

**MINUTES OF THE  
SPECIAL MEETING OF THE  
WASHINGTON COUNTY QUORUM COURT**

Tuesday, October 18, 2016  
5:30 p.m.  
Washington County Quorum Court Room

2016 DEC 21 PM 1:28  
BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

FILED

- 425.1 The Washington County Quorum Court met in special session on Tuesday, October 18, 2016. The meeting was called to order by Judge Marilyn Edwards. She stated the purpose of this meeting was to work on items pertaining to the 2017 budget process.
- 425.2 Gary McHenry led the Quorum Court in prayer and in the Pledge of Allegiance.
- 425.3 MEMBERS PRESENT: Daniel Balls, Robert Dennis, Lisa Ecke, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Joel Maxwell, Gary McHenry, Joe Patterson, and Butch Pond.
- 425.4 MEMBERS ABSENT: Harvey Bowman, Rick Cochran, Sue Madison, and Bill Ussery.
- 425.5 OTHERS PRESENT: Chief of Staff George Butler, County Attorney Steve Zega, Treasurer Bobby Hill, Comptroller Ashley Farber; Interested Citizens; and Members of the Press.
- 425.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 425.7 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 425.8 CITIZENS COMMENTS: Judge Edwards announced they were going to have their 15-minute citizen comments period with a three-minute limit for each individual at this time.
- 425.9 Kristy Weaver, resident of Washington County, addressed the Quorum Court that stating she had been in contact with the State 4-H Office and District 4-H Staff, particularly Sharon Reynolds, Ozark District Director for the 4-H Program. They had been asked by the court to do more homework and investigation. She stated the question had been raised if they were asking for \$65,000 and that was not the base salary, where the rest of the money was going, and she is hoping to clear up some of the questions the

court had. She stated that the base salary for a Bachelor's Degree from the Extension Service is \$36,000 and \$40,000 for a Master's Degree. She noted the fringe benefits, which include insurance and retirement, are \$12,060 for a Bachelor's Degree and \$13,400 for a Master's Degree. She stated that they also do a "years of experience" credit. For example, a person with a Master's Degree earning a base salary of \$40,000 with a fringe benefit of \$13,400 could possibly have \$10,000 added to the salary because of years of service. This would bring the total salary up to \$63,400. She pointed out that they do not hire their staff before they get their budget from the county, state, and federal government. They do not know whether they will be hiring someone with a Bachelor's or Master's Degree, so they prepare and request money like they would be hiring a Master's Degree person with 30 years of experience. She stated therefore, this is the reason they ask for \$65,000 to cover not only base salary, but also fringe benefits and years of experience credit.

426.1 K. Weaver referred to an article from the State Office that was published by a research firm that researched the funding for 4-H. She reported that the State is currently funding 43%, the County is funding 25%, grant monies is providing 23%, and Federal level is funding 9%. She stated that on National average, States are providing 45%, Counties are providing 45%, and the Federal is funding 10% nationwide. She stated that our State is doing its part at 43%, the County is actually providing 20% less than the national average for funding. They are not applying for grants, and on a Federal level, everyone is equal at 9%.

426.2 K. Weaver noted if the 2017 4-H budget request was divided out, it could only be about \$113.77 per 4-H member in the county. If the cost to run the Shelter was divided out between the pets that go through the Shelter, the County is spending \$334 per pet. She noted there has been the argument that 4-H is not a county program. She pointed out 4-H is in a County building, maintained by the County, provides programs and services for the children of the County who are the sons and daughters living in this County. She noted the kids from this County are going on to do great things. She reported on a young lady who received early admission to a Veterinary Program, which is largely due to the 4-H Veterinary Club that she participated in.

426.3 K. Weaver stated that Washington County 4-H Clubs provide great services as well as all of the other programs that the Extension Office provides. She

stated if they look at the numbers, they are not asking the Quorum Court to fund any more than any other county in the nation is already doing. She respectfully requested that the court reconsider the requested 4-H budget before they finalize the 2017 budget.

- 427.1 David Daniel, resident of Washington County, addressed the Quorum Court in support of increasing the 4-H budget, so that they can hire an agent for the 4-H Program. He stated that he spent ten years as a County Extension Agent in Washington County. During that time, he had the opportunity to work with 4-H kids a great deal and echoed the sentiment that they never know how much 4-H affects the children. He noted that after a year of participating in 4-H activities, many of these children who were shy and unable to speak before a group became very self-confident. He also recalled a number of people who went onto college and now have successful careers in agriculture. D. Daniel stated he has personally seen the impact 4-H has had on children's lives, giving children of all walks of life an opportunity. He stated he would appreciate the court's reconsideration of funding a 4-H agent.
- 427.2 Lisa Ecke, resident of Washington County, addressed the Quorum Court addressing an article in the "County News Letter" titled Investing In Kids - A Winning Proposition. The article states that many communities who relied on state and federal dollars to meet their children's learning and developmental needs are not enough. They have an excellent opportunity in Washington County to meet those needs of their children, and called the 4-H and the next generation, Washington County's 401K. She stated that if they invest in them, they in turn will lead the County, State and Country to its finest future. L. Ecke stated that she is asking that the Quorum Court fully fund the Extension 4-H Agent that they need.
- 427.3 Kristy Weaver reported that Benton County fully funded two 4-H agents for their county, no questions asked. She stated Benton County 4-H is number one in the state; Washington County is number two, because they have not had an agent to lead their kids.
- 427.4 AN ORDINANCE TO SET THE SALARIES OF ELECTED OFFICIALS OF THE COUNTY'S EXECUTIVE BRANCH BASED ON YEARS OF ELECTED SERVICE: E. Madison introduced **An Ordinance To Set The Salaries Of Elected Officials Of The County's Executive Branch Based**

**On Years Of Elected Service**, and County Attorney Steve Zega read the ordinance.

- 428.1 E. Madison stated that this was a proposal that Salary Consultant Blair Johanson brought to them last year, and has updated it again this year. She stated that Sheriff Helder could not be at the meeting, but has been pushing for this. She believes it is time to reward the elected officials based on the length of service. She explained the State sets the salary range based on our class of county for what their Elected Officials have to be compensated. They have always just come up with some arbitrary percentage how to do that. She stated the last time they officially set it, they set everybody at 85% of the maximum, because last year they gave a bonus. This effectively added to their salary because they cannot give compensation in another way. She stated Executive Assistant Karen Beeks reported to her that Elected Officials are currently at about 83% of the maximum allowed. She believes doing it this way rewards the Elected Officials for the length of their service and gives them certainty about it. She pointed out that it is hard running for office. She stated this also creates some equity between their Municipal and County Offices, because she does not believe the County Judge's role is any different from the Mayor of a large city. Municipal salaries tend to be a higher than county salaries, based on the way they are paying. She stated based on B. Johanson's research, moving this up will put their Sheriff more on par with the way Springdale and Fayetteville Police Chiefs are paid. She stated this will take the guess work out of it by putting it in an ordinance, set salaries based on percentages, and reward for their length of service. She stated that the COLAs for 2017 are increasing a little bit, but right now the maximum for anyone is a little shy of \$120,000. The goal would be to get those serving ten years up to that level.
- 428.2 E. Madison stated for those who may not follow Ark. Code Ann. §14-14-1204, the County Judge and Sheriff are the same and the highest and everyone else is just below that. She stated the other thing to think about is that there is a proposed Constitutional amendment on the ballot in November that would change all county officials' terms to four years except for JPs that would remain at two years. She stated she did not want to wait on that to do this, so if it passes, they will need to adjust this ordinance.
- 428.3 **E. Madison made a motion to adopt the ordinance. L. Ecke seconded.**

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- 429.1 J. Maxwell asked what binding power this has for future Quorum Courts; to which County Attorney Steve Zega responded that this is one he believes will bind future courts if they decide to do it. This is because the authority to set the salaries is given to them through a Legislative Act and says they must set salaries according to this range. He stated he believes they can do this and if another court wants to undo it at a later time, they can undo it by ordinance.
- 429.2 J. Maxwell stated the way the ordinance is worded and without an emergency clause, would it immediately impact current elected officials or would it be for the future; to which S. Zega responded his understanding is that everyone is at 83% currently. They will be getting a new County Judge, Collector and Assessor, so those first term executive officials would go in at 80%. This is fine because they are not cutting the salary of somebody who is already in office. Further, he stated if they pass this ordinance, would the Sheriff for instance immediately pop up to that allotted percentage commensurate with his years of service.
- 429.3 T. Lundstrum stated he knows the raise that they gave their employees adds \$1.4 million to their budget and he would like to know what this ordinance would add to their budget; to which Comptroller Ashley Farber responded that this would add \$74,000 and would come from unappropriated reserves.
- 429.4 L. Ecke commended E. Madison for her work on this ordinance as it was very much needed and shows leadership on this court in bringing it forward. She stated she is hopeful that they will all pass this ordinance and value the elected officials that the people have elected to these offices.
- 429.5 S. Lloyd stated she feels like they are being a little hasty without knowing what will happen in November; to which E. Madison responded if the Constitutional Amendment passes, the people elected on the same ballot will just serve a 2-year term. This will not take effect until the next 2-year cycle, and they would have time during those two years to adjust this if it passed.
- 429.6 J. Maxwell questioned whether it would work better to do it by every two years of service. This would accomplish the same thing without having to redo it if it goes to a 4-year term.

- 430.1 E. Madison responded to J. Maxwell, stating that it got dicey trying to define it by years of service, because you get into an issue of what if someone had been in a prior elected position. She felt like they should just reward people for getting re-elected to the same position. She further stated there is also the potential that they would have to appoint someone if someone were to resign. She stated that this was just getting more complicated than she cared to make it.
- 430.2 J. Maxwell stated that to keep it simple, years of service divided by two for that position would avoid jumping from one position to another in its following. He stated they are going to have to define it somehow, whether it is "term" or "years of service".
- 430.3 E. Madison stated if J. Maxwell has a solution, she is open to it.
- 430.4 County Attorney Steve Zega stated if they are going to do this for 2017, they kind of have to do it tonight or at the Regular meeting on Thursday because these are the last Quorum Court meetings before the Election. He stated as E. Madison stated, they do not know whether the ballot initiative will pass, and they may be left with two 2-year terms for executive offices. If they do not pass it tonight he does not believe they can pass it for another two years. He stated he wanted to be perfectly clear that the statutory construction is that they cannot cut the salaries of somebody. If they treat it in the budget at 83% now, they will certainly have a first term County Judge and Collector and will they come in at 80% or at 83%, because they will not be able to take their salaries down after November 8<sup>th</sup>.
- 430.5 J. Maxwell stated he is not suggesting that they postpone this at all, but just instead of saying 2-year term, change it to two years of service in that position so that it applies no matter what the term length is.
- 430.6 A. Farber noted if they do change it to two years of service, they need to take into consideration that the Coroner who became full-time in 2010, has been part-time since 2003. If they leave it as it is, they are only counting elected officials who are full-time, as they have done in the past.
- 430.7 Citizen Comments: There were no citizen comments made.
- 430.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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- 431.1 VOTING FOR: T. Lundstrum, E. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, D. Balls, R. Dennis, L. Ecke, and A. Harbison. ABSTENTION: S. Lloyd. **The motion passed with ten members voting in favor and one abstention. The ordinance was adopted.**
- ORDINANCE NO. 2016-68 BOOK NO. 10 PAGE NO. 518**
- 431.2 DECISION ON OTHER 2017 SALARY CATEGORIES: The Quorum Court needs to discuss the salaries for the ungraded positions and District Court.
- 431.3 Comptroller Ashley Farber addressed the Quorum Court stating that the employees with ungraded positions fall outside the JESAP program. She addressed #7.1 Revised that showed 2% to 5% salary increases which included benefits for these ungraded employees.
- 431.4 E. Madison asked for the positions that are fractional county employees, and whether the State was providing them a raise; to which A. Farber responded she was not sure. In the past the County has not included them in their raises. She stated she went ahead and added them as they are put in the system as full-time, even though they are special full-time employees. She listed them to keep it consistent with all ungraded employees.
- 431.5 E. Madison stated that these are people that when they converted to becoming State employees, they would have had to take a pay cut, so the County made up the difference for the Judges' Court Reporters.
- 431.6 A. Farber added that once they leave, it is her understanding that they would not do that for any other court staff under that position. She verified that the County is funding 100% of the Deputy Prosecuting Attorney and Public Defenders' salaries.
- 431.7 A. Harbison asked about the average general raise for other employees; to which A. Farber responded it was 5%.
- 431.8 L. Ecke asked if this was an all or nothing deal; to which A. Farber responded that they can exclude the stipend employees or use a different percentage.

- 432.1 L. Ecke stated that there are two listed that she has a hard time considering
- 432.2 B. Pond stated that they are looking at somewhere between a 2% and 5% increase and the 5% is about average of the increase given to the county employees.
- 432.3 **B. Pond made a motion to give the ungraded employees a 5% increase. A. Harbison seconded.**
- 432.4 A. Harbison stated she thinks it is unfair to look at the 3-4 people on the list that have higher salaries since they have given everyone else at least a 5% raise. She stated in order for them to be fair, they do not need to look at the position, but decide on the 5% for everyone.
- 432.5 T. Lundstrum stated that there are some on the list making good money, but the one person on the list he would like to see make a little more than a 5% raise is the County Attorney who has a very difficult job that gets more difficult as time goes by. He stated to raise him by 5% so he is making \$73,500 a year, then he would be making a lot less than the Veterinarian at the Animal Shelter.
- 432.6 E. Madison asked whether the analysis done in terms of years of service could be done for these employees as well because she feels they should treat all employees the same way. She further stated that everything else they have done for the budget has been in the form of a motion. She stated that they have done the salary increases this time by ordinance, which is different. These are not coming to them in that way and are sort of at risk in the final budget. She stated that her year of service argument does not help T. Lundstrum, because most of these people have served a longer tenure than Mr. Zega. However, they did market analysis to get people to where they should be, and these people are not getting the benefit of that.
- 432.7 HR Director Lindsy Huffaker responded to E. Madison that they can ask Salary Consultant Blair Johanson to look up the data and provide it with market comparison. She stated he does not typically govern ungraded positions because they are outside the scheduled JESAP.
- 432.8 E. Madison stated that she feels like they made such an informed decision on the other raises that to leave these folks out because of the way they are



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categorized does not seem equitable. She stated until she finds out more about what the State is doing, she just is not sure about putting the state folks in it.

- 433.1 L. Ecke stated it concerns her to have a County employee making more than an elected official which is what would be happening.
- 433.2 County Attorney Steve Zega stated that County Treasurer Bobby Hill is not going to bring to the court his final revenue projection until next week, so they can talk about it in theory, but will not be able to budget a percentage until they have that figure. He stated that the court still has not decided the millage, but that is an issue for them to finalize. He stated in terms of protocol, the court did something unusual this year in that they took care of the JESAP positions in a separate ordinance with the raise. He stated as E. Madison mentioned that they typically take care of all employee compensation issues during the budget ordinance writ large. He stated there is nothing wrong with doing it in a separate ordinance, like they did again tonight with the elected officials' compensation ordinance, but they are not necessarily incompatible.
- 433.3 S. Zega stated he was grateful and humbled by T. Lundstrum's comments; however, he stated he does not have the longevity of service in that job to justify any more of a raise than anyone else would get. Further, he stated he is happy to get what they give him in terms of a raise and believes that they are treating him equitably whatever they decide.
- 433.4 A. Harbison concurred with E. Madison that she would like to see what the market value is on these positions and treat them like they did all other employees.
- 433.5 **A. Harbison made a motion to table this issue indefinitely. B. Pond seconded.**
- 433.6 In response to a question from A. Harbison whether it will be possible to have the information from Blair Johanson by their meeting on Thursday, L. Huffaker stated she did not believe that would be possible.
- 433.7 A. Harbison stated she did not want this to be indefinite and wanted it put on the agenda for the next budget meeting.

- 434.1 E. Madison responded that she thought this was their last scheduled budget meeting. Unless they are planning on passing the budget super early, then they can still do this at their November Regular Quorum Court meeting. She stated they have time to let Blair Johanson do the research. They are not jeopardizing their budget process at all, and she does not believe it requires another special meeting.
- 434.2 A. Harbison inquired about when they can bring other budgets up to amend; to which S. Zega responded that if they wish to revisit budgets that have already been approved, then they would need to call a Special Meeting or do it at the November Regular Meeting,
- 434.3 Executive Assistant Karen Beeks stated there are some tentative budget meetings still scheduled on November 14 and 15 and their regular meeting is scheduled on November 17.
- 434.4 E. Madison stated unless they are anticipating a really long Regular Quorum Court Meeting in November, she thinks they should save the money and put it on the agenda for the Regular Quorum Court meeting in November.
- 434.5 L. Ecke stated she would like them to have another Special Meeting because there are several little items where there are still questions and concerns that they need to iron out before the final budget.
- 434.6 **With no further discussion, Judge Edwards called for a vote on the motion to table indefinitely the issue of unrated employees' raises. The motion passed unanimously by voice vote by those present. The issue was tabled indefinitely.**
- 434.7 **L. Ecke made a motion to schedule a Special Budget Meeting on November 14. A. Harbison seconded. The motion passed with a majority voting in favor by voice vote. A Special Quorum Court meeting would be scheduled for November 14.**
- 434.8 T. Lundstrum addressed S. Zega's comments, stating he appreciates the attitude he has towards taking whatever they are willing to give him. He stated he brought this up because of the good job he does for the County and further, believes they hired him for too little to start with. He thought it

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would be nice to bring him more in line with some of the other people with comparable education and work load.

- 435.1 A. Farber addressed a letter from the State advising that they need to come up with a new Proportionate Share Agreement that will begin in January 2017 for their District Judges. She stated the best way they could come up with an agreement was to base the cost based off the population per city. She noted Washington County's portion is \$46,160.35 that they would need to budget. She stated that she has updated the budget to include the new cost of the shared salaries, as well as the District Courts budgets that include the Court Clerk's half cost of those salaries that they pay each year.
- 435.2 In response to a question from E. Madison, S. Zega stated that this is based on the 2010 census. He explained that the District Courts in Washington County, which are the courts of inferior jurisdiction that handle traffic tickets, misdemeanors, and small claims under \$5,000, will be going full time in 2017. He stated that they did have five part-time District Court Judges and will now have four full-time Judges. He stated before they went full-time, the County paid half of the salary of the Judge for each court and half of the salary for the Court Clerk in each Court in Elkins, West Fork, Prairie Grove, Fayetteville, and Springdale. He stated that Goshen has a town court. S. Zega continued, stating that the State Department of Finance & Administration advised that they needed to figure out how the cities are going to divide the costs beginning in 2017. He noted that A. Farber has worked very hard and has the fourth version of this cost sharing agreement. Four of the cities have sent back signed agreements with Fayetteville and Springdale not having signed yet. He stated that there have been many questions such as why are they paying different than what they have paid in the past. The answer to that is that the way the salaries are apportioned has changed and increased. He stated now each of the smaller cities are throwing into one big fund out of which all of the District Judges are being paid based on the 2010 census numbers which is where the per capita comes into play.
- 435.3 A. Farber stated the reason they are seeing 2009 is because that is what they are basing the salaries on. She further responded to E. Madison's question about why the County is getting part of Goshen, Tontitown and Winslow. She stating that the County is covering their shared costs, because there has never been a court there and they are covering their cost under the county. E. Madison stated that she is trying to figure out what

the County gets out of the District Courts now that they are all a state function.


- 436.1 S. Zega stated as a former Prosecutor, they get money or \$20 fee from them if they get paid, so there is a direct benefit to the county there.
- 436.2 **E. Madison made a motion that they approve the District Court Judge's Salary Budgets 568 through 577.1. R. Dennis seconded.**
- 436.3 **With no further discussion, Judge Edwards called for a vote on the motion to approve the District Court Judges Salary Budgets.**
- 436.4 **VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, D. Balls, R. Dennis, L. Ecke, and A. Harbison. The motion passed unanimously by those present. The District Court Judges Salary Budgets were approved.**
- 436.5 **REVIEW BUDGET CONTROLS:** A. Farber noted the only change that has been added to the Budget Controls is updating the fiscal year removing the bonuses given last year, and adding the salary increases per the passed ordinance and the elected officials increase. She noted they also added that an employee that does not receive the salary increase until they have been in their job for one year. She stated the only other thing that needs to be added is that there are several employees that are at the max cap on their salary ranges and this is not included in the Budget Controls. She stated if they do not suspend the cap on these salaries, they will either get part or none of the raise, if it is not added in there.
- 436.6 Lindsi Huffaker further explained now that the salary ranges have been moved 3%. They have gone in and adjusted all the employees at their current rate of pay and decided how many employees are at, above, or will hit the new maximums with the raise that has been approved. She noted that there are 15 employees that are currently above the maximum that would not receive a raise whatsoever; there are 24 employees who are actually below the raise range maximum, but with the amount of raise awarded, they would have to take a partial raise. She stated it is the Court's prerogative whether or not they want to enforce the cap because the raise amount approved pushes them from their current salary position up to the maximum. She stated the way their salary administration program reads is if they do nothing and the Court does not want there to be a

maximum range this year, then they have the opportunity to suspend the rules for one year. She reported speaking with Salary Consultant Blair Johanson who recommended that they consider suspending the rules, because their pay range is currently so far behind the market. They are trying to move it to market, all of the market analysis keeps that maximum enforced. They are basically turning the same people back to where they will not reach their market salary. She stated this is not new money, but has been approved in the raise, but it will take a budget control saying they are suspending the JESAP Salary Administration Program policy on salary and range maximums, if these people are to get their full raise.

- 437.1 **R. Dennis made a motion to suspend the rules (JESAP) for the 2017 Budget. A. Harbison seconded.**
- 437.2 E. Madison asked R. Dennis to be more specific in his motion.
- 437.3 L. Huffaker suggested that they state for the 2017 Budget year, once a person exceeds the range, they do not take money away. However, if these ranges stay in force, then they would not receive any more raises unless the committee did so again or adjusted the range. She stated that does not give them a forever opportunity to keep going higher and higher, but it does allow them to get this one raise while they are in the process of trying to catch up the market.
- 437.4 S. Zega stated he understands they want to put this wording into the Budget Controls and then they need to do something with the Budget Controls writ large, which they would put in the 2017 Budget Ordinance.
- 437.5 S. Lloyd questioned whether they need to delete paragraph 6 in their Budget Controls; and A. Farber stated that yes they would.
- 437.6 **With no further discussion, Judge Edwards called for a vote on the motion to suspend the JESAP rules for the 2017 Budget.**
- 437.7 **VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, D. Balls, R. Dennis, L. Ecke, and A. Harbison. The motion passed unanimously by those present. JESAP rules for the 2017 Budget were suspended.**

- 438.1 S. Zega stated that they needed to pass the 2017 Budget Controls (#8.2) as amended.
- 438.2 **T. Lundstrum made a motion to pass the 2017 Budget Controls. S. Lloyd seconded. The motion passed unanimously by those present by voice vote. The 2017 Budget Controls were passed.**
- 438.3 FINALIZATION OF 2017 BUDGET: A. Harbison stated as there were a couple budget items to reconsider as well as the employees not under JESAP, she wanted to table finalization of the 2017 budget.
- 438.4 **A. Harbison made a motion to table the Finalization of 2017 Budget until their November 14<sup>th</sup> Special Quorum Court Meeting. B. Pond seconded.**
- 438.5 **With no further discussion, Judge Edwards called for a vote on the motion to table Finalization of the 2017 Budget.**
- 438.6 VOTING FOR: S. Lloyd, T. Lundstrum, E. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, D. Balls, R. Dennis, L. Ecke, and A. Harbison. **The motion passed unanimously by those present. The Finalization of the 2017 Budget was tabled until the November 14 Special Quorum Court meeting.**
- 438.7 ADJOURNMENT: The meeting adjourned at 6:40 p.m.

Respectfully submitted,



Carly Sandidge  
Quorum Court Coordinator/Reporter