regulations adopting a technical code, regulations, or standards, it shall not be necessary to publish the technical code, regulation, or standard, but reference shall be made thereto which states that a copy of the code, regulation, or standard is available for public inspection in the office of the County Clerk. Three copies of the code, regulation, or standard shall be filed with the County Clerk for use and examination by the public subsequent to the enactment of the Ordinance adopting the code.
- 2) All actions taken at the January 3, 1977, Perry County Quorum Court meeting are hereby ratified and affirmed for the purposes of publication within fifteen days.
- 3) The County Clerk will transmit all resolutions or Ordinances to newspapers for publication under this Ordinance.
- 4) All items to be published shall be divided between all newspapers of general circulation in the County.

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- 5) There is hereby appropriated the sum of \$1,500.00 for publication of Ordinances and resolutions under this Ordinance in 1977.
([Ord. 1977-015](#), passed 1-31-1977)

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Article II. COUNTY OFFICERS AND PERSONNEL

Section

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| 210.00 | Assessor responsible for the maintenance and operation of the computer and preparation of the tax books. |
| 210.01 | Hours of operation for certain county offices. |
| 210.02 | County elected officials responsible for maintaining records. |
| 210.03 | Additional duties of the County Treasurer and Clerk. |
| 210.04 | Additional duties of the County Clerk. |
| 210.05 | Treasurer authorized to invest county funds for the production of interest. |

§ 210.00 ASSESSOR RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF THE COMPUTER AND PREPARATION OF THE TAX BOOKS.

- 1) Pursuant to A. S. A. § 84-801.1, the Perry County Assessor is hereby designated responsible for the maintenance and operation of the computer and the preparation of the tax books.
- 2) The cost for the preparation of the tax books shall be prorated among the taxing units in the same manner as is now provided by law.
([Ord. 1990-001](#), passed 1-8-1990)

§ 210.01 HOURS OF OPERATION FOR CERTAIN COUNTY OFFICES.

- 1) The regular hours in which the governmental offices of Perry County, Arkansas, shall be open for public business are as follows:

Monday through Friday	8:00 a.m. through 4:30 p.m.
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- 2) The governmental offices of Perry County that shall not close between 12:00 p.m. and 1:00 p.m. are Assessor, County/Circuit Clerk, and Collector.
- 3) This Ordinance shall be construed consistent with and, if need be, superseded by any County Ordinance that establishes official holidays in which governmental offices are to be closed.
([Ord. 2003-007](#), passed 2-11-2003)

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§ 210.02 COUNTY ELECTED OFFICIALS RESPONSIBLE FOR MAINTAINING CERTAIN RECORDS.

- 1) All Perry County elected officials shall be responsible for maintaining complete and accurate time records in full compliance with the Federal Fair Labor Standards Act for all employees in their respective departments, including all compensatory or overtime hours worked, and shall so certify on the records submitted to the County Clerk.
- 2) Each elected official shall be required to submit accurate time records for all their employees to the County Clerk, before any payroll checks for that department are processed and prepared.
([Ord. 2003-009](#), passed 4-14-2003)

§ 210.03 ADDITIONAL DUTIES OF THE COUNTY TREASURER AND CLERK.

- 1) In addition to all other duties presently required by law, the County Treasurer shall attend all regular meetings of the Perry County Quorum Court for the purpose of responding to any questions which may arise concerning the financial statement required to be submitted monthly by the County Treasurer to the Perry County Quorum Court.
- 2) In addition to all other duties presently required by law, the County Treasurer will attend any special meeting of the Perry County 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 to the County Treasurer by the County Clerk giving the purpose for which attendance is required.
([Ord. 1977-003](#), passed 1-3-1977)

§ 210.04 ADDITIONAL DUTIES OF THE COUNTY CLERK.

- 1) In addition to all other duties required by law, the County Clerk shall be responsible for giving the public notice required by the Freedom of Information Act; Act 93 of 1967 of Arkansas; Ark. Stat. Ann. § 12-2801 et. seq. (Repl. 1968); of regular and special meetings of the Perry County Quorum Court and committees thereof.
- 2) Committee chair shall give the County Clerk notice of meetings of their respective committees in sufficient time for public notification of such meetings as required by the Freedom of Information Act, supra.
([Ord. 1977-004](#), passed 1-3-1977)

§ 210.05 TREASURER AUTHORIZED TO INVEST COUNTY FUNDS FOR THE PRODUCTION OF INTEREST.

- 1) The Treasurer of Perry County is hereby authorized to invest County funds for the purpose of producing interest which will accrue to the fund invested.
([Ord. 1981-005](#), passed 3-12-1981)

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Article III. COUNTY ORGANIZATIONS

Section

220.00	Reorganization of county boards.
220.01	Toad Suck Public Facilities Board.
220.02	Cherry Hill Public Facilities Board.
220.03	Board of Directors for the EMS Board; Duties and Responsibilities.
220.04	Depository Board; Established.
220.05	Personnel Advisory Board; Established.
220.06	County Jail Board Established; Levy Additional Costs.
220.07	Committees and Procedures for appointing members; Established.
220.08	Wye Mountain Water Facilities Board; Created.
220.09	County Administrative Board Procedures; Adopted.

§ 220.00 REORGANIZATION OF COUNTY BOARDS.

- 1) All County boards are hereby reorganized pursuant to Section 107 of Act 742 of 1977 as County Administrative Boards with any powers granted by state law or Perry County Ordinance.
- 2) This Ordinance shall not apply to the County Depository Board or the County Board of Equalization because those Boards are not subject to reorganization because their function involves taxing entities other than the County.
- 3) This Ordinance shall be effective July 1, 1978. On the opinion of counsel, it may be enacted on one vote by a majority.
([Ord. 1978-004](#), passed 6-13-1978)

§ 220.01 TOAD SUCK PUBLIC FACILITIES BOARD.

- 1) In accordance with and pursuant to the authority conferred by the provision of the Act, there is hereby created and established a public facilities board with authority as

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hereinafter provided to accomplish, finance, contract concerning, and otherwise dispose of and deal with waterworks facilities. The term “waterworks facilities” as used in this Ordinance shall have the meaning set forth in the Act.

- 2) The name of the Board shall be the “Toad Suck Public Facilities Board” (the “Board”).
- 3) The initial members of the Board shall consist of five (5) persons, each of whom shall be a qualified elector residing in the County and shall be appointed by the County Judge by Order of the County Court for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Each member so appointed by the appropriate order of the County Court shall take and file with the County Clerk the Oath of Office prescribed by the Act.
- 4) The Board is authorized, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning, or otherwise dispose of waterworks facilities.
- 5) The Board is authorized to issue revenue bonds from time to time and use the proceeds therefrom as required to provide waterworks facilities including the creation of any desired reserve funds and paying the cost of the issuance of such bonds. Any such revenue bonds shall be obligations only of the Board and shall not constitute any indebtedness for which the faith and credit of the County or any of its revenues are pledged, and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from waterworks facilities financed, in whole or in part, from bond proceeds and any other sources as authorized by, and in accordance with, the provisions of the Act.
- 6) The Board shall have all the powers provided for in the Act, subject to the limitations of this Ordinance, and shall carry out its duties in accordance with the Act, including the filing of the annual report required by Section 18 of the Act. The Board shall take all appropriate action necessary to comply with the Constitution and laws of the United States of America and the State of Arkansas, including matters related to open public meetings as provided by Act 93 of 1967, as amended.

([Ord. 1988-002](#), passed 1-12-1988)

§ 220.02 CHERRY HILL PUBLIC FACILITIES BOARD.

- 1) In accordance with and pursuant to the authority conferred by the provisions of the Act, there is hereby created and established a public facilities board with authority as hereinafter provided to accomplish, finance, contract concerning, and otherwise dispose of and deal with waterworks facilities. The term “waterworks facilities” as used in this Ordinance shall have the meaning set forth in the Act.

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- 2) The name of the Board shall be the “Cherry Hill Public Facilities Board” (the “Board”).
- 3) The initial members of the Board shall consist of five (5) persons, each of whom shall be a qualified elector residing in the County and shall be appointed by the County Judge by Order of the County Court for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Each member so appointed by appropriate order of the County Court shall take and file with the County Clerk the Oath of Office prescribed by the Act.
- 4) The Board is authorized, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning, or otherwise dispose of waterworks facilities.
- 5) The Board is authorized to issue revenue bonds, from time to time, and use the proceeds therefrom as required to provide waterworks facilities including the creation of any desired reserve funds and paying the costs of the issuance of such bonds. Any such revenue bonds shall be obligations only of the Board and shall not constitute any indebtedness for which the faith and credit of the County or any of its revenues are pledged, and the principal of and interest on the Bonds shall be payable from and secured by a pledge of revenues derived from waterworks facilities, financed in whole or in part, from bond proceeds and any other sources as authorized by, and in accordance with, the provisions of the Act.
- 6) The Board shall have all the powers provided for in the Act, subject to the limitations of this Ordinance, and shall carry out its duties in accordance with the Act, including the filing of the annual report required by Section 18 of the Act. The Board shall take all appropriate action necessary to comply with the Constitution and laws of the United States of America and the State of Arkansas, including matters related to open public meetings as provided by Act 93 of 1967, as amended.
([Ord. 1988-015](#), passed 4-11-1988)

§ 220.03 BOARD OF DIRECTORS FOR THE EMS BOARD; DUTIES AND RESPONSIBILITIES.

- 1) There is hereby established a Perry County EMS Board of Directors with all the power and authority afforded under A.C.A. § 14-266-101 *et seq.*, A.C.A. § 14-137-101 *et seq.*, the Constitution of the State of Arkansas and other applicable state law.
- 2) The Perry County EMS Board of Directors shall consist of seven (7) member. Board members shall be appointed every October, according to respective terms, beginning in 2019, by the County Judge and approved by the Quorum Court. Member appointment shall be made by Seat. The initial appointments shall be made as follows: Member Seat 1

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and 2 shall serve a three (3) year term; Member Seats 3, 4, and 5 shall serve a two (2) year term; Member Seats 6 and 7 shall serve a one (1) year term. Thereafter, all Member Seats shall serve two (2) year terms.

- 3) The Perry County EMS Board appointees shall elect from their group a president, secretary, and treasurer. Said Board shall meet quarterly at a place and time to be agreed upon. Minutes of these meetings shall be kept and a copy of the minutes shall be filed with the County Clerk for public inspection. Proper records shall be kept showing receipts and expenditures, and a yearly financial statement shall be given to the County Judge and the Quorum Court.
- 4) In addition to the authority and responsibilities referenced above, it shall be the duty and responsibility of the Perry County EMS Board of Directors to see that:
 - a. All State Statutes and County Ordinances are complied with.
 - b. All State Health Department and EMS rules and regulations are complied with.
 - c. The yearly budget and expenditures shall not exceed 90% of the anticipated yearly revenues.
 - d. The Freedom of Information Act is complied with.
 - e. Any donations, including equipment and supplies, received from any source shall become the property of the Perry County.
 - f. All EMTs shall be certified by the State.
 - g. Proper insurance on personnel, ambulance, and equipment shall be maintained at all times.
 - h. Any agreements such as lease contracts or any other legal instruments entered into shall be approved by the County Judge and Quorum Court.
 - i. Charges that may be covered by insurance, including Medicare and Medicaid, are billed for and collected.
- 5) The powers and authority of the Perry County EMS Board established herein shall cover the entire area of Perry County, Arkansas.
([Ord. 2019-008](#), passed 9-9-2019; Am. [Ord. 2020-001](#), passed 3-9-2020)

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§ 220.04 DEPOSITORY BOARD; ESTABLISHED.

- 1) In accordance with Arkansas Code #19-8-106, each county shall establish a Depository Board.
- 2) As stated in the above code the board shall be composed of the County Judge, County Treasurer, and County Collectors who shall designate depositories and supervise the depositing of all county funds and all other public funds held by the County Treasurer, except funds of a school district. The Board also shall designate depositories and supervise the depositing of all funds collected and held by the County Collector.
- 3) The Board shall follow and abide with all regulations set out in Arkansas Code #19-8-106.
- 4) The Perry County Depository Board is hereby established consisting of the County Judge, County Treasurer, and County Collectors.
([Ord. 2018-005](#), passed 7-9-2018)

§ 220.05 PERSONNEL ADVISORY BOARD; ESTABLISHED.

- 1) Pursuant to Ark. Stat. Ann. § 17-4106, there is hereby enacted an advisory board to be entitled the Perry County Personnel Advisory Board, composed of: five (5) Perry County citizens, three (3) elected Perry County Officials and the Perry County Judge, who shall act as the chairman. The term of all advisory members shall be three (3) years.
- 2) The purpose of the Perry County Personnel Advisory Board is to develop a comprehensive personnel policy for Perry County employees including but not limited to salaries, personnel policies and practices.
- 3) This committee shall meet as often as it deems necessary and should report its recommendations to the Perry County Quorum Court on December 18, 1985, at the regular meeting of the Quorum Court.
([Ord. 1985-022](#), passed 10-14-1985; Am. [Ord. 1989-008](#), passed 2-13-1989)

§ 220.06 COUNTY JAIL BOARD ESTABLISHED; LEVY ADDITIONAL COSTS.

- 1) Pursuant to Ark. Stat. Ann. § 46-429–442, a County Jail Board is hereby established; to be composed of the Perry County Judge, the Perry County Sheriff, and the Perry County Clerk. The Perry County Judge shall serve as the Chairman of said Board.

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- 2) The County Jail Board is authorized and empowered to:
 - a. Expand the existing county jail, and to provide for parking facilities to serve the jail and the public.
 - b. To obtain necessary funds for accomplishing its powers, purposes and authority.
 - c. Purchase, lease, rent or receive requests or donations of or otherwise acquire, sell, trade or barter any property.
 - d. Contract and be contracted and/or apply for, receive, accept and use any monies and property from the government of the United State, any state agency or government body of political subdivision and any public or private corporation or organization.
 - e. Take such action, not inconsistent within the law, as may be necessary and desirable to carry out the power, purpose and authority in this Ordinance and to carry out its intent.
- 3) In addition to the fees and costs, not provided by law, there is hereby levied an additional court costs to be assessed upon conviction or forfeiture of bond in Circuit and Municipal Courts in Perry County, and in Chancery or Probate Court when committed to the County Jail, the sum of \$10.00 in felony cases and Chancery and Probate cases; \$5.00 in all misdemeanor and traffic cases.
- 4) All fees collected shall be remitted to and deposited by the County Treasurer into a special account of the Perry County General Fund to be entitled the "County Jail Revenue Bond Fund," to be used solely for the purposes specified in this Ordinance.
- 5) Until such time as Revenue Bonds are issued, the revenue derived from this additional court cost shall be used for the furnishings, repairs, maintenance, and operation of the County Jail.
([Ord. 1987-016](#), passed 5-11-1987)

**§ 220.07 COMMITTEES AND PROCEDURES FOR APPOINTING MEMBERS;
ESTABLISHED.**

- 1) There are hereby established the following standing committees of the Quorum Court of Perry County:

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Committee on Committees
Appropriation and Revenue Committee
Road and Transportation Committee
Public Health, Welfare and Social Services Committee
Governmental Operations Committee
Public Safety Committee
Agenda Committee

- 2) Each standing committee shall consist of not less than three members appointed by majority vote of the full membership and each member of the Quorum Court shall have at least one committee assignment. Committee assignments shall be by resolution.
- 3) At the first meeting of the Quorum Court, after the beginning of the Justices' term of office, the Quorum Court shall appoint the Committee on Committees to include designation of its chairman. The Committee shall make its recommendations as to committee assignments at the next regular or special meeting of the Quorum Court. In making its recommendations, the Committee, in addition to other appropriate criteria, shall give due regard to committee assignment preference of the Justices.
- 4) Subsequent to election of committee members and prior to the next regular or special meeting of the Quorum Court, each committee shall meet at an agreed upon time and place for the purpose of election its chairman. The term of office of chairman shall be one year, but a chairman may be selected to serve successive terms; provided further no Justice may serve as the chairman of more than one standing committee. The names of committee chairmen shall be announced at the next special or regular meeting of the Quorum Court and shall be recorded in the journal of proceedings.
- 5) Any chairman or member of the standing committee may be removed by a two-thirds (2/3) vote of the full membership of the Quorum Court provided that this shall not abridge the right of a Justice to serve on at least one standing committee.
- 6) Standing committees shall meet at the call of the chairman to consider such matters as may be referred to it by the full membership and other matters falling within the subject matter jurisdiction of the committee deemed appropriate by the membership of the Quorum Court. Each committee shall adopt its own rules and procedures except rules shall provide that all committee meetings shall be open and public, unless state law specifically authorized closed meetings. Committees are authorized and encouraged to hold public meetings where appropriate.

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- 7) The Quorum Court may, from time to time, appoint special or temporary committees to consider such special or temporary matters which do not fall within the general jurisdiction of a standing committee.
- 8) The Agenda Committee is vested with exclusive jurisdiction to adopt an agenda at agenda meetings conducted under Ordinance 77-12 (passed Jan. 24, 1977).
([Ord. 1977-016](#), passed 1-31-1977)

§ 220.08 WYE MOUNTAIN WATER FACILITIES BOARD; CREATED.

- 1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of Arkansas Code Annotated §§ 14-137-101 *et seq* (the “Act”). The Board shall be known as the Wye Mountain Water Facilities Board of Perry County, Arkansas (the “Board”). The Board shall have the powers provided for by the Act.
- 2) MEMBERSHIP OF THE BOARD. The Board shall consist of five members. The five members and the terms of said members shall be as follows: Position 1, one year – Monarie Carrero; Position 2, two years – Dwight Blair; Position 3, three years – Marge Brewater; Position 4, four years – Larry Page; and Position 5, five years – Bill Gipson. Successor members shall be elected by a majority of the Board 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 the Constitution of the State of Arkansas and to discharge faithfully his duties in the manner provided by law. Each member shall serve until his successor is elected and qualified. In the event of a vacancy in the membership, however caused, a majority of the Board shall elect a successor member 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 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 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 may 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.
- 4) GENERAL POWERS OF THE BOARD. The Board is hereby specifically empowered:

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- a. To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in or dispose of waterworks facilities (as defined in the Act) or any interest in such facilities, including without limitation, to provide financing for such facilities;
 - b. To issue bonds to obtain funds and revenues for the accomplishment of any of the waterworks facilities projects herein authorized, either alone or together with other available funds and revenues therefore.
- 5) **ADDITIONAL AUTHORITY OF THE BOARD.** The Board is hereby additionally authorized and empowered:
- a. As a body politic and corporate to have perpetual succession and to adopt bylaws, not in conflict with this Ordinance or the Act, as may from time to time be amended, for the regulation of its affairs and the conduct of its business;
 - b. To maintain an office at such places or places in the County 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 rates, fees, interest, and charges for the use of any waterworks facilities and the supplying of water;
 - e. To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, surveyors, accountants, financial experts, and others as it may in its judgment find necessary for the accomplishment of the purposes and objective for which it has been created and to fix their compensation;
 - f. To do any and all other acts and things to accomplish the waterworks facilities projects for which it is authorized by this Ordinance and all other acts and things authorized or required by the Act as it may from time to time be amended, excepts as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the purposes for which the Board has been created.
- 6) **USE OF FUNDS AND REVENUES.** This Board is hereby authorized to use any available funds and revenues for the accomplishment of the waterworks facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning or otherwise deal in. Bonds may be issued by

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the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involved; the costs 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 costs and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved in the placing of them in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness or to implement any waterworks facilities projects) shall not inure to the benefit of any person other than to the Board.

- 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 the Act, which terms and provisions are hereby incorporated in this Ordinance as thought herein expressly set forth, 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 provisions by amendment of the Act from time to time hereafter.

All bonds of the Board shall be special obligation revenue bonds which shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of Perry County, or any of its revenues are pledged and the principal of and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the waterworks projects financed, in whole or in part, from bond proceeds and as authorized by, and in accordance with the provisions of the Act.

- 8) **MEETINGS.** The Board shall meet upon the call of its Chairman, or a 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 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,

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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 Perry 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 Act without additional action by this Quorum Court.
([Ord. 1998-006](#), passed 4-13-1998)

§ 220.09 COUNTY ADMINISTRATIVE BOARD PROCEDURES; ADOPTED.

- 1) This Ordinance shall be known and cited as the Perry County Administrative Board Procedure Ordinance.
- 2) Administrative Boards may be established to exercise administrative powers granted by County Ordinance, except that such board may not be authorized to pledge the credit of the County. Such administrative boards shall be a body politic and corporate, with power to contract and be contracted with and sue and be sued in its own name; provided, as to actions of tort, such board shall be considered as an agency of Perry County and occupy the same status as the County; provided, further, no board member shall be liable in court individually for any act performed by him as such board member unless the damage caused thereby were results of said board member's malicious acts.
- 3) No later than July 1978, and sooner if enacted by the Quorum Court, all County boards and commissions, except the County Hospital Board of Governors, shall be terminated and such functions, duties and jurisdiction of such organizations may be established and assigned by Ordinance to County departments with or without advisory or administrative boards or subordinate service districts.
- 4) An administrative board may be assigned responsibility for a county department or a subordinate service district.
- 5)
 - a. All administrative board members shall be appointed by the County Judge. Such appointments shall require confirmation by the Quorum Court.

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- b. An administrative board shall contain five (5) members. Where a reorganized board or commission shall contain more than five (5) members when reorganized, the number shall be reduced by normal attrition and the end of terms of appointment to five (5). Vacancies, as defined in § 49 of Act 742 of 1977, in boards shall not be filled until the number is reduced to five (5).
 - c. The term of any administrative board member shall be for a period of five (5) years. Positions shall be numbered One through Five, and appointments shall be to a position. Except where provided by Ordinance, the initial appointment to a board shall designate positions as follows: Position One for a one (1) year term; Position Two for a two (2) year term; Position Three for a three (3) year term; Position Four for a four (4) year term; Position Five for a five (5) year term.
 - d. No board member shall be appointed for more than two (2) consecutive terms. Appointment to a position to fill an unexpired term shall be deemed one full term under this subsection.
 - e. The Quorum Court may prescribe by Ordinance additional qualifications for appointment to a County Administrative Board. The Quorum Court may designate certain elective or appointive office holders as ex-officio members of a board for a certain position; however, if that member ceases to hold his elective or appointive office, the position shall be declared vacant, and the County Judge shall appoint a successor.
 - f. All board members appointed to an administrative board shall, within ten (10) days from the date of appointment, subscribe to the oath of office. Evidence of oath of office shall be filed with the County Clerk. Failure to do so shall be deemed to constitute a rejection of the office and the County Judge shall appoint a board member to fill the vacancy.
 - g. All terms shall begin on July 1 and shall end on June 30 of the year of termination.
- 6) No member of the Quorum Court shall serve as a member of the County Administrative Board.
- 7) A person may be removed from a County Administrative 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 to the date established for Quorum Court consideration of removal and

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such board member shall be afforded to meet with the Quorum Court in their deliberation of removal and only at a public meeting. Such resolution must be finally acted on by the Quorum Court by the second regularly scheduled meeting following the board member being given written notification of removal.

- 8) Appeals from removal of a County Administrative Board member shall be directed to the Circuit Court within thirty (30) days after such removal is confirmed by the Quorum Court.
- 9) The County Clerk shall maintain a register of County Administrative Board appointments established by the Quorum Court, including: (1) the name of the board; (2) the Ordinance reference number establishing such board; (3) the name and home and business address of the board member; (4) the date of the appointment; and (5) the expiration date of such appointment.
- 10) Administrative Boards and their members are subject to the general laws of the United State and the State of Arkansas in addition to this Ordinance.
- 11) No contracts entered into by a County Board or Commission reorganized under §107 of Act 742 of 1977 shall be voided or impaired by reorganization. The power to administer contacts shall be transferred to the successor County Administrative Board. If there is no successor, the Quorum Court shall determine which County Board, official or department will administer the contract until conclusion.
- 12) No County Administrative Board may exercise any powers which conflict with the exercise by municipalities of any expressed, implied or essential powers of municipal government, but this shall not prohibit the Board from having the County enter into an interlocal agreement with municipalities or other counties or their boards on its behalf.
- 13) Reserved.
- 14) Reserved.
- 15) Reserved.
- 16) Reserved.
- 17) Reserved.

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18) Reserved.

19) Reserved.

20) Reserved.

21) **INITIAL MEETING.** The time and place for the initial meeting of a County Administrative Board shall be established by the County Judge through written notification of each board member.

22) **MEETING DATES AND NOTIFICATION.** All boards shall be ruled provided for the date, time, and place of regular monthly meetings or other regularly scheduled meetings. Such information shall be filed with the County Clerk; and notification of all meetings, regular and special, shall be conducted as established by law for public meetings. The County Clerk shall make the required public notification of all initial board meetings, and, thereafter, the Secretary of the board shall make the required public notifications. Notice of special meetings shall also be filed with the County Clerk.

23) **SPECIAL MEETINGS.** Special meetings may be called by two (2) or more board members upon written notification of all members not less than two (2) calendar days prior to the calendar day fixed for the time of such meeting.

24) **QUORUM.** A majority of board member shall constitute a quorum for the purposes of conducting business and exercising powers and responsibilities. Board action may be taken by a majority vote of those present and voting, unless the Ordinance creating the board requires otherwise.

25) Each County Administrative Board shall at its initial meeting of a quorum of members elect one of their members to serve as Chairman and one as Secretary for a term of one year. The Chairman shall thereafter preside over the board throughout the term as Chairman. The Secretary shall thereafter keep the minutes of the meetings and make notifications of special meetings as required above throughout the term. In absence of the Chairman or Secretary, a quorum of the board may select a member to act as a temporary Chairman or Secretary. The temporary Chairman shall preside at the meeting and conduct the affairs of the Board until the return of the Chairman.

26) **WRITTEN MINUTES.** All board shall provide for the keeping of written minutes which include the final vote on all board actions indicating the vote of each individual member on the question. A copy of the minutes shall also be filed with the County Clerk within

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thirty (30) days of the meeting.

27) The Freedom of Information Act; Ark. Stat. Ann. §§ 12-2801 – 12-807 applies to all regular, special and committee meetings and all records of every County Administrative Board.

28) Reserved.

29) Reserved.

30) Reserved.

31) RULE-MAKING AUTHORITY.

- a. Administrative boards shall have the power to promulgate reasonable and necessary rules and regulations for their internal operation or the exercise of their duties or powers.
- b. As used in this Ordinance, “rule” and “regulation” means any administrative board statement of general applicability and future effect that implements, interprets, or prescribes law or policy, or described the organization, procedure, or practice of any agency.

32) PROCEDURES FOR ADOPTION OF RULES.

- a. Prior to the adoption, amendment, or repeal of any rule, the administrative board shall:
 - i. Give at least twenty (20) days’ notice of its intended action. The notice shall include a statement of the terms or substance of the intended action or a description of the subjects and issues involved, and the time, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to any person specified by law and to all persons who have requested advance notice of rule-making proceedings. The notice shall be published as specified by law, or, if no manner of publication is so specified, then in such newspapers of general daily circulation as the administrative board may select.
 - ii. Afford all interested persons reasonable opportunity to submit written data, views, or arguments, and, if the administrative board in its discretion

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shall so direct, oral testimony or argument. Where rules are required by law to be made on the record after opportunity for an administrative board hearing, the provisions of such law shall apply in place of this subsection.

- b. If an administrative board finds that imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than twenty (20) days' notice, and states in writing its reasons for that finding, it may proceed without prior notice or hearing upon any abbreviated notice and hearing that it may choose, to adopt an emergency rule. The rule may be effective for no longer than 120 days.
- c. Every administrative board shall accord any person the right to petition for the issuance, amendment, or repeal of any rule. Within thirty (30) days after submission of a petition, the administrative board shall either deny the petition, stating in writing its reasons for the denial, or shall initiate rule-making proceedings.
- d. Every administrative board shall file with the County Judge and the County Clerk a certified copy of each rule adopted by it. The County Clerk shall keep a permanent register of the rules open to public inspection. Each rule shall be effective twenty (20) days after filing, unless a later date is specified by law or in the rule itself; provided, however, that an emergency rule may become effective immediately upon filing, or at a stated time less than twenty (20) days thereafter, if the administrative board find that this effective date is necessary because of imminent peril to the public health, safety or welfare. The administrative board shall take appropriate measures to make emergency rules known to the persons who may be affected by them.
- e. No rule hereafter adopted shall be valid unless adopted and filed in substantial compliance with this Section.

33) RULES REQUIRED.

- a. In addition to other rule-making requirements imposed by law, each administrative board shall:
 - i. Adopt as a rule a description of its organization, stating the general course and method of its operations, including the methods whereby the public may obtain information or make submissions or requests;

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- ii. Adopt rules of practice setting forth the nature and requirements for all formal and informal procedures available, including a description of all forms and instructions used by the administrative board;
 - iii. Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the administrative board in the discharge of its functions;
 - iv. Make available for public inspection all ordered, decisions, and opinion.
- b. No administrative board rule, order, or decision shall be valid or effective against any person or party, nor may it be invoked by the administrative board for any purpose, until it has been filed and made available for public inspection as herein required. This provision shall not apply in favor of any person or party with actual knowledge of an administrative board rule, order, or decision.

34) Reserved.

35) Reserved.

36) Reserved.

37) Reserved.

38) Reserved.

39) Reserved.

40) Reserved.

41)

- a. Any administrative board with the power to issue orders has the power to adjudicate
- b. “Order” means the final disposition of any administrative board in any matter, other than rule making, and including licensing and rate making, in which the administrative board is required by law to make its determination after notice and hearing.

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- c. “Adjudication” means administrative board process for the formulation of order.
- d. The power to issue orders or adjudicate must be specifically granted by Ordinance or law.

42) ADMINISTRATIVE ADJUDICATION. In every case of adjudication:

- a. All parties shall be afforded an opportunity for hearing after reasonable notice.
- b. The notice shall include:
 - i. A statement of the time, place, and nature of the hearing;
 - ii. A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - iii. A short and plain statement of the matters of fact and law asserted.
- c. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
- d. Nothing in this Ordinance shall prohibit informal disposition by stipulation, settlement, consent order, or default.
- e. The record shall include:
 - i. All pleadings, motions, and intermediate rulings;
 - ii. Evidence received or considered, including, on request of any party, a transcript of oral proceedings or any part thereof;
 - iii. A statement of matters official noticed;
 - iv. Offers or proof, objections, and rulings thereon;
 - v. Proposed findings and exceptions thereto;
 - vi. All staff memoranda or data submitted to the hearing officer or members of an administrative board in connection with their consideration of the

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case.

- f. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

43) HEARINGS. In every case of adjudication, and in cases of rulemaking in which rules are required by law to be made on the record after opportunity for an administrative board hearing, and in cases of rulemaking in which, pursuant to Section 32, the administrative board shall direct that oral testimony be taken, or a hearing held:

- a. Any person appearing before any administrative board or representative thereof shall have the right to be accompanied and advised by counsel. Every party shall have the right to appear in person or by counsel.
- b. There shall preside at the hearing (1) the administrative board, (2) one or more members of the administrative board, or (1) one or more examiners or referees designated by the administrative board. All presiding officers and all officers participating in decisions shall conduct themselves in an impartial manner and may at any time withdraw if they deem themselves disqualified. Any party may file an affidavit of personal bias or disqualification, which shall be rule done by the administrative board and granted if timely, sufficient, and filed in good faith.
- c. Presiding officers shall have the power, pursuant to published procedural rules of the administrative board, (1) to maintain order, (2) to rule upon all questions arising during the course of a hearing or proceeding, (3) to permit discovery by deposition or otherwise, (4) to hold conferences for the settlement or simplification of issues, (5) to make or recommend decision, and (6) generally to regulate and guide the course of the pending proceeding.
- d. Except as otherwise provided by law, the proponent of a rule or order shall have the burden of proof. Irrelevant, immaterial and unduly repetitious evidence shall be excluded. Any other oral or documentary evidence, not privileged, may be received if it is a type commonly relied upon by a reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted of record. When a hearing will be expedited, and the interests of the parties will not be substantially prejudiced, any part of the evidence may be received in written form.

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- e. Parties shall have the right to conduct such cross-examinations as may be required for a full and true disclosure of the facts.
- f. Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the administrative board's specialized knowledge. Parties shall be notified of material so noticed, including any staff memoranda or data, and shall be afforded a reasonable opportunity to show the contrary.

44) DECISIONS.

- a. When in a case of adjudication, a majority of the officials of the administrative board or the County who are to render the decision have not heard the case or read the record, the decision, if adverse to a party other than the administrative board, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefore and of each issue of fact or law necessary thereto, prepared by the person who conducted the hearing.
- b. In every case of adjudication, a final decision or order shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with administrative board rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be served either personally or by mail with a copy of any decision or order.

45) EX PARTE COMMUNICATIONS. Unless required for the disposition of ex parte matters authorized by law, members or employees of an administrative board of County assigned to render a decision or make a final or proposed findings of fact or conclusions of law in any case of adjudication shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An administrative board member,

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- a. May communicate with other members of the administrative board or the County, and
- b. May have the aid and advice of one or more assistants from involved County departments.

46) LICENSES.

- a. When the grant, denial, or renewal of a license is required by law to be preceded by notice and an opportunity for hearing, the provision of this Ordinance concerning cases of adjudication apply.
- b. When a license has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the administrative board, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the administrative board order, or a later date fixed by the reviewing court.
- c. No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of administrative board proceedings, the administrative board gave notice by mail to the licensee of facts or conduct warranting the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the administrative board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action, which proceedings shall be promptly instituted and determined.
- d. No administrative board shall have the power to issue or grant licenses unless specifically given by law or Ordinance.

47) JUDICIAL REVIEW OF ADJUDICATION. Judicial review is governed by state law and may involve direct or collateral attack. The County has no authority to legislate judicial review.

48) Reserved.

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49) Reserved.

50) Reserved.

51) **ETHICS FOR COUNTY OFFICIALS AND EMPLOYEES.** The holding of public office or employment is a public trust created by the confidence with the electorate reposes in the integrity of officers and employees of county government. A member of an administrative board shall carry out all duties assigned by law for the benefit of the people of the County. The member may not use his office, the influence created by his official position, or information gained by virtue of his position, to advance his individual, or an immediate members of his family, or an associate's personal economic interest, other than advancing strictly incidental benefits as may accrue to any of them from the enactment or administration of law affecting the public generally.

52) **RULES OF CONDUCT.** No member of an administrative board of county government shall:

- a. Be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the County or entity created by the County, or accept or receive any property, money, or other valuable thing, for his use or benefit on account of, connected with or growing out of any contract or transaction of a county. If in the purchase of any materials, supplies, equipment, or machinery for the County, and discounts, credits, or allowances are given or allowed, they shall be for the benefit of the County; and it shall be unlawful for any member to accept or retain the same for his own use or benefit;
- b. Be a purchaser at any sale or a vendor of any purchase made by him in his official capacity;
- c. Acquire an interest in any business or undertaking which has reason to believe may be directly affected to its economic benefit by official action to be taken by county government;
- d. Perform an official act directly affecting a business or other undertaking to its economic detriment when he has a substantial financial interest in a competing firm or undertaking. Substantial financial interest is hereby defined for purposes of this section as provided in Section 7 of Arkansas Act 313 of 1971 [§12-3006], as amended.

53) **REMOVAL OF MEMBER.** In addition to the power of the County Judge to remove on confirmation, any citizen or the Prosecuting Attorney may seek judicial removal under

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§115(4) of Act 742 of 1977.

54) Reserved.

55) Reserved.

56) Reserved.

57) Reserved.

58) Reserved.

59) Reserved.

60) Reserved.

61) SCHEDULE OF SOURCE MATERIAL FOR LEGISLATIVE INTENT. The following statutes were used as source material for this Ordinance (statutory references are to Act 742 of 1977; Ark. Stat. Ann. § 17-3101 et seq. (Supp. 1977); unless otherwise indicated):

Ord. §	Statute §	Ord. §	Statute §
1	none	25	105(5)
2	103(2)(a)	26	105(6)
3	107(2)	27	75(h), 76
4	103(2)(c)	31	A.S.A. § 5-701(c)
5(a)	103(2)(d)	32	A.S.A. § 5-703
5(b)	103(2)(f), 107(2)	33	A.S.A. § 5-702
5(c)	103(2)(i)	41(a)	103(2)(a)
5(d)	103(2)(j)	41(b,c)	A.S.A. § 5-701(d)
5(e)	103(2)(l)	41(d)	103(2)(a)
5(f)	103(2)(m)	42	A.S.A. § 5-708
5(g)	107(2)	43	A.S.A. § 5-709

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6	103(2)(n)	44	A.S.A. § 5-710
7	103(2)(o)	45	A.S.A § 5-711
8	103(2)(p)	46	A.S.A. § 5-712
9	104	47	A.S.A. § 5-713
10	73-77, 100	51	103(2)(b), 115(1,2)
11	73(a), 107(2)	52	115(3)
12	73(l), 90	53	115(4)
21	105(1)		
22	105(2)		
23	105(3)		
24	105(4)		
(Ord. 1978-005 , passed 6-13-1978)			

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Article IV. COUNTY POLICIES.

Section

General Policies

- | | |
|--------|--|
| 240.00 | Copy costs for public records. |
| 240.01 | Publication of job openings in county government. |
| 240.02 | Minimum dollar amount for the fixed asset tracking system inventory program. |

Employee / Employment Policies

- | | |
|--------|--|
| 250.00 | Personnel Policy |
| 250.01 | Electronic Warrants Transfer System; Direct Deposit. |
| 250.02 | Discretion allowed when determining pay scale for certain part-time employees. |
| 250.03 | Criminal history background checks required for county employment. |
| 250.04 | Working overtime without prior approval; prohibited. |
| 250.05 | Method for paying expenses to County Officials and Employees. |
| 250.06 | Pay schedule for Employees working on Perry County Holidays. |

Purchasing Policies

Reserved.

General Policies

§ 240.00 COPY COSTS FOR PUBLIC RECORDS.

- 1) The County Clerk or any other officer required by law to make public records available for public inspection or copying shall charge the following fee for photocopying:

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- a) The fee for all photocopies except legal documents is hereby established at \$.50 for the first page and \$.25 for each page thereafter.
 - b) The fee for photocopying all legal documents including deeds and mortgages is hereby established at \$1.00 per instrument.
 - c) The following fees are hereby established in the Office of the County sheriff:
 - i) Accident reports - \$5.00
 - ii) Incident reports - \$2.00
- ([Ord. 1977-011](#), passed 1-24-1977; Am. [Ord. 1983-011](#), passed 4-12-1983)

§ 240.01 PUBLICATION OF JOB OPENINGS IN COUNTY GOVERNMENT.

- 1) Wherever there are openings for any positions in any department or office of Perry County, the opening shall be advertised at least once in each newspaper of general circulation in the County stating that applications for the opening shall be received and accepted by the department head at the department office through a date at least ten days after the last insertion of the advertisement before the opening shall be filled on a temporary or permanent basis. The advertisement shall specify the pay to be received by the employee and any qualifications reasonably necessary to perform the duties of that position. The position shall not be filled on a temporary or permanent basis until the period for making application has expired. To qualify for appointment the employee must have been a resident of Perry County for six months.
- 2) The cost of the advertisement provided for in Section 1 shall be paid from the sums appropriated in Ordinance 1977-015 dealing with publication of Ordinances.
([Ord. 1977-017](#), passed 1-31-1977)

§ 240.02 MINIMUM DOLLAR AMOUNT FOR THE FIXED ASSET TRACKING SYSTEM INVENTORY PROGRAM.

- 1) Perry County is establishing a minimum rate of \$1,500.00 for the (FATS) Fixed Asset Tracking System Inventory Program.
- 2) The amount is being established to maintain a consistent program.
- 3) Each office will be responsible for giving the County Judge's Office all information on purchases of \$1,500.00 or more. Each office will still be responsible for maintaining an itemized asset list for their offices for purchases that involve electronics and furniture or such items that are traceable.
([Ord. 1998-001](#), passed 2-9-1998; Am. [Ord. 2008-002](#), passed 2-12-2008)

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§ 240.03 JURY SERVICE; RATE OF 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 Perry County Quorum Court hereby establishes the following minimum requirements necessary for compensation as jurors and corresponding rates of compensation for service as jurors or prospective jurors in Perry 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 Perry County, Arkansas:
 - a) Persons who are selected and seated as a member of the jury, including alternates, shall be compensated at the rate of fifty dollars (\$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 fifteen dollars (\$15.00) per day; and
 - c) Persons who are summoned for jury service but who fail, for any reason, to attend court shall not be entitled to receive compensation.
- 3) STATE REIMBURSEMENT PROCEDURE AND RESPONSIBILITY ASSIGNMENT. Pursuant to A.C.A. § 16-34-106, the Treasurer of Perry 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(a) of this Ordinance.
([Ord. 2007-026](#), passed 12-10-2007)

§ 240.04 ALL ORDINANCES AND RESOLUTIONS MUST BE FILED IN THE COUNTY CLERK'S OFFICE NO LATER THAN 7 DAYS PRIOR TO THE QUORUM COURT MEETING.

- 1) Due to the Perry County Quorum Court meeting only monthly and the number of Ordinances and resolutions being included in the agenda after the agenda has been mailed to the members of the Quorum Court.

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- 2) The presentation of those items fails to give the Quorum Court sufficient time to study the proposed Ordinances and resolutions.
- 3) Therefore, be it ordained that all Ordinances and resolutions be filed in the County Clerk's office no later than seven (7) days prior to the Quorum Court meeting. This Ordinance shall be in force and shall take effect upon passage and publication.
([Ord. 2012-008](#), passed 8-15-2012)

§ 240.05 PRECEDENCE FOR CONFISCATED PROPERTY.

- 1) There is hereby, by this Ordinance, a precedence set in disposing with confiscated property.
- 2) There shall be no disposal or sale of confiscated property without the express knowledge and approval of the Perry County Quorum Court.
([Ord. 1996-030](#), passed 11-4-1996)

§ 240.06 RESTRICT SMOKING IN COUNTY COURTHOUSE.

- 1) That all areas in the Perry County Courthouse shall be a smoke-free, clean air building.
([Ord. 1996-014](#), passed 5-13-1996)

§ 240.07 MONTHLY REPORTS TO QUORUM COURT REQUIRED.

- 1) All departments are to submit a monthly report itemized in detail, of all expenditures and income for that month.
([Ord. 1994-011](#), passed 6-13-1994)

§ 240.08 HOURS OF OPERATION OF THE CIVIL DEFENSE/VETERAN'S AFFAIRS OFFICE.

- 1) The office of Civil Defense/Veteran's Affairs shall be open to public from 8:00 A.M. to 4:30 P.M., four (4) days a week. The office may be closed one hour for lunch.
- 2) A schedule of hours of operation shall be posted at the Civil Defense/Veteran's Affairs Office and at the Perry County Courthouse.
([Ord. 1989-006](#), passed 2-13-1989)

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**§ 240.09 COUNTY OFFICIALS PURCHASING COMMODITIES EXCEEDING \$5,000
REQUIRED TO SUBMIT CONTRACTS AND BIDS TO THE QUORUM COURT.**

- 1) DEFINITION. As used in this Ordinance:
 - a. “Commodities” means all supplies, goods, material, equipment, machinery, facilities, personal property, and services other than personal services, purchased for or on behalf of the County;
 - b. “Purchasing Official” means any county official, individual, board, or commission, or his or its lawfully designated agent, with constitutional authority to contract or make purchases on behalf of the County;
 - c. “Purchase” means not only the outright purchase of a commodity, but also the acquisition of commodities under rental-purchase agreements or lease-purchase agreements or any other types of agreements whereby the County has an option to buy the commodity and to apply the rental payments on the purchase price thereof.
- 2) All county purchasing officials shall submit for the Quorum Court approval all contracts and competitive bids taken pursuant to Ark. Code Ann. Sec. 14-22-104(1) in the event the net price to be awarded on any contract or purchase is greater than \$5,000, excluding any purchases expressly exempted from bid solicitation requirements under the above statute by Ark. Code. Ann. Sec. 14-22-106 (“Purchases exempt from soliciting bids”). ([Ord. 1994-012](#), passed 6-13-1994)

240.10 AMERICAN WITH DISABILITIES POLICY; ADOPTED.

- 1) An Ordinance allowing for the County ADA Policy as follows:
 - a. POLICY
 - i. EQUAL ACCESS POLICY. It is the policy of Perry County to 1) provide equal opportunity to individuals with disabilities in public accommodations, employment, transportation, county services, and telecommunications, as required by the American with Disabilities Act of 1990 (“ADA”) and any amendments thereto; 2) make County facilities, services, programs, and communications “accessible” to the disabled, as required by the ADA; 3) not excluded any qualified individual with a disability shall, by reason of that disability, from participation in or access to the benefits of the services, programs, or activities of the County; or 4)

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otherwise be subjected to unlawful discrimination by the County.

- ii. **PROBLEM-SOLVING DIALOGUE #1:** The County is an Equal Opportunity Employer. As such, the County recognizes and supports the policy of equal employment opportunities, without regard to race, color, religion, sex, national origin, age, marital or veteran status, political affiliation, disabled status, or any other legally protected status. It is the policy of the County not to discriminate against qualified individuals with a disability because of the disability in regard to job application procedures, hiring, advancement, or discharge of employees, employee compensation, job training and other terms, conditions, and privileges of employment.
- iii. **PROBLEM-SOLVING DIALOGUE #2:** This policy is adopted for the purpose of declaring County policy and establish a procedure to be followed in order that the County and its citizens may work together to identify problems and formulate solutions with the goal of achieving ADA compliance in a manner that is workable and affordable. The County invites any persons interested in providing greater accessibility for the disabled to assist the County by initiating or participating in the continuing problem-solving dialogue sought by the adoption of this County ADA policy and any predecessor County ADA policy.

b. DISABILITY

- i. **THREE CATEGORIES.** The term “disability” means, with respect to an individual; 1) a physical or mental impairment that substantially limits one or more of the major life activities of such an individual; 2) a record of such impairment; or 3) being regarded as having such an impairment.
- ii. **DISABILITY DISCRIMINATION PROHIBITED.** If an individual falls into one of the three categories that the individual cannot be arbitrarily discriminated against based on disability.
- iii. **PHYSICAL OR MENTAL IMPAIRMENT.** According to regulations (56 Feb. Reg. 35717, Sec. 35.104) an individual is considered to have a disability based on a physical or mental impairment if he or she has: 1) any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary,

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hemic and lymphatic, skin and endocrine; 2) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; and/or 3) any contagious disease or condition such as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

- iv. EXCEPTIONS. Exceptions to the definition of physical or mental impairment include homosexuality or bisexuality, physical characteristics (e.g., green eyes or red hair), age and common personality traits (i.e., poor judgment or a quick temper where these are not symptoms of a mental or psychological disorder); and environmental, cultural or other disadvantages (e.g., having a prison record or being poor).
- c. ADA TITLES. The Americans with Disabilities Act of 1990 includes five (5) Titles (sections): Title I – Employment, Title II – Public Services, Title III – Public Accommodations and Services Operated by Private Entities, Title IV – Telecommunications, and Title V – Miscellaneous. This policy covers Titles I and II, as they affect the County.
 - i. TITLE I/EMPLOYMENT PRACTICES. Title I of the ADA prohibits the County, as an employer, from discriminating against a “qualified individual with a disability” (see definition of “disability” provided above). It covers the job applications, hiring, advancement, discharge, compensation, training and any other employment term, condition or privilege. In compliance with Title I of the ADA, the County will not arbitrarily discriminate on the basis of disability. Job applications will not ask questions regarding disabilities. When giving notice of job vacancies. The County’s EEO statement will mention that the County does not discriminate on the basis of disability. Persons with disabilities will be provided equal access to new positions made available to the public through job announcements. Employment policies will not discriminate against applicants or employees with disabilities. County officials and employees who have direct contact with the general public and job applicants shall use interview questions and techniques that are consistent with the intent of the ADA.

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- ii. **TITLE II/PROGRAMS & FACILITIES.** Title II of the ADA provides that a person shall neither be excluded from participation in or denied the benefits of the programs, services or activities of the County on the basis of disability, nor be subjected to arbitrary discrimination by the County. All County programs, services, and activities are covered, even if they are carried out by independent contractors. Title III is intended to prohibit discrimination on the basis of disability in public accommodations and commercial facilities, building code enforcement and architectural design review functions, carried out through local building, zoning, and planning departments, give local government an essential role in making sure that disabled individuals have access to the goods, services, facilities, and advantages these facilities offer.
- d. **COUNTY ADA COORDINATOR.** The County Judge shall designate an employee to serve as both the County Safety Coordinator and the County ADA Coordinator to serve as a contact person for the public and to coordinate safety and ADA responsibilities within the County.
 - i. **ADA COORDINATOR'S TITLE II RESPONSIBILITIES.** The ADA Coordinator will: 1) Coordinate all ADA compliance regulations and to investigate complaints or grievances from the public concerning violations of the Americans with Disabilities Act; 2) take necessary steps to ensure that communications with applicants, participants, and members of the public and disabilities are as effective as communications with others; 3) conduct a self-evaluation to be sure that the County's policies and procedures are consistent with ADA requirements, including the opportunity for input by interested persons, including individuals with disabilities and groups representing them, giving them opportunity to participate in the self-evaluation process by submitting comments; 4) establish grievance procedures for resolving complaints of ADA violations in a manner that is prompt and equitable; 5) disseminate sufficient information to county citizens to inform them of the rights and protection afforded by the ADA and the implementing regulations; 6) ensure that all county services, programs and activities are accessible and, where the structural modifications are required, develop a transition plan as soon as possible; 7) collect and analyze information on ADA issues, and to develop recommendations to ensure the County's compliance with the ADA requirements under Titles I and II; 8) obtain technical assistance from individuals who are directly involved with disability issues as well as other citizens whose support will be helpful; 9) addend conferences,

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seminars, and community institutions offering information to assist County ADA Coordinators; 10) continue to monitor compliance with the Americans with Disabilities Act of 1990; and 11) review new construction or alterations to ensure that the necessary modifications are meeting mandated ADA standards.

- ii. **ADA COORDINATOR'S TITLE III RESPONSIBILITIES.** The ADA Coordinator will: 1) review any building code regulations adopted by the County to determine whether the County Building Code, if any, meets the accessibility standards established by the Architectural Transportation Barriers Compliance Board (ATBCB); 2) review and revise building permits issued by the County, if any, to private entities for renovations or new construction to determine whether permit process required the private entity to comply with ADA; 3) make sure that building design requirements of the County, if any includes appropriate signage and signals for visually and hearing impaired persons, particularly in area of evacuation and egress.

e. **COUNTY ADA COMMITTEE.**

- i. **PURPOSE.** The purpose of the County ADA Committee is to: 1) oversee County ADA compliance; 2) provide persons an opportunity to voice concerns and to actively aid the County in meeting compliance goals, and; 3) recommend ADA Compliance plans to the Quorum Court for final approval.
- ii. **COMPOSITION.** The County ADA Board shall include the following persons to be appointed by the County Judge:
 - 1. The County Judge
 - 2. The County Safety Coordinator/County ADA Coordinator
 - 3. At least one disabled citizens of the community (who may be recommended to the County Judge by a local organization of disabled citizens or may be selected from interested persons coming forward and requesting an opportunity to participate in the County's ADA process)

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4. The Administrator of the County Jail
 5. The Chairman of the County Board of Elected Commissioners (or their designee/agent)
 6. Other members determined as necessary by the Quorum Court
- iii. LIAISON. The County ADA Coordinator shall serve as liaison between the County and the County ADA Board, keeping the County Judge informed of County ADA Board involvement in transition plans and self-evaluations of the County services. The ADA Coordinator will provide the County ADA Board members with copies of the complaints and the results of the ADA Coordinator's investigation of complaints. The County ADA Coordinator and the County ADA Board will determine the manner in which the public will be informed of the availability of both the County ADA Coordinator and the County ADA Board.
- iv. GRIEVANCES/COMPLAINTS. The County ADA Coordinator shall serve as a representative of the County of the receipt and resolution of complaints or grievances regarding the County's compliance with the requirements of the Americans with Disabilities Act. Any person (whether disabled or not) may lodge a grievance or a complaint. Any inquiry about County ADA compliance (other than a Freedom of Information Act request) shall be considered a potential grievance or complaint. A Freedom of Information Act (FOIA) request shall be handled by the County as required by the FOIA. *An ADA grievance or complaint shall be considered by the ADA Coordinator within 21 days of being filed, with a response provided in writing. The response of the ADA Coordinator shall advise the person lodging the grievance or complaint of the County's ADA Policy and the availability of a hearing by the County ADA Board and the County Quorum Court pursuant to the County's ADA Grievance Procedure.*
- f. COUNTY ADA GRIEVANCE PROCEDURE.
- i. UNIVERSAL ACCESS. Any person may submit a complaint or grievance regarding services, access, or other alleged disability discrimination (whether or not the complaint/grievant is disabled or a citizen of the County). The complaint or grievance should be presented to the County

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ADA Coordinator but may be presented to any County Official.

- ii. **DUTY TO REPORT.** Any County Official or employee learning of an ADA complaint or grievance regarding the County (from whatever source derived) shall inform the County ADA Coordinator so that the County can act on the complaint/grievance through the County ADA Coordinator.
- iii. **COUNTY ADA COORDINATOR.** The County ADA Coordinator shall reduce information received regarding any ADA complaint or grievance (from whatever source) to writing, using a County ADA Complaint Form, and proceed forward in any attempt to achieve resolution. The record of the complaint/grievance and action taken shall be maintained by the County ADA Coordinator. A decision by the ADA Coordinator will be rendered within 21 days of receipt of the complaint/grievance and communicated to the complainant/grievant and the members of the County ADA Committee. The 15-day decision need not be the final resolution but must be a decision that either resolves the matter or proceeds toward an attempt to achieve resolution of the matter. The status of ADA Coordinator's efforts to resolve the complaint grievance shall be communicated each 21 days thereafter until the County ADA Coordinator's final decision has been made.
- iv. **COUNTY ADA BOARD.** If the complaint/grievance cannot be resolved by the ADA Coordinator to the satisfaction of the complainant/grievant, it will be forwarded to the Chairman of the County ADA Board together with a request for a hearing before the County ADA Board. If the complainant/grievant is not satisfied with the efforts of the County ADA Coordinator or the decision of the County ADA Coordinator, the complainant/grievant may take his or her complaint/grievant directly to the County ADA Board at any time. The County ADA Board shall hold a hearing within 21 days after receiving the grievance/complaint and shall announce its decision in writing not more than 7 days later.
- v. **COUNTY QUORUM COURT.** If the complaint/grievance cannot be resolved by the County ADA Board to the satisfaction of the complainant/grievant, it will be forwarded to the County Judge for presentation to the Quorum Court. The Quorum Court's decision is the final decision of the County and shall be made within 28 days of the hearing before the County ADA Board. If the Quorum Court does not act on the matter within 28 days, the decision of the County ADA Board shall become the decision of the

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Quorum Court.

- vi. RECORDS OF PROCEEDINGS. A record of action taken on each request or complaint will be maintained as part of each level of the grievance process. Written memos will be maintained by the ADA Coordinator. Written minutes will be maintained by the ADA Committee. A Court Reporter will record the proceedings before the Quorum Court. The records of proceedings will be kept as part of the County's ADA File.
 - vii. OTHER AVAILABLE REMEDIES. The right to prompt an equitable resolution of the complaint/grievance will not be impaired by his/her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate Federal Agency. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
 - viii. ADA MEDIATION. The County encourages the use of mediation for the resolution of ADA complaint/grievances and encourages the contact of ADA Mediation Organizations such as Key Bridge Foundation (www.keybridge.org, 5335 Wisconsin Avenue, NW, Suite 440, Washington, DC 20015, 202-274-1822 (V), 888-528-1609 (V), 800-630-1051 (TDD), 202-274-1824 (Fax)) in the event the matter is not satisfactorily resolved by the Quorum Court's decision for the County.
- g. COUNTY ADA FILE.
- i. PUBLIC RECORD. The County shall maintain a County ADA File in the Office of the County Judge. The County ADA File is public record and shall be made available for any requested FOI inspections.
 - ii. ALL ACTIVITIES. The County ADA File shall be maintained by the County ADA Coordinator and shall include all complaints/grievances and a written record of the activities of the County ADA Coordinator, the County ADA Committee, and the County Quorum Court with respect thereto.
- h. ADA SELF-EVALUATION.
- i. FACILITY COMPLIANCE. The County ADA Coordinator will oversee the County's self-evaluation for ADA facility compliance, performing the

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following tasks:

1. Locate the results of the previous self-evaluation since the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and add those to the County ADA File;
 2. Perform an annual self-evaluation inspection, reviewing all existing physical structures to determine whether the facility is compliant within the guidelines or to articulate the deficiencies thereof. All previous self-evaluation reports should be supplied to the evaluators.
 3. Invite interested persons and organizations to help the County in its on-going self-evaluation; and
 4. Maintain a self-evaluation file for public inspection, including in the file (1) a list of persons consulted in the evaluation, (2) a description of the areas examined, (3) a description of any problems, and (4) a description of any modifications.
- ii. **SERVICES, PROGRAMS, AND ACTIVITIES COMPLIANCE.** The County ADA Coordinator will oversee the County's self-evaluation for ADA services, programs, and activities compliance, performing this task by meeting annually with each Elected County Official to identify and eliminate unnecessary eligibility standards which deny individuals with disabilities an equal opportunity to enjoy services, programs, and activities. (For example, the requirement of a valid driver's license often eliminates qualified individuals with disabilities.)
- i. **COUNTY ADA TRANSITION PLAN**
- i. **FORMULATE A WRITTEN PLAN.** Any time it is determined that a modification in a County facility, service, program, or activity is necessary to achieve ADA compliance, the ADA Coordinator shall formulate a written plan for compliance setting forth:
 1. *WHAT MODIFICATION IS NECESSARY.* Based on the results of the self-evaluation report, comments from interested citizens and organizations, and "in-house" assessments, or any other source of information, the coordinator shall determine what modification is

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necessary. Modifications which may place an “undue burden” on the County (fundamentally alterations to the ability to deliver County services, programs, or activities, financial burdens, historic property alterations, etc.) should be identified together with possible alternatives that would alleviate the extend of the burden on the County should be itemized, for subsequent discussion and decision by the County ADA Board and, ultimately, the County Quorum Court.

2. *HOW THE MODIFICATIONS WILL BE MADE.* The ADA Coordinator should propose how the necessary modifications might be made, including (for example): redesign or equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities, construction of new facilities, and other methods making all County services, programs, and activities readily accessible and useable to the disabled.
- ii. *USE ACCESSIBILITY GUIDELINES.* The ADA Accessibility Guidelines (ADAAG), which detail the specific modifications necessary for existing structures and newly constructed buildings, shall be used by the ADA Coordinator in preparing any ADA Transition Plan regarding County facilities.
- iii. *SUBMIT PLAN TO THE COUNTY ADA COMMITTEE.* The County ADA Coordinator should submit the written plan for compliance to the County ADA Board for formal review by the Board as a whole, for discussion of the Plan along with any related complaints or grievances.
- iv. *TRANSITION PLAN.* If the ADA Board determines that changes are needed in order for the County to comply with the ADA, the ADA Coordinator should prepare a second report incorporating the suggestions and decisions of the ADA Board detailing a plan for transition (the Transition Plan), setting forth the necessary modifications. The Transition Plan must (1) identify obstacles in the facilities and services that limit accessibility to individuals with disabilities, (2) describe in detail the methods that will be used to make the facilities accessible, (3) specify the schedule for taking the steps necessary to achieve compliance with the ADA (if longer than one year, identify steps to be taken each year), and (4) indicate the official

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responsible for the implementation of the plan.

- v. PUBLIC COMMENT. After the Transition Plan has been drafted by the County ADA Coordinator and approved by the County ADA Committee, the County ADA Coordinator shall cause the County to publish the Transition Plan so that the public may: 1) submit comments on the Plan and 2) obtain a copy of the Plan for personal inspection.
 - vi. FINAL COUNTY ADA BOARD DECISION. After the period of time for public comment is closed, the board should again review and discuss the Plan, make any necessary changes based on public comment, and vote on the adoption of a final Transition Plan, and submit the final Transition Plan to the Quorum Court for the final decision of the County.
 - vii. QUORUM COURT DECISION. The County Quorum Court shall make the final decision regarding the Plan for ADA compliance, together with the necessary funding decisions. In the event an undue burden is declared, the Quorum Court minutes shall include: 1) the reasons for the decisions and 2) what other actions will be taken to ensure that individuals with disabilities receive access to services and programs. A decision declaring an alteration to be an “undue burden” on the County should be made only after considering all resources available for funding and all alternative means available to alleviate the undue burden on the County.
 - viii. SUPPLEMENTAL TRANSITION PLANS. If the necessary supplemental transition plans should be prepared, based on the above procedure, to modify the previous plan when the circumstances dictate modification.
- 2) It is the intent of the Perry County Government to provide equal opportunity and equal access to all public buildings and that a Transition Plan is being implemented at this time. It is hereby ordained that the Perry County Quorum Court does hereby approve an official County ADA Policy.
([Ord. 2001-009](#), passed 5-14-2001)

Employee / Employment Policies

§ 250.00 PERSONNEL POLICY.

- 1) The Perry County Personnel Policy is attached hereto as Exhibit “A”, the Exhibit incorporated herein by reference.

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- 2) The Personnel Policy for Perry County is hereby adopted.
([Ord. 1978-001](#), passed 4-11-1978; Am. [Ord. 1987-027](#), passed 10-12-1987; Am. [Ord. 1988-014](#), passed 4-11-1988; Am. [Ord. 1988-027](#), passed 11-14-1988; Am. [Ord. 1989-005](#), passed 1-9-1989; Am. [Ord. 1989-009](#), passed 2-13-1989; Am. [Ord. 1990-003](#), passed 2-12-1990; Am. [Ord. 1992-001](#), passed 2-10-1992; Am. [Ord. 1995-009](#), passed 4-10-1995; Am. [Ord. 1995-023](#), passed 11-6-1995; Am. [Ord. 1997-003](#), passed 1-6-1997; Am. [Ord. 1997-004](#), passed 2-10-1997; Am. [Ord. 2000-008](#), passed 4-10-2000; Am. [Ord. 2004-005](#), passed 2-10-2004; Am. [Ord. 2008-009](#), passed 5-12-2008; Am. [Ord. 2016-011](#), passed 12-12-2016)

§ 250.01 ELECTRONIC WARRANTS TRANSFER SYSTEM; DIRECT DEPOSIT.

- 1) The Perry County Quorum Court, as authorized by State Statute #14-24-212, does hereby authorize Perry County to establish an electronic warrants transfer (direct deposit) system directly into payees' accounts in financial institutions in payment of any account allowed against the County. The electronic payment method to be established shall provide for the appropriate internal accounting controls and documentation for audit and accounting purposes.
([Ord. 2020-010](#), passed 11-9-2020)

§ 250.02 DISCRETION ALLOWED WHEN DETERMINING PAY SCALE FOR CERTAIN PART-TIME EMPLOYEES.

- 1) The Perry County Quorum Court hereby authorizes Perry County elected Officials to use discretion in setting pay for part-time employees, when justified, based on past employment experiences and other relevant background qualifications.
([Ord. 2020-003](#), passed 5-11-2020)

§ 250.03 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED FOR COUNTY EMPLOYMENT.

- 1) A criminal history background check shall be performed on all accepted applications for employment with the government of Perry County, Arkansas.
- 2) An unsatisfactory criminal history background of an accepted applicant shall be grounds to rescind any offer of employment with Perry County.
([Ord. 2018-003](#), passed 7-9-2018)

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§ 250.04 WORKING OVERTIME WITHOUT PRIOR APPROVAL; PROHIBITED.

- 1) No employee of Perry County, other than the Sheriff's Department and ambulance personnel, shall work in excess of eighty (80) hours in any two-week period without the prior approval of the Quorum Court. Sheriff's Department and ambulance personnel shall not work in excess of 171 hours in any twenty-eight (28) consecutive day period without prior approval of the Quorum Court.
- 2) No elected official shall permit employees of his office to work hours in excess of those set forth in Article 1. Any violation of this Ordinance shall be considered malfeasance of official responsibilities and if any moneys are paid as a result of the violation of this Ordinance, recovery shall be brought against the elected official's bond.
([Ord. 1987-028](#), passed 10-12-1987)

§ 250.05 METHOD FOR PAYING EXPENSES TO COUNTY OFFICIALS AND EMPLOYEES.

- 1) That all expenses for travel, meals and lodging or any other expenses paid by the County to the County Official or Employee shall be paid only upon an itemized statement filed with the Clerk of the County on a monthly basis showing the actual expenses and where paid for lodging and meals and such statement must show the date and purpose for the Official or Employee being at such a place; and all expenses for travel shall be itemized on a trip basis showing the date and number of miles traveled to and from a destination and the purpose of such trip, and such mileage is to be paid at a rate of \$0.15 per mile.
([Ord. 1977-013](#), passed 1-22-1977)

§ 250.06 PAY SCHEDULE FOR EMPLOYEES WORKING ON PERRY COUNTY HOLIDAYS.

- 1) It is declared that any County employees required to work on a designated holiday, when County offices are closed, shall be compensated at a rate of time and a half their normal respective hourly rate.
([Ord. 2023-025](#), passed 08-14-2023)

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Purchasing Policies

§ 260.00 CAPITALIZATION POLICY; ESTABLISHED.

- 1) There is hereby a need to set a capitalization policy for equipment and buildings that will be under the Capital Outlay categories of the budget as follows:
 - a. Equipment:
 - i. Has an expected useful life of at least one (1) year at the time of purchase.
 - ii. Is not expendable.
 - iii. Is more economically feasible to repair than replace in most instances.
 - iv. Not a repair or a replacement part for existing equipment and is not a recurring item (i.e., maintenance agreement, freon air conditioner).
 - v. Cost of \$500.00 or more.
 - vi. Not an item that clearly belongs in another expenditure classification (i.e., books, uniforms, tires, etc.).
 - b. Buildings:
 - i. Not a normal maintenance expense (i.e. replace broken window, replace existing carpet, plumbing, or electrical wire, painting of interior or exterior of building (unless new building), termite control, etc.).
 - ii. Cost of \$500.00 or more.
- 2) There is hereby set a capitalization policy for Perry County as requested by the State Auditor.
([Ord. 1998-001](#), passed 2-9-1998)

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Article V. EMERGENCIES: PLANS, SYSTEMS AND FEES

Section

General

- | | |
|--------|---|
| 270.00 | Special Election for the funding and implementation of a non-enhanced 9-1-1 Emergency Telephone System and to provide a service charge for funding. |
| 270.01 | Beaver Eradication Program. |
| 270.02 | Election to fund the implementation of a fully enhanced 9-1-1 Emergency Telephone System. |
| 270.03 | Natural Hazard Mitigation Plan. |

Flooding

- | | |
|--------|----------------------------------|
| 280.00 | Flood Damage Prevention Program. |
|--------|----------------------------------|

General

§ 270.00 SPECIAL ELECTION FOR THE FUNDING AND IMPLEMENTATION OF A NON-ENHANCED 9-1-1 EMERGENCY TELEPHONE SYSTEM AND TO PROVIDE A SERVICE CHARGE FOR FUNDING.

- 1) A special election will be held on Tuesday, June 21, 1994, between the hours of 7:30 a.m. and 7:30 p.m. for the purpose of approving or rejecting an Ordinance to levy a service charge of five percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission to fund and implement an enhanced 9-1-1 Emergency Telephone Services System within Perry County, and the Perry County Election Commission is directed to do all things legally necessary and required under the law to prepare for, and set up the special election on said question.
- 2) The ballot title and question to be submitted to electors of Perry County for vote shall be set out as follows:

FOR an enhanced 9-1-1 emergency telephone system within Perry County to be funded by a charge of five percent of the basic

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telephone tariff approved by the Arkansas Public Service Commission.

AGAINST an enhanced 9-1-1 emergency telephone system within Perry County to be funded by a charge of five percent of the basic telephone tariff approved by the Arkansas Public Service Commission.

- 3) The County Clerk of Perry County shall forthwith certify a copy of the Ordinance, upon its approval by the Quorum Court, to the Perry County Election Commission in order that the question may be timely put on the ballot for such election.
([Ord. 1994-006](#), passed 5-9-1994; Am. [Ord. 1994-010](#), passed 5-14-1994)

§ 270.01 BEAVER ERADICATION PROGRAM.

- 1) PURPOSE. It is determined that it is necessary to establish the Perry County Beaver Eradication Program to control the beaver population in the County of Perry, State of Arkansas. The beaver population in the County is reported by the Perry County Conservation District to be growing, and to be causing property damage, especially to drainage systems and farm lands. Establishment of the Beaver Eradication Program in Perry County is necessary to qualify for State reimbursement pursuant to Act 640 of 1993.
- 2) STATE REIMBURSEMENT. Act 690 of 1003 was enacted by the 79th General Assembly, Regular Session, and became effective July 1, 1993. The Act provides that up to \$150,000.00 may be appropriated by the Department of Finance and Administration for each fiscal year of the biennial period ending June 30, 1995, to reimburse counties which establish Beaver Eradication Programs. The counties which establish such programs will be eligible for reimbursements as provided in Act 630 of 1993, Sect. 1, at the rate of \$5.00 per beaver carcass harvested under the County program.
- 3) PROGRAM. The Perry County Quorum Court thus hereby establishes the Perry County Beaver Eradication Program. Such program is to be effective beginning August 1, 1994. On June 12, 1994, the Perry County Judge established procedures by which beaver carcasses (or parts thereof necessary to receive state reimbursements) are to be delivered to the County upon establishment of this program. Such procedures shall, and do, include the following maximum criteria developed by the Department of Finance and Administration:
- a) Property owners must notify the County Judge's Office in writing of their intention to have beavers harvested upon their property(ies).

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- b) Harvesters of beaver must notify the County Judge's Office in writing of their intention to harvest beaver within the County.
- c) Harvesters of beaver shall attend a certification meeting conducted by the Arkansas Game and Fish Commission and be issued a certification card or permit to be qualified to harvest beaver in the County.
- d) The County Judge will designate Official Beaver Control Officer(s).
- e) The Official Beaver Control Officer(s) will inspect the beaver, remove its tail, and dispose of the carcass.
- f) The Official Beaver Control Officer(s) will certify to the County Judge in writing the names of the harvesters and the number of beavers harvested and set a time or times and a place or places that hunters and trappers can turn the beavers in to the Officers.
- g) 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.
- h) The amount that Perry County will pay individuals for the beavers under the Eradication Program is currently set at \$10.00 per carcass for Perry County residents who are Harvesters, and \$5.00 per carcass for non-Perry County Resident Harvesters, subject to funding of the project by the State and subject to such funds being available to Perry County to reimburse certified beaver harvesters for each carcass they turn into the Official Beaver Control Officer.
- i) Any future change in the rate of reimbursement will be set by the Quorum Court by resolution at any regular meeting, unless an appropriation Ordinance is necessary to fund that portion of the reimbursement related to Perry County residents. The Quorum Court may change the reimbursement as necessary depending upon the response to the program and the funds available from the County and the amount that will be available from the State as reimbursement.
- j) 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, as it has for the Perry County residents herein, with such funds being appropriated and paid out of County funds.

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The Quorum Court has reviewed the “Perry County Beaver Control Eradication Program Procedures” developed by the Hon. George McNeal dated June 13, 1994, and hereby approves such procedures, establishes the Beaver Eradication Program, and authorizes the County Judge to forthwith appoint Beaver Eradication Control Officers to implement the above procedures established by the County Judge on June 13, 1994, and incorporated herein by reference.

- 4) PROGRAM CONTINGENCY. The active operation of the Perry County Beaver Eradication Program will be contingent upon the appropriation of funding by the State and the availability of reimbursements to Perry County. Therefore, if the State money is not appropriated for this project, Perry County will not be obligated to pay for any beavers, unless the Quorum Court elects otherwise.
- a) If funds are appropriated for this project by the State, the Perry 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.
 - b) In the event that the State program is not funded, the Perry County Beaver Eradication Program will remain in place and inactive until such times that moneys are available from the State. When funds are available for Perry County, this program will be placed into active operation until the funds are exhausted.
([Ord. 1994-013](#), passed 6-13-1994)

§ 270.02 ELECTION TO FUND THE IMPLEMENTATION OF A FULLY ENHANCED 9-1-1 EMERGENCY TELEPHONE SYSTEM AND TO PROVIDE A SERVICE CHARGE TO FINANCE THE SYSTEM.

- 1) An election will be held November 5 between the hours of 7:30 a.m. and 7:30 p.m. for the purpose of approving or rejecting an Ordinance to implement a fully enhanced 9-1-1 emergency telephone service within Perry County.
- 2) At the election to be held on that purpose, the voters will be asked to vote upon the following question:

FOR a fully enhanced 9-1-1 emergency telephone system with automatic caller location and telephone identification within Perry County to be funded by a charge of twelve percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission;

OR

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AGAINST a fully enhanced 9-1-1 emergency telephone system with automatic caller location and telephone identification within Perry County to be funded by a charge of twelve percent of the basic telephone tariff rate approved by the Arkansas Public Service Commission.

([Ord. 1996-021](#), passed 8-12-1996)

§ 270.03 NATURAL HAZARD MITIGATION PLAN.

- 1) The Perry County Quorum Court hereby adopts those portions of the Plan entitled, *Perry County, Arkansas, Natural Hazard Mitigation Plan* protecting Perry County, against all natural hazards that pertain to Perry County, Arkansas.
- 2) The Perry County Quorum Court hereby appoints the Perry County Office of Emergency Management Coordinator to assure that the Hazard Mitigation Plan be reviewed at least annually and that any needed adjustment to the *Perry County, Arkansas, Natural Hazard Mitigation Plan* be developed and presented to the Perry County Quorum Court for consideration as an addendum and agrees to take such other official action as may be reasonably necessary to carry out the objectives to the Hazard Mitigation Plan.

([Ord. 2009-022](#), passed 8-10-2009)

Flooding

§ 280.00 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 of Perry County, Arkansas, does hereby ordain as follows.
- 2) FINDINGS OF FACT.
 - a) The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Perry County in the current scientific and engineering report entitled “The Flood Insurance Study (FIS) for Perry County, Arkansas, and Incorporated Areas” dated June 20, 2000, with an effective Flood Insurance Rate Map (FIRM) dated 6-20-2000).
 - 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

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expenditures for flood protection 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, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into 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;
 - 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 Areas.
- 4) **LANDS TO WHICH THIS ORDINANCE APPLIES.** The Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Perry 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;

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- 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;
 - 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 Perry County, Arkansas,” dated January 5, 2009**, the code shall include:

ARTICLE I Definitions

ARTICLE II Administration

ARTICLE III Provisions for Flood Hazard Reduction

A copy of referenced code shall be filed in the Office of the Perry County Judge 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. Wherever 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.

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- 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 will 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 results 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.
- 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 \$250 per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case.

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([Ord. 1999-014](#), passed 10-11-1999; Am. [Ord. 2000-004](#), passed 3-13-2000; Am. [Ord. 2005-006](#), passed 2-15-2005; Am. [Ord. 2007-014](#), passed 8-14-2007; Am. [Ord. 2007-029](#), passed 12-10-2007; Am. [Ord. 2009-001](#), passed 1-5-2009)

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Article VI. COUNTY FUNDS AND FEES

Section

- | | |
|--------|---|
| 290.00 | Coronavirus Relief Fund; Established. |
| 290.01 | Special Revenue Fund; Established; American Rescue Plan Fund. |
| 290.02 | County General Sub-Fund; APRA Revenue Replacement Fund. |
| 290.03 | Drug Control Fund, Emergency Vehicle Fund, Public Safety Fund, and Federal Equitable Sharing Fund; Established. |
| 290.04 | Additional Motor Fuel Tax Fund; Established. |
| 290.05 | Additional \$2.00 cost upon all court cases to establish a county law library. |
| 290.06 | Marriage License Application Fee. |
| 290.07 | Probation service fee in the amount of not to exceed \$75.00 to be imposed in County Municipal Court. |
| 290.08 | County General Sub-Fund; Local Assistance Tribal Consistency Fund (LATC). |

§ 290.00 CORONAVIRUS RELIEF 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 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 Perry County Treasurer and the books of the Perry County Clerk a fund to be known as the Coronavirus Relief Fund with a fund number of 1005 as assigned by Arkansas Legislative Audit. The revenue code for the federal assistance through the CARES Act, as assigned by Legislative Audit, is 7112—Federal Coronavirus Relief.

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- 3) OPERATION OF FUND. The Coronavirus Relief 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. As a sub-fund of the County General Fund any balance in the fund is considered accruable to County General and is part of the general fund balance in aggregate as defined in A.C.A. § 14-15-805(3). Any revenue received from the CRF for an approved country 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.

([Ord. 2020-009](#), passed 10-12-2020)

§ 290.01 SPECIAL REVENUE FUND ESTABLISHED; AMERICAN RESCUE PLAN FUND.

- 1) AFFIRMATION. It comes before this Court that there is a needed 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 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 form the U.S. Treasury.
- 2) ESTABLISHMENT OF FUND. There is hereby created on the books of the Perry County Treasurer and the books of the Perry County Clerk 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 be only in accordance with guidelines issued by the U.S. Treasury concerning the legal expenditure of revenues received pursuant to the American 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.

([Ord. 2021-005](#), passed 5-10-2021)

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§ 290.02 COUNTY GENERAL SUB-FUND; ARPA REVENUE REPLACEMENT FUND.

- 1) **AFFIRMATION.** It comes before this Court that there is a need to establish a County General sub-fund on the books of the County to track the revenue replacement funds taken from the ARPA Fund #3046 either calculated annually according to the formula articulated in the final rule or from the election of a standard allowance allowed by the final rule. It is also affirmed that the expenditures, and/or appropriated transfers of federal assistance through the ARPA Fund. This Court recognizes and affirms the need for such a fund to properly account for and control all such revenues allowed and expenditures made with replacement revenue in compliance with the Coronavirus State and Local Fiscal Recovery Funds Final Rule from the U.S. Treasury.
- 2) **ESTABLISHMENT OF FUND.** There is hereby created on the books of the Perry County Treasurer and the books of the Perry County Clerk or Comptroller a County General sub-fund to be known as the ARPA Revenue Replacement Fund with a fund number of **1006** as assigned by the Aransas Legislative Audit. Any revenue or transfer codes; office/department codes; and expenditure codes are to be assigned locally using the County Financial Management System per the direction of Arkansas Legislative Audit.
- 3) **OPERATION OF FUND.** The ARPA Revenue Replacement Fund is subject to all the normal county budgeting, appropriation and expenditure regulations of Title 14 of Arkansas Code Annotated and the County Financial Management System. Funds transferred to the ARPA Replacement Revenue Fund as “county revenue loss” may be used generally for government services traditionally provided by county government to include, but not limited to: construction and maintenance of roads and bridges; other infrastructure projects; provision of public safety; purchase of government vehicles and equipment; and county administrative costs. Revenue replacement funds cannot be used to make an extraordinary contribution to a pension fund; for debt service; for replenishing county financial reserves; for settlements or judgments or for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act. Proper records and documentation must be maintained on the use of these funds for federal audit purposes. ([Ord. 2022-002](#), passed 2-14-2022)

§ 290.03 DRUG CONTROL FUND, EMERGENCY VEHICLE FUND, PUBLIC SAFETY FUND, AND FEDERAL EQUITABLE SHARING FUND; ESTABLISHED.

- 1) The following funds are established and shall be maintained by the Treasurer of Perry County in accordance with local, state, and federal law:

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FUND 3015, DRUG CONTROL FUND – to receive asset forfeitures resulting from drug offenses;

FUND 3022, EMERGENCY VEHICLE FUND – to receive the proceeds of fines for failure to license motor vehicles and fines for register a motor vehicle;

FUND 3029, PUBLIC SAFETY FUND – to receive proceeds of 25% of fines levied by the District Court for violations of the Child Passenger Protection Code;

FUND 3404, FEDERAL EQUITABLE SHARING FUND – to receive proceeds of asset forfeiture distributed by the federal Drug Enforcement Agency.

([Ord. 2020-002](#), passed 5-11-2022)

§ 290.04 ADDITIONAL MOTOR FUEL TAX FUND; ESTABLISHED.

- 1) 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) There is hereby created on the books of the Perry County Treasurer a fund to be known as the Additional Motor Fuel Tax Fund (Act 416 of 2019) with fund #2003 as assigned by Arkansas Legislative Audit. The Revenue Code for the County highway turnback receipted to this fund in 7002.
- 3) 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 received; and (c) projects funded using the highway revenue turnback.

([Ord. 2019-011](#), passed 12-9-2019)

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§ 290.05 ADDITIONAL \$2.00 COST UPON ALL COURT CASES TO ESTABLISH A COUNTY LAW LIBRARY.

- 1) There is hereby established an additional \$2.00 court costs to be collected as follows:
 - a. From each defendant upon each judgment of conviction, plea of guilty or nolo contendere, or forfeiture for failure to appear, in felony and in misdemeanor cases, in the Circuit and Municipal Courts of Perry County.
 - b. In civil cases filed in the Circuit, Chancery, Probate, and Municipal Courts of Perry County.
- 2) Said costs shall be collected by the Circuit and Municipal Clerks, Sheriffs, and/or other officers at the time and in the manner as are other costs in such cases.
- 3) All collections from costs levied pursuant to the provisions of this Ordinance shall be monthly paid over by the collecting officers to the County Treasurer and by him credited on his records to a fund to be designated and known as the Perry County Law Library Book Fund.
- 4) Said funds collected by this Ordinance shall be used to operate and maintain the Perry County Law Library.
([Ord. 1985-013](#), no passage date; Am. [Ord. 1986-019](#), passed 9-8-1986; Am. [Ord. 1994-023](#), passed 10-10-1994)

§ 290.06 MARRIAGE LICENSE APPLICATION FEE.

- 1) Pursuant to Act 465 of 1989, the fee for a marriage license application is hereby increased from \$25.00 to \$30.00.
([Ord. 1989-014](#), passed 4-10-1989)

§ 290.07 PROBATION SERVICE FEE IN THE AMOUNT NOT TO EXCEED \$75.00 TO BE IMPOSED IN COUNTY MUNICIPAL COURT.

- 1) There is hereby authorized a probation supervision fee for probationers in the Perry County Municipal Court, in an amount not to exceed \$75.00 which may be imposed by the Municipal Judge.
([Ord. 1989-016](#), passed 5-8-1989)

§ 290.08 COUNTY GENERAL SUB-FUND; LOCAL ASSISTANCE TRIBAL CONSISTENCY FUND.

- 1) **AFFIRMATION.** It comes before this Court that there is a need to establish a County General sub-fund on the books of the County to track the Local Assistance and Tribal Consistency Fund revenues made available to “eligible revenue sharing counties” under the American Rescue Plan Act (ARPA). This Court recognizes and affirms the need for such a fund to properly account for and control all such revenues allowed and expenditures made.
- 2) **ESTABLISHMENT OF FUND.** There is hereby created on the books of the Perry County Treasurer and the books of the Perry County Clerk or Comptroller a County General sub-fund to be known as the Local Assistance Tribal Consistency Fund or more commonly known as the LATC Fund. The fund number is **1007** and the revenue code is **7112** as assigned by the Arkansas Legislative Audit. Any transfer codes; office/department codes; and expenditure codes are to be assigned locally using the County Financial Management System per the direction of Arkansas Legislative Audit.
- 3) **OPERATION OF FUND.** The LATC Fund is subject to all the normal county budgeting, appropriation, and expenditure regulations of Title 14 of Arkansas Code Annotated and the County Financial Management System. In Accordance with the American Rescue Plan Act the LATC funds are available for any governmental purpose other than lobbying activity. LATC funds can be treated like general revenue funds or PILT payments. Proper records and documentation must be maintained on the use of these funds for the annual Obligation and Expenditure Report until all funds are expended and for federal audit purposes.
([Ord. 2022-010](#), passed 10-05-2022)

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