

JOURNAL OF PROCEEDINGS
MISSISSIPPI COUNTY QUORUM COURT
June 27, 2023

The Quorum Court of Mississippi County, Arkansas, met in regular session at 6:00 p.m. in the Mississippi County Courthouse in Blytheville, Arkansas with Judge John Alan Nelson presiding. Rev. Steven Blaney gave the invocation, which was followed by the Pledge of Allegiance.

The following members answered roll call:

Justice Ash
Justice Brown
Justice Burge
Justice Cullom
Justice Hepler
Justice Jackson

Justice Mangat
Justice Martin
Justice McClanahan
Justice McDonald
Justice White

Absent: None. Also in attendance was County Attorney Jacob Holmes.

Justice White moved to dispense with the reading of the minutes as copies had been provided to the members. Justice McClanahan seconded the motion and the voice vote was unanimous.

In the treasurer's report, County Treasurer Peggy Meatte reported the interest rate at Farmers Bank in Blytheville on a \$100,000.00 CD was 5.30% for one year. She also reported Economic Development was up by \$740,000.00 from this time last year.

Ethan Brown (Staff Chair), Dr. Pam Prewitt (SCS Agent), Kamela O'Neal (4H Agent) and Allen Beach (Agriculture Agent) from the Mississippi County Cooperative Extension Service Office gave an update on programs offered by the office.

Committee Reports:

American Rescue Plan Committee: Justice Jackson reported the committee met on June 6, 2023 and topics of discussion were:

- \$250,000.00 spent on book restoration for the County Clerk as well as the Circuit Clerk.
- City infrastructure grants awarded
- Invoice from I Parametrics for \$2,200.00 and plan to appropriate \$5,000.00 more for future invoices.
- \$1,200,000.00 was appropriated for the Health units and they planned to appropriate an additional \$200,000.00.
- Sheriff Cook has spent some of the money appropriated for vehicles.

- Balance in ARP Fund is currently a bit over \$6,000,000.00. \$2,369,000.00 has not been appropriated.

Finance Committee: Justice White reported the committee met on June 20, 2023 and discussed:

- Budget was currently 42% which was good. All elected officials were within their budget.
- Purchased a \$1,000,000.00 CD at an interest rate of 5.3% for one year.
- County ranked 6th in sales tax collection in Arkansas.
- P&D requested an appropriation of \$80,000.00 for Adrian Poole to pay for salary/and fringe benefits.
- P&D requested an appropriation of \$64,000.00 for the Working toward Wages Program.
- Old equipment disposal in the Assessor's office.
- ARP Committee's request for an additional \$200,000.00 for the Health Units and \$5,000.00 to pay I Parametrics.
- Auditors were working on the county audit.
- Bids for cleaning service and Senior Citizen's van had run in the paper.
- Judge Nelson presented the committee with handouts regarding the Crypto Mining/Data Mining operation
- Motion was made and seconded to present an ordinance to the quorum court in June concerning the data mining.

The clerk was asked to read an ordinance titled: AN EMERGENCY ORDINANCE ADOPTING CERTAIN RULES AND REGULATIONS CONCERNING EXTERNAL NOISE ATTENUATION OF DATA CENTERS AND TO PREVENT NOISE DISTURBANCE IN MISSISSIPPI COUNTY AND WITHIN ITS UNINCORPORATED LIMITS, TO DECLARE AN EMERGENCY, AND FOR OTHER PURPOSES. Following the reading and discussion, no action was taken. Ordinance No. O-2023-35 will automatically come before the court next month.

The clerk was asked to read an ordinance titled: AN APPROPRIATION TO FUND SALARY AND FRINGE BENEFITS FOR THE RECRUITMENT AND PLACEMENT SPECIALIST AT ARKANSAS NORTHEASTERN COLLEGE. Following the reading and some discussion, Justice Ash moved to amend the wording in the ordinance, Justice White seconded and the vote was: Justice White moved for adoption, Justice Ash seconded and the vote was: Aye --- Ash, Brown, Burge, Cullom, Hepler, Jackson, Mangat, Martin, McClanahan, McDonald and White; Nay --- None; Absent---None. With no further discussion, Justice White moved to adopt, Justice McClanahan seconded and the vote was: Aye --- Ash, Brown, Burge, Cullom, Hepler, Jackson, Mangat, Martin, McClanahan, McDonald and White; Nay --- None; Absent---None. O-2023-36 was adopted by the court.

The clerk read an ordinance titled: AN ORDINANCE FUNDING THE "WORKING TOWARDS WAGES" PROGRAM AT ARKANSAS NORTHEASTERN COLLEGE. Following the reading, Justice White moved to adopt, Justice McClanahan seconded and the vote was: Aye --- Ash, Brown, Burge, Cullom, Hepler, Jackson, Mangat, Martin, McClanahan, McDonald and White; Nay --- None; Absent---None. O-2023-37 was adopted by the court.

The clerk was asked to read an ordinance titled: AN ORDINANCE FUNDING THE ONGOING HEALTH DEPARTMENT CONSTRUCTION PROJECTS. Following the reading, Justice White moved for adoption, Justice Ash seconded and the vote was: Aye --- Ash, Brown, Burge, Cullom, Hepler, Jackson, Mangat, Martin, McClanahan, McDonald and White; Nay --- None; Absent---None. O-2023-38 was adopted by the court.

The clerk read an ordinance titled: AN APPROPRIATION TO PAY I PARAMETRICS, THE COUNTY'S ARP CONSULTANT, FOR PROFESSIONAL SERVICES. Following the reading, Justice White moved for adoption, Justice Jackson seconded and the vote was: Aye --- Ash, Brown, Burge, Cullom, Hepler, Jackson, Mangat, Martin, McClanahan, McDonald and White; Nay --- None; Absent---None. O-2023-39 was adopted by the court.

There being no further business to come before the court, Justice White moved to adjourn, Justice Ash seconded and the voice vote was unanimous. The meeting adjourned at 7:45 p.m.

Respectfully submitted:

A handwritten signature in cursive script that reads "Janice Currie".

Janice Currie
County Clerk/Secretary

QUORUM COURT
MISSISSIPPI COUNTY, ARKANSAS
Tuesday, July 25, 2023
Blytheville, Arkansas

6:00 p.m. REGULAR SESSION OF QUORUM COURT IN THE CIRCUIT COURTROOM OF THE
BLYTHEVILLE COURTHOUSE

AGENDA

1. Call to Order
2. Prayer - Johnny Moore, Promiseland COGIC
3. Pledge of Allegiance
4. Roll Call
5. Proclamation - Justice Alvin Lee Clay
6. Treasurer's Report
7. Reading & Approving Minutes
- ~~8. Treasurer's Report~~
9. Committee Reports
 - Planning & Development Meeting 6/22/2023 Justice Neil Burge
 - Personnel Meeting 6/29, 2023 Justice Harbans Mangat
 - Road & Bridges Meeting 7/17/2023 Justice Rick Ash
 - Finance Meeting 7/17/2023 Justice Michael White
 - Fire Police & Safety Meeting 7/20/2023 Justice Neil Burge
 - Sanitation & Solid Waste Meeting 7/20/2023
10. Resolutions:
 - Hospital Board - Mr. Jeremy Jackson
 - Hospital Board - Mr. Matt Jones
11. Ordinances:
 - Ordinance – Data Mining 2nd Reading
 - Appropriation Ordinance – ANC Local Hire \$25,000.00
 - Appropriation Ordinance- Workforce Training \$200,000.00
 - Appropriation Ordinance -PDR Payments
 - Appropriation Ordinance – Finance Temporary Position
 - Appropriation Ordinance – Juvenile Grant
12. New Business

13. Old Business

14. Announcements

15. Adjourn

**PLANNING & DEVELOPMENT MEETING
JUNE 22, 2023 1:30 ANNEX BUILDING**

ATTENDANCE: Justice Neil Burge; Justice Reggie Cullom; Justice Cecil McDonald; Justice Drake Brown; Justice Tobye McClanahan; Economic Development Clif Chitwood, Mallory Darby; ANC Dr. Chris Heigle; Finance Kelli Jones.

1. Meeting was called to order by Justice Neil Burge. Meeting was turned over to Dr. Chris Heigle. Dr. Heigle handed out information on an internship coordinator. ANC wanted to be open on how the funds were spent. Forty seven people had applied for the new internships. Job placement update for spring of 2023. Twenty persons had been placed. Recently completed industry training-spring. 340 hours, 281 individuals trained. Upcoming industry training-Summer/fall 896+ hours. See attached handout.

2. Dr. Heigle requested \$25,000.00 for the internship coordinator and an additional \$200,000.00 for training. Internship request would not be asked again for another year. \$200,000.00 should carry thru the third quarter. Workforce training was important. Justice McDonald asked about the first responders. The Dean of nursing was having a meeting with the advisory committee. More paramedics were needed. LPN/Paramedic degree may be offered. Motion was made by Justice Reggie Cullom to appropriate the \$25,000.00 for the internship coordinator and \$200,000.00 for the workforce training. Second was made by Justice Cecil McDonald. Motion passed and will go to Finance.

3. Meeting adjourned.

Minutes submitted by: Cindy George

**PERSONNEL MEETING
JUNE 29, 2023 2:30 ANNEX BUILDING**

ATTENDANCE: Justice Harbans Mangat; Justice Cecil McDonald; Justice Betty Hepler; Justice Drake Brown; Justice Neil Burge; Justice Melinda Martin; Treasurer Peggy Meatte; Finance Kelli Jones; Public Affairs Tom Henry; NEA Town Courier Revis Blaylock.

1. Meeting was called to order by Justice Harbans Mangat. Wayne Reynolds brought to the committee that he was leaving the OEM position. His last day was July 21, 2023. Mr. Reynolds had vacation time, currently 24.31 days. Employee could sell back 10 days. Carried over from last year 30 days. Policy would need to be changed for more than 10 days to be paid. OEM was 24 hour on call position. Discussion was held.
 2. County changed the policy to 10 days and only if funds were available. Mr. Reynolds didn't want to take all vacation but stay to help with training. Justice McDonald asked if more than one person may be needed. The position was two people at one time. The positions were combined when David Lendennie retired. Mr. Reynolds asked is it was permissible with apers to be employed by two employers. Option 1. Time could be extended and needed to be cleared with Judge Nelson. Option 2 change the policy handbook. Request was tabled.
 3. Finance Director Kelli Jones requested a temporary slot in their department. The payroll clerk was leaving August 31, 2023. The temporary slot was needed to train the new hire. July 26 thru August 31. Total \$5,429.85. Salary \$4,415.38, taxes \$337.80, retirement \$676.47. Would not be eligible for insurance. Motion was made by Justice Drake Brown to fund the temporary slot for \$5,429.85. Second was made by Justice Cecil McDonald. Motion passed and would go to Finance.
 4. Meeting adjourned.
- Minutes submitted by: Cindy George

**ROAD & BRIDGES MEETING
JULY 17, 2023 1:00 P.M. ANNEX BUILDING**

ATTENDANCE: Chairman Justice Rick Ash; Justice Neil Burge; Justice Molly Jackson; Justice Betty Hepler; Justice Cecil McDonald; Justice Harbans Mangat; Judge John Alan Nelson; NEA Town Courier Revis Blaylock.

1. Meeting was called to order by Justice Rick Ash. City of Osceola requested that the county fund part of the intersection of 140 and 61. New option was partnering for \$125,000.00. Relocation and maintenance of utilities were the responsibility of the City. Money would be paid to the State. Motion was made by Justice Betty Hepler to give the \$125,000.00 to the State for the intersection of 140 and 61 and move to Finance. Motion died for lack of a second. Justice Burge didn't like the idea of helping the State pay for the project. Justice Burge thought the State had never asked for a partnership on State Hwy. projects. Judge Nelson thought the projects would happen. Justice Jackson thought the project was necessary.

2. Meeting adjourned.

Minutes submitted by: Cindy George

**FINANCE COMMITTEE MEETING
JULY 17, 2023 1:30 ANNEX BUILDING**

ATTENDANCE: Justice Neil Burge; Justice Molly Jackson; Justice Harbans Mangat; Justice Drake Brown; Justice Cecil McDonald; Justice Tobye McClanahan; Justice Rick Ash; Justice Betty Hepler; Prosecutor Curtis Walker, Case Coordinator Sarah Ramsey; Sheriff Dale Cook; Collector Susan Short; County Clerk Janice Currie; Finance Kelli Jones; NEA Town Courier Revis Blaylock.

1. Meeting was called to order by Justice Neil Burge. Justice Burge reported on the finances and were in good order and on budget.
2. DTF requested to split the case coordinator into an investigator and case coordinator. Investigator would be part time. Sarah Ramsey as coordinator would handle both the north and south end. Justice Jackson thought the request should go to the Personnel Committee then Finance. New job description was needed. Justice Mangat would schedule a meeting.
3. Finance requested a temporary slot for payroll. July 26 thru August 31. The slot was needed to be able to train with the payroll clerk. Salary \$4,415.58, insurance \$337.80, retirement \$676.47. Total \$5,429.80. Motion was made by Justice Molly Jackson to create a temporary slot for training a new payroll clerk. Second was made by Justice Harbans Mangat. Motion passed.
4. Economic Development requested funding for workforce training. \$200,000.00. Internship coordinator request was \$25,000.00. Motion was made by Justice Cecil McDonald to appropriate the \$200,000.00 for workforce training and \$25,000.00 for the internship coordinator. Second was made by Justice Molly Jackson. Motion passed.
5. Juvenile Department received a Juvenile Intake Grant from the Juvenile section of the AOC. \$8,446.86. The at risk program met three nights a month and two officers were present at the meetings. Money was to be paid as overtime and thru salary. Motion was made by Justice Molly Jackson to create a slot for overtime. Second was made by Justice Cecil McDonald. Motion passed. Daryl Turner requested \$9,000.00 for computers. Request tabled for lack of a motion.
6. Appraiser request for Professional Recognition Payments. Act 357 was passed and the county now paid the funds to eligible employees thru payroll. County would pay taxes but no retirement. Taxes \$38.25. Appropriation was needed. Motion was made by Justice Cecil McDonald to appropriate the \$38.25. Second was made by Justice Harbans Mangat. Motion passed.
7. No action for additional District Court Clerk.
8. Judge Nelson brought information for a Resolution for the hospital board. Presented at next Quorum Court. Jeremy Jackson would replace Earl Smith with the approval of the Quorum Court.

9. Justice Burge said the Senior Citizen vehicles had been delivered.

10. Meeting adjourned.

Minutes submitted by: Cindy George

**FIRE, POLICE & SAFETY MEETING
JULY 20, 2023 1:30 ANNEX BUILDING**

ATTENDANCE: Chairman Justice Neil Burge; Justice Tobye McClanahan; Justice Betty Hepler; Justice Melinda Martin; Justice Rick Ash; Justice Drake Brown; Justice Reggie Cullom; Finance Kelli Jones; Sheriff Dale Cook; Captain David Gladden; Major Rob Rounsavall; Chris Smith; Collector Susan McCormick; NEA Town Courier Revis Blaylock.

1. Meeting was called to order by Justice Neil Burge. Cleaning service bid was awarded to SG360. Meeting was turned over to Christine Smith to discuss the invoices from the hospital for the Health Department. Two invoices were presented. \$14,168.40, \$15,699.54. \$1.5 million grant was received to renovate the Osceola and Blytheville Health Units. Ms. Smith didn't have information for the rent charged. Ritter was hired by the hospital to install 15 phones. Health Department phones were not compatible with the hospital phones. The committee suggested the hospital administrator or John Logan come to the Finance Committee and explain the invoices.
 2. Sheriff Cook requested another officer for security in the Blytheville Courthouse. Sheriff Cook would like to have one person from the jail roster assigned to the Blytheville Courthouse to work the scanner and electronic equipment. The other two officers would work the court. Same pay scale as a courthouse transport security officer. Sheriff Cook had extra positions that were not filled. There was one deputy the Sheriff would like to raise to Sergeant. Motion was made by Justice Tobye McClanahan to move the request for another security officer to Personnel. Second was made by Justice Betty Hepler. Motion was made by Justice Betty Hepler to fund a slot to move a deputy to Sergeant to Finance. Second was made by Melinda Martin. Motions passed.
 3. Data mining discussion. Ordinance O-2023-35 passed the first reading in the June Quorum Court Meeting. Two more readings were needed. Information had been flowing on data mining. Bill was presented to Legislature and passed. Bill was going in effect August 1, 2023. State statute prohibiting any Municipality or Quorum Court putting any rules in place that would hinder a bit coin operation. Crypto mining. Concerns by local populations about the facilities. The Ordinance gave some control by the counties to regulate new facilities. Largest problem addressed was the amount of noise is produced by the coolers. Large amounts of electricity were needed. Took about 10 mega watts to run one. Warnings had been issued about shortages. The Committee recommended the Ordinance be approved at the Quorum Court Meeting July 25 because of the time frame.
 4. Meeting adjourned.
- Minutes submitted by: Cindy George

**SANITATION & SOLID WASTE
JULY 20, 2023 2:45 ANNEX BUILDING**

ATTENANCE: Chairman Justice Tobye McClanahan; Justice Melinda Martin; Justice Reggie Cullom; Justice Neil Burge; Justice Betty Hepler; Justice Rick Ash; Justice Drake Brown; Finance Kelli Jones; Collector Susan McCormick; NEA Town Courier Revis Blaylock.

1. Meeting was called to order by Justice Tobye McClanahan. Finance overview May and June. Revenue doubled. Salaries were up in June because of an extra pay period. Repairs were budgeted for \$100,000.00. Appropriation was made for an additional \$120,000.00 for equipment repairs. Fund balances over \$1 million in cash fund.
 2. Scale house options. Aaron Ruby and Judge Nelson looked at the scale house at the landfill. Flex buildings that were found were not willing to sell outright. Lease only. Other options were researched. Mobile offices were found that were available for purchase. Could be on site within weeks. \$94,000.00 for delivery and set up fee. Utility set up not included. 12 x 60. Cost to move the building to a different location around \$7,000.00 to \$8,000.00. Justice McClanahan thought this was the direction to go. Condition of the scale house now was a liability. Justice McClanahan would meet with Judge Nelson to discuss the options. Justice Hepler thought it was needed. New road would be an advantage. Could be built in two or three weeks.
 3. Meeting adjourned.
- Minutes submitted by: Cindy George

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MISSISSIPPI COUNTY QUORUM COURT

RESOLUTION NO. R-2023-_____

**A RESOLUTION CONFIRMING MR. JEREMY JACKSON'S
APPOINTMENT TO THE MISSISSIPPI COUNTY HOSPITAL
SYSTEM'S BOARD OF GOVERNORS**

WHEREAS, the Mississippi County Hospital Board of Governors serves a vital role in overseeing the operations and strategic direction of the Mississippi County Hospital System; and

WHEREAS, the current term of Mr. Earl Smith, a valued member of the Board, is now vacant due to his resignation; and

WHEREAS, it is imperative to ensure that the Mississippi County Hospital System Board of Governors is comprised of competent individuals who possess the necessary skills, experience, and dedication to effectively contribute to the System's continued success; and

WHEREAS, Mr. Jeremy Jackson has demonstrated outstanding qualifications, dedication to community service, and strong commitment to improving healthcare outcomes in our region; and

WHEREAS, Mr. Jackson's professional background in healthcare, combined with his expertise in financial management and strategic planning, makes him a highly suitable candidate for the Mississippi County Hospital System Board of Governors; and

WHEREAS, Mr. Jackson's extensive experience in overseeing healthcare business and his proven ability to navigate complex regulatory environments will be invaluable in guiding the System towards achieving its goals and objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF MISSISSIPPI COUNTY, ARKANSAS:

1. The members of the Quorum Court confirm the appointment of Mr. Jeremy Jackson onto the Mississippi County Hospital System Board of Governors, effective immediately upon passage of this resolution and extending his term through June 30, 2031; subject to any necessary confirmation processes or requirements mandated by applicable laws and regulations; and
2. The Chairperson of the Mississippi County Hospital System Board of Governors is hereby authorized and directed to notify the appropriate authorities and take all necessary actions to facilitate the appointment of Mr. Jeremy Jackson to the Board, including but not limited to submitting the required documentation and conducting any background checks or interviews as required; and

1 Mississippi County Quorum Court
2 Resolution No. R-2023 - _____
3 Page Two
4
5

- 6 3. The Quorum Court extends its sincere gratitude to Mr. Earl Smith for his dedicated
7 service and contributions during his tenure and wishes his continued success in his
8 future endeavors.
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11 DATE: _____

APPROVED:

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16 JOHN ALAN NELSON, COUNTY JUDGE
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19 ATTEST:

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23 JANICE CURRIE, COUNTY CLERK
24 & SECRETARY

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MISSISSIPPI COUNTY QUORUM COURT

RESOLUTION NO. R-2023-_____

**A RESOLUTION CONFIRMING MR. MATT JONES'
APPOINTMENT TO THE MISSISSIPPI COUNTY HOSPITAL
SYSTEM'S BOARD OF GOVERNORS**

WHEREAS, the Mississippi County Hospital Board of Governors serves a vital role in overseeing the operations and strategic direction of the Mississippi County Hospital System; and

WHEREAS, the current term of Ms. Bobbie J. Hampton, a valued member of the Board, expired on November 23, 2022; and

WHEREAS, it is imperative to ensure that the Mississippi County Hospital System Board of Governors is comprised of competent individuals who possess the necessary skills, experience, and dedication to effectively contribute to the System's continued success; and

WHEREAS, Mr. Matt Jones has demonstrated outstanding qualifications, dedication to community service, and strong commitment to improving healthcare outcomes in our region; and

WHEREAS, Mr. Jones' professional background in healthcare, combined with his expertise in financial management and strategic planning, makes him a highly suitable candidate for the Mississippi County Hospital System Board of Governors; and

WHEREAS, Mr. Jones' extensive experience in overseeing healthcare business and his proven ability to navigate complex regulatory environments will be invaluable in guiding the System towards achieving its goals and objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF MISSISSIPPI COUNTY, ARKANSAS:

1. The members of the Quorum Court confirm the appointment of Mr. Matt Jones onto the Mississippi County Hospital System Board of Governors, effective immediately upon passage of this resolution and extending his term through June 30, 2030; subject to any necessary confirmation processes or requirements mandated by applicable laws and regulations; and
2. The Chairperson of the Mississippi County Hospital System Board of Governors is hereby authorized and directed to notify the appropriate authorities and take all necessary actions to facility the appointment of Mr. Matt Jones to the Board, including but not limited to submitting the required documentation and conducting any background checks or interviews as required; and

- 6 3. The Quorum Court extends its sincere gratitude to Ms. Bobbie J. Hampton for her
7 dedicated service and contributions during her tenure and wishes her continued success
8 in her future endeavors.
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11 DATE: _____

APPROVED:

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17 JOHN ALAN NELSON, COUNTY JUDGE
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19 ATTEST:
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24 JANICE CURRIE, COUNTY CLERK
& SECRETARY

MISSISSIPPI COUNTY QUORUM COURT
ORDINANCE NO. O-2023- 35 2nd & 3rd Reading

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

*AN EMERGENCY ORDINANCE ADOPTING CERTAIN RULES AND REGULATIONS
CONCERNING EXTERNAL NOISE ATTENUATION OF DATA CENTERS AND TO PREVENT
NOISE DISTURBANCE IN MISSISSIPPI COUNTY AND WITHIN ITS UNINCORPORATED
LIMITS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES*

WHEREAS, the equipment associated with the cooling systems and generators required to operate data centers generate broadband noise and low-frequency hums that result in noise disturbance. Noise disturbance is the cause of degradation and may produce negative impacts on public health, property and the environment; and

WHEREAS, noise attenuation should be an integral part of the design and construction of data centers in order to prevent noise pollution and noise disturbance; and

WHEREAS, the county finds that the public interest is served by the prevention of unreasonable noise emanating externally from the Data Centers and the provisions of this Ordinance are enacted for the purpose of preserving and protecting the public health, safety, welfare and property of the citizens of Mississippi County, Arkansas.

THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF MISSISSIPPI COUNTY, ARKANSAS, AS FOLLOWS:

ARTICLE 1. Purpose and Applicability

All Data Centers constructed within this jurisdiction shall be designed and built to incorporate external noise attenuation measures in order to minimize the impact of noise disturbance on the residents of Mississippi County, Arkansas.

This ordinance shall apply to limit the noise disturbance originating within the unincorporated limits of Mississippi County, Arkansas.

ARTICLE 2: Definitions

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. *Ambient Noise*: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the

- 1 locations and approximate time at which comparison with the alleged offensive noise is to
2 be made.
- 3 2. *Data Center*: A facility constructed and operated that is engaged in storage, management,
4 processing, and transmission of digital data, including facilities used for cryptocurrency
5 mining, which houses networked computer systems along with supporting equipment such
6 as batteries, back-up power generators, HVAC and cooling systems.
- 7 3. *Decibel (dB)*: A unit for measuring the volume of a sound, equal to twenty (20) times to
8 the base 10 (10) of the ratio of the pressure of the sound measured to the referenced
9 pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter.)
- 10 4. *Mechanical Equipment*: The networked computer systems along with supporting
11 equipment such as batteries, backup generators, and cooling systems housed on the Data
12 Center's property.
- 13 5. *Noise Attenuation*: The reduction of noise levels through the use of sound-absorbing
14 material, architectural design techniques, and/or any other suitable means.
- 15 6. *Noise Disturbance* is any sound which:
16 a. Endangers or injures the safety or health of humans or animals; or
17 b. Annoys or disturbs a reasonable person of normal sensitivities; or
18 c. Endangers or injures person or real property.
- 19 7. *Person*: An individual, association, partnership, or corporation, including any officer,
20 employee, department, or agency.
- 21 8. *Property Line*: An imaginary line along the ground surface, and its vertical extension,
22 which separates the real property owned by one person from that owned by another person,
23 but not including intra-building real property divisions.
- 24 9. *Sound*: An oscillation in pressure, particle displacement, particle velocity or other physical
25 parameter, in a medium with internal forces that causes compression and rarefaction of that
26 medium. The description of sound may include any characteristic of such sound, including
27 duration, intensity and frequency.
- 28 10. *Sound Level*: The weighted sound pressure level obtained by the use of a sound level meter
29 and frequency weighting network, such as A, B, or C as specified in American National
30 Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest
31 approved revision thereof). If the frequency weighting employed is not indicated, the A-
32 weighting shall apply.
- 33 11. *Sound Level Meter*: An instrument which includes a microphone, an amplifier, RMS
34 detector, integrator or time averager, output meter, and weighting networks used to
35 measure sound pressure levels.

36 **ARTICLE 3: Noise Attenuation Requirements**

37 Before a Data Center has commenced construction or operating within this jurisdiction, the
38 property owner and operator proposing to build a Data Center shall comply with the following:

1 *1. Notice Requirements*

- 2 a. The property owner and operator must notify all residents within a half-mile radius
3 of the parcel, including any affiliated homeowners association operating within the
4 half-mile radius, that the property owner and operator intends to build and operate
5 a Data Center on the property. The notice required in this section must be mailed
6 to all postal addresses and homeowners association addresses contained within a
7 half-mile radius extending from the property line where the proposed Data Center
8 will be built. Proof of notification shall be filed with the county clerk's office within
9 30 days of providing notice. The property owner and operator must notify the
10 County Judge that the property owner and operator intends to build and operate a
11 Data Center. The notification must include the location for the proposed data center.

12 *2. Noise Study Requirements*

- 13 a. The property owner of the lands upon which the Data Center is to be located shall
14 conduct a sound study performed by a third-party acoustic engineer to document
15 baseline sound levels in the area of the proposed Data Center, including noise levels
16 measured at the property line in eight locations (north, south, east, west, northeast,
17 northwest, southeast, southwest.) The report of the study must include sound
18 mitigation recommendations based on the results of the study. The property
19 owner must provide a copy of the report of the study to the county judge and file
20 with the county clerk within 30 days of completion of the report.

21 *3. Noise Attenuation Plan Requirements*

- 22 a. The property owner must consult with a third-party architectural or design firm to
23 develop a building plan that includes necessary noise attenuation measures in order
24 to prevent the external sound level emanating from the Data Center from exceeding
25 the sound level limitations below which will be considered a noise disturbance. The
26 building plan is not required to adopt any or all of the noise attenuation
27 recommendations so long as the plan includes noise attenuation measures that the
28 architectural or design firm deems adequate to be in compliance with this
29 Ordinance. Noise attenuation measures may include but not limited to:
30 i. Soundproofing walls, screens, panels, fences, or enclosures
31 ii. Buffer yards
32 iii. Other noise attenuation measures recommended by the third-party acoustic
33 engineer
34 b. Mechanical equipment must be shown on any proposed plan and must be fully
35 screened on all sides. Mechanical equipment not screened by a facade of the
36 building must be screened by a visually solid fence, screen wall or panel, or parapet
37 wall and constructed with a design, materials, details, and treatment compatible
38 with those used on the nearest facade of the building.

- c. The property owner must provide a copy of the building plan to the county judge and file with the county clerk within 30 days of completion of the plan prior to construction.
- d. Any additions, changes, or expansions of the Data Center must comply with the noise attenuation requirements of this Ordinance and must be designed and submitted to the county judge and filed with the county clerk within 30 days of completion of the report.

4. *Post-Completion Noise Study Requirements*

- a. Upon the Data Center's completion, the Data Center operator must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the Data Center when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the property line in the original eight locations used during the baseline study. The Data Center operator must provide a copy of the report to the county judge and file with the county clerk within 30 days of completion of the study.
- b. The Data Center shall not begin operations until the completion of the post-construction noise study and submission to the county judge and county clerk as required above. In order for the Data Center to be in compliance, the noise study results must show that its operation is in compliance with this Ordinance. If the results show that the Data Center is not in compliance with this Ordinance, the Data Center will be unable to commence operation until the required noise attenuation measures and noise limitations are met.
- c. Furthermore, the Data Center operator must conduct annual noise studies under the baseline and post-construction studies specifications in accordance with subsections (a) and (b) above. The Data Center operator must provide the results to the county judge and file with the county clerk within 30 days after the anniversary date of the first sound study report.

ARTICLE 4: Procedure for Measurement

All tests shall be conducted according to the following procedures:

1. *Complaint Driven:* When the measurement is the result of a complaint, measurements will be taken at the property line of the receiving property.
2. *Normal Monitoring:* When the measurement procedure is in the normal course of monitoring sound, the measurements will be taken at the real property line of the source of the sound.
3. *Outdoor Conditions:* No outdoor measurements must be taken while winds exceed (including gusts) 15 miles per hour; under conditions that will allow the sound level meter

- 1 to become wet; or when the ambient temperature is out of range of tolerance on the sound
2 meter.
- 3 4. *Calibration*: The sound level meter must be verified and calibrated according to the
4 manufacturer's specifications immediately prior to taking the measurements.
- 5 5. *Meter Placement*: The sound level meter must be placed a minimum of four feet above the
6 ground or from any reflective surface. The microphone must be pointed at the sound
7 source.
- 8 6. *Measurements*: Measurements must include "high", "average", and "low" readings. If the
9 sound level meter does not provide these multiple readings, a minimum of three separate
10 measurements must be taken at a single location at varying time intervals. The average
11 sound level reading shall be used to determine whether there has been a violation of this
12 Ordinance.
- 13 7. *Monitoring Report*: The report for each measurement session must include:
14 a. The day, date and time of the measurements,
15 b. Date and time of recent calibration,
16 c. Temperature and wind speed the time of measurement,
17 d. Identification of the monitoring equipment,
18 e. Location, land use, and description of the source,
19 f. Location and land use of the listener, and
20 g. Sound level measurements.
- 21 8. *Extraneous Sounds*: If there are extraneous sound sources that are unrelated to the
22 measurements and increase the monitored sound level, the measurement shall be postponed
23 until these noises subside.

24 **ARTICLE 5: Noise Limitations**

25 It shall be unlawful for any Data Center to make, or continue to cause or permit to be made or
26 continued, noise levels constituting a noise disturbance. For the purposes of this section, the
27 external noise level emanating from Data Centers shall be deemed disturbing to a person,
28 reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public,
29 or their property, if the sound level is:

- 30 1. 65 dBA or higher during the hours of 8 A.M. to 10 P.M. or 55 dBA or higher during the
31 hours of 10 P.M. to 8 A.M. (as determined by a third-party acoustic engineer) measured at
32 the property line of the receiving property.
- 33 2. The standard which may be considered in determining whether a violation of this
34 Ordinance exists includes but is not limited to the following:
35 a. The level or volume of the noise
36 b. The time of day or night the noise occurs
37 c. The duration of the noise
38 d. Whether the noise is recurrent, intermittent or constant

- 1 e. Whether proper and reasonable noise attenuation methods were followed and
2 maintained

3 **ARTICLE 6: Violations**

- 4 1. Any or all of the following persons may be held responsible for noise violations:
5 a. The person operating the equipment or creating the noise;
6 b. The person who employs the person operating the equipment or creating the noise
7 at the time of the violation;
8 c. The person who owns or rents the property where the violation occurs.
9 2. The following acts, and the causing thereof, are declared to be in violation of this
10 Ordinance:
11 a. The sound level emanating from the Data Center exceeds 65 dBA or higher during
12 the hours of 8 A.M. to 10 P.M. or 55 dBA or higher during the hours of 10 P.M. to
13 8 A.M. measured at the property line of the receiving property.
14 b. The noise attenuation measures provided in the design plan to the county judge are
15 not incorporated in the construction of the Data Center.
16 c. Any of the required sound study results are not filed with the county judge and the
17 county clerk within 30 days of completion of the report.
18 d. The building plan is not filed with the county judge and the county clerk within 30
19 days of completion of the plan prior to construction.
20 e. Failure to act in accordance with any other provision of this Ordinance.
21 3. All data centers shall be in compliance with the requirements of this Ordinance before
22 commencing operation; failure to do so will be deemed in violation of this Ordinance and
23 result in an injunction and/or a stay in commencing operation.

24 **ARTICLE 7: Penalties**

- 25 (1) Any person(s), firm, corporation, partnership, association, owner, occupant, agent or
26 anyone having ownership in the subject property or supervision or control over the Data
27 Center that violates or fails to comply with any provision of this Ordinance, shall be guilty
28 of a misdemeanor.
29 (2) Upon conviction of such violation, any offending party shall be punished by fine of \$1,000
30 for any one specified offense or violation, or double that sum for repetition of the offense
31 or violation. If the act prohibited is continuous in time, the fine or penalty for allowing the
32 continuance thereof, in violation of this Ordinance, shall be \$500 for each day that it may
33 unlawfully continue. If the prohibited act continues after conviction of violation, an
34 injunction in court of proper jurisdiction to abate the nuisance and violation of the
35 Ordinance may be sought and awarded.

1 (3) The county or any citizen shall be entitled to pursue all legal and equitable remedies
2 available under the law in order to abate the nuisance and compel compliance with this
3 Ordinance, including injunctive relief and any civil damages the court deems appropriate.
4

5 (4) Until the Data Center is in compliance with this Ordinance and required noise attenuation
6 measures are implemented and noise limitations met, the data center shall cease operations.

7 **ARTICLE 8: Severability**

8 If any provision of this Ordinance is found to be invalid by the decision of any court of competent
9 jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this
10 Ordinance which remain valid and enforceable.

11 **ARTICLE 9: Emergency Clause**

12 The Quorum Court finds that the immediate implementation of this ordinance is necessary for the
13 preservation of the public's peace, health, safety, welfare, and property, an emergency is hereby
14 declared to exist and that this Ordinance is to be in effect immediately after its adoption.
15

16 PASSED AND APPROVED this _____ day of June, 2023.

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19 DATE: _____

APPROVED:

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JOHN ALAN NELSON, COUNTY JUDGE

22 ATTEST:

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24 JANICE CURRIE, COUNTY CLERK
25 & SECRETARY

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MISSISSIPPI COUNTY QUORUM COURT

APPROPRIATION ORDINANCE NO. O-2023- 36

*AN ORDINANCE AUTHORIZING APPROPRIATION FOR ARKANSAS NORTHEASTERN
COLLEGE EMPLOYEE EXPENSES*

WHEREAS, Arkansas Northeastern College has reported that it is in need of funds to assist in the hiring of one new full-time employee, who shall serve as a "local hire" advocate with all companies presently hiring in Mississippi County, Arkansas; and

WHEREAS, Arkansas Northeastern College will pay a portion of said annual salary; and

WHEREAS, Mississippi County, Arkansas wishes to contribute \$25,000.00 toward said salary in the year 2023; and

WHEREAS, the Planning & Development Committee has approved and recommends this funding and appropriation; and

WHEREAS, the Finance Committee has reviewed the needed funding and has approved same.

NOW, THEREFORE, be it enacted by the Quorum Court of Mississippi County, Arkansas, that:

I.

The following appropriations/modifications are hereby made for the FY 2023 budget:

SLOT/ACCOUNT #	DESCRIPTION	AMOUNT
3414.0164.3999	Local Hire Commitment	\$25,000.00

II.

All appropriations previously authorized, approved, and made as to all other offices, departments, and agencies of county government, and all other funds not hereinabove changed, are to remain as previously appropriated. Detailed provisions of said appropriations are reflected in the schedule of specific items listed by account numbers within the category for each office and filed in the Office of the County Court Clerk.

1 Mississippi County Quorum Court
2 Appropriation Ordinance No. O-2023 - _____
3 Page Two
4

5 III.
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7 This Ordinance, being an appropriation ordinance, shall be in full force and effect
8 immediately from and after its passage and approval by the County Judge.
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13 DATE: _____
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APPROVED:

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19 JOHN ALAN NELSON, COUNTY JUDGE
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21 ATTEST:
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26 JANICE CURRIE, COUNTY CLERK
27 & SECRETARY

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MISSISSIPPI COUNTY QUORUM COURT

APPROPRIATION ORDINANCE NO. O-2023- 37

AN ORDINANCE AUTHORIZING APPROPRIATIONS IN ORDER TO FUND WORKFORCE
TRAINING PROVIDED BY ARKANSAS NORTHEASTERN COLLEGE

WHEREAS, funding is needed so that the County Government may pay 25% of training costs for industries; and

WHEREAS, this is part and parcel of the "Workforce Training" program that is provided by Arkansas Northeastern College; and

WHEREAS, the County shall furnish two-hundred thousand dollars (twenty-five percent) to assist Arkansas Northeastern College with the training costs that come with this program; and

correct college

WHEREAS, the Finance Committee has reviewed and approved this appropriation.

NOW, THEREFORE, be it enacted by the Quorum Court of Mississippi County, Arkansas, that:

I.

The following appropriations/modifications are hereby made for the FY 2023 budget:

SLOT/ACCOUNT #	DESCRIPTION	AMOUNT
3414.0129.3101	Workforce Training	\$200,000.00

II.

All appropriations previously authorized, approved, and made as to all other offices, departments, and agencies of county government, and all other funds not hereinabove changed, are to remain as previously appropriated. Detailed provisions of said appropriations are reflected in the schedule of specific items listed by account numbers within the category for each office and filed in the Office of the County Court Clerk.

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6 III.

7 This Ordinance, being an appropriation ordinance, shall be in full force and effect
8 immediately from and after its passage and approval by the County Judge.
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JOHN ALAN NELSON, COUNTY JUDGE

21 ATTEST:
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26 JANICE CURRIE, COUNTY CLERK
27 & SECRETARY

MISSISSIPPI COUNTY QUORUM COURT

APPROPRIATION ORDINANCE NO. O-2023- 38

*AN ORDINANCE AUTHORIZING APPROPRIATIONS FOR PROFESSIONAL
DEVELOPMENT RECOGNITION PAYMENTS*

Article 1. Affirmation. This Court acknowledges and affirms that it is the responsibility of the county to disburse, through the county payroll system, the Professional Development Recognition Payments funded by the State of Arkansas to qualifying personnel who actively work with property taxes.

Article 2. Professional Development Recognition Payments. In accordance with Act 357 of 2023, the professional development recognition payments authorized by § 14-15-205 for qualifying county assessors and full-time employees of a county assessor's office shall be paid through county payroll as soon as practicable after the funds are received. The lump sum payment of a professional development recognition payment shall not be incorporated into the county base pay of a constitutional officer or a county employee for future salary adjustments. This lump sum payment is subject to withholding of all applicable state and federal taxes, but shall not be subject to retirement benefits in accordance with § 14-15-205(e)(1). The professional development recognition payments shall not be construed to be part of a county officer's compensation as defined in Amendment 55, § 5 of the Arkansas Constitution or Arkansas Code Annotated § 14-14-1203(d).

NOW, THEREFORE, be it enacted by the Quorum Court of Mississippi County, Arkansas, that:

I.

The following appropriations/modifications are hereby made for the FY 2023 budget:

SLOT/ACCOUNT #	DESCRIPTION	AMOUNT
1000.0105.1005	PDR Payments	\$500.00
1000.0105.1006	Social Security	<u>\$38.25</u>
		\$538.25

II.

All appropriations previously authorized, approved, and made as to all other offices, departments, and agencies of county government, and all other funds not hereinabove changed, are to remain as previously appropriated. Detailed provisions of said appropriations are reflected in the schedule of specific items listed by account numbers within the category for each office and filed in the Office of the County Court Clerk.

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6 III.

7 This Ordinance, being an appropriation ordinance, shall be in full force and effect
8 immediately from and after its passage and approval by the County Judge.
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19 JOHN ALAN NELSON, COUNTY JUDGE
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26 JANICE CURRIE, COUNTY CLERK
27 & SECRETARY

MISSISSIPPI COUNTY QUORUM COURT

APPROPRIATION ORDINANCE NO. O-2023-39

*AN ORDINANCE AUTHORIZING APPROPRIATIONS FOR THE CREATION OF A
TEMPORARY POSITION IN THE FINANCE DEPARTMENT*

WHEREAS, the Finance Department is in need of the creation and funding of a new temporary position; and

WHEREAS, the position shall enable the County to hire an employee to replace the Human Resources/Payroll Clerk and shall enable said new hire to train under the current Human Resources/Payroll Clerk until her termination date of August 31, 2023; and

WHEREAS, this temporary position shall be "Slot #4" and shall be funded for the dates of July 26, 2023 until August 31, 2023; and

WHEREAS, effective September 1, 2023, this slot shall be unfunded and closed; and

WHEREAS, the Personnel Committee approved this measure and passed it to the Finance Committee, who then reviewed and approved the adjustments and now passes it to the full Quorum Court.

NOW, THEREFORE, be it enacted by the Quorum Court of Mississippi County, Arkansas, that:

I.

The following appropriations/modifications are hereby made for the FY 2023 budget:

SLOT/ACCOUNT #	DESCRIPTION	AMOUNT
1000.0113.1001	Salaries, Full-Time	\$4,415.58
1000.0113.1006	Social Security	\$337.80
1000.0113.1007	Retirement	<u>\$676.47</u>
		\$5,429.85

II.

All appropriations previously authorized, approved, and made as to all other offices, departments, and agencies of county government, and all other funds not hereinabove changed, are to remain as previously appropriated. Detailed provisions of said appropriations are reflected in the schedule of specific items listed by account numbers within the category for each office and filed in the Office of the County Court Clerk.

5
6 III.

7 This Ordinance, being an appropriation ordinance, shall be in full force and effect
8 immediately from and after its passage and approval by the County Judge.
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JOHN ALAN NELSON, COUNTY JUDGE

21 ATTEST:
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26 JANICE CURRIE, COUNTY CLERK
27 & SECRETARY

MISSISSIPPI COUNTY QUORUM COURT

APPROPRIATION ORDINANCE NO. O-2023- 40

AN ORDINANCE AUTHORIZING APPROPRIATIONS FOR A PASS-THROUGH GRANT
AWARDED TO THE JUVENILE DEPARTMENT

WHEREAS, the Mississippi County Juvenile Department was awarded a grant from the Arkansas Administrative Office of the Courts (AOC) that shall fund overtime salaries, social security, and retirement for the officers; and

WHEREAS, the total amount of this grant shall be \$8,446.86; and

WHEREAS, the overtime funding shall enable the officers to attend three to six monthly "At-Risk Program" classes; and

WHEREAS, these classes include, but are not limited to, "Book Club", "T.I.E.S.", "M.A.D.E.", civil rights classes, human trafficking classes, finance classes and more; and

WHEREAS, the at-risk programs are classes or presentations aimed at teaching both parents and juveniles socially acceptable behaviors and life skills through presentations and activities; and

WHEREAS, the Finance Committee has reviewed and approved these adjustments.

NOW, THEREFORE, be it enacted by the Quorum Court of Mississippi County, Arkansas, that:

I.

The following appropriations/modifications are hereby made for the FY 2023 budget:

SLOT/ACCOUNT #	DESCRIPTION	AMOUNT
1000.0415.1005	Overtime Salaries	\$6,869.03
1000.0415.1006	Social Security	\$525.48
1000.0415.1007	Retirement	\$1,052.35
		<u>\$8,446.86</u>

II.

All appropriations previously authorized, approved, and made as to all other offices, departments, and agencies of county government, and all other funds not hereinabove changed, are to remain as previously appropriated. Detailed provisions of said appropriations are reflected in the schedule of specific items listed by account numbers within the category for each office and filed in the Office of the County Court Clerk.

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6 III.

7 This Ordinance, being an appropriation ordinance, shall be in full force and effect
8 immediately from and after its passage and approval by the County Judge.
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27 JANICE CURRIE, COUNTY CLERK
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