

MINUTES OF THE REGULAR MEETING OF THE WASHINGTON COUNTY QUORUM COURT

Thursday, May 18, 2017 6:00 p.m. Washington County Quorum Court Room

County Judge Joseph K. Wood called the meeting to order.

JP Lisa Ecke led the prayer and pledge.

Acting Quorum Court Secretary Betty Napier called the roll. Members present were JP Daniel Balls, JP Harvey Bowman, JP Robert Dennis, JP Lisa Ecke, JP Ann Harbison, JP Joe Kieklak, JP Eva Madison, JP Joel Maxwell, JP Joe Patterson, JP Butch Pond, and JP Bill Ussery. Absent were JPs Alicia Deavens, Tom Lundstrum, and Sue Madison. JP Maxwell served as parliamentarian for the meeting due to the absence of County Attorney Brian Lester.

Following several amendments to the agenda, a motion to approve the agenda was unanimously adopted.

A motion to suspend the rules and read all ordinances and resolutions by title only was unanimously adopted.

There were no citizen comments.

Following a proper motion and second, approval of the minutes was tabled and moved to the next meeting.

At the request of JP E. Madison, JP Maxwell read agenda item 10.1, "AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE OF \$636 IN THE DRUG COURT GRANT FUND FOR 2017." JP E. Madison moved to pass item 10.1 which was seconded by JP Pond. There were no comments from the public. A roll call vote was called wherein all members present voted to pass the ordinance.

Ordinance 2017-30, AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE OF \$636 IN THE DRUG COURT GRANT FUND FOR 2017, was adopted.

JP Maxwell then read agenda item 10.2, "AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE IN THE AMOUNT OF \$404,839 IN THE ROAD FUND FOR 2017." A motion to pass the ordinance was moved and properly seconded. There were no comments from the public. A roll call vote was taken wherein all members present voted to pass the ordinance.

2017-31, AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE IN THE AMOUNT OF \$404,839 IN THE ROAD FUND FOR 2017, was adopted.

JP E. Madison introduced agenda item 10.3, "AN ORDINANCE CREATING THE WASHINGTON COUNTY, ARKANSAS HEALTH FACILITIES BOARD PURSUANT TO THE PROVISIONS OF TITLE 14, CHAPTER 137 OF THE ARKANSAS CODE OF 1987 ANNOTATED; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY." JP Maxwell read the ordinance by title only. A motion to pass item 10.3 was made and seconded. Following brief comments by Michael Moyers, an attorney representing Washington Regional Medical Center, a roll call vote was taken. Voting to pass the ordinance with the emergency clause were JPs Kieklak, E. Madison, Maxwell, Patterson, Pond, Ussery, Balls, Bowman, Dennis, Ecke, and Harbison. Having received the required super-majority vote, the ordinance passed.

2017-32, AN ORDINANCE CREATING THE WASHINGTON COUNTY, ARKANSAS HEALTH FACILITIES BOARD PURSUANT TO THE PROVISIONS OF TITLE 14, CHAPTER 137 OF THE ARKANSAS CODE OF 1987 ANNOTATED; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY, was adopted.

JP E. Madison introduced agenda item 10.4, AN ORDINANCE CREATING THE POSITION OF CASE COORDINATOR IN THE PROSECUTING ATTORNEY'S BUDGET; AND, APPROPRIATING THE AMOUNT OF \$28,448 FROM THE GENERAL FUND TO THE PROSECUTING ATTORNEY'S BUDGET FOR 2017." JP Maxwell read the ordinance by title only. There was no public comment. Following a proper motion and second to pass the ordinance, a roll call vote was taken. All members present at the meeting voted to pass the ordinance.

2017-33, AN ORDINANCE CREATING THE POSITION OF CASE COORDINATOR IN THE PROSECUTING ATTORNEY'S BUDGET; AND, APPROPRIATING THE AMOUNT OF \$28,448 FROM THE GENERAL FUND TO THE PROSECUTING ATTORNEY'S BUDGET FOR 2017, was adopted.

Jeff Hatley, Public Information Officer for Ozark Regional Transit, provided a Transit Report to the Quorum Court. Thereafter, he answered questions from JP Bowman and Judge Wood.

Before giving his report, Judge Wood recognized Sheriff Helder and reminded the Court that this week is law enforcement week. Judge Wood presented his Judge's Report, thanking the citizens of Washington County for all of their help during the month of April with the major flood that the County experienced. Judge Wood also recognized all County departments and department heads for their assistance with the issues the County faced due to extensive flooding and other projects within the County. Judge Wood then highlighted various events that were being hosted by the departments. There was some discussion by JP Pond and JP Bowman.

Judge Wood presented the appointments of Felice Barrett to the Washington County Library Board and Mildred Runkle to the Washington County Equalization Board. Following a proper motion to accept the appointments, and a second, a voice vote was called with all members voting to accept the appointments.

JP E. Madison gave an update from the annual meeting of the Arkansas Association of Quorum Courts that she attended in April. JP E. Madison announced that she was re-elected to the County's district board and was re-elected as the Secretary of the board. JP E. Madison also informed the Court of various legislative updates that would affect the County.

JP Ecke gave an update from the Personnel Committee.

JP Dennis provided an update from the County Services Committee.

JP E. Madison announced that the annual meeting of the Arkansas Association of Counties will be held in Little Rock on August 9th, 10th, and 11th.

JP Maxwell read, "A RESOLUTION RECOGNIZING THE VACANCY IN THE WASHINGTON COUNTY QUORUM COURT DISTRICT NUMBER 2 FOR 2017." Following a proper motion to pass, and a second, a roll call vote was taken wherein all members present voted to pass the resolution.

2017-05, A RESOLUTION RECOGNIZING THE VACANCY IN THE WASHINGTON COUNTY QUORUM COURT DISTRICT NUMBER 2 FOR 2017, was adopted.

JP Pond then introduced "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD" for a self-storage unit on Huntsville Road. JP Maxwell read the ordinance. There were no comments from the public. Following a proper motion to pass, and a second, a roll call voted was take wherein all members present at the meeting voted to pass the ordinance.

2017-34, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD, was adopted.

JP Pond then introduced "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD" for the Baldwin Cell Tower. JP Maxwell read the ordinance. There were no comments from the public. Following a proper motion to pass, and a second, a roll call voted was take wherein all members present at the meeting voted to pass the ordinance.

2017-35, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD, was adopted.

JP E. Madison discussed her concerns regarding community sewer systems. There were comments from JP Pond, Judge Wood, JP Harbison, and JP Dennis.

The meeting was adjourned.

Respectfully submitted by
Julie Harris, Executive Assistant
County Judge's Office

PILED

2017 MAY 23 PM 3: 07

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-30

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

AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE OF \$636 IN THE DRUG COURT GRANT FUND FOR 2017.

WHEREAS, it was recently discovered that an additional \$636 was never properly appropriated to the Drug Court Grant Fund due to an error by the previous Grants Administrator; and

WHEREAS, this money must be appropriated or it will be returned to the State of Arkansas and Washington County, Arkansas will lose the ability to use this money for its intended purpose;

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

ARTICLE 1. There is hereby anticipated revenue of \$636 in the Federal Grant Revenue Line Item of the Drug Court Grant Fund (3513-7109) for 2017.

ARTICLE 2. There is hereby appropriated the amount of \$636 from the Drug Court Grant Fund to the General Supplies Line Item of the SAMHSA Budget (35130484-2001) for 2017.

Jenth. W	05-23-2017
JOSEPH K. WOOD, County Judge	DATE
Bedy Lell	
BECKY LEWALLEN, County Clerk	
Sponsor: Eva Madison	
Date of Passage: May 18, 2017	
Votes For: 11 Votes Against: 0	
Abstention: 0 Absent: 3	

FILED

2017 MAY 23 PM 3: 08

BECKY LEWALLEN CO. & PROBATE CLERK WASHINGTON CO. AR

ORDINANCE NO. 2017-31

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

AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUE IN THE AMOUNT OF \$404,839 IN THE ROAD FUND FOR 2017.

WHEREAS, FEMA grants funds in the total amount of \$404,839 were received by Washington County in 2016 to aid in the repair of damages caused by flooding in 2015.

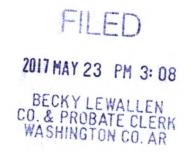
WHEREAS, although the Road Department completed all projects covered by this grant, the FEMA money for those projects was never properly appropriated to the Road Department for reimbursement of its expenses.

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

ARTICLE 1. There is hereby recognized unappropriated revenue of \$404,839 in the FEMA Disaster Relief Revenue Line Item of the Road Fund (2000-7104) for 2017; and

ARTICLE 2. There is hereby appropriated the amount of \$404,839 from the Road Fund to the following Line Items in the Road Budget for 2017:

Asphalt (20000200-2025) 104,839 Culvert and Pipe (20000200-2026) 100,000 Gravel, Dirt, and Sand (20000200-2027) 200,000 TOTAL APPROPRIATION \$ 404,839 05-23-2017 JOSEPH.K. WOOD, County Judge DATE Eva Madison Sponsor: Date of Passage: May 18, 2017 Votes Against: Votes For: 11 Abstention: 0 Absent:



ORDINANCE NO.2017-32

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

AN ORDINANCE CREATING THE WASHINGTON COUNTY, ARKANSAS HEALTH FACILITIES BOARD PURSUANT TO THE PROVISIONS OF TITLE 14, CHAPTER 137 OF THE ARKANSAS CODE OF 1987 ANNOTATED; PRESCRIBING OTHER MATTERS RELATING THERETO; AND, DECLARING AN EMERGENCY.

WHEREAS, the Quorum Court of Washington County, Arkansas (the "County"), pursuant to the provisions of Title 14, Chapter 137 of the Arkansas Code of 1987 Annotated (the "Act"), is authorized to establish a public facilities board for the purposes set forth in the Act, which include assisting in the financing and refinancing of health care facilities and other facilities related to health care within the County; and

WHEREAS, Washington Regional Medical System ("WRMS"), a non-profit corporation (which name when used herein refers to WRMS or any wholly-owned affiliate, subsidiary (including particularly, without limitation, Washington Regional Medical Center and Washington Regional Medical Services), or successor thereto) organized and existing under the laws of the State of Arkansas, operates inpatient and outpatient health care facilities and related ancillary facilities (collectively, the "Medical Facilities") located in the County; and

WHERERAS, WRMS provides general medical and surgical acute care hospital services, outpatient medical services and related ancillary health care services to the citizens and residents of the County; and

WHEREAS, WRMS has requested that assistance be provided by the County for the financing of the acquisition, construction, equipping, and furnishing of certain lands, facilities and improvements located in the City of Fayetteville, Washington County, Arkansas to be utilized by WRMS to house health care administrative, business office and population health and care management operations that benefit and promote the delivery of health care services offered by WRMS to the residents of the County (the "2017 Bond Project"); and

WHEREAS, the Quorum Court has determined that it would be in the best interest of the County to establish a public facilities board to provide the assistance requested by WRMS for the financing of the 2017 Bond Project and the financing and refinancing of Subsequent Projects (hereinafter defined);

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

ARTICLE 1. Findings. The Quorum Court of the County hereby finds and determines:

- (a) The 2017 Bond Project will assist in the efficient operations of the Medical Facilities and the 2017 Bond Project is plainly in the interest of the County and its inhabitants. Further, proper planning dictates that provision should be made for financing any additional facilities that may be required in the future in order that WRMS satisfy the increasing health care needs of the inhabitants of the County and the State of Arkansas ("Subsequent Projects");
- (b) Financing of the 2017 Bond Project and Subsequent Projects are and will be necessary for accomplishing the 2017 Bond Project and Subsequent Projects and will make available efficient and quality health care facilities and services to the public, thereby benefiting the public in general and the inhabitants of the County in particular;
- (c) The County is authorized by the Act to provide financing of health care facilities and other authorized facilities through the creation of a public facilities board and the issuance of revenue bonds by such a public facilities board; and
- (d) It is in the best interests of the County and its inhabitants that there be created a public facilities board under the Act and that the authority of the board be limited to accomplishing, financing, refinancing, contracting concerning, and otherwise dealing with health care facilities and other facilities to be owned or operated by WRMS (including its affiliates, subsidiaries, and successors).

ARTICLE 2. Creation of Board. In accordance with and pursuant to the authority conferred by the provisions of the Act, there is hereby created and established a public facilities board (hereinafter referred to as the "Board") with authority as hereinafter provided to accomplish, finance, refinance, contract concerning, and otherwise dispose of and deal with "health care facilities" (as defined in the Act), "emergency medical health care facilities" (as defined in the Act), and "other capital improvement facilities" (as defined in the Act) pertaining to health care now or hereafter owned or operated by WRMS.

ARTICLE 3. Name of Board. The name of the Board shall be the "Washington County, Arkansas Health Facilities Board."

ARTICLE 4. Members of Board; Term of Office. The Board shall consist of five persons. The initial members shall, as provided in the Act, be appointed by the County Judge to serve for terms of one, two, three, four, and five years, respectively. Successor members shall be selected as provided in the Act. As soon as practicable after the enactment of this Ordinance, each member of the Board shall qualify by taking and filing with the County Clerk the oath of office as prescribed by the Act.

ARTICLE 5. Powers. The Board is empowered, from time to time, to own, acquire, construct, reconstruct, extend, equip, improve, sell, lease, contract concerning, or otherwise deal in or dispose of health care facilities, emergency medical health care facilities, and other capital improvement facilities pertaining to health care or to lend money to WRMS for the purpose of financing or refinancing the construction, acquisition and equipment of such facilities as shall be determined by the Board to be necessary to effect the purposes of this Ordinance to provide adequate facilities for health care within the County. The Board shall have all of the powers provided for in the Act, subject to the limitations of this Ordinance, and shall carry out its duties in accordance with the Act.

ARTICLE 6. Issuance of Bonds. (a) The Board is authorized to issue revenue bonds from time to time as permitted by the Act and to use the proceeds, either alone or together with other available funds and revenues, to accomplish the purposes for which the Board is created as the same relate to the providing of adequate facilities for health care. Such revenue bonds shall be obligations only of the Board and shall not constitute an indebtedness for which the faith and credit of the County or any of its revenues are pledged, and the principal and interest on the bonds shall be payable from and secured by a pledge of revenues derived from the facilities financed and refinanced, in whole or in part, from bond proceeds, and as authorized by and in accordance with the provisions of the Act, together with such other collateral as may properly be pledged.

- (b) The issuance of revenue bonds (the "2017 Bonds") to finance the 2017 Bond Project is hereby approved. It is anticipated that the 2017 Bonds will have a principal amount not in excess of \$7,000,000. The Quorum Court of the County understands that the 2017 Bonds issued by the Board in 2017 will be treated as having been issued by the County for the purpose of determining whether and to what extent any bonds issued by the County during calendar year 2017 may be designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
- (c) Each bond issue to finance Subsequent Projects must be approved by the Quorum Court of the County prior to the issuance thereof.
- (d) The issuance by the Board of refunding bonds as contemplated by the Act shall not require Quorum Court approval.

ARTICLE 7. Organization; Reports. The Board shall have all of the powers provided in the Act, subject to the provisions of this Ordinance, and shall carry out its duties in accordance with the Act, including specifically, without limitation, the filing of the annual report required by Ark. Code. Ann. §14-137-123. The Board shall take all appropriate action necessary to comply with the Constitution and laws of the United States of America and of the State of Arkansas.

ARTICLE 8. Severability. If any provision of this Ordinance shall for any reason be held illegal or invalid, the invalidity of such provision shall not effect the validity of the remaining provisions of this Ordinance.

ARTICLE 9. General Repeal. All Ordinances of the Quorum Court of the County, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

ARTICLE 10. Emergency. It is hereby found and determined that there is an immediate and urgent need for the 2017 Bond Project and the financing thereof, in order to meet the needs of the County's inhabitants for health care facilities and services essential for their health and welfare, that the creation of the Board and the exercise of the duties and powers provided in this Ordinance are necessary for the accomplishment of these public purposes and to the preservation of the public peace, health and safety, and that the terms of the financing of the 2017 Bond Project are subject to interest rates and economic conditions which cannot be predicted. Therefore, an emergency is declared to exist and this Ordinance shall be in full force and effect from and after its passage.

05-23-2017

DATE

JOSEPH K. WOOD, County Judge

BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison

Date of Passage: May 18, 2017

Votes For: 11 Votes Against:

Abstention: 0 Absent:

3

FILED

2017 MAY 23 PM 3: 08

BECKY LEWALLEN CO. & PROBATE CLERK WASHINGTON CO. AR

ORDINANCE NO. 2017-33

APPROPRIATION ORDINANCE:

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

AN ORDINANCE CREATING THE POSITION OF CASE COORDINATOR IN THE PROSECUTING ATTORNEY'S BUDGET; AND, APPROPRIATING THE AMOUNT OF \$28,448 FROM THE GENERAL FUND TO THE PROSECUTING ATTORNEY'S BUDGET FOR 2017.

ARTICLE 1. There is hereby created the position of Case Coordinator, Grade 17 (Position 0416016) in the Prosecuting Attorney budget of the General Fund (10000416) for 2017.

ARTICLE 2. There is hereby appropriated the total amount of \$28,446.71 from the General Fund to the following line items in the Prosecuting Attorney Budget for 2017:

Prosecuting Attorney

Full-time Salaries, Position 0416016 (10000416-1001)	\$20,530
Social Security (10000416-1006)	1,571
Noncontributory Retirement (10000416-1008)	3,008
Health Insurance (10000416-1009)	3,262
Life Insurance (10000416-1016)	<u>77</u>
TOTAL APPROPRIATION:	\$28,448

05-27-2017

DATE

JOSEPH K. WOOD, County Judge

BECKY LEWALLEN, County Clerk

Sponsor: Eva Madison
Date of Passage: May 18, 2017

Votes For: 11 Votes Against: 0
Abstention: 0 Absent: 3



RESOLUTION NO. 2017- 95のし

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:

A RESOLUTION RECOGNIZING A VACANCY IN QUORUM COURT DISTRICT #2 FOR 2017.

WHEREAS, Quorum Court District #2 is currently held by

Roddy Lloyd; and,

WHEREAS, pursuant to Ark. Code Ann. 14-14-1308, it is required that a vacancy be declared when a Quorum Court member resigns from said District; and,

WHEREAS, Roddy Lloyd has served District #2 well and faithfully, but has notified the County Judge that he must resign from the Quorum Court effective April 30, 2017.

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

ARTICLE 1. That a vacancy is hereby declared to exist in Quorum Court District #2 and pursuant to Ark. Code Ann. 14-14-1310, the County Judge shall notify the Governor of such.

JOSEPH K. WOOD, County Judge

05-23-2017 DATE

BECKY LEWALLEN County Clerk

Sponsor: Harv
Date of Passage: 05-18

Harvey Bowman 05-18-2016

Votes For: 10

Votes Against: (

Abstention: 0

Absent: 4

2017 MAY 23 PM 3: 08

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

65-23-2017

DATE

ORDINANCE NO. 2017-34

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

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted a Conditional Use Permit on May 4, 2017 for Baldwin Cell Tower.

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

ARTICLE 1. That the Conditional Use Permit for Baldwin Cell Tower granted by the Planning and Zoning Board is hereby ratified.

JOSEPH K. WOOD, County Judge

BECKY LEWALLEN, County Clerk

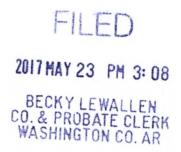
Sponsor: Butch Pond
Date of Passage: May 18, 2017

Votes For: 10 Votes Against: 0

Absent:_

Abstention:_

0



ORDINANCE NO. 2017-35

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

AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted a Conditional Use Permit (with conditions) on May 4, 2017 for Huntsville Road Storage (Eastside Self Storage).

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

ARTICLE 1. That the Conditional Use Permit (with conditions) for Huntsville Road Storage (Eastside Self Storage) granted by the Planning and Zoning Board is hereby ratified.

JOSEPH K. WOOD, County Judge

05-23-20(7 DATE

BECKY LEWALLEN, County Clerk

Sponsor: Butch Pond

Date of Passage: May 18, 2017

Votes For: 10 Votes Against: 0

Abstention: 0 Absent: 4