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

Thursday, December 15, 2016 6:00 p.m. Washington County Quorum Court Room

515.1	The Washington County Quorum Court met in regular session on Thursday, December 15, 2016. The meeting was called to order by County Judge Marilyn Edwards.
515.2	B. Pond led the Quorum Court in a prayer and in the Pledge of Allegiance.
515.3	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, Butch Pond, and Bill Ussery.
515.4	MEMBERS ABSENT: Joe Patterson.
515.5	OTHERS PRESENT: Chief of Staff George Butler, County Comptroller Ashley Farber, County Attorney Steve Zega, Interested Citizens; and Members of the Press.
515.6	ADOPTION OF THE AGENDA: Judge Edwards noted that there were several changes to the agenda. She stated they needed to remove agenda item #12 at the request of the Comptroller as the appropriation request is no longer necessary; at the request of the Grants Administrator, they needed to add an Ordinance anticipating the appropriation grant money of \$10,000 to the Juvenile Court Emergency Response Center budget, which will be inserted as #12.2; an additional millage to be levied

515.7 S. Madison made a motion to suspend the rules and read ordinances by title only. R. Dennis seconded. The motion passed unanimously by those present by voice vote. Ordinances would be read by title only.

County Jail Doctor and labeled #20.2.

from the City of Goshen, so the millage ordinance has been revised and distributed labeled #9.1 revised; the Budget Ordinance distributed is the same as #10.1 in the packets only with the 2017 budget information attached; and a substitute ordinance distributed for item #20 regarding the

515.8 R. Cochran made a motion to adopt the agenda as amended. A. Harbison seconded. The motion passed unanimously by those present by voice vote. The agenda was adopted as amended.

- 516.1 CITIZEN COMMENTS: Doug Sprouse, Mayor of Springdale, addressed the Quorum Court stating that he was there to speak to the proposal to reduce the city's road millage. He stated Springdale would be hit by about \$780,000 to \$790,000 in a budget that has already been approved by their City Council for 2017. He noted the reason Springdale would not be hit as hard as Fayetteville is because about 10% of their residents are in Benton County and would not be affected by this turn back.
- D. Sprouse stated at a minimum he is asking that the County postpone the affects if they decide to move forward with this millage reduction so they can have an opportunity to discuss the issue. He noted that Springdale, from 1968 until recently, worked with the County to provide EMS service for many parts of Washington County and a couple of small cities. The process to end their ability to do that and pull their EMS boundaries back to the city limits was a 3-year process wherein all entities were involved and it did not come as a surprise. He stated hopefully before the County takes a step as impactful to the County residents that live in the cities as what has been proposed, they can take more time and give Springdale the opportunity to have more dialogue.
- D. Sprouse stated he wanted to address the shortsightedness of such a proposal if enacted. He noted that they all benefit when sales tax revenues increase and many of their projects are done with portions of this road money. He stated when they reduce the ability of cities to maintain roads for almost 80% of the residents in Washington County, they reduce the ability for cities to provide infrastructure for development and the movement toward Benton County would continue. He stated he wants to work with the County as they move forward. He further stated that as President of the Municipal League beginning next summer, they have already had great dialogue with the Arkansas Association of Counties and agree with the County on 95% of the issues in their Legislative packets including jail funding.
- Velma Shaffer, 16-year resident of Springdale, addressed the Quorum Court stating she would like to speak on the parental leave proposal. She stated she is against this policy, because it is not fair to provide a benefit for a select few employees that others may not be happy with. She further stated it is unfair to increase expenses on a government that is already under a lot of pressure for money. She believes it is deplorable to allow others to receive benefits who are not the mother. She noted she served as a Health Information Administrator for 45 years and is aware of the problems that mothers encounter, but she believes the County already provides a very good package of benefits with PTO and employees should

manage those hours for their time off. V. Shaffer stated she has two sons in their 40's who are very well adjusted with Masters Degrees and have suffered no ill effects from the two weeks she was off work with them.

- Andrew Wallis, small business owner from Fayetteville, addressed the Quorum Court stating he is against taking money away from the cities from the road millage. He stated he travels around the state with his work and believes that road infrastructure is critical for their economy and this money should still be available to benefit everybody. He further stated Washington County needs to stay competitive with their road construction with Benton County and counties across the state as many services that cities rely on will not be provided if this money is taken away.
- A. Wallis stated he is in favor of the proposed parental leave policy and as a business owner, believes it is imperative that they take care of their employees and children.
- Bill Groom, Mayor of Greenland, addressed the Quorum Court regarding the Ozark Regional Transit bus route that is a very necessary service for some of their more unfortunate constituents. He further concurred with Mayor Sprouse, stating Greenland has already built their budget for 2017. He believes that City Councils and Quorum Courts come to better decisions when they have had some time to look at the issue, discuss it, and gather information from the public. He requested instead of rushing, that the County take a deep breath and look at this issue in 2017.
- Lioneld Jordan, Mayor of Fayetteville, addressed the Quorum Court stating he too is very concerned about the road millage. He noted his street fund is \$6.8 million and if this millage is reduced, he would lose \$1.154 million or a 17% cut to this street maintenance fund. He stated it would affect his right-of-way, street, sidewalk and drainage maintenance. As they have already passed their 2017 budget, he would need to go back and make these cuts. He requested that the Quorum Court not make this cut in the road millage at this time.
- Harold Douthit, Mayor of Elm Springs, addressed the Quorum Court stating he is opposed to the 1.1 mill cut to the road tax for the cities and definitely doing anything with this short of a notice. He stated the cities struggle with their budgets just like the county does and their budgets are passed for 2017. He noted when the 1.1 mill was voted in, the citizens of the entire county voted for it, including the citizens in their small communities, so they will still be paying the 1.1 mill with no benefit from it. He stated unlike some of the larger cities, this is a big piece of his budget.

He reported that he received a reason for this millage cut which was when cities annex properties into their cities from the county, it is taking away from the county's tax base; however, it is also taking road improvements away from the county and putting this maintenance responsibility on the cities. He noted he was unaware of this millage cut until he read about it in the newspaper and urged the Court to open up lines of communication and come up with a better way.

- Paul Colvin, Mayor of Tontitown, addressed the Quorum Court to reiterate what the other Mayors have stated as Tontitown will also be impacted by around \$70,000 in their budget if this millage decrease is made. This estimates out to about 15% to 20% of their revenue. He further reminded the Court that they too are a part of Washington County and by State Statute, the Quorum Court is allowed to levy these millage taxes and also has the ability to increase their own taxes if need be.
- Nate Robinson, small business owner in Springdale, addressed the Quorum Court stating he appreciates the Court in being as selfless as they are to serve their communities. He stated that he and his wife will be impacted by this cut in road millage by the ability of their clients to reach their business and be patrons. He stated it is important to them to be able to make a reasonable, honest living by working hard. He stated he also understands that the JPs also have constituents they represent and he urged them to consider where the population lies; to consider the ramifications on such short notice; and to open up the lines of communication with the cities as they move forward.
- 518.3 Judge Edwards thanked the citizens for their time and comments made.
- 518.4 E. Madison made a motion to suspend the rules and allow more time for two additional people to speak. R. Dennis seconded. The motion passed unanimously by voice vote by those present. The two additional citizens would be allowed to speak.
- Ernie Penn, Mayor of Farmington, addressed the Quorum Court stating that he totally agrees with comments previously made by the other Mayors. He noted that the impact to Farmington is not a tremendous amount, but does impact their budget which has already been passed. This cuts out some of the projects that they have scheduled for 2017.
- 518.6 Park Estes, Executive Director of the Arkansas Asphalt Paving Association, addressed the Quorum Court to echo what had already been said. With regard to the impact on business, good infrastructure and

roads, they not only attract business, but help retain business too which should also be considered before this decision is made. He stated there is also a safety factor when it comes to roads that they need to understand. He noted he is not from this area, but is speaking on behalf of many of his constituents who do live here. He reported recently moving from Crawford County to central Arkansas and is looking for a place to live, having already ruled out a couple of places due to upkeep of their roads and some of the infrastructure.

- 519.1 Sonny Hudson, Mayor of Prairie Grove, addressed the Quorum Court to reiterate comments previously made against this millage reduction. He stated while they are also concerned about this, they are confident that the Quorum Court will do the right thing.
- 519.2 JP Harvey Bowman addressed the Quorum Court stating he has been very concerned about this issue and appreciates comments made. He stated he will be voting against this millage cut. He further stated the thing they need to recognize is they are Washington County, not cities or county, and they need to work together. He noted with the comments received, there is political clout down the road and they need to work as a team to try to get the Legislature to take some pressure off of counties. He stated currently the State of Arkansas is withholding payment on the full amount it costs the county to keep state prisoners, \$1 million to \$1.5 million, and with Springdale shutting down their jail soon, which will add to this pressure. He stated it is important to understand that the problems with their budget are primarily caused by the State. The County has done a good job in the past few years to dramatically reduce their budget without hurting any department. He stated they have hopes of continuing to improve the services and keeping their costs under control.
- 519.3 <u>APPROVAL OF MINUTES:</u> Approval of the minutes from the Quorum Court meetings in October and November.
- 519.4 S. Madison stated she did not realize there were two sets of minutes so has not read the November minutes and would need to abstain from voting to approve them.
- 519.5 S. Madison made a motion to approve the October minutes. E. Madison seconded. The motion passed unanimously by voice vote by those present. The October minutes were approved.
- 519.6 R. Cochran made a motion to approve the November minutes. T. Lundstrum seconded. The motion passed by voice vote with an

abstention from S. Madison and E. Madison. The November minutes were approved.

- TREASURER'S REPORT: County Treasurer Bobby Hill addressed the Quorum Court stating as he looks out to the end of the year, revenues look to be on schedule and property and sales taxes will be above his projections. However, once again the General Fund at the end of 2016 will not meet what it began the year with and noted this is the seventh straight year for that to happen. He stated they will be fine for the next couple of years, but eventually this will catch up with them. He stated they began the year with \$12.8 million cash in the General Fund and will probably end the year at \$12.3 million or \$500,000 less, which is better than it has been.
- 520.2 <u>COMPTROLLER'S REPORT:</u> County Comptroller Ashley Farber addressed the Quorum Court with the General Fund Unappropriated Reserves and Statement of Revenues and Expenditures as of the end of November, noting that each fund should be at approximately 92% expended and all funds look pretty good.
- A. Harbison verified that the -\$504,522.00 unappropriated balance shown for the Jail Operations and Maintenance was because they have not moved money into that fund yet.
- A. Farber further noted that the Summary Statement of Operations-Expenses by Fund and Department show that funds are running at approximately 92% expended as well.
- 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 by title only. The Quorum Court is required to levy the county, municipal and school taxes for the current year at its regular meeting in December of each year.
- 520.6 R. Cochran pointed out the only change in the revision appears in Article 2 on the second page, (M) Goshen is 3.0 mills with the original version showing 0.0 mills.
- 520.7 R. Cochran addressed the spreadsheet he has been sharing with the court, showing the effect on their unappropriated reserves dropping by \$500,000 from year-to-year. He pointed out that the \$6.5 million

unappropriated reserves going out to the year 2021 when the sales tax revenue drops by \$1.2 million, because of the population redistribution. This drop will go on forever, because their population as a whole of the county goes down. He stated the spreadsheet shows their future if they do nothing to change the millage as well as showing where they would be by adding \$500,000. He reiterated every ten years the census will reduce the amount of population to the total for the unincorporated parts of their county, thus reducing their sales tax portion. Consequently, they will have less money to do more services for county residents. R. Cochran stated they really need to do something with their millage and he is hoping they do something this year. He stated he understands the Mayors' concern over the proposal last month at their meeting, but the County can accomplish their budget by either increasing some revenue, decreasing some spending, or a combination thereof.

521.1 E. Madison stated she would encourage the court to do what is responsible with respect to their millage. The County needs to have the courage to deal with its own budget problems rather than passing it off to its cities. She stated it was embarrassing how they sprung it on the Mayors at the last minute when it was too late for them to do anything and because the County does not want to cut spending or raise their own millage, they are forcing the cities to do that instead. She stated in the six years she has been on the court, she has heard a lot of frustration about why they have to share their road millage with the cities and why does Springdale and Fayetteville get 80%. She stated it is not the County's road millage, but everybody's road millage. She stated Mayor Colvin made a really good point - those taxes come from the city residents and are already subsidizing county roads because they do not get 100% of those which she believes they should. She questioned why other cities that get 50/50 splits with the County are not getting the full portion that comes from their residents. E. Madison stated they need to start looking at this differently. This is not about money being taken from the County; they are giving the money to the people who are paying it, and it is going toward their roads. She apologized to the Mayors for the way this has been handled, noting seven Mayors at the meeting, and that they have heard from countless others about this. She stated the County needs to be responsible with their duty to levy the millage and not pass their problems onto their cities, because they are part of this County. She stated they need to leave their millage intact and if this Court thinks they need to raise revenue, then they need to have the courage to raise their own millage.

- 522.1 A. Harbison stated she thinks this is a great opportunity for the County to have dialogue with the Mayors of our cities. She stated down the road the County is facing some crucial financial matters. This really does not have to do with the millage, but with the sales tax and the census as more people live in the incorporated areas. There are still more people that live in the unincorporated areas and still more in the city limits. She is hopeful that they can have a dialogue with the Mayors about freezing the percentage of the sales tax. She explained that the County at this time gets 18% and if they were to freeze, the Cities would still get the percentage they are getting now. This does not hurt anyone financially. She stated going forward as they have growth, they will have some money in their budget to provide services and take care of everyone in the County. She is hopeful the Mayors will work with the County and the Cities would work together and come up with something that freezes the 1 cent sales tax, so they have money to operate on.
- 522.2 A. Harbison made a motion that they adopt the millage ordinance as presented. R. Cochran seconded.
- 522.3 T. Lundstrum stated he personally would like to have a deeper and better understanding of this road millage to start with. He does not believe everyone present does have a full understanding of it. He thought it must be statutory that the State was mandating that they split it. He asked the County Attorney whether it was even legal for them to move it into the General Fund and was advised that there was no statute demanding that they do that. He asked where it started, why it started, and who decided who gets what, etc. He stated that they all have millages and most of the cities have higher millages than the county does. This money that the cities are not wanting the county to take has been received from the county road tax, so it reduces the amount of money they have to maintain county roads with. He pointed out that the poultry industry likes to get those chickens from the farm to Tyson's Processing and rely on good roads. He stated they need to have some dialogue and work this out where it is equitable for everybody. If they vote on this now, he will not support moving the millage, because he does not believe it is right to do it on such short notice.
- T. Lundstrum stated, however, that something does have to be done with County millage because they have to have more money. Every time there is a census, the County loses more money. He noted when he started on the Court, they got 21% of the taxes. Now they are getting 18% and it continues to go down; however, they still have to continue providing all of

the services. He reiterated that he is hopeful County Attorney Steve Zega can explain this so that even he can understand it.

- 523.1 County Attorney Steve Zega stated that he does not have the books in front of him, so going off of his memory is confident what he can tell them is a general matter of history. He stated in the 20's, the Arkansas Legislature passed a statute, signed by the Governor, giving Fayetteville 80% of the County road tax assessed and collected within the city limits of Fayetteville. He believes in the 40's, a similar statute was passed for Springdale; and in the 50's, a statute was passed for the small towns in Washington County. He stated in the 60's, the people of Arkansas passed a constitutional amendment banning what is known as "special or local legislation." When they did that, these specific kinds of statutes that benefit a specific geographic district or particular person became unconstitutional. He stated Benton County has similar statutes to Washington County and Siloam Springs, Rogers and Bentonville all get 90% of the county road millage. He reported that Benton County sued those larger cities in Benton County on the constitutional question and lost, essentially having the Arkansas Supreme Court say these statutes were enacted before the constitutional amendment, and are still constitutional.
- S. Zega stated in response to T. Lundstrum's question, they could legally do what R. Cochran proposed, which is to reduce the road millage to zero, increase the general millage to 5.0, and spend general money on the road. However, as long as they levy a road millage that is designated as such, by statute they will share it with the cities and the cities will get the various percentage of what is raised within the city limits. In further response to T. Lundstrum, S. Zega stated that the County is limited to 5 mills on General and 3 on Road.
- A. Harbison questioned if the cities worked with the County and came up with a piece of legislation to take to the Legislature, could they amend this so that the cities get their fair share, but the County has enough to run the County She further stated that she is talking about the sales tax and census.
- S. Zega responded to A. Harbison that they cannot do it at the State level for a variety of reasons, but the main reason is that the sales tax ordinance was a referendum, voted on by the people. It would take a referendum to change it. He stated the division of sales tax money by population was done by them.

- A. Harbison stated that she thought there was a piece of legislation that only affected Benton and Washington Counties and was millage, not sales tax; to which S. Zega responded he is 99% sure that they are talking about split of the road millage and not the sales tax.
- L. Ecke stated after listening to a lot of this, it is her belief that the incoming Judge and Mayors, along with the Benton County Judge as well, need to get together with their legislators and come up with protection for the larger counties in the state that deal with the impact of annexation. She stated this is not the Quorum Court's jurisdiction or authority and they do not have any responsibility other than carrying the weight of the State when they decide to do what they do. She stated it is the State's responsibility and the only way this can be changed is through legislative action and amendments to the Constitution. She asked how they are going to protect the larger counties from annexation and this type of situation.
- 524.3 B. Pond stated that he concurs with E. Madison in that he disagrees with robbing the road millage in order to beef up the General Fund millage. which they really need to do. He stated he has listened to the Mayors and County Judges many times. Mayors are concerned about keeping their streets maintained and the County Judge is concerned about money to maintain the county roads, the biggest responsibility of the County Judge. He stated that he is a little taken back sometimes that they have people that speak up especially concerned about city street maintenance and friends that are especially concerned about the county roads. He stated that they are living in the same county and they need to learn as civilized people to work together and not compete for this money. He concurred with the statement that the condition of county roads definitely affects the economies of the cities, because if the feed or poultry trucks cannot get across the bridges or down the roads, then that is not good for Springdale's economy.
- B. Pond stated he will not vote for robbing the road mill in order to beef up the general fund where they are desperate for the money. He noted that he was one of the JPs who voted to rob the general fund's mills to start with by .5 mill, and that is the only tool they have to tweak and do anything about revenue that comes into this county. He stated there is a 5 mill limit and that .5 mill helps him and his wife every year on their property taxes. It is almost enough for them to go out and eat one time, but definitely has a strong effect on the revenue that the county receives in order to operate and maintain roads. He stated the reason that they have people from the cities and their Mayors concerned about a suggestion that was made at

their last meeting is because they took away that .5 mill and there does not seem to be enough of them wanting to put it back after they saw the hardship it created. For those who think the State should do something about this, the County reduced their own millage by .5 mill and now are not willing to do anything about it, so why would the state do anything about it.

- S. Madison stated she is in full support of Ordinance #9.1 as moved by A. Harbison, but the amendment proposed by R. Cochran shows a lack of respect for the cities and their citizens within their county. She pointed out that road and street projects are planned for years in the future and do not operate month-by-month or even year-by-year. She stated that they should not be operating county versus cities. They should all work together for what is good for residents of the cities and the county as they want everyone to have good roads and certainly expect good roads within their cities. She noted that she would not support reducing this issue in another year, because this has been a long standing agreement and commitment made. These cities should not be put in a position where they have to beg the Quorum Court to know whether they can work on street plans within their cities.
- S. Zega stated that because this is the Quorum Court's Regular December meeting, they have to do something with it at this time; and the other thing is since it is an appropriation ordinance, whatever they do, it will take ten affirmative votes to pass.
- 525.3 R. Cochran stated last year when they came to this ordinance, they only had six JPs support a .5 mill reinstatement back to where they were several years ago.
- 525.4 R. Cochran made a motion to amend the ordinance to set the County General millage from 3.9 to 4.4 mills. B. Pond seconded.
- E. Madison stated this puts them back to where they were; instead of putting it on the cities, they are putting it on the citizens. Given that it has to be passed tonight, the citizens deserve a chance to know that their taxes are being raised. She believes the court has missed its window to do this and they have to do better by giving people notice of significant actions that the Court plans to take. She stated they need to pass the millage ordinance the way that #9.1 is drafted as A. Harbison made the motion and spend time next year solving their budget woes with notice given to those involved.

- T. Lundstrum stated he concurs with E. Madison in that he does not like just throwing this up at the last minute and he will not support that motion; however, agrees that something needs to be done. He stated a lot of this is not just buying .5 mill either, as pointed out by B. Pond. He reported he got a copy of a property tax receipt from a restaurateur in Springdale and he has an almost empty house now where it used to be full. He further noted he eats at the Sunset Grill quite a bit and where they used to be full every day, now have only 5-6 tables because people do not have money to eat out like they used to. He reported this tax bill was \$16,976 for one small business, so this owner has to make over \$1,500 per month gross profit just to pay his property tax and is struggling to keep his restaurant open without laying off help. Many of the other restaurants in Springdale are experiencing some of the same problems.
- T. Lundstrum stated this is a big issue and .5 mill brings them in about \$1.5 million a year. He reported the Treasurer, who is usually pretty accurate, has indicated to him that the County will have enough money in 2017 to cover this budget. He wants to go through 2017 at least and see how things come out before he does anything with this millage. He pointed out that just because a mill is \$20 per \$100,000 value on your property is not a small thing, because when you read the tax bills, \$12,000 of the \$16,796 bill is for Springdale Schools. He also stated that he and his family pay a high property tax on their plant.
- 526.3 With no further discussion, Judge Edwards called for a vote on R. Cochran's motion to raise County General millage from 3.9 to 4.4 mills.
- 526.4 VOTING FOR: R. Cochran. VOTING AGAINST: J. Maxwell, G. McHenry, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison and S. Madison. The motion failed with one member voting in favor and thirteen members voting against the motion.
- 526.5 With no further discussion, Judge Edwards called for a vote on A. Harbison's motion to adopt the millage as presented on Ordinance #9.1 Revised.
- 526.6 Citizen Comments: There were no citizen comments made.
- 526.7 <u>VOTING FOR:</u> J. Maxwell, G. McHenry, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T.

Lundstrum, E. Madison and S. Madison. The motion passed unanimously by those present. The millage ordinance was adopted.

#### ORDINANCE NO. 2016-83, BOOK NO. 10, PAGE NO. 539

- 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 introduced 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, and County Attorney Steve Zega read the ordinance by title only.
- R. Cochran stated given the vote they just had, he doubts anybody is interested in cutting anything from the 2017 budget, even though they are spending \$4 million more than they are taking in.
- 527.3 R. Cochran made a motion to adopt the Ordinance. The motion was seconded.
- 527.4 E. Madison stated she continues to hear a lot of feedback on the Ozark Regional Transit (ORT) issue and there are folks present to speak on that topic. She further stated she wants to offer to the members of the Court an alternative proposal so they can continue this discussion. She noted one of the problems with them surprising folks at the last minute is that ORT has not been able to give notice to those using this bus route that it is going to be discontinued. She further stated that they did not give ORT much of an opportunity to explore better ways to have the money spent. She stated all of them share some frustration with the current routes, but that is the way the money was tied when it was given to ORT. She thought the proposal brought to them the last time was very helpful; an alternative using additional smaller vehicles and offering more frequent trips. She thinks this court needs to give that a chance. She stated if they cut off the funding completely, then that route disappears and all the people riding it are suddenly notified on January 1st, that they do not have a bus anymore.
- 527.5 E. Madison stated that as reported by Juliet Richey, the County's representative on the ORT Board, if they would fund \$48,000 to get them

through the first quarter so they can explore the best way for that money to be spent, then that would ease the blow. She believes that is a much better solution, because they did not then give that money to the Road Department to spend on something else. It will just sit there as unappropriated reserves. She stated that they can then continue this discussion in a healthy way and continue the partnership with ORT to help the rural citizens of Washington County.

- 528.1 E. Madison made a motion to amend the budget ordinance giving ORT \$48,000 from the Road Department's ½ cent sales tax fund. S. Madison seconded.
- H. Bowman stated that he can understand E. Madison's position in this situation and that it is difficult to face termination of a route like this. He stated his problem with the ORT situation is that ORT management had used this route for 2-½ years at \$100,000 a year. They should be coming to the Court to let them know that the route is not developing the ridership that they need to justify that route. He stated he was disappointed that they did not get a suggestion for modification, because they could have easily have appropriated or changed the agreement to accommodate a change in the use of that money. He stated that he is struggling with this whole issue. While he appreciates the fact that they are providing services in some really needed areas, he is also frustrated that they have not received feedback about what is going on there so they could modify the conditions that they are working under.
- A. Harbison stated she would support the amendment giving ORT the \$48,000, but she really wants to put the \$100,000 back. She thinks they are being very short-sided. She pointed out it takes time to build routes like this and to get people educated. 2½ years is not long enough. She stated maybe they can build on the smaller amount. Maybe she should not go for the full \$100,000, but that money was designated for development of public transportation. d they are trying to run these buses in the rural areas. She stated she agrees that their ridership needs to be more, but cutting it off is being very short sided.
- L. Ecke stated she wished to defer her time to ORT so they can restate their justification. She believes they gave a good presentation with the exception that there was an increase in ridership of more than 8 people. That information was not provided at the last meeting.
- E. Madison stated what she is talking about is not just to reduce the funding, but it is sort of a stop gap measure so they do not have to cut the

route on January 1<sup>st</sup>. This gives them time to continue this discussion and hear what H. Bowman and others want. This also gives time for the Court to figure out what is the best way to spend this money where they get the most impact with the most citizens being benefited. She stated right now they have not been able to change the way they do it, so their frustration at ORT for how they have been doing it is sort of the County's fault. She stated with her motion she is proposing that they give ORT \$48,000 of what they already cut or reduced from their budget with the idea what they will hopefully eventually be coming to full funding if the Court can get with ORT to develop a plan on how to spend the money in the best way.

- Joel Gardner, representing Ozark Regional Transit and a resident of Washington County and Springdale, addressed the Quorum Court and H. Bowman directly, stating that ORT comes before the Quorum Court every two months and gives a status report. During these reports, they get great questions from JPs, such as where are the increases in ridership, etc. However, he stated they never get anyone stating they do not like ORT and if they did, ORT would ask what they did not like, what were their expectations, and why is ORT not meeting them. J. Gardner reported last Monday receiving a call from Washington County that ORT funding was being cut and he immediately advised that he would be at this meeting. He stated he has had a great discussion with J. Maxwell and hopefully was able to enlighten him on what public transit is a portion of the infrastructure in a community as it grows and develops.
- 529.2 J. Gardner noted hearing a report recently that by 2040, they are supposed to have 800,000 people living in this urbanized area. Being only 25 years away, this blows his mind. He stated it is important for them to build the infrastructure now to be able to support close to a million people. He noted that the \$123,000 is only a simple investment by the County for growth, development and establishment of routes. He pointed out one thing he has seen at the end of each year with ORT has been the beginning of a drop in ridership, because the riders know that they are only on a year-to-year lease with ORT's money. He stated that they get into the November and December time frames for budgets, and people start backing off, because they are looking for other opportunities to get themselves around. This includes employees, college students, and seniors with disabilities, who are moving from one small community to another, working, and/or attending college in Fayetteville. seeing growth and development of ridership on this particular route.
- J. Gardner stated he cannot say he is sorry that it does not meet their expectations, because he did not know what that expectation was for this

route. He stated for him to see people regularly using the route and they are telling others about it and so on, that is growth and development from a transit perspective. He noted that they have a couple of opportunities; they can go ahead and say it is \$23,000 beginning January 1st and on December 30<sup>th</sup> they will let people know that there will be no other transportation service in rural Washington County, except for the demand response model. He stated that the demand response model is like the "dial-a-ride" service where it is first come, first serve; it does not matter who you are or what the purpose of your trip is. The rides are dependent on space and availability. J. Gardner stated that they are currently running a fixed route 88 para-transit that is mandated by the federal government for seniors and people with disabilities who qualify. They are able to mix and match a little bit of the work that they do. He stated if they begin the year with \$23,000, then that money will be eaten up within the first couple of months, because of the demand response service that the people who are transitioning will go ahead and take. He expects beginning in March or April, they will get the phone calls that they do not have the funding, space or availability for and that is where it ends.

530.1

J. Gardner reported he has spoken internally with Juliet Richey about how they internalize and transition this which is the conversation that they have not had as a group. He noted that E. Madison has suggested that they go through with some additional funding, so they can sit down and ask for the County's expectations. This will give ORT the opportunity to understand those expectations and hopefully ORT will be able to meet them. He stated without knowing what the County's expectations were, he was never going to be able to meet them and he apologizes for not knowing. He stated it would be great if they can move forward and continue this route so they can transition into another model. He noted they can do demand response service to anybody who wants it if they have the funding available and then can transition into another model of public transit. He stated they could not do this with the agreement they had, which was for fixed route services between West Fork and Lincoln, and detail the cities within there. A fixed route is buses staying on a road and people have to get to that one way or another. He stated they could do a demand response model where it does pick up more people and can actually travel on other roads than the fixed route travels on. They could also start building some of these organic "park and ride" or "walk and ride" routes. He stated that there are many options available to them, but they were restricted for two years by an agreement to build a fixed route public transit service; however, he cannot do a lot with \$23,000.

- A. Harbison stated she is confused on the \$48,000. She asked if the Court 531.1 approves that amount whether ORT will not do a fixed route, but use that money to do group transportation; to which J. Gardner responded that it is a dial-a-ride model. They would begin migrating immediately and let the riders on that fixed route know that they needed to start making a phone call to set up transportation for a smaller vehicle to be at that location at a particular time. He stated they would be able, given enough time, to acquire a couple additional small vehicles to use out in the county so that nobody would be missed. He stated realistically it could look like 9:00 on any given morning. He would have small vehicles going to Greenland and Farmington to move people in two different directions and then the model looks like they are going to different locations to pick up 1-3 people. He stated it would not be a single ride person back and forth or taxi-type service, but rather they start in one area picking people up and dropping them off. The first person picked up is not necessarily the first person dropped off. He explained that they have a computerized system that actually loads people in and tells the vehicle to pick up Person A first, then Person B and C, drop Person C off, pick person D up, drop Person A off, etc., and it keeps that vehicle moving throughout the community and minimizes the number of miles traveled while maximizing the number of passengers. J. Gardner stated there would be no defined route, but rather a service area that a vehicle fits in and moves people throughout the area. They would have to call to request service.
- J. Gardner further stated that they would take the time between now and establishing that service while still running the 620 until they get to a point when they can flip the switch. By then everyone would have been educated. He stated the optimal way would be to start running the dialaride services at the same time as the 620 is running, then phase the 620 out almost seamlessly; however, they will not be able to do a whole lot with limited funds.
- H. Bowman stated that his expectation of managers is for them to come to the Court with their recommendations how to optimize the use of county funds in whatever they are managing. He stated for 2½ years they have seen the ridership far less than what he would have expected it to be. He would have expected it to be growing during that period of time and if it is not growing, they need to look at some other options. He stated there is no way they can go ahead and know as much about ORT's operation as J. Gardner does. He stated he would have hoped that J. Gardner would always come back to the Court with suggestions to modify and improve ridership. He can guarantee he would have voted for the modification of that route and others immediately.

- J. Gardner stated he appreciates H. Bowman's comments and apologized for not meeting his expectations.
- R. Dennis stated he has always heard "follow the money" and questioned where the money comes from to operate the transportation system less the amount the County is being asked to provide. He further asked about ORT's expenditures for management, labor, equipment, etc., and what the County is buying besides rides, because they could buy a lot of UBER rides with this money.
- 532.3 J. Gardner responded to R. Dennis stating that ORT's funding comes from the federal government. They receive approximately \$1.2 to \$1.3 million a year. He explained that the state provides them with FDA5307 grant funding. The state, through 5311, provides them approximately \$380,000 a year; the cities of Fayetteville, Springdale, Bentonville and Rogers provide them with approximately \$900,000 throughout the year; and the smaller communities scattered throughout Northwest Arkansas provides another \$40,000 to \$50.000. He further noted that they receive \$140,000 from Northwest Arkansas Community College (NWACC) that supports a route: private funds from private businesses to approximately \$168,000: and they provide charter services during the University of Arkansas (U of A) football games for which they receive approximately \$60,000 to \$70,000 a year. He stated that rental car tax was established years ago and all transit systems throughout Arkansas get a portion of it. ORT receives approximately \$220,000 a year, and Fairbox is \$200,000 a year. He stated that they do advertising on their buses which they budget at about \$100,000 to \$150,000 a year.
- J. Gardner stated that the majority of their money goes to pay 75 employees with their benefit package being through the Municipal League. He stated that they pay salaries, insurances with medical, dental, vision and have Aflac and retirement where they match up to 3%. He stated they have vehicle maintenance fees and fuel, which is a huge cost, of about \$20,000 every couple of months. He noted that all of their insurance is negotiated through the Municipal League. He noted that they pay utilities. J. Gardner stated it is pretty easy to follow the money with ORT, because they are pretty simple. He noted that they pay hourly salaries to 75 different employees from a bus washer to himself and everybody in between.
- R. Dennis stated ORT is a large business venture and he is surprised that they were waiting for the County to manage their routes for them. In his opinion, J. Gardner should have been in charge of that, not the County.

- He reported receiving one letter from a lady concerned about her two U of A students who had to get their cars off of the stadium or be fined and then turn around and ride the bus. He stated it seems to him that all concerned entities are not working together.
- J. Gardner stated that when he first came here, he approached the University to hopefully get non-students to be able to use Lot 56 as a park and ride location. He was told it is one of their rules that you have to be a University student to get a parking pass and there was no visitor pass. He stated that he works with as many organizations in Northwest Arkansas as he has ever worked anywhere else in the U.S. He stated with regard to the Quorum Court managing their routes, he does not feel that they have mismanaged this route, but rather worked and communicated with the smaller communities to encourage people to ride the route. Now, this would be a matter of people believing that the route will be available on a regular basis and riding it.
- R. Dennis stated that their constituents eventually pay for every bit of this. He gave the example that his kids are grown adults and he is still paying for their college. He stated that their constituents are tired of paying.
- S. Lloyd asked J. Gardner to give her the ridership per month on ORT's most successful route and how much that costs per rider; to which he responded that it depends on the time of the year. He stated that their most successful route would be 490 where they run two buses 13 hours a day, 255 days out of the year, while making 49,000 trips up and down I49. He would need to get back to her with how much that costs per rider, because there were several factors going into that answer that he cannot give her at this time.
- S. Lloyd stated as a manager, he should know those kinds of numbers and how much that route costs per rider. He should be able to defend that amount when they are complaining about Route 620 where the cost is \$52 per rider.
- J. Gardner responded to S. Lloyd stating that she is picking what the County is specifically paying for and trying to compare it to what the global group is paying; to which S. Lloyd stated that is where the Court is supposed to manage this. If it is costing her more than an UBER ride, then she will not want to do it. She stated if it is all that simple like J. Gardner claims, then he should be able to say how much a route costs per rider and then cut or build routes accordingly.

- A. Harbison stated this is public transportation and questioned how many millions of dollars in bridges they are having built just north of here. She also questioned how much it costs for every car to go up and down that highway. She stated this is big bucks and there is no way that they could pay individually how much it costs to pave a road 4-5 lanes, but this is not the issue. She stated the issue is public transportation that will never pay for itself just like roads will never pay for themselves. She stated that they pay for public transportation calling it "public welfare" and need to let some of the cost of this public transportation trickle down to the common person in this county.
- B. Ussery stated that public transportation is not about one rider riding the bus to one location; it is about the economic impact of the overall picture. He stated like in business, some things they make \$100 on, some things they make \$100 on, and some things they break even on, which is the cost of doing business. He reiterated that public transportation is very necessary for economic development in any city, but yet they do not make any money off of it. He states if they sit back and look at thousands of people over the year riding ORT, some of them will cost 50¢ to \$59. B. Ussery noted that when you look at the big picture as ORT moves into the County and as businesses benefit from them, it takes a lot of sense to make this small investment in what they are trying to do.
- 534.3 With no further discussion, Judge Edwards called for a vote on E. Madison's motion to amend the ordinance giving ORT \$48,000.
- 534.4 VOTING FOR: B. Pond, B. Ussery, D. Balls, H. Bowman, L. Ecke, A. Harbison, E. Madison, and S. Madison. VOTING AGAINST: J. Maxwell, G. McHenry, R. Cochran, R. Dennis, S. Lloyd, and T. Lundstrum. The motion to amend the ordinance passed with eight members voting for and six members voting against the motion. The ordinance would be amended giving ORT \$48,000.
- J. Gardner asked that they get a small group together sometime no later than January 30<sup>th</sup> to set some ideas and expectations of what the Quorum Court wants in performance measures from ORT.
- Judge Edwards suggested that J. Gardner contact Executive Assistant Karen Beeks to arrange for further discussions during a committee meeting.
- 534.7 <u>Citizen Comments:</u> There were no citizen comments made.

- 535.1 With no further discussion, Judge Edwards called for a vote on the motion to adopt the Budget Ordinance.
- 535.2 <u>VOTING FOR:</u> J. Maxwell, G. McHenry, B. Pond, B. Ussery, D. Balls, H Bowman, R. Dennis, L. Ecke, A. Harbison, E. Madison and S. Madison. <u>VOTING AGAINST:</u> R. Cochran, S. Lloyd, and T. Lundstrum. The motion to adopt the ordinance passed with eleven members voting in favor and three members voting against the motion. The ordinance was adopted.

ORDINANCE NO. 2016-84, BOOK NO. 10, PAGE NO. 577

- 535.3 AN ORDINANCE TRANSFERRING MONIES OF \$1,200 WITHIN THE ELECTION BUDGET FOR 2016: R. Cochran introduced An Ordinance Transferring Monies Of \$1,200 Within The Election Budget For 2016, and County Attorney Steve Zega read the ordinance by title only.
- 535.4 R. Cochran made a motion to adopt the ordinance. T. Lundstrum seconded.
- 535.5 <u>Citizen Comments:</u> There were no citizen comments made.
- 535.6 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 535.7 <u>VOTING FOR:</u> J. Maxwell, G. McHenry, 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. The ordinance was adopted.

**ORDINANCE NO. 2016-85, BOOK NO. 10, PAGE NO. 592** 

- AN ORDINANCE ANTICIPATING REVENUES OF \$10,000 IN THE JDC GRANT FUND; AND APPROPRIATING \$10,000 FROM THE JDC GRANT FUND TO THE EMERGENCY RESPONSE CENTER BUDGET FOR 2016: R. Cochran introduced An Ordinance Anticipating Revenues Of \$10,000 In The JDC Grant Fund; And Appropriating \$10,000 From The JDC Grant Fund To The Emergency Response Center Budget For 2016, and County Attorney Steve Zega read the ordinance by title only.
- 535.9 R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.

- 536.1 Citizen Comments: There were no citizen comments made.
- 536.2 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 536.3 <u>VOTING FOR:</u> 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. The ordinance was adopted.

#### ORDINANCE NO. 2016-86, BOOK NO. 10, PAGE NO. 593

- 536.4 COUNTY JUDGE'S REPORT: Judge Edwards reported going with the Highway Department to the River Park in West Fork on Wednesday where a large screw had come out of the bridge. She stated she gave the presentation to the Mayor of West Fork, turning the Woolsey Bridge over to them and it will be torn down and restored. She stated that this bridge is now in West Fork's control who will proceed with building the bridge back at the River Park.
- 536.5 COMMITTEE REPORTS: E. Madison, Chair of the County Services Committee, reported that they had two items on their agenda; Elizabeth Bowen from the Northwest Arkansas Regional Counsel spoke about the open space plan, and then they had a healthy discussion about the IT policy, which would be continued.
- H. Bowman, Chair of the Public Works Committee, reported that they met with the department heads of the Road Department and discussed use of GPS devices on county vehicles. They also heard a report from Ron Woods about the County's buildings and grounds with everything looking to be in good shape.
- 536.7 B. Pond, Chair of the Personnel Committee, reported that this committee did not meet due to lack of an agenda.
- T. Lundstrum, Chair of the Jail/Law Enforcement/Courts Committee, reported that they met and heard reports from detention and patrol. He stated that they discussed three different ordinances dealing with allowing the Circuit Court Clerks to collect fines and fees in their courts.
- B. Ussery, Chair of the Ordinance Review Committee, reported that the committee did not meet this month due to lack of an agenda.

- AN ORDINANCE AMENDING WASHINGTON COUNTY CODE SECTION
  2-47 TO INCLUDE A PARENTAL LEAVE POLICY IN THE EMPLOYEES
  HANDBOOK: D. Balls introduced An Ordinance Amending Washington
  County Code 2-47 To Include A Parental Leave Policy In The
  Employees Handbook, and County Attorney Steve Zega read the
  ordinance by title only. This ordinance is on third and final reading.
- D. Balls stated that this ordinance is on third and final reading and they 537.2 have discussed this at length. He stated when he brought this up he did not think it would turn into such a bloodbath that it has sometimes, but thought that it would be a good policy change for their employees. He stated he had done research on other companies that have this policy, and whether they see any good or bad coming out of it. researched what it would cost them as a county as there was concern voiced about the cost. He reported doing a lot of work, talking with Lindsi Huffaker and Michael Watson in HR about the cost of such a policy to the county. D. Balls reported that they actually just allocated money in the 2017 budget to cover this and it does not increase their budget at all with any tax increase. He stated another concern was about the need to hire temps when someone went on parental leave, and he was advised that this has not happened in the last three years. He reported from his discussions, that other employees in the department step up and pick up the extra work and this would continue.
- D. Balls reported that this is where the world is going. He noted that in 537.3 2014, 12% of companies offered paid parental leave; and in 2015, 24% of companies offered paid parental leave. He stated that they are starting to see a trend, noticing that a lot of companies offering this benefit are large companies that have high paying jobs such as tech and science companies. He discovered in his research that when these companies are expanding they are looking for this type of opportunity and whether the local government supports these issues. He stated he also looked at how this would benefit them as a county from an economic standpoint. They could say to large employers who pay great salaries that this is what they are doing as a county and are open to these new ideas. He gave the example of Tyson, which actually changed the policy when they bought Hillshire Farms. He noted that his wife is Executive Director of Susan G. Coleman, Race for a Cure, Breast Cancer Foundation, and they offer 8 weeks of paid parental leave for their employees also. He further noted in his research that there is a bottom line cost to these companies for this policy, but started to notice at the end of the day, it was actually cheaper for them to have this policy as employees were returning to work less stressed out and were not taking as much time off from work thereafter.

- He stated he looked for the negatives or reasons why they should not have this policy; and he could not find anything that stated it is a bad idea and should not be done. He stated his research showed that the very successful companies have a parental leave policy.
- D. Balls stated that some of the arguments have been that a parental leave policy is an entitlement, which he disagrees with as it is a benefit of doing a job like paid vacation and sick leave. He stated to the argument that women need to choose between having a career over having a baby, he the story of when he was born 40 years ago, his mother took off work for two weeks and the struggles they had. To the statement that the government should not pay people to have babies, this instead is a benefit for doing a job. D. Balls stated that he is passionate about this. It is the way that the world is going, and they need to be out ahead of it. He pointed out that they are looking at 2.9% unemployment in their region and are competing with Walmart, Tyson, and JB Hunt vendors. Stepping outside the box and operating a little bit different than they are used to is the way that they will recruit people and retain the great employees they now have working in county government.
- 538.3 D. Balls made a motion to adopt ordinance #15.1. E. Madison seconded.
- L. Ecke stated that she has heard from some elected officials that this is a bad idea, because their offices are smaller. This means that they have to take on the extra work load and do not have it within their personnel budget to cover the cost of maternal leave. She verified with D. Balls that the cost of this comes out of the personnel budget and has already been budgeted. She further asked if this was open for abuse.
- D. Balls responded to L. Ecke that nobody is doing this. The money is in their budgets already and they will never notice a difference in their budget. As far as being open for abuse, there is paperwork completed by doctors when children are born and this would be really hard to fake, especially when it would go through normal channels for FMLA.
- E. Madison noted a lot of the debate on this issue has been not to put the cost of a parental leave policy on taxpayers. She believes that they should look at this from a different perspective, because in this analysis, they are an employer. It is about what kind of employer the county wants to be to the people who work for them. She realizes that it certainly is a cost to their revenue source taxpayer dollars; they need to look at it as whether the county wants to be a good employer, and this is one way at a

really small cost that they can provide benefits. With regard to the statement that it is deplorable to give parental leave to parents of adopted children, she stated that pro-life does not stop when these babies are born, but has to continue. Families happen in so many different ways and in many cases are not planned, so they need to be realistic that everyone would know how much paid time off they had stored up. She urged the court to stand by their word that Washington County gives their employees good benefits and back up families of this county to make sure that our babies come into the world supported and healthy without putting the financial burden on their employees.

- S. Madison stated to her that the most important job that they have as adults is taking care of their children. Without a doubt, the introduction of a new child into a new family is a huge event. She stated that there are adjustments on all fronts and issues that may come up that without the careful attention of a parent might go unrecognized by someone not as tuned into a child as a parent is. She stated that this is not necessarily about nurturing their employees as much as it is the community of Washington County valuing our children and their place and introduction into a family. She urged the court to support this ordinance by D. Balls.
- In response to a question from S. Lloyd, County Attorney Steve Zega verified that under this ordinance, a 17-year-old child can be adopted and the father would get 8 weeks paid leave to stay home with this child in the State of Arkansas.
- In response to a question from J. Maxwell, it was stated that FMLA allows for 12 weeks unpaid leave for employees to take time to be with their families. He stated it seems to him that it really just comes down to whether it is about having access to stay home with your child or about the ability to parent or be stuck if you run out of paid leave or sick time. It is really a question of is the time paid for or not. He stated he hears people say it is budget neutral and they do not have to add more money to the budget, because these employees are already accounted for. However, he struggles with the idea that an employee could be absent for two months, not produce anything, and there could not be a cost to the county. He also struggles with the idea that they can do without somebody for two months out of a year and their production does not matter enough to not be absorbed, then that puts a whole different light on it.
- J. Maxwell stated it seems like every year due to their population growth and services growing, they are becoming a higher level county. Most departments have new personnel they need to add, because the

personnel that they have is not enough to cover the work. He does not think it is a bad idea that parents are able to stay home with new babies or children to adjust; however, for this year, they just passed one of the largest budget increases that this county has ever had. He stated it seems like they have the ability to say yes to everything and even those budget requests that they have declined are brought back to reconsider. He stated while it is a nice, warm feeling that they fund everything, add, and expand, in the pit of his stomach he realizes that they are not on a good track as good employer if they head toward overspending or bankrupting. He stated that taking it all into consideration, he does not believe that the county can sustain additional cost this year and he cannot support the ordinance at this time.

- D. Balls responded to J. Maxwell, stating that last year there were 25 people who took maternity leave out of 610 employees, so there is not a large amount that will be impacted when this leave is taken. He further stated that employees taking two month leaves would be missed by their fellow employees who are willing to work a little harder to get the job done and the time goes by quickly. With respect to the budget, he noted that the year before he and J. Maxwell came on the court, the county budget was cut by \$4 million from their previous budget, so they will continue to see these budget increases. D. Balls stated that the county needs to be able to recruit good people and this is one way that they can do that. He stated that if they had this policy last year, it would have cost them about \$100,000 which is .15% of their overall budget.
- J. Maxwell stated that he really thinks to do without those people for that time if they do not make it paid leave, then those department heads can give incentives to those who are stepping up to the plate and doing extra work. He stated that they need to be good accountants and say if this is a major recruiting tool, then it will become the norm here as they have risen to that level many times. He believes that instead of being the pilot project for this, he thinks that they can use a little wisdom and wait. If they have difficulty hiring people in the future with a lot of turnover and vacancies, or if they had a lot of money, then he would be in favor of doing some sort of stop gap to try to fill that; however, he does not see a pressing need right now.
- In response to a question from L. Ecke, D. Balls stated with the family leave policy, they can take a total of 12 weeks with 8 weeks of that paid. It all has to be used at one time, but they could then take 4 weeks of vacation time, if available. L. Ecke stated that this is what she was thinking about as far as abuse, because that would be a long time to be off

of work; to which D. Balls responded that without the maternity leave policy employees can take that much time off now.

- County Attorney Steve Zega stated that D. Balls is correct that the FMLA and that this parental leave policy would run concurrent so someone could elect to take four unpaid weeks at the end of the maternity leave, but vacation at the discretion of the supervisor, could still be granted.
- L. Ecke stated that after listening to both sides, she is struggling. She agrees with J. Maxwell that this issue should not be buried and needs to happen in one form or another, whether that is 6 or 8 weeks; however, perhaps this discussion can come up next year. She has also heard elected officials say, "you have no idea" referring to the problems encountered and hardship this leave can cause in their offices.
- D. Balls reported that he has heard the same thing and when asked what they were doing now, he was told they were just getting through. This is not going to change.
- L. Ecke stated that she is aware and just wants to make it clear that she has to listen to both sides of this issue.
- County Attorney Steve Zega stated that he did not read carefully enough a particular paragraph in answering L. Ecke's question. He read from page 2, paragraph 5 of the ordinance as follows: "Parental leave will run concurrently with associated Family and Medical Leave. The employee must use his or her accrued vacation and sick time following the paid parental leave, before going on a leave without pay status."
- E. Madison stated the idea with almost every leave policy, such as the one proposed, requires them to use concurrently and cannot set them together consecutively. She stated the FMLA is running while your paid leave is running, and if they wanted to continue their 4 weeks of additional FMLA, then they would have to run that concurrently with any paid leave they had. She stated that the maximum anyone could get would be 12 weeks off work. The parental leave would give 8 weeks paid; and if they had any vacation time, then they could use it. The risk they are worried about would not happen. She stated legally someone can get off 12 weeks if they want it and that would include for a 17-year-old adopted son. E. Madison reported that when they ran a bill in Little Rock, and State Representative Darin Williams, who has an adopted son was asked that question, he said if you were 17-years old and you need adopting, you

probably need time to adjust to your new family just as much as a baby does.

- B. Ussery stated his antenna automatically goes up when he hears "budget neutral," because it is not budget neutral. He stated it is going to come out at the end of the year, and every year, they reap that benefit from the year before. The cost is very real. Secondly, he noted that this parental leave started out at two weeks and then morphed into eight weeks, and he is struggling with having a benefit like this for a small percentage of the total workers of the county. He understands that it is something that in the not too distant future, everyone will be doing, but at this point he is having trouble justifying in his mind how this could happen. He thinks that eight weeks is a very long time.
- 542.2 R. Cochran stated that B. Ussery is correct that this is not budget neutral and it is budgeted for if they do not take maternity leave; however, if they take it, then that money becomes part of their unappropriated reserves since it is not money spent. He stated if they had 25 people take 8 weeks of maternity leave last year, then that is 200 weeks. At \$20/hr. x 40 hour week = \$800 a week or \$160,000 in payroll plus payroll taxes, etc., which would be pretty close to \$200,000. He further stated that he thinks that the number 25 is going to be low, because when they now add the husband or spouse to be able to take this time; there will be some taking that as well. He questioned how they could handle abuse if the husband works for the county and takes 8 weeks off while the wife takes whatever time she has. He believes that there is some room for abuse there. He stated that he is troubled by the term "child" in the wording of the ordinance, because with the state definition of a child not reaching majority until age 18, then he would think that they would want to at least limit an adoption age. He noted the situation reported by HR Director Lindsi Huffaker that in these instances of absence due to pregnancy, that they did not hire anybody to replace, leads him to believe that they probably spent some of that money on overtime or it became comp time because they worked extra hours. R. Cochran stated that he is unable to support this ordinance at this time and does not believe that they need to continue to enhance benefits as they did an extreme enhancement on health insurance to the tune of about \$800,000. He does not believe that they need to throw another \$200,000 out there.
- County Attorney Steve Zega noted that this parental leave policy, as written, only allows for the primary caregiver to take time off. If the other spouse was the primary caregiver and the male and female of the married couple took off, then that would be a violation of the policy. Secondly, he

stated legally he is not sure how you would craft the ordinance to limit minor adoptions as you would run afoul of state and federal law. He stated the state has decided that juvenile adoptions are at 18 years old and below; and they would have difficulty at best drafting a policy that says if the child is 14 or under, the employee would be allowed to take advantage of the parental leave policy.

- G. McHenry stated that there are a couple things that have crossed his mind regarding this proposed parental leave policy. He stated obviously the FMLA protects the employees' jobs for 12 weeks, and the problem that they are running into is the wage protection over that period of time. He looked into what the State of California has done and they have something called the "State Disability Insurance" which covers a portion of the wage that is offered to these employees who are on leave. This is identifying another source of funding for a portion of that paid leave.
- Additionally, G. McHenry stated he works for an organization that in 1999 received \$20 million for the development of a program to train people to care for older adults in the home. Though it does not appear to have a lot of momentum right now, he would suggest if this proposal comes back that they look at both ends of the spectrum because Alzheimer's Dementia is a big thing these days. When someone is diagnosed with that, then there is a critical need for time away to adjust to that diagnosis. He stated that in California they call this "Kin Care". G. McHenry stated that he would forward this information to Executive Assistant Karen Beeks and she can distribute it to the rest of the court. He stated that he struggles with the idea that such a small percentage of county employees would be benefiting from this, but as he sees it, it ought to be bigger and reach out to more employees with more issues that they will run into.
- In response to a question from E. Madison, Michael Watson of HR stated that the county's short-term disability pay is 60%. She stated she checked with some local companies who do not have maternity or any kind of parental leave, but they provide and pay for short-term disability for their employees. She noted that county employees have to opt in and pay for it themselves, but if you had a surprise pregnancy, then it is too late. She stated one way some people deal with it is similar to what G. McHenry is talking about, is to provide short-term disability for everybody as a paid benefit and if you get sick for some other reason, they get it as well.
- 542.7 <u>Citizen Comments:</u> There were no citizen comments made.

- 543.1 T. Lundstrum called for the question.
- 543.2 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- VOTING FOR: D. Balls, A. Harbison, E. Madison, and S. Madison.

  VOTING AGAINST: J. Maxwell, G. McHenry, B. Pond, B. Ussery, H. Bowman, R. Cochran, R. Dennis, S. Lloyd, and T. Lundstrum.

  ABSTENSION: L. Ecke. The motion failed with four members voting for the motion, nine members voting against the motion, and one member abstaining.
- 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 December 8, 2016 for Freitag Event Center. This ordinance contains an emergency clause making it effective immediately upon passage.
- B. Pond stated that this is a small, out-of-the way, low impact chapel and there were no protests from the neighborhood.
- 543.6 B. Pond made a motion to adopt the ordinance. T. Lundstrum seconded.
- In response to a question from R. Dennis, Planning Director Juliet Richey stated that Freitag Event Center is in the Durham area, south of Elkins on McCord Road. She further reported that the other similar establishment that came before the court earlier this year is in Greenland and is being appealed.
- 543.8 Citizen Comments: There were no citizen comments made.
- 543.9 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 543.10 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. The ordinance was adopted.

## ORDINANCE NO. 2016-87, BOOK NO. 10, PAGE NO. 594

- AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT
  BETWEEN WASHINGTON COUNTY, ARKANSAS, AND MADISON
  COUNTY, ARKANSAS, REGARDING JAIL SERVICES: T. Lundstrum
  introduced An Ordinance Approving An Interlocal Agreement
  Between Washington County, Arkansas, and Madison County,
  Arkansas, Regarding Jail Services, and County Attorney Steve Zega
  read the Ordinance by title only.
- T. Lundstrum stated this is a very simple renewal of their Interlocal Agreement with Madison County to provide them jail services at a cost of \$62 per night for their prisoners. He noted that for their major cities in the County, they are charged \$62 for a booking fee.
- T. Lundstrum made a motion to suspend the rules and place the ordinance on second reading by title only. B. Pond seconded. The motion passed unanimously by those present by voice vote.
- 544.4 County Attorney Steve Zega read An Ordinance Approving An Interlocal Agreement Between Washington County, Arkansas, and Madison County, Arkansas, Regarding Jail Services by title only.
- 544.5 T. Lundstrum made a motion to suspend the rules and place the ordinance on third and final reading by title only. B. Pond seconded. The motion passed unanimously by those present by voice vote.
- 544.6 County Attorney Steve Zega read An Ordinance Approving An Interlocal Agreement Between Washington County, Arkansas, and Madison County, Arkansas, Regarding Jail Services by title only.
- T. Lundstrum made a motion to adopt the ordinance. B. Pond seconded.
- 544.8 <u>Citizen Comments:</u> There were no citizen comments made.
- 544.9 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 544.10 <u>VOTING FOR:</u> 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. The ordinance was adopted.**

## **ORDINANCE NO. 2016-88, BOOK NO. 10, PAGE NO. 598**

- AN ORDINANCE EXTENDING AN INTERLOCAL AGREEMENT FOR
  JAIL SERVICES WITH THE CITY OF FAYETTEVILLE FOR 2017: T.
  Lundstrum introduced An Ordinance Extending An Interlocal
  Agreement For Jail Services With The City Of Fayetteville For The
  Year 2017, and County Attorney Steve Zega read the Ordinance by title
  only.
- T. Lundstrum stated this is renewing their Interlocal Agreement with the City of Fayetteville for jail services. He noted this is done every year and needs to be done at this meeting so they will have the right to use the County Jail in January.
- 545.3 T. Lundstrum made a motion to suspend the rules and place the ordinance on second reading by title only. B. Pond seconded. The motion passed unanimously by those present by voice vote.
- 545.4 County Attorney Steve Zega read An Ordinance Extending An Interlocal Agreement For Jail Services With The City Of Fayetteville For The Year 2017 by title only.
- 545.5 T. Lundstrum made a motion to suspend the rules and place the ordinance on third and final reading by title only. J. Maxwell seconded. The motion passed unanimously by those present by voice vote.
- 545.6 County Attorney Steve Zega read An Ordinance Extending An Interlocal Agreement For Jail Services With The City Of Fayetteville For 2017 by title only.
- 545.7 T. Lundstrum made a motion to adopt the ordinance. G. McHenry seconded.
- T. Lundstrum reiterated that they get a one-time booking fee of \$62 only which was increased by \$2 in this agreement.
- 545.9 Citizen Comments: There were no citizen comments made.
- 545.10 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.

546.1 <u>VOTING FOR:</u> 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. The ordinance was adopted.

ORDINANCE NO. 2016-89, BOOK NO. 10, PAGE NO. 599

- AN ORDINANCE DESIGNATING THE VARIOUS DISTRICT COURT CLERKS IN WASHINGTON COUNTY AS THE COLLECTORS OF DISTRICT COURT FINES IN ACCORDANCE WITH ARKANSAS CODE ANN. §16-13-709: T. Lundstrum introduced An Ordinance Designating The Various Court Clerks In Washington County As The Collectors Of District Court Fines In Accordance With Arkansas Code Ann. §16-13-709 and County Attorney Steve Zega read the ordinance by title only.
- T. Lundstrum made a motion to suspend the rules and place the ordinance on second reading by title only. L. Ecke seconded. The motion passed unanimously by those present by voice vote.
- County Attorney Steve Zega read An Ordinance Designating The Various Court Clerks In Washington County As The Collectors Of District Court Fines In Accordance With Arkansas Code Ann. §16-13-709 by title only.
- 546.5 T. Lundstrum made a motion to suspend the rules and place the ordinance on third and final reading by title only. L. Ecke seconded. The motion passed unanimously by those present by voice vote.
- County Attorney Steve Zega read An Ordinance Designating The Various Court Clerks In Washington County As The Collectors Of District Court Fines In Accordance With Arkansas Code Ann. §16-13-709 by title only.
- 546.7 T. Lundstrum made a motion to adopt the ordinance. B. Pond seconded.
- 546.8 <u>Citizen Comments:</u> There were no citizen comments made.
- 546.9 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 546.10 <u>VOTING FOR:</u> 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. The ordinance was adopted.

ORDINANCE NO. 2016-90, BOOK NO. 10, PAGE NO. 602

- AN EMERGENCY ORDINANCE REPEALING WASHINGTON COUNTY
  CODE SECTION 2-132 CREATING THE OFFICIAL POSITION OF
  COUNTY JAIL DOCTOR: T. Lundstrum introduced An Emergency
  Ordinance Repealing Washington County Code Section 2-132
  Creating The Official Position Of County Jail Doctor and County
  Attorney Steve Zega read the ordinance by title only. This ordinance
  contains an emergency clause making it effective immediately upon
  passage.
- T. Lundstrum made a motion to adopt the ordinance. R. Cochran seconded.
- County Attorney Steve Zega explained that the reason for this is they have a contract with a local medical provider, Karas Correctional Health LLC that has been providing all jail medical services for the County for the last year. He reported that Dr. Karas, as all jail medical providers, has been sued over 20 times in the last year by detainees who were unhappy with various actions of the medical and jail staff, as all of the civil rights lawsuits alleged that County Detention Staff had done something wrong as well. He stated Dr. Karas has experienced a substantial jump in his medical malpractice premiums as a result of this, even though they are not medical malpractice claims.
- S. Zega stated that this ordinance allows the County to put Dr. Karas and his staff on the County's Risk Management Fund. His understanding at that time was there would be no impact to the Court in terms of the premiums. He stated that this would allow Dr. Karas to take advantage of the Risk Management Fund and to be named as one of the County's folks. If there was a judgment on a civil rights case, then he would be covered. It also allows him the benefit of their Risk Management Attorney's defense. He further noted that this really does need to go through at that time, because this had all developed in the last seven days and their contract runs out in 16 days.
- In response to a question from R. Dennis whether this was retroactive, S. Zega stated it will take effect once the Quorum Court passes the ordinance and after Judge Edwards signs it. It would not be in effect for lawsuits filed in the past.

- J. Maxwell stated that he kind of understands shared liability and making sure they are not paying liability in two places, but asked if they had any idea the amount of money this will bring some synergy for.. He addressed the fourth "Whereas" clause that stated "...would allow it to participate in the County's Risk Management Fund, thus saving money on professional liability claims and allow the County to save money on its contract with Karas Correctional Health." He questioned if those numbers are predetermined or is that anticipating the next time they sign the contract that the numbers will shift downward for them.
- In response to J. Maxwell, Sheriff Helder and County Attorney Zega stated it is prospective and probably would not affect this year's costs, because Dr. Karas already has a claims history. He stated that they are looking at next year's contract in all likelihood.
- 549.3 <u>Citizen Comments:</u> There were no citizen comments made.
- 549.4 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 549.5 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. The ordinance was adopted.

ORDINANCE NO. 2016-91, BOOK NO. 10, PAGE NO. 603

- 549.6

  A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO GARY MCHENRY FOR SERVICE AS A JUSTICE OF THE PEACE:

  B. Pond introduced and read A Resolution to Express Appreciation Of The Quorum Court To Gary McHenry For Service As A Justice Of The Peace.
- 549.7 B. Pond stated it was an honor and privilege to have been able to read this resolution. He requested that Governor Asa Hutchinson be sent a copy of the resolution.
- 549.8 G. McHenry was given a round of applause.
- 549.9 B. Pond made a motion to adopt the resolution. L. Ecke seconded.
- G. McHenry stated he has really appreciated his time on the Quorum Court. He recalls that when he was considering accepting an appointment

to the Court he watched the videos of several past meetings and one thing he noticed in those videos and saw as he sat on this Court was a lot of passion. He read a quote by Martin Luther King, "Human progress is neither automatic nor inevitable. Every step toward the goal requires sacrifice, suffering, struggle, and the tireless exertions and passionate concern of dedicated individuals" which he commended each of his fellow JPs for being.

- R. Cochran thanked G. McHenry for serving on the Quorum Court.
- 550.2 Citizen Comments: There were no citizen comments made.
- 550.3 With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.
- 550.4 <u>VOTING FOR:</u> 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. The resolution was adopted.

RESOLUTION NO. 2016-22, BOOK NO. 3, PAGE NO. 156

- 550.5

  A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO SHARON LLOYD FOR SERVICE AS A JUSTICE OF THE PEACE:

  B. Pond introduced and read A Resolution to Express Appreciation Of The Quorum Court To Sharon Lloyd For Service As A Justice Of The Peace.
- 550.6 B. Pond made a motion to adopt the resolution. R. Cochran seconded.
- B. Pond expressed his appreciation for being allowed to read the resolution and also requested that Governor Asa Hutchinson be sent a copy of this resolution.
- S. Lloyd stated this has been an experience that she wishes every citizen of Washington County could experience as it was so eye-opening to learn about the workings of our government. She stated her appreciation to Governor Asa Hutchinson for appointing her and this will be an experience she will always cherish. She will look back on this time and friends she made on this court and will remember it as one of the highlights of her life. While they may not have always agreed, in the end they are all about doing what they can for the county which is the heartbeat and passion of

every JP on the court. She thanked her husband Roddy Lloyd for his patience during her service on the court and stated he will be sitting in her seat for the next term.

- 551.1 S. Lloyd was given a round of applause.
- E. Madison stated that she really enjoys the friends she has made on this court and S. Lloyd is one of them.
- 551.3 Citizen Comments: There were no citizen comments made.
- With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.
- 551.5 <u>VOTING FOR:</u> 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. The resolution was adopted.

RESOLUTION NO. 2016-23, BOOK NO. 3, PAGE NO. 157

- A RESOLUTION TO EXPRESS APPRECIATION OF THE QUORUM COURT TO MARILYN EDWARDS FOR SERVICE AS THE WASHINGTON COUNTY JUDGE: R. Dennis introduced A Resolution to Express Appreciation Of The Quorum Court To Marilyn Edwards For Service As The Washington County Judge, and County Attorney Steve Zega read the resolution.
- 551.7 Judge Edwards was given a round of applause.
- 551.8 R. Dennis made a motion to adopt the resolution. S. Lloyd seconded.
- R. Dennis stated when you serve your county for as long as Judge Edwards has, then you deserve admiration from everyone. He admires anyone who would work and serve the county as hard and passionately as she has.
- R. Cochran stated he remembers as an incoming JP the first time he sat in Judge Edwards chambers and they talked about how long she had been with the county, which was in the late 60's. He stated she has seen a lot over those years and put a lot of her life interest into their county. He

552.8

wished her the best in her retirement and apologized for dissolving the Finance Committee and putting that burden on her. B. Pond stated Judge Edwards showed him why they call the head 552.1 executive of the county "Judge," because her judgment has been very fair in every neighborhood in the county. She treated them all the same and very fairly which he greatly appreciates. A. Harbison thanked Judge Edwards for her 50 years of service to 552.2 Washington County as she has served it well and now deserves a good retirement. Judge Edwards thanked each and every JP who has served while she 552.3 was County Judge as they have all strive to do what is best for the county. She addressed the public and citizens of Washington County who have allowed her to serve them through so many capacities, and she has not been disappointed in any one of them. She stated it has been a pleasure and joy to serve each and every one. Citizen Comments: There were no citizen comments made. 552.4 With no further discussion, Judge Edwards called for a vote on the 552.5 motion to adopt the resolution. VOTING FOR: J. Maxwell, G. McHenry, B. Pond, B. Ussery, D. Balls, H. 552.6 Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. The motion passed Lundstrum, S. Madison, and E. Madison. unanimously by those present. The resolution was adopted. RESOLUTION NO. 2016-24, BOOK NO. 3, PAGE NO. 158 OTHER BUSINESS: E. Madison announced that they need to collect 552.7 money for the Juvenile Detention Center's holiday dinners.

Respectfully submitted,

Carly Sandidge

Quorum Court Coordinator/Reporter

ADJOURNMENT: The meeting adjourned at 8:17 p.m.