

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ARKANSAS
CIVIL DIVISION**

**JEFFERSON COUNTY, ARKANSAS;
GERALD ROBINSON, individually and in his
Official capacity as County Judge of Jefferson
County, Arkansas**

PLAINTIFF/PETITIONER

V.

CASE NO. 35CV-23-537

**QUORUM COURT OF JEFFERSON COUNTY,
ARKANSAS; et al**

DEFENDANTS/RESPONDENTS

ORDER

A hearing in the above matter was held on December 19, 2024. Evidence was presented by all parties concerning the Petition for Declaratory Judgment filed herein by the Plaintiff/Petitioner, and the Counterclaim for a Writ of Mandamus filed herein by the Defendants/ Respondents. After consideration of the pertinent pleadings as to these issues, and the evidence presented, the Court finds the following:

1. From the evidence presented it is overwhelmingly obvious that the Plaintiff/Petitioner, the County Judge of Jefferson County, and the Jefferson County Quorum Court through the individual members of the Quorum Court, have a discourse which has provoked the very stoppage of effective legislative and executive actions in Jefferson County.
2. The Plaintiff/Petitioner filed the Amended Petition for Declaratory Judgment alleging that the Defendants/Respondents have, as a Quorum Court, been operating in violation of Arkansas state law since the first meeting of the 2023 calendar year. Pursuant to Arkansas Code Annotated Section 14-14-904 the Arkansas law establishes the required conduct of the Quorum Court to enable the operation of the Quorum Court as the Legislative body for Jefferson County, and the allegations of the Petition is that the Quorum Court has not complied with the governing statute embodied as Arkansas Code Annotated Section 14-14-904.
3. The Court finds that Arkansas law is clear that the elected justices of the peace "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..." (Arkansas Code Annotated Section 14-14-904 (a)(1)(A)(i) and further "the Quorum court of each county shall determine at the first regular meeting its rules of procedure..." (Arkansas Code Annotated Section 14-14-904(e)(1), and that is to pass an ordinance establishing the rules of procedure.

4. The Court finds that Jefferson County Quorum Court failed to pass such ordinance not only at its January meeting but continued to violate the clear direction of Arkansas law in subsequent meetings. The evidence presented by testimony and video centered on a meeting held on June 26, 2023. At said meeting the Court heard and saw the utter chaos and discourse of the meeting which resulted in the failed attempt to pass such ordinance. In the meeting held on June 26, 2023, the justices of peace present failed to follow basic procedure by attempting to waive formal reading of a proposed ordinance for purposes of placing the ordinance on second and third reading, and thereby allowing for the vote of the ordinance at the June 26, 2023, meeting. At the time of the vote on the suspension of the rules there were only 7 members present in the body of Jefferson County Quorum Court. The Court finds Arkansas law is clear that to suspend the rules of formal reading of the ordinance requires a 2/3 majority vote of approval by the Quorum Court as a whole, which would have required 9 members present and voting. The Court finds that the procedural ordinance, Ordinance 2023-5 was not properly presented and was not properly approved or enacted.
5. The position of the Defendants/Respondents in addressing the actions of the efforts by certain members of the Quorum Court to pass Ordinance 2023-5, is that the Plaintiff/Petitioner had available remedies to veto Ordinance 2023-5 if he felt it was necessary, and by not doing so the Plaintiff/Petitioner should have no issue or complaint with passing of Ordinance 2023-5. Because this Court has ruled that Ordinance 2023-5 was not properly passed and not enacted the Court finds there was no necessity of a veto since there was no valid ordinance. The Court therefore grants the Petitioner/Plaintiff request for Declaratory Judgment in finding that the proposed Ordinance 2023-5 is invalid.
6. The Defendants/Respondents filed a Counterclaim for a Writ of Mandamus as to the actions of the Plaintiff/Petitioner. In support of said Counterclaim, The Defendants/Respondents seek the assistance of the Court to order the following: (1) Compel the County Judge to adhere and act as presiding officer over all special and regular meetings of the Quorum Court. (Arkansas Code Annotated Sections 14-14-1101 through 1103. (2) Compel the County Judge to attend meetings as set by the Quorum Court. (Arkansas Code Annotated Section 14-14-904.) (3) Compel the

County Judge to fulfill and administer ordinances passed by the Quorum Court. (Amendment 55, Section 3, of the Arkansas Constitution). (4) Compel the County Judge to preside over the Quorum Court without a vote. (Arkansas Code Annotated Section 14-14-904(d) (5) Compel the County Judge to not make motions or participate in debate, unless his views are solicited by members of the Quorum Court. (Arkansas Code Annotated Section 14-14-904)

7. The issue presented in the Counterclaim for a Writ of Mandamus as to the actions of the County Judge is for this Court to determine whether the County Judge has an established duty or right to perform certain obligations required by legislation. As directed by opinions issued by the Arkansas Supreme Court and the Arkansas Court of Appeals, the Court considers whether the language of the statutes in question are clear and if so it is incumbent upon the lower court to find the intent of the statutes form the plain meaning of the language used by the Legislature in enacting said statute.
8. The governing statute of Arkansas Code Annotated Section 14-14-1101 clearly establishes the executive powers of the County Judge. Particularly he is to preside over the County Quorum Court, without a vote and with the power to veto. Further the County Judge is to authorize and approve disbursements of appropriated funds. It is important to note that appropriated funds are funds which have been authorized by the Quorum Court in the enactment of the budget for the county. The County Judge is further empowered to administer ordinances enacted by the Quorum Court.
9. In Arkansas Code Annotated Section 14-14-904, it is directed that the County Judge shall preside over the Quorum Court without a vote but with the power to veto. In the absence of the County Judge, a quorum of the justices by majority vote shall elect one of their number to preside but without power to veto. The County Judge is also mandated by this Section to appoint all regular and special committees of a Quorum Court, subject to any procedural rules that may be adopted by ordinance. It is further directed in the Section that a regular committee or special committee of the Quorum Court shall not consist of more than a quorum of the whole body without the consent of the County Judge.
10. The Court finds that the Defendants/Respondents Petition for Writ of Mandamus shall be denied. The Court finds the Petition does not meet its burden of proof that the Plaintiff/Petitioner had not complied with the duties mandated by Arkansas law. Therefore, there has been no showing by the Defendants/Respondents that there is any right to relief for their Petition to be granted. The Plaintiff/Petitioner has the continuing obligation to fulfill the duties of the office to which he has been elected.
11. The Court finds that the Plaintiff/Petitioner is awarded costs and attorney fees. The attorneys for the Plaintiff/Petitioner shall submit said costs and attorney fees to the Court for approval.

IT IS SO ORDERED, ADJUDGED AND DECREED this 26th day of December 2024

A handwritten signature in dark ink, appearing to read "Wm. R. Wright", is written over a solid horizontal line.

WM. RANDAL WRIGHT, CIRCUIT JUDGE