

**APPENDIX E – COUNTY ORDINANCE NO. 78-5 ARTICLE 2 & 3 AMENDED BY
ORDINANCE 82-18 ON AUGUST 26, 1982**

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:
AN ORDINANCE TO CREATE THE COUNTY PLANNING BOARD; TO ESTABLISH THE ROLE OF PLANNING IN COUNTY AFFAIRS; AND ADMINISTER SAID BOARDS ACTIVITIES.

ARTICLE 1.0 – CREATION OF COUNTY PLANNING BOARD

1.1 There is hereby created County Planning Board. Such Board is created pursuant to the provisions of the general laws of the State of Arkansas, Acts 742 and 422 of 1977. Whereas, Act 742 provided for the termination of county planning boards no later than July 1, 1978, unless such a board was created and reorganized by the Quorum Court; and whereas, the Benton County Planning Board has served a useful and vital service for the citizens of Benton County, the Quorum Court of Benton County hereby creates a County Planning Board in the manner provided in this ordinance with such duties and provided in this ordinance with such duties and powers as herein contained.

ARTICLE 2.0 – MEMBERSHIP, TERMS AND APPOINTMENT

2.1 The County Judge of Benton County may, with the approval of the majority members of the County Quorum Court, create a County Planning Board. Said Board shall consist of seven (7) members appointed by the County Judge and confirmed by the Quorum Court. It is requested that the County Judge advertise for applicants for any open positions and submit names to the Quorum Court Personnel Committee for review and comment before appointment by the County Judge and confirmation by the Quorum Court. At least one third (1/3) of the members shall not hold any other elective office or appointment except membership on a municipal or joint planning commission or a zoning board of adjustment.

2.2 The term of each board member shall be for a period of four (4) years; provided however that the initial appointments to the board, a majority, but not exceeding three fifths (3/5) of the total membership of the Board, shall be appointed for two (2) years and the remaining members for four (4) years. No member shall serve for more than two (2) full terms, consecutively. A vacancy in the membership due to any reason shall be filled as described in Article 2.1. Any member of the Board shall be subject to removal for cause upon recommendation of the County Judge and confirmation by the Quorum Court.

ARTICLE 3.0 – OFFICERS, RULES AND PROCEDURES

3.1 The Planning Board shall designate one of its members as chairman and select a vice-chairman and such other officers as it may require annually at its July meeting. No member shall succeed himself in the same office. Rules and Regulations for the discharge of its duties and the transaction of business shall be adopted by the Planning Board. Such rules shall establish a regular meeting date providing for at least one regular meeting to be held in each month of each calendar year. A public record shall be maintained of all business resolutions, transactions, findings, and determinations.

3.2 Special meetings may be called at the request of the County Judge or by the Quorum Court or by a majority of the membership of the Board. At least 24 hours notice is required for special meetings.

ARTICLE 4.0 EMPLOYEES, EXPENDITURES, COMPENSATION OF MEMBERS, OFFICE, AND EQUIPMENT

4.1 The County Judge shall provide necessary staff which shall assist the Planning Board and act in its behalf in the administration of its duties and responsibilities. Such staff will be employed by the County Judge with the advice of the Planning Board. Furthermore, such staff shall be governed by the uniform personnel policies affecting all County employees. Compensation of Planning Board members and staff assigned to assist said board shall be established each November by the Quorum Court in its annual budget ordinance.

4.2 The County Judge will make application for available public and private revenue sources for planning activities and may contract with respect thereto with the advice and consent of the Planning Board. No funds may be expended for planning activities except with appropriation by the Quorum Court.

ARTICLE 5.0 FUNCTIONS AND DUTIES

5.1 The County Planning Board shall have such functions and duties as specified in 1977 Acts of Arkansas, No 422, Section 3,4, and 5.

ARTICLE 6.0 SUBDIVISION, SET-BACK, AND ENTRY CONTROL ORDINANCES

6.1 The Benton County Subdivision Regulations as promulgated by the Benton County Planning Board, dated November 17, 1975, are hereby adopted and incorporated herein as if set out at length. Any alteration or amendment to said Subdivision Regulations shall be made in accordance with Arkansas Act 422, Section 5 and 6.

ARTICLE 7.0 MOBILE HOME PARK REGULATIONS

7.1 The Benton County Mobile Home Park Regulations as adopted by the Quorum Court, date November 1, 1977, shall be administered by the County Planning Board in the manner set out by Ordinance No. 77-23.

ARTICLE 8.0 SEVERABILITY

8.1 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the involved provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE 9.0 EFFECTIVE DATE

9.1 It is hereby determined that creation of a County Planning Board will meet a public emergency affecting the safety and property of the people of Benton County. Therefore, an emergency is hereby declared to exist and said creation of the Planning Board as herein contained shall be in full force and effect from and after its passage and approval.

ATTEST: HARRY M. PRATT

DATE: JULY 21, 1978

SPONSOR: DUANE CURBY

APPROVAL:
COUNTY JUDGE: **RAILEY A STEELE**

FILED JULY 21, 1978
HARRY M. PRATT, COUNTY AND PROBATE CLERK