

JOSEPH K. WOOD
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

March 13, 2017

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, March 16, 2017
6:00 p.m.
Washington County Quorum Court Room

A G E N D A

1. **CALL TO ORDER**
2. **PRAYER AND PLEDGE**
3. **ROLL CALL**
4. **ADOPTION OF AGENDA**
5. **CITIZEN'S COMMENTS**
Fifteen-minute comment period with a three-minute limit for each individual
To comment on items on the agenda or other items.
6. **APPROVAL OF MINUTES**
7. **AN ORDINANCE TO ALLOW SHARON LLOYD
TO BE EMPLOYED BY WASHINGTON COUNTY
AND THUS CREATE AN EXCEPTION TO
WASHINGTON COUNTY CODE §2-192(3)(A). (7.1)** **BILL USSERY**
8. **JUDGE'S REPORT**
APPROVAL OF REPRESENTATIVE
FROM ELKINS TO THE WASHINGTON COUNTY
LIBRARY BOARD (8.1-8.2) **BUTCH POND**

9. FINANCE REPORT

EVA MADISON

9.1 APPROPRIATION ORDINANCE: AN ORDINANCE ADJUSTING CARRYOVER REVENUES IN VARIOUS FUNDS FOR 2017 (9.1)

9.2 APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING AND APPROPRIATING REVENUE OF \$4000 IN THE LAW ENFORCEMENT GRANT FUND FOR 2017 (9.2)

9.3 APPROPRIATION ORDINANCE: AN ORDINANCE REDUCING THE AMOUNT OF \$1,307,101 FROM LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; AND, APPROPRIATING THE TOTAL AMOUNT OF \$1,194,124 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGET LINE ITEMS FOR 2016 (9.3)

10. AN ORDINANCE AMENDING WASHINGTON COUNTY CODE SECTIONS 2-18 (10.1-10.4)

BILL USSERY

11. COMMITTEE REPORTS

12. OTHER BUSINESS

13. ADJOURNMENT

ORDINANCE NO. 2017-____

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO ALLOW SHARON LLOYD TO BE EMPLOYED BY WASHINGTON COUNTY AND THUS CREATE AN EXCEPTION TO WASHINGTON COUNTY CODE §2-192(3)(A).

WHEREAS, Sharon Lloyd was appointed to fill a vacancy on the Washington County Quorum Court by Governor Asa Hutchinson, for a term ending on December 31, 2016.

WHEREAS, Washington County Code §2-192(3)(a) prohibits an elected official from employment by the County for a period of one (1) year from the date leaving office, except by majority vote of the Quorum Court.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That an exception is made to Washington County Code §2-192(3)(a) to allow Sharon Lloyd to be employed by Washington County and said exception is made retroactive to January 1, 2017.

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Bill Ussery
Date of Passage: _____
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

MEMORANDUM

TO: Members of the Washington County Quorum Court
FROM: County Judge Joseph K. Wood
DATE: March 13, 2017
RE: Board Appointment

At the request of the Mayor of Elkins, I am recommending that Mrs. Susan Unger be appointed for a 5-year term to the Washington County Library Board. This appointment will fill the position previously held by Michael Musholt whose term expired this year. Mrs. Unger is a former director of the Elkins Public Library.



***** City of Elkins *****

Mayor- Bruce Ledford
bruceledford@elkins.arkansas.gov
Office Manager: Gayla Stahman
gaylastahman@elkins.arkansas.gov
www.elkins.arkansas.gov
1874 Stokenbury Rd
Elkins AR 72727
479-643-3400 Phone
479-643-3368 Fax

Bruce Ledford
City of Elkins, AR
1874 Stokenbury Road
Elkins, AR 72727

February 6, 2017

The Honorable Joseph Wood
Washington County Arkansas
280 N. College Ave
Fayetteville, AR 72701

Dear Judge Wood,

The seat held by a representative from Elkins on the Washington County Library Board is now vacant due to the expiration on January 31, 2017 of the second term of Mr. Michael Musholt. Mr. Musholt is not eligible for a third term. Therefore, I ask that you appoint Mrs. Susan Unger to the open position. Mrs. Unger is a former director of the Elkins Public Library and is very familiar with the duties of the county board. She has my backing and that of our local library board.

It is my understanding the next meeting of the Washington County Library Board will be held on March 16. Mrs. Unger is ready to serve at that meeting. She may be contacted at 18931 Briarfield Rd, Elkins, AR 72727 or by phone at 479-643-2282.

Thank you for your action on this matter.

Sincerely,

Bruce Ledford
Elkins City Mayor

RECEIVED
FEB 10 2017
COUNTY JUDGE'S OFFICE

ORDINANCE NO. 2017-11

APPROPRIATION ORDINANCE:

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ADJUSTING CARRYOVER REVENUES IN VARIOUS FUNDS FOR 2017.

ARTICLE 1. There are hereby reduced carryover revenues in the various County Funds as follows for 2017:

Employee Insurance	Carryover (1002-6999)	\$ 70,141
Collector’s Automation	Carryover (3001-6999)	1,223
Circuit Court Automation	Carryover (3002-6999)	3,641
Jail Operation & Maintenance	Carryover (3017-6999)	107,796
Emergency 9-1-1	Carryover (3020-6999)	164,424
HIV Clinic	Carryover (3401-6999)	8,362
JDC GRANT FUND	Carryover (3510-6999)	4,490

ARTICLE 2. There is hereby recognized additional carryover revenues in the various County Funds as follows for 2017:

General	Carryover (1000-6999)	\$ 141,861
Flex Spending	Carryover (1800-6999)	19,801
Road	Carryover (2000-6999)	277,826
Treasurer’s Automation	Carryover (3000-6999)	1,981
Assessor’s Amendment 79 Fund	Carryover (3004-6999)	3,258
County Clerk’s Cost	Carryover (3005-6999)	17,643
Recorder’s Cost	Carryover (3006-6999)	4,831
County Library	Carryover (3008-6999)	7,144
County Clerk’s Operating	Carryover (3010-6999)	848
Child Support Cost	Carryover (3012-6999)	12,069
Communication Facility/Equip	Carryover (3014-6999)	12,786
Boating Safety	Carryover (3019-6999)	3,075
Adult Drug Court	Carryover (3028-6999)	25,784
Circuit Court – Juv. Division	Carryover (3031-6999)	39
Juvenile Court Representation	Carryover (3032-6999)	34
Circuit Clerk Commissioner Fee	Carryover (3039-6999)	393
FEMA	Carryover (3400-6999)	368,004
Law Library	Carryover (3402-6999)	7,361
Drug Enforcement – State	Carryover (3404-6999)	25,496
Drug Enforcement – Federal	Carryover (3405-6999)	47,767
Drug Court Program Fund	Carryover (3406-6999)	1,914
Rural Community Grant	Carryover (3503-6999)	10,420
JDC Grant Fund	Carryover (3510-6999)	33,547
DEM Grant Fund	Carryover (3511-6999)	131,521
Environmental Affairs Grant	Carryover (3512-6999)	185
Law Enforcement Grant	Carryover (3514-6999)	54,934
Animal Shelter Grant Fund	Carryover (3515-6999)	39,390
Court Costs and Fines	Carryover (5800-6999)	17,861

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison

Date of Passage: March 16, 2017

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2017-12

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ANTICIPATING AND APPROPRIATING REVENUE OF \$4,000 IN THE LAW ENFORCEMENT GRANT FUND FOR 2017.

ARTICLE 1. There is hereby anticipated revenue of \$4,000 in the State Grant Revenue Line Item of the Law Enforcement Grant Fund (3514-7010) for 2017.

ARTICLE 2. There is hereby appropriated the amount of \$4,000 from the Law Enforcement Grant Fund to to the Small Equipment Line Items of the Fire Prevention Budget (35140509-2002) for 2017.

JOSEPH K. WOOD, County Judge

03/16/2017
DATE

BECKY LEWALLEN, County Clerk

Sponsor: Evan Madison
Date of Passage: March 16, 2017
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

ORDINANCE NO. 2017-13

APPROPRIATION ORDINANCE:

**BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE REDUCING THE AMOUNT OF
\$1,307,101 FROM LINE ITEMS IN VARIOUS COUNTY
BUDGETS AND RESTORING THOSE FUNDS TO
UNAPPROPRIATED RESERVES; AND,
APPROPRIATING THE TOTAL AMOUNT OF \$1,194,124
FROM UNAPPROPRIATED RESERVES TO VARIOUS
BUDGET LINE ITEMS FOR 2016.**

ARTICLE 1. Appropriations are hereby reduced by the total amount of \$1,307,101 from line items in the various County budgets for 2016 as outlined in Attachment "A" and summarized by fund as follows; these funds shall be restored to unappropriated reserves in all Funds:

1000 General	\$ 623,082
2000 Road	248,371
3006 Recorder's Costs	29,125
3008 County Library	4,641
3017 Jail	367,526
3020 Nine One One	1,783
3401 HIV Clinic	23,700
3513 Drug Court Grant	<u>13,514</u>
TOTAL REDUCTIONS:	<u>\$ 1,311,742</u>

ARTICLE 2. There is hereby appropriated the total amount of \$1,194,124 from unappropriated reserves to various budget line items as outlined in Attachment "B" and summarized by fund as follows for 2016:

1000 General	\$ 552,277
2000 Road	129,196
3006 Recorder's Costs	304,341
3008 County Library	8,382
3017 Jail	193,440
3020 Nine One One	3,360
3401 HIV Clinic	2,172
3513 Drug Court Grant	955
3514 Law Enforcement Grant	<u>1</u>
TOTAL APPROPRIATIONS:	<u>\$ 1,194,124</u>

JOSEPH K. WOOD, County Judge

03/16/2017
DATE

BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: March 16, 2017
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

ORDINANCE NO. 2017-11

**BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE SECTION 2-18.**

WHEREAS, the Quorum Court has been reviewing the Washington County Code of Ordinances; and,

WHEREAS, it that section 2-18 of the Code is in need of amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. Washington County Code Section 2-18 is hereby amended as follows:

Sec. 2-18. - Compensation.

- (a) ~~Justices of the Peace serving as Quorum Court members shall receive per diem compensation for attending any official, regular, special or committee meeting of the Quorum Court in the sum of one hundred ten dollars (\$110.00) two hundred dollars (\$200.00) provided, the per diem compensation of any Justice of the Peace during any one calendar year shall not exceed the maximum amount established by the Arkansas General Assembly of eight thousand thirty-five dollars (\$8,035.00) Compensation amounts are established by Act 1170 of the 83rd Arkansas General Assembly, 2001, pertaining to maximum and minimum salaries for elected County officers, and said Act is herein adopted as if set out word for word.~~
- (b) Per diem compensation is hereby defined as a per calendar day allowance, exclusive of allowable expenses, which shall be paid a Justice of the Peace for attending any official, regular, special or committee meeting or meetings of the Quorum Court during any single calendar day without regard to the duration of such meeting or meetings. However, a Justice of the Peace may receive per diem compensation for one (1) meeting a year for which the member is absent due to an emergency or for personal reasons.
- (c) ~~Beginning January 1, 1983, Each Justice of the Peace shall be compensated reimbursed for travel to and from any official, regular, special or committee meeting of the Quorum Court at the rate per mile established by ordinance for County officials standard federal mileage rate for privately owned vehicles as established by the Internal Revenue Service as expense reimbursement. Otherwise, Justices of the Peace shall be entitled to receive reimbursement of allowable expenses incurred in the conduct of county affairs on the same terms as other elected officials and county employees, within the budgetary limits established by the Quorum Court on an annual basis.~~

~~(d) Attendance at a any official, regular, special or committee meeting of the Quorum Court shall be verified by roll call by the Court Secretary. Attendance at a committee meeting of the Quorum Court shall be verified by the committee chairman, who shall file with the County Clerk written reports of those Justices attending committee meetings. Such reports shall be filed within thirty (30) days following the committee meeting.~~

~~(e) Any Justice of the Peace who shall preside over a Justice of the Peace Court, shall do so without compensation.~~

~~(f)(e) Each year that the General Assembly changes the minimum per diem compensation and the maximum yearly compensation shall result in an automatic increase of such. Pursuant to Act 942 of the 90th General Assembly, (3%) per annum shall be added to the maximum per diem compensation of Justices of the Peace as a cost-of-living adjustment.~~

JOSEPH K. WOOD, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery

Date of Passage: March 16, 2017

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

Karen Beeks

Subject: FW: Scan from Timothy A. Bunch, CPA PA

Ladies and Gentlemen:

Enclosed you will find the letter from JP Lundstrum's accountant, Mr. Bunch. In reading this letter, Mr. Bunch states that it is his understanding that for our plan to be an accountable plan (and therefore, not taxed to your individual incomes), JPs must fill out a mileage log and turn it in. For what it's worth, I agree with him in principle about the need for an accountable plan if these payments are going to be tax-exempt, (see the IRS Publication, linked below) but this is not the way we are doing business now. You are simply getting paid to and from your individual homes to the Courthouse for meetings. For these payments to qualify as reimbursement, you have to prove the expense- and that's the purpose of the mileage log. The County already has a form we use for employees to report mileage that would, in my opinion, satisfy what Mr. Bunch means when he says a mileage log.

In my opinion, you need to change your ordinance to reflect this advice. I also recommend that you consider some of the things we discussed last year; budgetary concerns (what do you want to budget for yourselves in mileage) and if you are going to put a limit on the starting and ending points for claiming mileage. I think it could be problematic if you leave it open ended.

https://www.irs.gov/publications/p463/ch06.html#en_US_2015_publink100034121

Steve Zega
Washington County, Arkansas
County Attorney
280 North College, Suite 500
Fayetteville, AR 72701
(479) 973-8415
(479) 445-6939 (fax)
szega@co.washington.ar.us

Timothy A. Bunch, CPA, PA

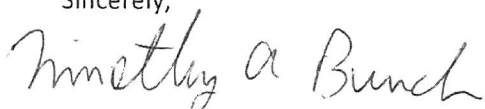
August 17, 2016

Steve Zega
Washington County, Arkansas
County Attorney

Mr. Zega:

Since writing my original letter in May of this year, I have inquired of various office holders throughout the state of Arkansas. I do feel that in most reimbursement situations to office holders, the payment is treated as compensation to the recipient. In spite of this general practice, I still feel that as long as each Justice of the Peace submits a mileage log showing their actual mileage for their job duties as a JP, the reimbursement is made under an accountable plan and is thus not income to the recipient. The IRS has issued new guidelines on the proper treatment of these payments and how they are to be reported on the W-2 issued to each Justice of the Peace. The total reimbursement would go in Box 12 of the W-2 with a Code L. Then each JP would include a Form 2106 with their individual tax return with the reimbursement included on the form. In this scenario, the amount included in Box 12 of the W-2 would not become income to the recipient. Should you have any questions regarding this letter, feel free to contact me.

Sincerely,



Timothy A. Bunch CPA