

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

**Chapter 2:                      ADMINISTRATION**

**Article**

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**Article I.    QUORUM COURT**

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

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

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

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

(a) TIME AND PLACE OF QUORUM COURT ASSEMBLY.

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

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

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

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

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

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

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

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

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

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**Section**

Reserved.

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**Article II. COUNTY OFFICERS AND PERSONNEL**

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

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

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

Offices expressly excluded from the provisions of this subchapter are:

- (1) The judge of the county court created pursuant to Arkansas Constitution, Article 7, § 28, such office being an “elective county office” but not deemed separable from the county court which serves as a principal element of county government and constitutional organization;
- (2) Justices of the peace who are deemed district offices; and
- (3) Constables who are deemed township offices and who are not within the provisions of Arkansas Constitution, Amendment 55 § 2, Part (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section**

210.00            County Treasurer; additional duties.

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210.01 Sheriff's department to collect all fines assigned in the circuit or chancery courts.

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

- 1) In addition to all other duties presently required by law, the County Treasurer shall attend all regular meetings of the Quorum Court for the purpose of responding to any questions which may arise concerning the financial statement required to be submitted monthly to the Quorum Court by the County Treasurer.
- 2) In addition to all other duties presently required by law, the County Treasurer shall attend any special meeting of the Quorum Court wherein such attendance is deemed necessary by members of the Quorum Court or the County Judge. Timely notice of such need for attendance shall be furnished to the County Treasurer, giving the purpose for which attendance is required.
- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1977-003, passed 1-3-77](#))

**§ 210.01 SHERIFF'S DEPARTMENT TO COLLECT ALL FINES ASSESSED IN THE CIRCUIT OR CHANCERY COURTS.**

- 1) The Sheriff's Department is designated as the agency responsible for the collection of fines assessed upon defendants in the Circuit and Chancery Courts of Lonoke County, Arkansas, pursuant to Act 1262 of 1995. ([Ord.1995-010, passed 12-21-95](#))

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**Article III. COUNTY ORGANIZATIONS**

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

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

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

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

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

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

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

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

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

**Section**

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| 220.00 | Library Board.                             |
| 220.01 | Grand Prairie Water Users Board.           |
| 220.02 | Residential Housing Facilities Board.      |
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**§ 220.00   LIBRARY BOARD.**

- 1) Upon the passage of this Ordinance and effective immediately, the Lonoke County Library Board is created, as authorized by A.C.A. § 14-14-705, and may exercise all rights and powers pertinent thereto.
- 2) Upon the passage of this Ordinance and effective immediately, the Lonoke County Library Board shall consist of those members currently holding office, with such members rotating off the Board in such fashion as provided for by A.C.A. § 14-14-705.
- 3) All actions, agreements, contracts, etc., entered into by the Lonoke County Library Board as established by Ordinance 1978-026, up to the effective date of this Ordinance, are hereby ratified by the Lonoke County Quorum Court.
- 4) The Lonoke County Clerk shall maintain a register, if not already being kept, of future Lonoke County Library Board appointments as required by A.C.A. §§ 14-14-705, et seq.
- 5) REPEALER. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.
- 6) SEVERABILITY CLAUSE. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.
- 7) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1978-026, passed 11-14-78; Am. Ord. 2006-015, passed 7-20-06](#))

**§ 220.01   GRAND PRAIRIE WATER USERS BOARD.**

- 1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 et seq. (1987; Suppl. 1993) (the “Act”). The Board shall be known as the “Grand Prairie Water Users Board of Lonoke 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 (5) members. Five (5) members shall be appointed by the County Judge of Lonoke County. The terms of said members shall be as follows:

Position one: 1 year

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Position two: 2 years

Position three: 3 years

Position four: 4 years

Position five: 5 years.

Successor members shall be elected by a majority of the Board for terms of five (5) 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 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 by electing one of their members as chairman, and one as vice-chairman, one as secretary, and one as treasurer, and such officers shall be elected annually thereafter in 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:
  - 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 the other available funds and revenues therefor.
- 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;

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- b) To maintain an office at such place 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 objectives for which it has been created, and to fix their compensation;
  - f) To do any and all other acts and things to accomplish the 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, except 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 the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the waterworks facilities projects involved; the cost of issuing the bonds; 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 and the placing of it in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness or to implement any waterworks facilities project) 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 though 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

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and credit of Lonoke 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 in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.
- 9) **RECORDS.** The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates.
- 10) **ANNUAL REPORTS.** Within the first ninety (90) days of each calendar year, this Board shall make a written report to Lonoke County, Arkansas, concerning its activities for the proceeding 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.
- 12) **SEVERABILITY CLAUSE.** The provisions of this Ordinance are severable. If any provision hereof shall be held to be invalid or inapplicable to any person or circumstance, such holding or invalidity shall not affect the validity or applicability of the remainder of the provisions hereof.
- 13) **EMERGENCY CLAUSE.** An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1994-006, passed 8-19-94](#))

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**§ 220.02 RESIDENTIAL HOUSING FACILITIES BOARD.**

- 1) CREATION OF PUBLIC FACILITIES BOARD FOR LONOKE COUNTY, ARKANSAS. There is hereby created a Public Facilities Board pursuant to the provisions of Ark. Stat. Ann. §§ 20-1701, et seq. That said Board shall be known as the “Residential Housing Facilities Board of Lonoke County, Arkansas.” That said Board shall have the powers provided for by Ark. Stat. Ann. § 20-1704. The governing body of this county may at its sole discretion, and at any time, alter or change the structure, organization, programs, or activities of the Board, including the power to terminate the Board, but no such valid action shall be effective to alter or impair contracts entered into by the Board prior to the effective date of such action.
  
- 2) MEMBERSHIP OF THE BOARD. The Board shall consist of five (5) members who shall be appointed by the Lonoke County Judge by order of the Lonoke County Court. The initial Board shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Successor members shall be elected by a majority of the Board for terms of five (5) years each. Each member shall qualify by taking and filing with the Clerk of the municipality 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 by electing one of their members as chairman, and one as vice-chairman, one as secretary and one as treasurer, and such officers shall be elected annually thereafter in like manner. The duties of the secretary and treasurer may be performed by the same member. The Board may also appoint an Executive Director who shall not be a member of the Board and who shall serve at the pleasure of the Board and receive such compensation as shall be fixed by the Board. The members of the Board shall receive no compensation of expenses incurred in the performance of their duties. Any member of the Board may be removed for misfeasance, malfeasance, or willful neglect to duty by the Lonoke County Judge after reasonable notice of and an opportunity to be heard concerning the alleged grounds for removal.
  
- 4) GENERAL POWERS OF THE BOARD. The Board is hereby specifically empowered:
  - a) To own, acquire, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of residential housing facilities or any interest in such facilities, including, without limitation, leasehold interests in and loans evidenced by promissory notes and secured by real estate mortgages and/or security interest in personal

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properties of such facilities from the owners thereof, and to make loans to mortgage lenders (as defined in the Act) to provide financing for such facilities;

- b) To issue bonds to obtain funds and revenues for the accomplishment of any of the public facilities projects herein authorized, either alone or together with other available funds and revenues therefor.
  - i) That the County hereby approves the issuance of the Bonds in principal amount not to exceed sixteen million dollars (\$16,000,000), said Bonds to bear interest at rates not exceeding eight percent (8%) per annum, and said Bonds to be issued within sixty (60) days of the date of this Ordinance.
  
- 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 Public Facilities Board Act as it may from time to time be amended for the regulation of its affairs and conduct of its business;
  - b) To maintain an office at such place or places in Lonoke County, Arkansas, as the Board may designate from time to time;
  - c) To sue and be sued in its own name;
  - d) To fix, charge, and collect rents, fees, loans, repayments, interest, and charges for the use of any public facilities project or loan made in connection therewith;
  - e) To employ and pay compensation to such employees and agents, including attorneys, consulting engineers, architects, surveyors, accountants, financial experts, and others as it may in its judgment find necessary for the accomplishment of the purposes and objectives for which it has been created, and to fix their compensation;
  - f) To do any and all other acts and things to accomplish the public facilities projects for which it is authorized by this Ordinance and all other acts and things authorized or required by the Public Facilities Board Acts as it may from time to time be amended, except as may be specifically limited herein, and any and all other things necessary or convenient to accomplish the 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 public facilities projects which it is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate,

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maintain, sell, lease, contract concerning, or otherwise deal in, or to give or take leasehold interests in, and to fund loans with respect thereto in exchange for promissory notes secured by real estate mortgages and/or security agreements in personalty from owners, users, or others in connection with any such public facilities projects. Bonds may be issued by the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the public facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of the public facilities involved and the placing of it in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness or the implement any public facilities project) shall not inure to the benefit of any person other than to Lonoke County, Arkansas.

- 7) **AUTHORITY WITH RESPECT TO BONDS.** This Board shall have, with respect to the issuance of bonds authorized to be issued by it, the authority and power, with respect thereto set forth and contained in Ark. Stat. Ann. §§ 20-1709—20-1713, inclusive, which terms and provisions are hereby incorporated in this Ordinance as though 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 Public Facilities Board Act from time to time hereafter, except within sixty (60) days prior to the date of each issue of obligations of the bond the Board shall obtain the approval of the Quorum Court of Lonoke County, Arkansas.

All bonds of the Public Facilities Board shall be special obligation revenue bonds which shall be obligations only of the Public Facilities Board and shall not constitute an indebtedness for which the faith and credit of Lonoke 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 residential housing projects financed, in whole or in part, from bond proceeds and as authorized by and in accordance with the provisions of Act 142.

- 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 of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

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- 9) RECORDS. The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The Secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates.
  
- 10) ANNUAL REPORTS. Within the first ninety (90) days of each calendar year, this Board shall make a written report to the Lonoke County Judge and Quorum Court of Lonoke County, Arkansas, concerning its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during the year.
  
- 11) AUTOMATIC AMENDMENT. To accomplish the specific public facilities objectives set forth above, the Board shall have such additional authority and power as may, from time to time, hereafter be authorized for Public Facilities Boards by Amendments to the Public Facilities Act without additional action by this Quorum Court.
  
- 12) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1978-024, passed 10-12-78](#); [Am. Ord. 1993-001, passed 3-3-93](#))

**§ 220.03    KERR COMMUNITY PUBLIC FACILITY BOARD.**

- 1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 et seq. (1987; Suppl. 1993) (the “Act”). The Board shall be known as the Kerr Community Public Facility Board of Lonoke 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 (5) members. Five (5) members shall be appointed by the County Judge of Lonoke County. The terms of said members shall be as follows:
  - a) Position 1- one year
  - b) Position 2- two years
  - c) Position 3- three years
  - d) Position 4- four years
  - e) Position 5- five years.

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Successor members shall be elected by a majority of the Board for terms of five (5) 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 by electing one of their members as chairman, 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:
  - a) To own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of wastewater treatment and distribution 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 wastewater facilities projects herein authorized, either alone or together with the other available funds and revenues therefor.
  
- 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 place 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 wastewater facilities.

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- 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 objectives for which it has been created, and to fix their compensation.
  - f) To do any and all other acts and things to accomplish the wastewater 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, except 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 wastewater 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 the Board in such principal amounts as shall be sufficient to pay the cost of accomplishing the wastewater facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves, if deemed desirable; the amount necessary to provide for debt service on the bonds until revenues for the payment thereof are available from other sources; and any other costs and expenditures of whatever nature incidental to the accomplishment of wastewater facilities involved and the placing of it in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness or to implement any wastewater facilities project) 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 though 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 hereinafter. 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 Lonoke 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 wastewater project 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 by a majority of its members, and at such times as may be specified in the bylaws for regular meetings, and a

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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 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 of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

- 9) RECORDS. The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates.
  
- 10) ANNUAL REPORTS. Within the first ninety (90) days of each calendar year, this Board shall make a written report to Lonoke 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.
  
- 12) SEVERABILITY CLAUSE. The provisions of this Ordinance are severable. If any provision hereof shall be held to be invalid or inapplicable to any person or circumstance, such holding or invalidity shall not affect the validity or applicability of the remainder of the provisions hereof.  
[\(Ord. 2006-003, passed 3-16-06\)](#)

**§ 220.04 BAYOU TWO WATER USERS BOARD.**

- 1) CREATION OF THE PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 et seq. (1987; Suppl. 1993) (the “Act”). The Board shall be known as the “Bayou Two Water Users Board of Lonoke 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 (5) members. Five (5) members shall be appointed by the County Judge of Lonoke County. The terms of said members shall be as follows:

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- a) Position 1 – one year
- b) Position 2 – two years
- c) Position 3 – three years
- d) Position 4 – four years
- e) Position 5 – five years

Successor members shall be elected by a majority of the Board for terms of five (5) years each. On the election of any board member after the initial board appointments, the board shall advertise during the month before the election for applicants to apply for the upcoming vacancy. The election shall be from those applicants. 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 by electing one of their members as chairman, 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 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:
  - 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 therefor.
- 5) ADDITIONAL AUTHORITY OF THE BOARD. The Board is hereby additionally authorized and empowered:

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- 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 place 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 objectives for which it has been created, and to fix their compensation;
  - f) To do any and all other acts and things to accomplish the 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, except as may be specifically limited herein, and any and all other things necessary or convenient to 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 to the accomplishment of the waterworks facilities project 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 the Board in such principal amounts as shall be sufficient to pay: the cost of accomplishing the waterworks facilities projects involved; the cost of issuing the bonds; the amount necessary for reserves if deemed desirable; the amount to provide for debt service on the bonds until revenues and the payment thereof are available from other sources; other costs and expenditures of whatever nature incidental to the accomplishment of the waterworks facilities involved in the placing of it in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness to implement any waterworks facilities project) shall not inure to the benefit of any person other than to the Board.
- 7) **AUTHORITY WITH RESPECT TO BONDS.** The Board shall have, with respect to the issuance of bonds, authority to be issued by it, the authority and power with respect to and as set forth and contained in the Act, which terms and purposes are hereby incorporated in this Ordinance as though expressly set forth, word for word, except to the extent that changes required for the provisions thereof to be construed in the context of this Ordinance, and

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such additional terms as may be granted in similar provisions by amendments to the Act from time to time hereafter.

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

- 8) MEETINGS. The Board shall meet upon a 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 affirmation of the majority of the members present at a meeting of the Board shall be necessary for any action taken by the Board. Any action taken by the Board may be authorized by resolution and such resolution shall take effect immediately unless a later effective date is specified in the resolution. No vacancy in the membership in the Board shall impair the ability of a quorum to exercise all the rights and perform all duties of the Board.
- 9) RECORDS. The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates.
- 10) ANNUAL REPORTS. Within the first ninety (90) days of each calendar year, this Board shall make a written report to Lonoke 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.
- 12) SEVERABILITY CLAUSE. The provisions of this Ordinance are severable. If any provision hereof is declared to be invalid or inapplicable to any person or circumstance, then such holding or invalidity shall not affect the validity or applicability of the remainder of the provisions hereafter.

[\(Ord. 1998-004, passed 4-16-98\)](#)

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**§ 220.05    HIGHWAY 319 WATERWORKS BOARD.**

- 1) CREATION OF PUBLIC FACILITIES BOARD. There is hereby created a Public Facilities Board pursuant to the provisions of A.C.A. §§ 14-137-101 et seq. (1987; Suppl. 1989) (the “Act”). The Board shall be known as the “Highway 319 Waterworks Board.” The Board shall have the powers provided for by the Act.
  
- 2) MEMBERSHIP OF THE BOARD. The Board shall consist of five (5) members. Five members shall be appointed by the County Judge of Lonoke County. The initial members of the Board shall be Raymond Weeks, Emma Spruiel, J.L. Barger, Ray Spruiel, and Bill Thompson. The terms of said members shall be as follows:
  - a) Raymond Weeks – one year
  - b) Emma Spruiel – two years
  - c) J.L. Barger – three years
  - d) Ray Spruiel – four years
  - e) Bill Thompson – five years.

Successor members shall be elected by a majority of the Board for term of five (5) years each. Each member shall qualify by taking and filing with the Clerk of the County his or her oath of office in which he or she shall swear to support the constitution of the United States and the Constitution of the State of Arkansas, and to discharge faithfully his or her duties in the manner provided by law. Each member shall serve until his or her 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 him or herself.

- 3) ORGANIZATION OF THE BOARD. The members of the Board shall meet and organize by electing one of their members as chairman, and one as vice-chairman, one as secretary, and one as treasurer, and such officers shall be elected annually thereafter in like manner. The duties of the secretary and treasurer may be performed by the same member. 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:
  - 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;

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- 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 therefor.
- 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 place or places in or near 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 objectives for which it has been created, and to fix their compensation;
  - f) To do any and all other acts and things to accomplish the 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, except 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 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 and the placing of it in operation. Any net earnings of the Board (beyond that necessary for retirement of the indebtedness

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or to implement any waterworks facilities project) 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 though 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 Lonoke County, Arkansas, 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 in the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.
- 9) **RECORDS.** The Secretary shall keep a record of the proceedings of the Board and shall be custodian of all books, documents, and papers filed with the Board and of the minute book or journal of the Board and its official seal, if any shall be adopted. The secretary may cause copies to be made of all minutes and other records and documents of the Board and may give certificates of the Board to the effect that such copies are true copies, and all persons dealing with the Board may rely upon such certificates.
- 10) **ANNUAL REPORTS.** Within the first ninety (90) days of each calendar year, this Board shall make a written report to Lonoke 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) **SEVERABILITY CLAUSE.** The provisions of this Ordinance are severable. If any provisions hereof shall be held to be invalid, such holding of invalidity shall not affect the validity or applicability of the remainder of the provisions hereof.

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- 12) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1992-001, passed 2-19-92](#))

**§ 220.06 FURLOW WASTEWATER PUBLIC FACILITIES BOARD.**

- 1) In accordance with and pursuant to the authority conferred by the Public Facilities Board Act (A.C.A. §§ 14-137-101, et seq.), there is hereby created and established a public facilities board (hereinafter referred to as the “Board”) with authority as hereinafter provided to deal in or dispose of the facilities identified in the Public Facilities Board Act.
- 2) The name of the Board shall be “Furrow Wastewater Public Facilities Board”.
- 3) The initial members of the Board shall be appointed by the County Judge pursuant to A.C.A. § 14-137-108(a). Each member shall take and file with the County Clerk the Oath of Office prescribed by the Public Facilities Board Act.
- 4) The Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of capital improvement facilities for the use and benefit of the proposed wastewater service area, or any interest in such capital improvement facilities including, without limitation, leasehold interests in and mortgages on such capital improvement facilities.
- 5) The Board is authorized to issue revenue bonds from time to time and to use the proceeds, either alone or together with other available funds, to accomplish the purposes for which the Board is created. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of Lonoke County, Arkansas, or any of its revenues are pledged, and the principal and interest on the bonds shall be payable from and secured by a pledge of obligations, and other funds or sources of funds as authorized by and in accordance to the provisions of the Public Facilities Board Act.
- 6) The Board shall have all the powers provided in the Facilities Boards Act, subject to the provisions of this Ordinance, and shall carry out its duties in accordance with the Public Facilities Boards Act, including specific limitations, the filing of the annual report required by A.C.A. § 14-137-123.
- 7) SEVERABILITY CLAUSE. If any provision of this Ordinance is declared to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions

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of this Ordinance, which shall remain in full force and effect as if the portion declared or adjudged invalid or unconstitutional was not originally a part of the Ordinance.

[\(Ord. 2009-007, passed 5-21-07\)](#)

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**Article IV. COUNTY POLICIES.**

**Section**

*Employee / Employment Policies*

- 240.00            Personnel policy.
- 240.01            Direct deposit required.

*Purchasing Policies*

- 250.00            County permitted to purchase goods or services directly or indirectly from quorum court members under unusual circumstances.

*General Policies*

Reserved.

*Employee / Employment Policies*

**§ 240.00 PERSONNEL POLICY.**

- 1) A copy of the Lonoke County Personnel Policy is attached hereto and a copy shall be maintained by the Lonoke County Clerk.
- 2) The Lonoke County Sheriff's Department shall maintain its policies consistent with these policies and shall maintain a copy of any additional policies with the Lonoke County Clerk.
- 3) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1985-001, passed 3-27-85](#); [Am. Ord. 1991-004, passed 8-20-91](#); [Am. Ord. 1994-002](#); [Am. Ord. 1995-002, passed 6-15-95](#); [Am. Ord. 2001-005, passed 5-17-01](#); [Am. Ord. 2004-003, passed 2-19-04](#); [Am. Ord. 2002-007, passed 10-17-02](#); [Am. Ord. 2002-010, passed 12-19-02](#); [Am. Ord. 2006-023, passed 11-16-06](#))

**§ 240.01 DIRECT DEPOSIT REQUIRED.**

- 1) That the Lonoke County Treasurer and Lonoke County Clerk shall set up a system according to the laws of the State of Arkansas and to acceptable accounting principles to directly deposit all employee payroll checks into each employee's bank account.

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- 2) This system shall be placed into effect in accordance with the laws of the State of Arkansas and with acceptable accounting procedures as set out for a direct deposit payroll system.
- 3) REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
([Ord. 1996-003, passed 6-18-96](#))

*Purchasing Policies*

**§ 250.00 COUNTY PERMITTED TO PURCHASE GOODS OR SERVICES DIRECTLY OR INDIRECTLY FROM QUORUM COURT MEMBERS UNDER UNUSUAL CIRCUMSTANCES.**

- 1) That the County may purchase goods or services directly or indirectly from Quorum Court members, county officers, or county employees due to unusual circumstances. Any Quorum Court member having any interest in the goods or services being considered under this Ordinance shall not vote upon the approval of such goods or services. If goods or services are purchased under this Ordinance, the County Judge shall file an affidavit with the County Clerk certifying that each disbursement has been made in accordance with the provisions of this Ordinance, and the County Judge shall further file with the County Clerk a copy of the voucher and any other documents supporting the disbursement.
- 2) For the purpose of this Ordinance, unusual circumstances are defined as:
  - a) Any circumstance or situation where goods or services needed by the County could be purchased from a Quorum Court member, county employee, or county officer at a lower cost than from another source; or
  - b) Any circumstance or situation where goods or services needed by the County could be purchased in a more convenient and efficient manner from a Quorum Court member, county officer, or county employee; or
  - c) Any circumstance or situation where the quality of the goods or services purchased by the County would be superior if purchased from a Quorum Court member, county officer, or county employee; or
  - d) Any circumstance or situation where the purchase of goods or services from a Quorum Court member, county officer, or county employee would be beneficial to the County.

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- 3) By way of limitation, goods or services shall not be purchased from a Quorum Court member, county officer, or county employee solely because of their relationship with the County.

[\(Ord. 1989-004, passed 6-21-89\)](#)

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

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

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

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

**Section**

*General*

- |        |  |
|--------|--|
| 260.00 | Election to fund the 9-1-1 Emergency Telephone system, service charge to finance the system. |
| 260.01 | Election to fund the 9-1-1 Emergency Telephone system, service charge to finance the system. |
| 260.02 | Election to fund the 9-1-1 Emergency Telephone system, service charge to finance the system. |

*Flooding*

- |        |                                  |
|--------|----------------------------------|
| 270.00 | Flood damage prevention program. |
|--------|----------------------------------|

*General*

**§ 260.00    ELECTION TO FUND THE 9-1-1 EMERGENCY TELEPHONE SYSTEM, SERVICE CHARGE TO FINANCE THE SYSTEM.**

- 1) An election will be held on Tuesday, November 6, 1990, for the purpose of approving or rejecting an Ordinance for funding of a 9-1-1 emergency telephone system within the County of Lonoke, Arkansas. Said funding to be derived from a service charge, not to exceed five percent (5%) of the tariff rate approved by the Arkansas Public Service Commission, on access lines of the systems. Said service charge shall begin to be collected immediately after approval of the voters.

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- 2) At said election to be held for that purpose, the voters will be asked to vote on the following question.

FOR a service charge to provide 9-1-1 Emergency Telephone System.

AGAINST a service charge to provide 9-1-1 Emergency Telephone System.

- 3) REPEALER. All laws or parts of laws inconsistent herewith are hereby repealed.
- 4) The telephone service provider shall retain an amount equal to one percent (1%) of the total revenue collected for their handling costs as authorized by Act 683 of 1985, and the remaining revenue shall be tendered to Lonoke County within fifteen (15) days following each calendar quarter. The telephone provider shall also submit to the Lonoke County Treasurer's Office the funds collected as a 9-1-1 service charge from other political subdivisions for which the 9-1-1 Communications Center acts as Public Safety Answering Point and with whom a mutual aid agreement has been established for provision of 9-1-1 services. The Treasurer will deposit the revenue into the County General Fund to be handled in accordance with established procedures.
- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1990-003, passed 8-15-90](#))

**§ 260.01 ELECTION TO FUND THE 9-1-1 EMERGENCY TELEPHONE SYSTEM, SERVICE CHARGE TO FINANCE THE SYSTEM.**

- 1) An election will be held on Tuesday, July 9, 1991, for the purpose of approving or rejecting an Ordinance for funding of a 9-1-1 Emergency Telephone System within the County of Lonoke, Arkansas. Said funding to be derived from a service charge, not to exceed five percent (5%) of the tariff rate approved by the Arkansas Public Service Commission, on access lines of the systems. Said service charge shall begin to be collected immediately after approval of the voters.
- 2) At said election to be held for that purpose, the voters will be asked to vote on the following question:
- FOR a service charge to provide 9-1-1 Emergency Telephone System.
- AGAINST a service charge to provide 9-1-1 Emergency Telephone System.
- 3) REPEALER. All laws or parts of laws inconsistent herewith are hereby repealed.
- 4) The telephone service provider shall retain an amount equal to one percent (1%) of the total revenue collected for their handling costs as authorized by Act 683 of 1985, and the

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remaining revenue shall be tendered to Lonoke County within fifteen (15) days following each calendar quarter. The telephone provider shall also submit to the Lonoke County Treasurer's Office the funds collected as a 9-1-1 service charge from other political subdivisions for which the 9-1-1 Communications Center acts as Public Safety Answering Point and with whom a mutual aid agreement has been established for provision of 9-1-1 services. The Treasurer will deposit the revenue into the County General Fund to be handled in accordance with established procedures.

- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1991-002, passed 5-15-91](#))

**§ 260.02 ELECTION TO FUND THE 9-1-1 EMERGENCY TELEPHONE SYSTEM, SERVICE CHARGE TO FINANCE THE SYSTEM.**

- 1) An election will be held on Tuesday, July 9, 1991, for the purpose of approving or rejecting an Ordinance for funding of a 9-1-1 Emergency Telephone System within the County of Lonoke, Arkansas. Said funding to be derived from a service charge, not to exceed five percent (5%) of the tariff rate approved by the Arkansas Public Service Commission, on access lines of the system. Said service charge shall begin to be collected immediately after approval of the voters.
- 2) At said election to be held for that purpose, the voters will be asked to vote on the following question:
- FOR a service charge to provide a 9-1-1 Emergency Telephone System.
- AGAINST a service charge to provide a 9-1-1 Emergency Telephone System.
- 3) REPEALER. All laws or parts of laws inconsistent herewith are hereby repealed.
- 4) The telephone service provider shall retain an amount equal to one percent (1%) of the total revenue collected for their handling costs as authorized by Act 683 of 1985, and the remaining revenue shall be tendered to Lonoke County within fifteen (15) days following each calendar quarter. The telephone provider shall also submit to the Lonoke County Treasurer's Office the funds collected as a 9-1-1 service charge from other political subdivisions for which the 9-1-1 Communications Center acts as Public Safety Answering Point, and with whom a mutual aid agreement has been established for provision of 9-1-1 services. The Treasurer will deposit the revenue into a separate and special fund which is hereby created and which will be maintained by the Lonoke County Treasurer.

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- 5) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1992-003, passed 11-19-92](#))

***Flooding***

**§ 270.00 FLOOD DAMAGE PREVENTION PROGRAM.**

- 1) STATUTORY AUTHORITY. The Legislature of the State of Arkansas has in A.C.A. §§ 14-268-101, et seq., delegated the responsibility of local government units to adopt regulations to minimize flood losses. Therefore, the Quorum Court of Lonoke 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 Lonoke County in the current scientific and engineering reports entitled “Flood Insurance Study (FIS) for Lonoke County, Arkansas and Incorporated Areas,” dated June 16, 2006, with an effective Flood Insurance Rate Map (FIRM) dated June 16, 2006.
  - b) These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, 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.
  - d) Flooding events in Lonoke County are primarily shallow or ponding in nature and typically occur in Special Flood Hazard Areas categorized as Zone A or AE in the official flood maps for Lonoke County.
- 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

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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; and streets and bridges located in Special Flood Hazard Areas;
  - h) Minimize future flood blight areas to help maintain a stable tax base; and
  - i) Provide for notice to potential buyers when property is in a Special Flood Hazard Area.
- 4) **LANDS TO WHICH THIS ORDINANCE APPLIES.** The Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Lonoke County.
- 5) **METHODS OF REDUCING FLOOD LOSSES.** This Ordinance uses the following methods to accomplish the stated purpose:
- a) This Ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety, or property during flooding events.
  - b) This Ordinance requires protection against flood damage for structures 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, water course alteration, drainage improvements, roadway or bridge construction, individual water or sewer

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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 Lonoke County, Arkansas.” The code shall include:

ARTICLE 1 DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

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

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

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- 10) COMPLIANCE. Constructing, locating, substantially altering, or changing the use of any structure or land after the effective date of this Ordinance requires full compliance with 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.
  - b) It is a misdemeanor to violate or fail to comply with any provision of this Ordinance.
  - c) Any person found in a court of competent jurisdiction guilty of violating this Ordinance is subject to fines of not more than five hundred dollars (\$500.00) per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case.
- 12) SEVERABILITY CLAUSE. If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this Ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this Ordinance.
- 13) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1994-001, passed 1-18-94](#); [Am. Ord.2006-010, passed 5-18-06](#))

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**Article VI. COUNTY FUNDS AND FEES**

**Section**

290.00            Marriage license fees.

**§ 290.00 MARRIAGE LICENSE FEES.**

- 1) The Lonoke County Quorum Court pursuant to Act 465 of 1989, Acts of Arkansas, hereby authorizes the Lonoke County Clerk to levy, in addition to fees and taxes now charged, an additional five dollar (\$5.00) fee on each application for a marriage license. This fee shall be collected by the County Clerk at the time of the application.
- 2) All fees which are collected under this provision shall be credited by the County Treasurer to the County General Fund and shall be appropriated as provided by law.
- 3) REPEALER. All ordinances and parts of ordinances in conflict herewith are repealed.
- 4) EMERGENCY CLAUSE. An emergency is hereby declared to exist, and this Ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall be in full force and effect from and after its date of passage and approval. ([Ord. 1989-003, passed 4-19-89](#))