

MINUTES
CLARK COUNTY QUORUM COURT
REGULAR SESSION
June 12, 2023

The Clark County Quorum Court met on the above date at 5:30 pm in the District Courtroom. Judge Troy Tucker presided. The roll was called by County Clerk Tracy Rider. The following justices were present: Andrea Angle, Michael Ankton, Wayne Baumgardner, Zach Bledsoe, Tracy Drake, Vanilla Hannah, B.J. Johns, Jimmy King, Albert Neal, Mark Overturf and Jenna Scott.

County Judge Troy Tucker called the meeting to order. Justice Albert Neal gave the invocation.

APPROVAL OF THE AGENDA: Justice Ankton made the motion to adopt the agenda. Justice Baumgardner seconded the motion. With no further discussion, the motion carried by voice vote, no opposition 11-0.

DISPOSITION OF THE MINUTES: Justice Bledsoe made the motion to adopt the minutes from the May 9, 2023 meeting but amending them by removing the statement "and is attached" in regards to Treasurer Karen Arnold's report. Justice Angle seconded the motion. With no further discussion, the motion was carried by voice vote, no opposition 11-0.

COMMITTEE AND OTHER REPORTS:

Personnel Committee did not meet.

Budget Committee did not meet.

Treasurer Karen Arnold gave her report. Report is attached to the minutes as it was presented.

UNFINISHED BUSINESS: None

NEW BUSINESS:

1. Justice Scott made a motion to read Proposed Resolution 2023-04 "A RESOLUTION APPOINTING AN OFFICIAL TO SOLEMNIZE MARRIAGES IN CLARK COUNTY, ARKANSAS". Justice Neal seconded the motion. With no further discussion, roll call was as follows: Yea: Angle, Ankton, Baumgardner, Bledsoe, Drake, Hannah, Johns, King, Neal, Overturf, Scott. The motion carried 11-0.

Rider read the Proposed Resolution in its entirety.

Justice Bledsoe made a motion to adopt Proposed Resolution 2023-04. Justice Angle seconded the motion. With no further discussion, roll call was as follows: Yea: Angle, Ankton, Baumgardner, Bledsoe, Drake, Hannah, Johns, King, Neal, Overturf, Scott. The motion carried 11-0.

2. Justice Ankton made a motion to read Proposed Ordinance 2023-09 "AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE TO PROVIDE FINANCING FOR TWO NEW REAR LOAD COMMERCIAL TRUCKS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY". Justice Baumgardner seconded the motion. With no further discussion, roll call was as follows: Yea: Angle, Ankton, Baumgardner, Bledsoe, Drake, Hannah, Johns, King, Neal, Overturf, Scott. The motion carried 11-0.

Rider read the Proposed Ordinance in its entirety.

Justice Angle made a motion to adopt Proposed Ordinance 2023-03 with the correction made in Article 5 (d) changing the word "form" to "from". Justice Angle seconded the motion. With no further discussion, roll call was as follows: Yea: Angle, Ankton, Baumgardner, Bledsoe, Drake, Hannah, Johns, King, Neal, Overturf, Scott. The motion carried 11-0.

DISPOSAL REPORT: None

JUDGE TUCKERS REPORT:

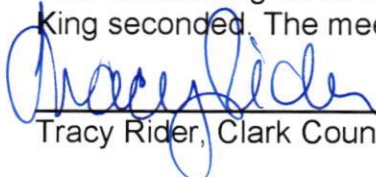
Judge Tucker announced that the county received a \$20,000.00 grant for court security and stated that the money will go towards cameras inside and outside of the court complex.

Judge Tucker briefly discussed the 2024 Eclipse and made note that the community will be having meetings in preparation.

All Justices were handed a proposed emergency ordinance "adopting certain rules and regulations concerning external noise attenuation of data centers and to prevent noise disturbance in Clark County and within its unincorporated limits; to declare an emergency; and for other purposes" to be on July's agenda.

OTHER BUSINESS: NONE

With there being no further business, Justice Johns made a motion to adjourn. Justice King seconded. The meeting was adjourned at 6:01 pm.



Tracy Rider, Clark County Clerk

CLARK COUNTY RESOLUTION NO: 2023-04

BE IT RESOLVED BY THE QUORUM COURT OF CLARK COUNTY, ARKANSAS A RESOLUTION TO BE ENTITLED:

**A RESOLUTION APPOINTING AN OFFICIAL TO SOLEMNIZE MARRIAGES
IN CLARK COUNTY, ARKANSAS**

WHEREAS, the Quorum Court may appoint an official to solemnize marriages in this county, and

WHEREAS, Tracy Rider, County Clerk of Clark County, Arkansas desires to be so appointed

THEREFORE BE IT RESOLVED that in accordance with Arkansas Code §9-11-213 Tracy Rider, County Clerk of Clark County, Arkansas is hereby appointed to solemnize marriages in Clark County, Arkansas according to the laws of the State of Arkansas.

Approved by the Quorum Court this 12th day of June 2023.

ATTEST Tracy Rider
Tracy Rider, Clark County Clerk

APPROVED Troy Tucker
Troy Tucker, Clark County Judge

EMERGENCY ORDINANCE NO. 2023-09

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

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE TO PROVIDE FINANCING FOR TWO NEW REAR LOAD COMMERCIAL TRUCKS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, Clark County, Arkansas (the "County") is authorized and empowered under the provisions of Amendment No. 78 to the Arkansas Constitution ("Amendment 78"), to issue notes and to expend the proceeds thereof to finance the cost of acquiring and constructing real property or tangible personal property having an expected useful life of more than one (1) year; and

WHEREAS, the County proposes to acquire two new rear load commercial trucks and related apparatus (the "project"); and

WHEREAS, it is proposed that that the County issue its promissory note in the principal amount of \$543,000.00 (the "Note") under Amendment 78 and the Authorizing Legislation for the purpose of financing all or a portion of the costs of the Project; and

WHEREAS, the County has made arrangements with Southern Bancorp Bank (the "Purchaser") to purchase the Note;

NOW, THEREFORE, BE IT ORDAINED by the Quorum Court of Clark County, Arkansas:

Article 1. The Quorum Court hereby finds that the Project will consist of tangible personal property having a useful life of more than one (1) year and that the aggregate principal amount of the Note and all other outstanding obligations of the County issued or incurred under Amendment 78 does not exceed two and one-half percent (2.5%) of the assessed value of taxable property located within the County as determined by the last tax assessment.

Article 2. The issuance of the Note in the principal amount of \$543,000.00 is hereby authorized under Amendment 78 and the Authorizing Legislation in order to finance all or a portion of the cost of the Project. The Note shall be dated the date of delivery to the Purchaser and shall bear interest on the outstanding principal amount at the rate of 6.590%

per annum calculated on a 365/360 basis; that is by applying the ratio of the interest rate over a year of 360 days, multiplied times the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. The Note will be repaid in equal monthly installments of principal and interest in the amount of \$7,327.52 commencing thirty (30) days following the loan award, on that day of the month next succeeding the month in which the Note is issued, and on that day of each month thereafter for the next thirty (30) months, with a final installment due on that day of the following month in an amount equal to approximately \$409,999.80 or the remaining principal and interest due on the Note.

Article 3. The Note shall be prepayable at the option of the County, in whole or in part, at any time, at a prepayment price equal to the principal amount being prepaid plus accrued interest.

Article 4. The Note shall be sold to the Purchaser for the purchase price of par.

Article 5. (a) The County covenants with the Purchaser that it shall not take any action or suffer or permit any action to be taken or condition to exist which causes or may cause the interest payable on the Note to be included in gross income for federal income tax purposes. Without limiting the generality of foregoing, the County covenants with the Purchaser that the proceeds of the sale of the Note will not be used directly or indirectly in such manner as to cause the Note to be treated as an "arbitrage" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code")

(b) The County covenants with the Purchaser that it will not use or permit the use of the Project or the proceeds of the Note, in such manner as to cause the Note to be a "private activity bond" within the meaning of Section 141 of the Code.

(c) The Note is hereby designated as a "qualified tax exempt obligation" within the meaning of the Code. The County represents to the Purchaser that it does not reasonably expect that the aggregate principal amount of its qualified tax exempt obligations (excluding "private activity bonds" within the meaning of Section 141 of the Code which are not "qualified 501(c)(3) bonds" within the meaning of Section 145 of the Code), including those of its subordinate entities, to be issued in calendar year 2023 will exceed \$10,000,000.00.

(d) The County covenants with the Purchaser that it will not reimburse itself from Note proceeds for any costs paid prior to the date the Note is issued except in compliance with United States Treasury Regulation No. 1.150-2 (the "Regulation"). This Ordinance is an "official intent" within the meaning of the Regulation.

Article 6. It is covenanted and agreed by the County with the Purchaser that it will faithfully and punctually perform all duties with reference to the Note required by Amendment 78 and the laws of the State of Arkansas and by the Ordinance.

Article 7. If there be any default in the payment of the principal of or interest on the Note or if the County defaults in the performance of any of the other covenants contained in the Ordinance, the Purchaser may, by proper suit, compel the performance of the duties of the officials of the County under the laws of the State of Arkansas.

Upon the occurrence of a default by the County under this Ordinance, the Purchaser may exercise any and all remedies available to it under the laws of the State of Arkansas. No remedy herein conferred upon or reserved to the Purchaser is intended to be exclusive of any other remedy or remedies herein provided or provided by law, and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or given by the law. No delay or omission of the Purchaser to exercise any right or power accrued upon any default or acquiescence therein; and every power and remedy given by this Ordinance to the Purchaser may be exercised from time to time and as often as may be deemed expedient.

Article 8. The note may be secured by a lien on and security interest in the Project.

Article 9. The County Judge, County Clerk, and County Treasurer, for, and on behalf of the county, are hereby authorized and directed to do any and all things necessary to effect the issuance, execution, sale, and delivery of the Note, and the performance of all acts of whatever nature necessary to effect and carry out the authority conferred by this Ordinance. The County Judge, County Clerk, and County Treasurer are hereby further authorized and directed, of and on behalf of the County, to execute all papers, documents, agreements, certificates, and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Article 10. The provisions of the Ordinance are hereby declared to be separable, and if any article, phrase, or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity or the remainder of the articles, phrases, and provisions.

Article 11. All ordinances, resolutions, and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Article 12. It is hereby ascertained and declared that the Project is immediately needed for the preservation of the public peace, health, and safety, and to remove existing hazards thereto. The Project cannot be accomplished without the issuance of the Note, which cannot be sold at the interest rate specified herein unless this Ordinance is immediately effective. Therefore, it is declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health, and safety shall be in force and take effect immediately upon and after its passage.

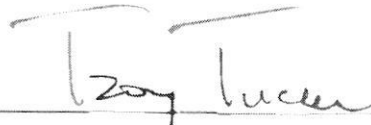
PASSED: June 12, 2023

ATTEST:

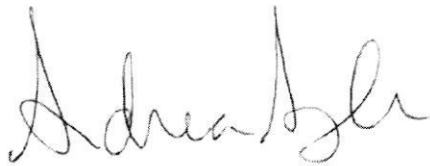


Clark County Clerk

APPROVED:



Clark County Judge



(SEAL)

EDCC -

TOTAL RECEIVED	\$208,710.04
LESS BOND PAYMENT	<u>\$ 56,596.37</u>
EXCESS DISBURSED/EDCCC	\$152113.67

SALES TAX -

TOTAL RECEIVED - \$417,420.08		
Disbursement	County General	\$192,263.69
(after Treas Comm)	County Road	\$192,263.69
	Sanitation/Solid Waste	\$ 20,453.58
	Various Fire Departments	\$ 4,090.72

GENERAL RESERVE FUND 1001

Difference above projection of County General	\$18,420.27
This will be transferred after end of quarter.	
Balance	\$213,176.42

We have completely closed our Southern Bancorp accounts. We still have the Pledged CD at Southern. It is earning 4.5%.

Our current interest rate at Citizens Bank is 5.42%