

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

Thursday, November 17, 2016
6:00 p.m.
Washington County Quorum Court Room

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

2016 DEC 21 PM 1:28

FILED

- 485.1 The Washington County Quorum Court met in regular session on Thursday, November 17, 2016. The meeting was called to order by County Judge Marilyn Edwards.
- 485.2 T. Lundstrum led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 485.3 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Gary McHenry, Joe Patterson, Butch Pond, and Bill Ussery.
- 485.4 OTHERS PRESENT: Chief of Staff George Butler, County Comptroller Ashley Farber, County Attorney Steve Zega, Interested Citizens; and Members of the Press.
- 485.5 ADOPTION OF THE AGENDA: Judge Edwards noted that there was a Resolution to be added to the agenda involving an Interlocal Agreement with the City Farmington which are Items #20.1 and #20.2; and also an Appropriation Ordinance, Item #20.3, involving raises for the ungraded positions that were discussed last Monday night at the special Quorum Court meeting.
- 485.6 R. Cochran stated due to the length of their agenda and the importance of millage ordinance, Item #17, he proposed that they move up on the agenda it after the Comptroller's Report.
- 485.7 **R. Cochran made a motion to move Item #17 up to after #8. The motion was seconded. The motion passed unanimously by voice vote.**
- 485.8 D. Balls stated he would like to remove Item #16 from the agenda regarding the Parental Leave Policy for the reason that he has had discussions with some constituents and will have better information to bring to the December meeting.
- 485.9 Judge Edwards stated since D. Balls is sponsoring this ordinance, she believes he can remove it from the agenda without a motion.

- 486.1 County Attorney Steve Zega stated typically they have allowed this as an unwritten policy that this Court has followed for a long time, but because there are co-sponsors on the ordinance, they should weigh in on it as well.
- 486.2 E. Madison stated she had no opposition to D. Balls removing the ordinance to December's agenda; however, she knows they have a lot of people there to speak on the item tonight. She suggested out of respect for those citizens who came to speak, they set aside the comment period so those who may not be able to come to December's meeting can speak on the issue before the Court makes a final vote in December.
- 486.3 **R. Cochran made a motion to adopt the agenda as amended. R. Dennis seconded. The motion passed unanimously by voice vote. The agenda was adopted as amended.**
- 486.4 E. Madison suggested that they dedicate 15 minutes during the Citizen Comments period for the individuals who came to speak to item #16.
- 486.5 **E. Madison made a motion to suspend the rules to dedicate 15 minutes during the Citizen Comments period for the public to speak to the Parental Leave Ordinance, Item #16. R. Dennis seconded.**
- 486.6 A. Harbison stated they have other citizens present who came to speak on the ORT funding and suggested that they also have 15 minutes dedicated during the Citizen Comment period.
- 486.7 County Attorney Steve Zega stated E. Madison's motion was to allow 15 minutes for citizens to comment on the specific issue of parental leave alone; and citizen's comments on ORT would be appropriate under general Citizen Comments, agenda item #5, or under the comment period for the general budget which is agenda item #18.
- 486.8 A. Harbison stated she did not care when, just that they were allowed to be heard.
- 486.9 **With no further discussion, Judge Edwards called for a voice vote on E. Madison's motion. The motion passed unanimously by voice vote.**
- 486.10 **CITIZEN COMMENTS:** Joel Gardner, Executive Director of Ozark Regional Transit (ORT) and a citizen of Springdale and Washington County, addressed the Quorum Court requesting that they reopen the discussion regarding the \$100,000 recently cut from the ORT Budget for 2017. He stated he was unaware that this was going to be addressed at a special Quorum Court meeting on Monday of that week or he would have

Minutes of the Regular Meeting of the
Washington County Quorum Court
November 17, 2016
Page 3

attended, but less than a month earlier his Public Information Officer Jeff Hatley attended a meeting and there were no statements made to indicate dissatisfaction with the rural route. He requested that they be allowed to have a healthy debate at this meeting about ORT, its benefit to the community, what they actually have to offer. If the Quorum Court is not happy with the way something is performing, instead of killing it, take a look at another way to make this work for the rural citizens of Washington County. J. Gardner requested that they look at any or all of the letters and communication that has been sent to the Court in regards to ORT and the benefits that they are providing to the community of Northwest Arkansas, including Washington County and citizens represented by the rural districts in attendance. He again asked that the Court provide the opportunity for this discussion in much more depth later on that evening.

487.1 Peggy Treiber, resident of Washington County, addressed the Quorum Court and requested that they restore the \$100,000 funding to ORT. She believes bus service is an important part to the overall transportation puzzle, noting that it has taken about 38 years to get to where ORT started the south Washington County to Lincoln route. She noted that people talk about putting in light rail which is a whole lot more money than \$100,000 a year. She stated when you start a bus service, it takes a while to catch on and the ridership doubled from 8 to between 16 and 28 this past year and she expects it to grow exponentially in the third year. She stated another thing that is affected by this budget cut is the Americans with Disabilities Act (ADA) transit; Veterans who have a disability that qualify for this service are picked up, taken to the bus and then to doctor appointments or shopping. She stated if it goes back to a demand response, if someone wants to go to the Library and calls ahead of you, then you do not go to your doctor appointment. P. Treiber stated she hopes the Quorum Court will reconsider this ORT budget cut.

487.2 Rex Bailey, resident of Springdale and former Quorum Court member, stating he was there on behalf of Springdale Mayor Sprouse, the Springdale Chamber of Commerce, and the Springdale Public Facilities Board. He noted that it took him 50 minutes to get from Lake Fayetteville to the Courthouse and they need ORT. He stated he is not a tax and spend liberal as many of them he served with on the Quorum Court know and he would not be supporting ORT if he did not think it was a good deal. He noted their job on the Springdale Facilities Board is to bring businesses into Springdale and they have done a good job creating 50% of the jobs in the State of Arkansas over the past 5-6 years. If it were not for Springdale, Fayetteville, Bentonville and Rogers, they would have negative growth in the State of Arkansas and he believes they can attribute a little of that to ORT. He reported he goes to work at 6:00 a.m.

and ORT is already bringing employees to Cargill. R. Bailey stated when they contact bigger companies, like the cookie company that came to Springdale this past year providing 300-400 jobs, one of the questions they are asked is whether there is a transit system and he believes ORT is needed in Northwest Arkansas.

- 488.1 Michele Allen-Winkler, resident of West Fork, addressed the Quorum Court and requested that they reconsider the ORT funding recently cut. She stated that this area of Washington County in West Fork is not growing and in order to grow, they need the support of a transit system to encourage people to support the businesses there. She further pointed out that West Fork is going to start having day court and they have a lot of people with DUI's that cannot drive and will miss their court dates because they have no transportation. She stated they represent a poor section of Washington County and would like the respect from the Quorum Court to provide them with that service and further to be have been told that it was to be on the Court's agenda earlier this week.
- 488.2 Ann Hampton, former Clinic Director of the Health Department for 15-20 years as well as the School Nurse at West Fork for 12 years, stating that she is there as a citizen of West Fork. She noted that West Fork is made up of a lot of poor, working class, white people and stated there have been three suicides in their town in the last few months, reported by the police to be related to the Oxy epidemic and what is happening with people who are out of work and cannot get work. She stated there are really no jobs available in West Fork and kids graduated from high school tell her the main reason that they cannot get jobs is that they cannot get to where a job is and the person they pay for gas to take them to Fayetteville is unable to transport them some days. She has advised these young people that ORT can be the answer to this problem, but this is something that has to permeate the community and people have to know about it more than today. A. Hampton stated that their biggest problem is transportation to get to work and be able to provide for their families; they cannot afford transportation because they do not have a job. She urged the Quorum Court to reconsider this ORT budget cut for their citizens, especially their young people.
- 488.3 Chung Tan, Director of Economic Development from the Fayetteville Chamber, addressed the Quorum Court stating in Fayetteville they are working very aggressively on a Workforce Development Program. She reported just this week the Fayetteville Chamber organized 26 tours to 11 manufacturers in Fayetteville covering four schools and 685 student visits and the reason for this is to introduce their students from West Fork, Lincoln, and Greenland to the possibilities of finding work in Fayetteville.

She stated that there are good paying jobs in Fayetteville and one manufacturer advised that their starting pay is \$13 an hour and the rest are at least \$9.50 to \$10 an hour. She stated that ORT is their partner in order to finish this continuum; the schools do their best to prepare these young people with the skill sets to do the job and be introduced to the possibilities of jobs, but now they have to fill in the blank with transportation. She reported that the Fayetteville Chamber believes that ORT is maintaining and providing the workforce resources that will benefit the economic development, not only for Fayetteville manufacturers and employers, but this also extends to Washington County.

489.1 C. Tan stated that the Fayetteville Chamber would like to appeal to the Quorum Court to reconsider funding ORT at the level they have been funding in the past. She reported discovering that by Washington County supplying these resources to ORT, ORT can actually use that funding to leverage more funding from State and Federal Governments with matching funds and this means that Washington County would benefit from the resources of \$500,000 in terms of transportation.

489.2 Juliet Richey, Washington County Planning Director and the County's representative on the ORT Board, addressed the Quorum Court and echoed a lot of what the other speakers have said in that she would like it if they could have a dialogue about this. She stated she has only been on the ORT Board for a year, replacing Shawn Shrum, but can report that Mr. Gardner and his team are working very hard and have made a lot of very positive impacts at ORT in the last few years. She stated there is a critical point they had to get to with funding, their actual assets with buses and employees to make these routes work, and feels like they are just beginning to get up some synergy and speed to really head into some projects that are going to make a big difference. She stated she understands that some Court members are dissatisfied with the numbers they are getting back on Route 620 which was put in place as per contract with the County and specified that it had to be used to travel to those rural areas. She reported the potential of ORT has changed now has more assets and people to utilize in different ways, with a lot of exciting things that the County can be part of that can help both the rural areas in a more beneficial way and all citizens of the county that would have a huge impact on our county. J. Richey urged the Quorum Court to reconsider the ORT funding level and to contact her with anything that she as the County's representative on the ORT Board can do.

489.3 Bill Groom, Mayor of Greenland, addressed the Quorum Court stating that West Fork and Greenland Schools are doing a good job getting their kids ready to attend the University with several on the Dean's List. He stated

that they have a real transportation problem with many families living in outlying areas and their parents may not have the financial resources to provide them with transportation. He stated he knows of one kid in Greenland who gets on the bus, goes into Fayetteville to attend school and is brought back, and without that route this will not be possible. He reported you can get on the ORT bus in Greenland or West Fork, go to Lot 56 in Fayetteville, interchange with Razorback Transit, and get anywhere you want to on the campus; or you can stay on the ORT bus and go out to Farmington to the NWACC facility and pick up some college credits. He stated without the ORT system, it will be logistically hard for these kids to continue their education which is why he is urging the County to give this route another 2-3 years, but to cut it off at this point is doing a disservice instead of a service for the folks.

- 490.1 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes from the regular Quorum Court meeting of September 15, 2016.
- 490.2 **S. Madison made a motion to approve the minutes of the September 15 regular Quorum Court meeting with two minor typos she has given Ms. Sandidge. R. Cochran seconded. The motion passed unanimously by voice vote. The regular minutes of the Quorum Court meeting of September 15 were approved as corrected.**
- 490.3 CITIZEN COMMENTS: Judge Edwards stated as the agenda item regarding parental leave was postponed until their next meeting, they would take citizen comments at this time for those who were present to comment on the parental leave issue.
- 490.4 Autumn Tolbert addressed the Quorum Court stating she was a former County employee having worked for the County on and off for several years and then she was a state employee as a public defender. She stated she was there to speak in favor of the parental leave policy. She stated she is a mother of two and used every sick and vacation day she could and still had to take a lot of unpaid leave, but was lucky to have a supportive family. She worked as an attorney for the County and State and made quite a bit more than many of their deputies, juvenile probation officers, and county clerks made and it was still a hindrance on her family and pretty financially devastating for her to have children and remain home with them during the period of time she breast fed and recovering from a c-section. She stated she got to know a lot of the hard working employees at the County and many think this is "extravagant" or some have called it "entitlement" which was the same thought about sick leave and vacation leave many years ago. A. Tolbert urged the Quorum Court to be a leader in the State of Arkansas and have their county send a

message to their employees, that they value them as mothers and fathers, value families and they want to have a strong community. She stated she is no longer a county employee, but she is a taxpayer and this is the kind of policy she wants her tax dollars to go toward.

491.1 Beth Sylvester, resident of Fayetteville, addressed the Quorum Court to speak in favor of the parental leave policy which she thinks is critical family legislation. She noted as a country they say they value families and of the important role strong families play in their communities, and if this is the case, they have to be willing to make some of the financial sacrifices as an organization that it takes to put the money behind those words. She reported that she and her husband had two children when they were young; he was a school teacher at Monticello and she worked for the University of Arkansas at Monticello and the situation they found themselves in was horrible as government employees. She reported saving up sick and vacation time so she could use it after their children were born; however, could not then find adequate daycare for her six-week old son, and had to put him in a family daycare situation where he was abused. She stated if they could have kept him at home longer he could have gone into a traditional daycare where there is a lot more monitoring and accountability. She stated they as a country need to take action where possible to support families where both parents are working, struggling to make ends meet, living paycheck to paycheck and by putting policies like this in place where both parents have some time to stay home and take care of their babies until they can go into regular daycare. Further, she stated this would leave the employee some sick time so they can take care of their children when sick and do not have to take unpaid leave.

491.2 Liz Krauft, resident of Fayetteville, addressed the Quorum Court stating that it has come to her attention that Washington County is considering giving paid parental leave to their employees and she supports this idea. She stated that the United States is the only industrialized nation to neglect to provide paid parental leave to their citizens, and they can do better. She stated that Washington County has an opportunity to catch up with the rest of the world and set a big example for the rest of the state. She stated public opinion is changing and most people support some kind of paid family leave policy. She noted that paid parental leave has real benefits to families including reduction of infant mortality, reduced stress on families, increased vaccination rates, short and long term reduction in depression rates for mothers, and increased rates and duration of breastfeeding. She stated that employers reap the benefits as well with employees returning to work feeling rested and confident, expenses related to turnover are reduced, employee retention rates increase, and

higher caliber applicants would be attracted in the future giving the county a competitive edge. She stated other states who have adopted paid parental leave policies see more women returning and staying in the workforce, less dependency on public assistance programs which save taxpayer dollars in the short and long run. L. Krauft stated the County has the opportunity to set the wheels of change in motion; it is time to stop penalizing parenthood and time to take care of their own people; it is the right thing to do and a good investment. She urged the Court to vote to include paid parental leave as a benefit to county employees.

492.1 Cynthia Nance, resident of Fayetteville, addressed the Quorum Court stating many of the things she wanted to say in favor of parental leave were stated by Liz Krauft. She stated there has been a lot of conversation about this being an "entitlement", but in her view this is a progressive and compassionate human resources policy that allows them to retain and attract the very best employees. She stated the County's goal should not be to do the very minimum, but should be to set the example and create a model that allow parents not to have to choose between critical bonding time with their children and the ability to support themselves. C. Nance stated that both the parental leave policy and the ORT funding support the working people, and she is in favor of both.

492.2 Courtney McNair, Senior Planner for Washington County Planning, addressed the Quorum Court stating she does support the parental leave policy. She stated some have stated that a parental leave policy would benefit a small percentage of employees, but noted when their co-workers are able to feel secure and are not stressed when they come back after having children, that benefits all of them. She does not plan on having more children, but is totally in support of this so that her co-workers, both now and in the future, will feel that they can go and have their families, and return ready to work and not stressed.

492.3 Bob Rodweller, resident of Washington County, addressed the Quorum Court and commended the sponsors of this ordinance because it is an effort that really strengthens the family bond between parents and the newborn or adopted child. He stated there is substantial evidence that affirms this and he believes it would be good to do for the county employees. However, he has had some time to review this in depth and as a County taxpayer, he would like to pose some questions that he believes should be answered going forward and he can support this policy. He noted the ordinance indicates that the County will provide up to 8 weeks of paid parental leave to an employee; and he asked if the time could be less and whether it included sick and vacation leave. He further questioned whether there had been a business case or cross-benefit

analysis of this done to come up with reasons why the County should do this.

- 493.1 B. Rodweller stated the business case and cross-benefit analysis should include questions and answers to the following: (1) Some people call this an "entitlement", so how do you justify this not as an entitlement, but rather an inclusion into the paid leave program that the County already has; (2) How many employees quit because of not having a parental leave benefit like this; (3) Where are the costs for recruiting replacement employees for those employees who have quit; (4) What flexible work arrangements have been considered to include in this program for those who can afford those things. He stated they need to look beyond just this and if they are going to put this kind of program together, think it through and look at other options such as, part-time work, job sharing, donation of vacation and sick leave time by other employees. (5) How many of the 600 plus employees in the pool of Washington County will be affected by this; (6) What are the costs to the county if an employee takes unpaid leave; (7) How many employees are expected to return to work after leaving work for the birth or adoption of a child; (8) Has HR put together a draft policy of this and if not, have they put together an outline describing what they are going to do and how they will implement it and be successful in implementation within 60 days. If not, why not? Also, has HR recommended or sat down and thought through how much time it will take to implement this program; (9) What are the total costs of the parental leave program and how will the County pay for it, through increased taxes to the taxpayer through a millage increase, with existing resources, by payroll deduction methodologies, comp time or overtime options; (10) Have they considered other unintended consequences such as increased work load on other employees in their department.
- 493.2 Judge Edwards suggested that B. Rodweller speak to the sponsors of this parental leave policy with any further information or offer of assistance.
- 493.3 **S. Madison made a motion to suspend the rules and read ordinances by title only, except for #17 (millage ordinance) and #18 (2017 budget ordinance). R. Dennis seconded. The motion passed unanimously by voice vote.**
- 493.4 **TREASURER'S REPORT:** County Treasurer Bobby Hill addressed the Quorum Court noting from the October Financial Summary that County General began and ended below the \$10 million threshold that he is comfortable with. He reported earlier this month they had a \$4.2 million property tax settlement for general and currently set at \$12.7 million in that

fund. He stated for the month of October, the Road and Jail Funds stayed about the same with \$33 million in the bank at the end of the month.

- 494.1 B. Hill reported that growth in Northwest Arkansas has been good in 2016 and so far if the property and sales tax growth over 2015 it is about \$1,027,000 over last year and he looks for this trend to continue upward into 2017.
- 494.2 B. Hill reported that all sales tax collections were up for the month in all funds and should easily surpass his 2016 projections.
- 494.3 B. Hill addressed Insurance Consultant Nelson Driver's insurance report stating that it began and ended the month of October a little over \$2 million.
- 494.4 COMPTROLLER'S REPORT: County Comptroller Ashley Farber addressed the Quorum Court reporting that their unappropriated reserves for October reflects the ordinances appropriated for October at \$146,504 which brought their General Fund to \$6.547 million. She noted on the Summary of Revenues and Expenditures at the end of October each fund should be at approximately 83% spent. She addressed the Summary Statement of Operations-Expenses by Fund and Department where the funds should be running at about 83% expended as well.
- 494.5 A. Farber noted on the Summary of Revenues and Expenditures, the Drug Court Grant Fund (#3513) shows a negative unappropriated balance of \$10,711 which is an error on her part as last month when they did the quarterly ordinance, she did not include a reduction to that grant fund which makes it look overspent which it is not. She requested that the court permit her to clean that up in housekeeping rather than create an ordinance and do it now or if they want her to create an ordinance, she can bring it in December.
- 494.6 **A. Harbison made a motion that Comptroller Ashley Farber clean up the Drug Court Grant Fund in housekeeping. R. Cochran seconded. The motion passed unanimously by voice vote.**
- 494.7 A. Farber addressed the new overtime rule that goes into effect on December 1st and for all employees who fall below the threshold will total \$81,000 and affects their General, Jail and Road Funds. She stated that this can also be cleaned up in housekeeping if approved or she can create an ordinance doing so. A. Farber further stated she has the money to cover the last expenses for December for the position under her department for a part time employee; however, it would create an

ordinance to appropriate and move that and she again requested to take care of it in housekeeping.

- 495.1 **R. Cochran made a motion that the overtime and part-time employee issues be taken care of in a housekeeping ordinance. A. Harbison seconded. The motion passed unanimously by voice vote.**
- 495.2 AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND SCHOOL DISTRICT TAXES FOR THE YEAR 2016: R. Cochran introduced **An Ordinance Levying The County, Municipal And School District Taxes For The Year 2016**, and County Attorney Steve Zega read the ordinance.
- 495.3 County Attorney Steve Zega stated that he had previously stated the Quorum Court had to pass the millage at the regular meeting in November. However, Chief of Staff George Butler pointed out to him that the General Assembly in the third special session this year amended §14-14-904 that now reads, "The Quorum Court at its regular meeting in November or December of each year shall levy the county taxes, municipal taxes, and school taxes for the current year.
- 495.4 R. Cochran stated the bulk of the ordinance, Articles 2 and 3, are millages set by the voters and the Quorum Court has no control over. The Quorum Court does have control of levying taxes in Article 1 for County General, County Road, and County Library. He stated given that the Court does not necessarily wish to increase taxes, he is proposing an amendment to Article 1(A) County General, changing that to 5 mills and in Article 1(B) County Road, changing that to 0 mills. These changes would result in a zero increased tax to the citizens and will help them rebuild their reserve.
- 495.5 **R. Cochran made a motion to move County General to 5 mills and remove all County Road mills, setting it at 0 mills. R. Dennis seconded.**
- 495.6 In response to a question, R. Cochran stated with that change into County Road, he is not saying that they will not fund County Road, but will fund County Road out of the General Fund as they always have funded with the intention to bring their funding into County General and fund it from there.
- 495.7 T. Lundstrum asked if it would be possible in the motion to guarantee the Road Department 40% of that revenue stream. He stated he knows they get 32%, but he would like to see them get a little bit more since they are talking about moving these mills.

- 496.1 R. Cochran stated while he appreciates T. Lundstrum's comments, essentially the Road budget as presented from the Road Department under the County Judge, has been constrained by only the Road Fund or what they would offer as a boost of the General Fund. He stated in this case, they would basically be funding completely out of the General Fund, similar to what they do with the Sheriff's Department and Jail where they move money out of General into the Jail Fund because they have a shortfall. He stated if this passes, they may need to have an ordinance to have the money prepared and ready to go into the County Road just like they have with the Sheriff's budget as well as the Employee Health Insurance Plan.
- 496.2 T. Lundstrum reiterated that he would just like to see that County Road is guaranteed to get at least the same amount of money they are getting now, is not a little more, even if it requires a new ordinance.
- 496.3 R. Cochran responded to T. Lundstrum stating that he thinks they could do that with in the Budget Controls.
- 496.4 E. Madison stated she has heard members of this Court talk a lot lately that they should not do things on an emergency basis; they should let ordinances go through three readings; they should not have emergency clauses and rush things through. She stated yet twice this week she has seen someone bring up an item that was not on the agenda with nobody receiving any notice and nobody that was affected by it was there to speak on it. She stated this is a dramatic change to their tax structure and the impact it would have on their cities. She stated every JP has at least part of a city in their district and while this proposal may leave the tax burden the same, but they are punishing their cities without any advance warning. She stated this Court cannot operate like this and catch people by surprise and it is unfair to citizens who want to voice their opinion on things that affect them. She stated if they do this, they will be taking away money from all the cities for their roads as they have banked on that money coming in next year. She stated they are a county unified; it is not the rural vs. the cities. E. Madison stated they have to be very careful about giving notice to citizens in advance about things they are going to do in this Court and the way they have done it this past week has been irresponsible and they cannot operate this way.
- 496.5 A. Harbison concurred 100% with E. Madison on this matter. She noted if they do this, Fayetteville will lose \$503,118.23, Springdale will lose \$328,895.71, Prairie Grove will lose \$13,220.57, West Fork will lose \$4,860.85, Lincoln loses \$4,428.76, etc. She further stated that the County Roads would lose \$544,000 and it would go into the General

- Fund. She stated this is not the way to do this as it is unfair to our cities with no warning that they were even thinking about this.
- 497.1 T. Lundstrum stated it seems to him that an awful lot of this money was taken away from the County without warning. He stated he was not told when land was going to be annexed; they just annexed it which reduced the County's tax revenue by over \$1 million a year. He does not hear anyone talking about taking money away from the County without representation. He stated he recalls the Mayors of Fayetteville and Springdale coming when this first happened and they left the money the way it was. The Mayor of Springdale stated he was elected to represent the people of Springdale and he is elected to represent the taxpayers of the County of Washington, so there is a conflict there.
- 497.2 E. Madison stated when the cities annexed those parts of the County, they no longer have responsibility for maintaining those portions of the County as the cities take on that responsibility. She stated a portion of all the millages is set by the population in the cities and in the county.
- 497.3 B. Ussery stated he agrees with E. Madison that there are people who need due notice when they do something like this. He stated 100% of the people he represents are in Springdale and he believes they should table this until December's meeting to allow all the appropriate people to be notified and to give input as they may want to approach this differently.
- 497.4 **B. Ussery made a motion to table the millage until December. A. Harbison seconded.**
- 497.5 **With no further discussion, Judge Edwards called for a vote on the motion to table the ordinance.**
- 497.6 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, and T. Lundstrum. VOTING AGAINST: S. Madison and E. Madison. **The motion to table passed with thirteen members voting in favor and two members voting against the motion. The ordinance was tabled until the December meeting.**
- 497.7 A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION GRANT ON BEHALF OF THE WASHINGTON COUNTY DRUG COURT: R. Cochran introduced **A Resolution Authorizing The County Judge To Apply For A Department Of Health And Human Services Administration Grant On Behalf Of The**

Washington County Drug Court, and County Attorney Steve Zega read the resolution by title only.

- 498.1 Grant Administrator Renee Biby addressed the Quorum Court stating this is a SAMHSA Grant for Drug Court and one of the things they will be requesting when applying for this grant is two positions to be funded with grant funds. She stated this is a three-year grant for \$325,000 a year. She stated she came before the Court in July and reported she was trying to generate additional income to help her office be sustainable and this will be the first grant where she will ask for the 10% de minimis rate and if they are awarded this grant, those funds will go into the General Fund.
- 498.2 **R. Cochran made a motion to adopt the resolution. The motion was seconded.**
- 498.3 Citizen Comments: There were no citizen comments made.
- 498.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 498.5 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. **The motion passed unanimously. The resolution was adopted.**

RESOLUTION NO. 2016-20, BOOK NO. 3, PAGE NO. 151

- 498.6 AN ORDINANCE TRANSFERRING MONIES OF \$5,400 WITHIN THE COLLECTOR'S BUDGET FOR 2016: R. Cochran introduced **An Ordinance Transferring Monies Of \$5,400 Within The Collector's Budget For 2016**, and County Attorney Steve Zega read the ordinance by title only.
- 498.7 R. Cochran explained that Collector Ruff has used some money in one line item in salaries and wants to move it to another line item in salaries and it is budget neutral.
- 498.8 **R. Cochran made a motion to adopt the ordinance. J. McHenry seconded.**
- 498.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

499.1 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2016-77, BOOK NO. 10, PAGE NO. 528

499.2 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$14,659 FROM THE GENERAL FUND TO THE CORONER'S BUDGET FOR 2016: R. Cochran introduced **An Ordinance Appropriating The Amount Of \$14,659 From The General Fund To The Coroner's Budget For 2016**, and County Attorney Steve Zega read the ordinance by title only.

499.3 Roger Morris, County Coroner, addressed the Quorum Court stating like last year, he had to come back about this time to ask for additional funds to be placed in his Deputy Coroner Pay due to growth in the county. He explained that he did not put it in the budget for this year because he wanted to see if it was a pattern and as it is a pattern, he included the additional funds in his budget for next year. He stated that he is asking for \$14,659 to finish out the year.

499.4 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**

499.5 Citizen Comments: There were no citizen comments made.

499.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

499.7 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2016-78, BOOK NO. 10, PAGE NO. 529

499.8 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$38,035 FROM THE CIRCUIT COURT AUTOMATION FUND TO THE COURT AUTOMATION BUDGET FOR 2016: R. Cochran introduced **An Ordinance Appropriating The Amount Of \$38,035 From The Circuit Court Automation Fund To The Court Automation Budget For 2016**, and County Attorney Steve Zega read the ordinance by title only.

- 500.1 R. Cochran stated this is basically using funds from the automation fund and is really budget neutral.
- 500.2 Citizen Comments: There were no citizen comments made.
- 500.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 500.4 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**
- ORDINANCE NO. 2016-79, BOOK NO. 10, PAGE NO. 530**
- 500.5 AN EMERGENCY ORDINANCE GRANTING APPROVAL OF LONG TERM FINANCING WITH AT&T CAPITAL SERVICES, INC. FOR EMERGENCY 9-1-1 EQUIPMENT FOR 60 MONTHS: R. Cochran introduced **An Emergency Ordinance Granting Approval Of Long Term Financing With AT&T Capital Services, Inc., For Emergency 9-1-1 Equipment For 60 Months**, and County Attorney Steve Zega read the ordinance by title only.
- 500.6 R. Cochran explained that the documents for this agreement were not brought before the Quorum Court and they must ratify.
- 500.7 County Attorney Steve Zega stated Amendment 78 allows for counties to borrow money and even though this is a lease, the way the amendment was drafted and the statutes that enable the amendment, they call this lease long term financing within the definition of the amendment. He stated when he approved this contract back in February, he just did not bring it to the Court which is on him. He stated the monies used to fund this are out of 9-1-1 and are not coming out of the general budget, and if this is passed, there is a bill waiting to be paid, so he would appreciate the Court ratifying this.
- 500.8 **R. Cochran made a motion to adopt the ordinance. B. Ussery seconded.**
- 500.9 Citizen Comments: There were no citizen comments made.
- 500.10 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

501.1 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2016-80, BOOK NO. 10, PAGE NO. 531

501.2 COUNTY JUDGE'S REPORT: Judge Edwards called on Jeff Hatley, Public Information Officer with Ozark Regional Transit (ORT) to answer some questions that were asked of him at the October Quorum Court meeting.

501.3 Jeff Hatley addressed the Quorum Court stating they were asked to look into the Willow Heights area which they did and they actually have some bus stops within one-half mile of the Willow Heights area. He stated he took a look at Razorback Transit routes and they actually have public transit within one-half mile of Willow Heights which is from the Square area which is definitely within the half mile and well within the $\frac{3}{4}$ mile for the para-transit route. He explained since they cannot go down every single road, they try to go down the main arteries and people with bicycles or on foot should be able to get to those routes pretty easily.

501.4 J. Hatley stated he was also asked to reach out to Judge Zimmerman's Office and reported has met Norma Frisby. He stated they tried to get together with staff to see what they could do to help their clients, but due to conflicts, they tabled it until December to try to get together.

501.5 A. Harbison asked what procedure they needed to take to restore the \$100,000 for the route from Lincoln to West Fork.

501.6 In response to A. Harbison, S. Zega stated that they have not passed the budget yet and he is not familiar with the exact line item, but at this point it would simply be a motion to restore or appropriate \$100,000 to that line item for the 2017 budget.

501.7 H. Bowman stated he wonders if the folks at ORT all understand this is an attempt to minimize cash outlay for a route that is not producing a lot of revenue. He reported speaking with Joel Gardner, Executive Director of ORT, that afternoon and he explained that the funds would have a huge impact in those growth areas and they heard about the possibility of matching funds of \$400,000 from the federal and state governments if they got this in the budget. H. Bowman stated he would like to hear further explanation about why this route that has been available for 2- $\frac{1}{2}$ years has not generated anymore revenue or riders than it has, especially

after hearing comments from people about the schools and citizens in West Fork and other areas are concerned about losing this service. He pointed out that he is concerned that the number of riders generated after 2-½ years of operation and looking at the cost involved that is an enormous cost per rider on that route. He questioned whether they needed to change the schedule or do away with the route altogether and put the money somewhere else, and wanted a management perspective on how they can improve this situation.

502.1 H. Bowman further spoke with a representative from George's and they are probably the most supportive business of ORT in Northwest Arkansas and are funding it in a big way. George's reported that any of their employees can have a ticket that allows them to ride on ORT anywhere they want to at any time. When he told them that the County had withdrawn the funds because of the low ridership on this route, they agreed that if that route is not supporting itself or producing more riders than that, they probably should withdraw the funds.

502.2 Joel Gardner responded to H. Bowman's questions stating for either he or Jeff Hatley to guarantee doubling or tripling of ridership on any route they have in Northwest Arkansas or for any route that he has ever worked on throughout the United States, that would be a guarantee that they could not follow through on and he would never make such a promise. He stated what he can say is that with public transit over the years and prior to him moving here, public transit did not have a good name at all. He knows in the past his predecessor would have probably packed the courtroom with hundreds of people who were disabled and on oxygen and claim that these people would die in their neighborhood and houses if the county did not fund public transit. He stated he is not that guy, but the guy who will go out there and work for the kids that are trying to get back and forth to college and for those businesses that are looking to get their employees back and forth to work. He stated if ORT can provide an employee the opportunity to get to work every day, they save the employer money for retraining. He reported that George's, they have some solid numbers on what they have been able to save because ORT are producing for them shifts to work every day that they are operating and to those employees, this has been treated like a benefit for public transit that allows them to travel anywhere within Northwest Arkansas.

502.3 J. Gardner reported when he came here 3 years ago and they started asking for funding from the Quorum Court because there was a failed push for public transit funding and the general consensus of the Quorum Court and cities was to step back and when they had some sales tax coming through, they would give ORT a portion. He stated that they

Minutes of the Regular Meeting of the
Washington County Quorum Court
November 17, 2016
Page 19

asked for 20% of the ½-cent sales tax, but the Quorum Court decided to go with 10% and see what they could do with the assets they had at that point in time. He stated he had the fixed route buses and very minimal demand response vehicles, and a skeleton staff of operators and had to build it up. He reported that they spent the first few months going to all communities involved for their input on what they wanted this route to look like and started from zero and built these routes. J. Gardner addressed the comment made of taking the \$100,000 and buying the 16 people who ride this route a \$12,500 car stating that is a ridiculous statement. He stated that the County has given ORT \$200,000 over the last 2½ years and they have had over 8,000 rides which is either one person riding 8,000 times or it is 8,000 people riding once, so who do they buy the car for. He stated to be able to talk passionately about something he believes in is not intimidating to him, but for citizens to come before this group, it is intimidating.

503.1 H. Bowman stated that there is no question J. Gardner has done a good job of building ridership in some key population areas, but he has to remember that the County is trying to deal with a budget where they are still in a shortfall situation and they are talking about pulling this \$120,000 funding for this route that is apparently not working. With all of the support ORT has received evidenced by those who have voiced that support, they should all be able to really generate a multiple of what they are currently getting. He stated if there are kids out there taking their lives because they cannot get a job or get to work without transportation, someone ought to be out there talking to the community about what is available to them.

503.2 J. Gardner stated that to get from West Fork up to Lincoln and back to West Fork three hours which is one pause for concern on a route like this. He stated when they have a product that is not quite exactly where they want it, they do not throw it out in the fire and not do anything, but rather they would take that product and make some modifications. He stated in the last three years ORT finds itself in a wide variety of additional communities working with businesses and exploring different routes in different areas, some coming to fruition and some not. He stated one of the big things that they found themselves in with their partnership with Razorback Transit is that they actually have garnered some federal funds and they could actually invest a portion of the \$125,000 into more of the smaller demand response vehicles that allow them to get out to these small cities in the county much quicker. He stated they could modify route 620 and not have any fixed routes, but they could have the demand response service that they are so limited on right now because he does not have the local matching funds. He stated they could put some of that

money not only towards the asset purchase, but also the asset operation of those multiple vehicles dedicated to the rural citizens of the county.

- 504.1 A. Harbison stated since this route includes her district, she is very supportive of it. She stated they have the Fayetteville Chamber recruiting businesses coming to the area, they will need employees and this is a slow process. She stated that these employees will have to have transportation in the south and west portion of the county to get to and from work. She stated if she were to look at it on the other side of the coin, she could argue that, but they have to have a vision to get something completed and in four years, they will wonder why they even had this conversation. She believes in four years they will have a working route that perhaps goes all the way to Winslow, but this is not something that is going to happen overnight and if you do not have vision, you are going to die. She believes that this is one of those visionary things that they can participate in and she is going to urge strongly that the court restore those funds.
- 504.2 E. Madison asked if in his knowledge of public transit systems, whether J. Gardner knows of one that actually pays for itself; to which he responded there is not a single public transit system throughout the United States that pays for itself. He stated that every public transit system out there is funded by local taxes, a combination of federal and state taxes, etc. J. Gardner stated at ORT they are on the upside down of that as usually when looking at a public transit system in an area of this size, it is between a \$13 and \$20 million dollar system and of that the federal funding portion is \$3 million. He stated that ORT is a \$3 million a year operation where over 60% of their funds come from the federal government, so they are wholly under-funded on a local level, but there is no transit system that pays for itself.
- 504.3 E. Madison stated that the idea in big cities is that they invest the tax dollars that boost the economic development by providing transportation that in turn increases the tax coffers, so they may think they are spending, but indirectly they are actually accumulating wealth for the county and its citizens.
- 504.4 J. Gardner stated that it is a chicken - egg kind of thing.
- 504.5 J. Maxwell stated that they have been doing this for about 2½ years and the reason it is on the table now is that the ridership is so low that it is singled out. He asked what the appropriate amount of time to actually evaluate a trial and error period before deciding that it was the right thing to do or there was not ever enough sustained ridership.

Minutes of the Regular Meeting of the
Washington County Quorum Court
November 17, 2016
Page 21

- 505.1 J. Gardner responded to J. Maxwell that 2½ years as requested is the correct model, and they can go ahead and start changing the model at this point in time, but when looking at public transit, anything less than 6-7 years, not to be considered a trial run but as investing in it for an extended point or time, then they should not have invested in it at all because now they are doing what was done years ago in Northwest Arkansas to put a route out there and then take it away, then put another route out there to then take it away, etc., which breeds distrust not only in transit system, but the ability of the area whose is managing the transit system to go ahead and manage the transit system. He reported that people will get used to having a transit system and then when it is taken away and gone, those people will never give transit another chance. He stated they are looking at affecting the current, next and senior generations who are losing their ability to drive or their choice to drive because of crowded streets.
- 505.2 J. Maxwell reiterated his question; at what point does he decide to either change what they are doing or quit; to which J. Gardner responded that he would give it 6-7 years before abandoning the route, and he would look at a minimum of four years before reevaluation and changes from a transit perspective. He noted as he has watched route #620 grow, he considers it a working model. He further stated if he had funds to do so, he would make transit services to rural areas better, but currently the #122970 route is dedicated towards providing a fixed commuter service from West Fork to Fayetteville is the way the contract is written.
- 505.3 J. Maxwell asked J Gardner whether he thought the best course of action was to continue what they have been doing for an extended period and make no adaptations to it; or do something different to service these routes.
- 505.4 J. Gardner responded stating that he would like to see the #122970 route be applied where they think they could utilize it best and then make some modifications.
- 505.5 J. Maxwell stated for what they do with the \$100,000 that they currently have that they have removed for 2017, did they intend to spend it exactly like they did the last two years or was it time to make a change.
- 505.6 With respect to the proposed changes sent out to everyone that afternoon via email, J. Gardner stated they are actually able to leverage a portion towards buying more assets so they can put smaller vehicles out there with both runs from those communities with 24-48 hour advanced notice from riders, that they put them back into that collective variable which is lot 56 so they can disperse themselves into the rest of the system and they

would then be within an hour back and forth, in a smaller vehicle that can handle small groups of people, including those with disabilities. Additionally, by being able to get off that fixed route which is Hwy. 71 going straight through Greenland, and have a group demand response service where they are able to spread out a little bit onto some of the other side roads with the smaller vehicles.

- 506.1 J. Maxwell stated obviously this would never be profitable, but at this point with \$124,000 to run that route with approximately 8 riders per day, at what point or cost per rider did he believe was sufficient to be a sustainable successful route; to which J. Gardner stated in a rural area, he has seen as low as \$20 and as high as \$50 for a one-way trip and it is not necessarily when they think it is going to be cost-sustainable, but what they are able to do with the money provided. He stated in public transportation, they do everything from the tribal areas of North Dakota to the downtown of Los Angeles.
- 506.2 Board Appointments: Judge Edwards addressed the Court with board appointments and asked for confirmation of the following:
- 506.3 Planning Board - Judge Edwards requested the following members be reappointed to their positions on the County Planning Board: Chuck Browning, Randy Laney, Robert Daugherty, and Walter Jennings. All four individuals have been an asset to the Planning Board and have agreed to being reappointed for another 4-year term.
- 506.4 Rural Development Authority - Benny Stout resigned earlier from his position on the Rural Development Board. Judge Edwards stated she would like to appoint Dawn Whittington of West Fork to fill this position. Mrs., Whittington is President of the Homestead Homeowners Association, as well as a Commissioner for Washington County Improvement District #1 and will be an asset to RDA. She stated she is also asking that John Selph be reappointed to RDA for another term.
- 506.5 Washington Water Authority - Judge Edwards reported that Randy Odglen, Kay Trentham, and Travis Eddings' terms have expired on the Washington Water Authority. She stated they have been an asset to WWA and have agreed to be reappointed for another term.
- 506.6 WRMC Board of Directors - Judge Edwards stated that the Board of Directors of Washington Regional Medical Center has requested Quorum Court approval of Mr. Woody Bassett to serve an additional three-year term as a member of the WRMC Board of Directors beginning January 1, 2017.

- 507.1 **A. Harbison made a motion to approve the Board appointments and reappointments. B. Pond seconded.**
- 507.2 T. Lundstrum stated since these terms do not end until the end of the year, whether it is more appropriate for the new County Judge to make these appointments.
- 507.3 Judge Edwards stated she has no problem waiting for the new County Judge to make these appointments and reappointments. However, they may not be able to have board meetings until this is decided or a new board comes in.
- 507.4 T. Lundstrum added that it would probably go the same way as Judge Edwards' nominations, but believes it is a matter of courtesy to the incoming Judge to let him review these appointments.
- 507.5 **T. Lundstrum made a motion to table board appointments and reappointments until the January 2017 meeting. S. Madison seconded.**
- 507.6 **Judge Edwards called for a roll call vote on the motion to table.**
- 507.7 **VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. The motion passed unanimously. Confirmation of the board appointments and reappointments was tabled until January 2017.**
- 507.8 Judge Edwards reported that Bill Bradley, CEO of Washington Regional Medical Center is going to retire from a full time position, but will be available on a part-time basis through 2017, and WRMC they will be looking for a new Director.
- 507.9 **COMMITTEE REPORTS:** Judge Edwards reported that there were no committee meetings this month.
- 507.10 **AN ORDINANCE RECOGNIZING REVENUES AND APPROPRIATING MONIES FOR THE EXPENDITURES IN EACH FUND FOR WASHINGTON COUNTY, ARKANSAS, FOR THE YEAR 2017, AND ADOPTING A BUDGET FOR THE VARIOUS DEPARTMENTS REFLECTING THE LINE ITEM EXPENDITURES THEREOF:** R. Cochran stated since they tabled the millage ordinance until the next Regular Quorum Court meeting in December, he feels like it would be appropriate to table this ordinance until the December meeting as well.

- 508.1 **R. Cochran made a motion to table this ordinance until December. S. Lloyd seconded.**
- 508.2 In response to a question whether the tabling would preclude any decision on the ORT funding or can that be handled separately, County Attorney Steve Zega stated because the ORT funding is not on the agenda, he does not believe that they would be precluded from making a motion off the agenda to restore the ORT funding and then talk about it when the full ordinance assuming that R. Cochran's motion passes to table. He stated they could make a motion at this meeting to restore \$100,000 back in that line item and that becomes part of the budget that they discuss and actually pass in December.
- 508.3 **With no further discussion, Judge Edwards called for a vote on the motion to table.**
- 508.4 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, H. Bowman, R. Cochran, R. Dennis, L. Ecke, S. Lloyd, and T. Lundstrum. VOTING AGAINST: S. Madison, D. Balls, A. Harbison, and E. Madison. **The motion passed with eleven members voting in favor and four members voting against the motion to table. The ordinance would be tabled until the regular meeting in December.**
- 508.5 **S. Madison made a motion that they restore the ORT funding cut from the budget, and at the same time giving ORT flexibility to make changes with the understanding that the transit service is to the southern portion of the County. A. Harbison seconded.**
- 508.6 E. Madison stated she did not understand the stipulation that they had told ORT how to spend the money so she would want this motion to include the option for flexibility to use the money more efficiently to do the alternative plan. She stated she did not know where the "strings attached" came from, but she wants to undo those strings.
- 508.7 S. Zega stated he believes the County has a contract with ORT which is part of the reason the funds are obligated the way they are.
- 508.8 Joel Gardner responded stating that it is stated in the contract that the funds would be used for fixed routes services between West Fork and Lincoln.
- 508.9 S. Zega stated that they are free as the Court to defund that contract without penalty, but that is why the strings are attached the way they are.

Minutes of the Regular Meeting of the
Washington County Quorum Court
November 17, 2016
Page 25

- 509.1 E. Madison stated she wants the motion to include the freeing up of these funds to give them the option to do what is more efficient with the money.
- 509.2 In response to A. Harbison, Joel Gardner stated the proposal that they handed out details two smaller demand response style vehicles that are dedicated to the rural portions of Washington County. The proposal also sets out that they could use these funds not only for assistance in procurement of those vehicles also in the operation of that route, but also they would dedicate a portion to the I49 commuter service that benefits all of Washington County.
- 509.3 J. Maxwell asked which was more efficient financially, the demand response vehicles or the buses; to which J. Gardner responded it depends on where they are actually setting, but in this particular area currently he believes that they would be much more efficient with the demand response vehicles. He stated the current vehicles that they purchase get around 32 miles per gallon where the bus that they see out on routes now gets between 6-8 miles per gallon, he stated that they still would be looking at the same hours per day and still needing two drivers so they can split it out into both sides of the County, but they are frequenting Lincoln and West Fork and every point in-between much more throughout the day. He stated cost per mile and per rider, the smaller vehicles are much more efficient.
- 509.4 **With no further discussion, Judge Edwards called for a vote on the motion to restore the ORT funding cut.**
- 509.5 VOTING FOR: S. Madison, B. Ussery, D. Balls, R. Dennis, L. Ecke, A. Harbison, and E. Madison. VOTING AGAINST: J. Maxwell, G. McHenry, J. Patterson, B. Pond, H. Bowman, Rick Cochran, S. Lloyd, and T. Lundstrum. **The motion failed with seven members voting in favor and eight members voting against the motion. The ORT funding would not be restored.**
- 509.6 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: B. Pond introduced **An Emergency Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, and County Attorney Steve Zega read the ordinance by title only. The Planning Board granted a CUP on September 8, 2016 for Huntsville Road Storage. This ordinance contains an emergency clause making it effective immediately upon passage.

510.1 **B. Pond made a motion to adopt the ordinance. T. Lundstrum seconded.**

510.2 Citizen Comments: There were no citizen comments made.

510.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

510.4 VOTING FOR: J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2016-81, BOOK NO. 10, PAGE NO. 532

510.5 A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF FARMINGTON REGARDING THE REGULATION OF COMMUNITY SEWER SYSTEMS: R. Dennis introduced **A Resolution Approving An Interlocal Agreement With The City Of Farmington Regarding The Regulation Of Community Sewer Systems**, and County Attorney Steve Zega read the Resolution by title only.

510.6 **R. Dennis made a motion to adopt the resolution. R. Cochran seconded.**

510.7 Citizen Comments: There were no citizen comments made.

510.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**

510.9 VOTING FOR: S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, and E. Madison. VOTING AGAINST: T. Lundstrum. ABSTENTION: S. Lloyd. **The motion passed with thirteen members voting in favor and one member voting against the motion, and one abstention. The resolution was adopted.**

RESOLUTION NO. 2016-21, BOOK NO. 3, PAGE NO. 152

510.10 AN ORDINANCE AMENDING ORDINANCE 2016-56 CONCERNING SALARIES FOR BUDGET YEAR 2017: R. Dennis introduced **An Ordinance Amending Ordinance 2016-56 Concerning Salaries For Budget Year 2017**, and County Attorney Steve Zega read the ordinance by title only.

511.1 **R. Dennis made a motion to adopt the ordinance. A. Harbison seconded.**

511.2 Citizen Comments: There were no citizen comments made.

511.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

511.4 VOTING FOR: S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, A. Harbison, and E. Madison. VOTING AGAINST: R. Cochran, S. Lloyd, and T. Lundstrum. **The motion passed with twelve members voting in favor and three members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2016-82, BOOK NO. 10, PAGE NO. 538

511.5 OTHER BUSINESS: E. Madison stated she had one request to the public in emailing them to please include their residential address because when they receive an email, they have no idea if it is from somebody in Little Rock or somebody in Los Angeles.

511.6 R. Cochran stated along that same line, he realizes that the burden on the staff to keep forwarding all of these emails and he would rather the constituent get a list of their emails either forwarded back to them or direct them to the website so they can be alleviated from that duty.

511.7 E. Madison stated if you go to the Quorum Court website, you do not know that their email addresses are on it because you have to click on a highlighted link to see the email address. She stated a lot of people go to the Quorum Court page and do not know that they can email them. She does not fault IT there because technically they do not really want their emails out there in text form where they can get a whole lot more spam. She stated it is very difficult for members of the public to communicate with them by email and because the Quorum Court email was disallowed by IT as being able to reach all of them individually. She stated that they do not get enough emails as Quorum Court members that they are ever overwhelmed that it should not be permissible for people to email all of them at once. She noted many of the JPs say they do not vote just for their district, but for the whole country, so she wants to know what the whole county says and wants them to be able to have a button to push and email all JPs at once. She stated the way IT set it up, the only way for people to do that is to send them to the staff to put the obligation to forward. She stated if they can all approve to have the Quorum Court

email live which is totally logical, then it takes the burden off of staff and they all get to hear from the citizens of our county.

512.1 **E. Madison made a motion to create a way to email all Quorum Court members at once. The motion was seconded.**

512.2 R. Cochran stated if you go to the state and federal government, to the Senate and Representatives, you cannot email any more than one person at a time and he thinks they should be in the same situation as they are now. He stated that this is not afforded to any other form of government, so why would they do it?

512.3 D. Balls stated that he met with Judge Edwards, County Attorney Steve Zega, and IT Director John Adams because he was very concerned that people were emailing and they thought they were getting the emails and they were not. He stated IT can set this up for them if they ask and he thinks it is something that needs to be done. He stated there are 15 of them and if they do not want to answer the emails, they do not have to, but he believes it is important to listen to everyone in the county. He stated it is an easy change to make on the website by still clicking a button at the top to email the Quorum Court or if they know who their particular JP is, they can choose to email just that person.

512.4 R. Dennis stated he does not understand why they cannot do both because it exists in business to do both, email one or a whole group. He enjoys reading emails and likes to know what his constituents want and it is a very important thing to have because they are the ones they are working for, so they should be able to reach them.

512.5 E. Madison stated there are a lot of people who go to the trouble to email all of them individually at the same time or even separately, but the only way to currently do that is a hindrance to people trying to communicate with them.

512.6 G. McHenry stated with regard to the bulk emails, he would suggest that there be a form that individuals fill out before they can do a bulk email so they get everything they need to know about the individual who is emailing them before it is sent.

512.7 County Attorney Steve Zega stated that there is a parliamentary issue and a substantive issue and he does not know that this amends the motion, but even if it does, they get into some really interesting constitutional issues. He knows that there are good business practice reasons to do what G. McHenry is talking about, but there are constitutional issues when

you start putting those kinds of hoops in the way of people communicating with their elected officials. He reported receiving requests from IT all the time to block an email address and in the absence of criminal content in emails, such as threats or blackmail, they are public servants and they will get a certain amount of communication that they probably do not want and he is hesitant to say that is something that they can do in a public forum.

- 513.1 G. McHenry stated he probably made it sound more ominous than he meant for it to sound as they already ask for the address of the people who mail them and he would not necessarily want more than the name and address of the individual and can come up with a procedural way to accomplish what they want to do without being so extensive.
- 513.2 Executive Assistant Karen Beeks stated from what she understands, they will create a button where they can email all members and try to make it clear that they would need to click on each individual JP to send to one only.
- 513.3 **With no further discussion, Judge Edwards called for a vote on the motion to create a feature on the Quorum Court page on their website where they can email all Quorum Court members at one time.**
- 513.4 VOTING FOR: J. Maxwell, G. McHenry, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, S. Madison, and E. Madison. **The motion passed unanimously by those present.**
- 513.5 J. Maxwell noted that the newspaper will not publish a letter to the editor unless they include their name and he will give comments he receives much more weight when he can verify that they are a constituent of Washington County and has a vested interest in what they are saying. He stated he also weighs it very differently when receiving emails from people who do not live in the county and while it is great to hear their opinion, he tends to filter it differently. He would suggest just stating if they choose to give their name, etc., it means a lot more to them.
- 513.6 H. Bowman stated he has been thinking a lot about this road millage and questioned whether it would be possible for them to approach city leadership about the fact that they are under all kinds of pressure with their budget and need to work out something that is more equitable for the county. He believes that a negotiated issue like that is far better than them trying to jam something down someone's throat.

- 514.1 S. Zega stated as a former JP and someone who discussed altering the road millage when Mr. Rex Bailey voted against his two budgets, he can say he expects that each one of the Mayors will be proactive and reaching out to them in the next couple of days.
- 514.2 H. Bowman stated he has been told by a previous JP years ago that any vote like that would be held in very unfavorable terms. He cannot help but to believe that there is a way to reason with them about what both parties are dealing with and come to some kind of an agreement.
- 514.3 T. Lundstrum reported that it is too bad that H. Bowman was not there when this was discussed before because both Mayors of Springdale and Fayetteville were very direct in their opinions. He believes that they need to take into consideration that the State gives them the right to levy certain millages whether they want to or not and if they want a zero road tax, that is their business and if they want a 5 mill general fund tax, that is the County's business, not the city's business. He stated the bottom line is they still have those millages to do with as they please.
- 514.4 **E. Madison called for a point of order as this issue had been tabled.**
- 514.5 ADJOURNMENT: The meeting adjourned at 8:03 p.m.

Respectfully submitted,



Carly Sandidge
Quorum Court Coordinator/Reporter