

MINUTES OF THE
REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, May 16, 2013
6:00 p.m.
Washington County Quorum Court Room

2013 JUN 21 PM 3:11
BECKY LEWELLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

- 75.1 The Washington County Quorum Court met in regular session on Thursday, May 16, 2013. The meeting was called to order by Judge Marilyn Edwards.
- 75.2 Bill Ussery led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 75.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Eva Madison, Joe Patterson, Butch Pond, Mary Ann Spears, and Bill Ussery.
- 75.4 MEMBERS ABSENT: Ann Harbison, Tom Lundstrum, and Jimmy Mardis.
- 75.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Attorney George Butler, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 75.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 75.7 **A motion was made and seconded to adopt the agenda as distributed. The motion passed unanimously by voice vote. The agenda was adopted as distributed.**
- 75.8 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the April 18 regular meeting of the Washington County Quorum Court.
- 75.9 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote. The minutes were approved.**
- 75.10 FINANCE REPORT: C. Clark reported that there were seven items on the agenda tonight forwarded from the Finance and Budget Committee.
- 75.11 A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, SOLID WASTE MANAGEMENT DIVISION: C. Clark introduced **A Resolution Authorizing The Submittal Of A Grant Application To The Arkansas Department Of Environmental Quality, Solid Waste Management Division**, and County Attorney George Butler read the resolution.

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- 76.1 **C. Clark made a motion to adopt the resolution. R. Bailey seconded.**
- 76.2 Citizen Comments: There were no citizen comments made.
- 76.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 76.4 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The resolution was adopted.**
- RESOLUTION NO. 2013-08, BOOK NO. 3, PAGE NO. 46**
- 76.5 AN ORDINANCE AUTHORIZING THE COUNTY TO DO BUSINESS WITH HILAND DAIRY AND CINTAS: C. Clark introduced **An Ordinance Authorizing The County To Do Business With Hiland Dairy And Cintas.**
- 76.6 County Attorney George Butler stated that this is a standard ordinance that they have been doing, but after discussion in committee he discovered that they actually do not need to have the ordinance in this situation. He explained that the only time that this ordinance is required is when it is in the best interest of the County; the Quorum Court may permit them to purchase goods or services, directly or indirectly, from Quorum Court members, county officers or county employees due to unusual circumstances. He noted that this has gotten confused with another part of the ethics statute that says that no officer of the county or government may use his or her official position to advance their individual personal economic or interest of a needy family member, with "needy family member" not being defined. Therefore, he stated that it is okay if they have this ordinance, but in this case, it is not really required because they are not buying directly or indirectly from a county employee or relative.
- 76.7 **C. Clark made a motion to table the ordinance indefinitely. R. Bailey seconded.**
- 76.8 Citizen Comments: There were no citizen comments made.
- 76.9 **With no further discussion, Judge Edwards called for a vote on the motion to table the ordinance.**
- 76.10 **The motion passed unanimously by those present by voice vote. The ordinance was tabled.**

77.1 AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$92,010 FROM VARIOUS FUNDS TO VARIOUS BUDGET LINE ITEMS FOR NEEDED ADJUSTMENTS FOR THE YEAR 2012: C. Clark introduced **An Ordinance Appropriating The Total Amount Of \$92,010 From Various Funds To Various Budget Line Items For Needed Adjustments For The Year 2012**, and County Attorney George Butler read the ordinance.

77.2 C. Clark explained that this is a housekeeping ordinance.

77.3 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**

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

77.5 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-27, BOOK NO. 9, PAGE NO. 196

77.6 AN ORDINANCE REDUCING THE AMOUNT OF \$73,718 FROM FULL-TIME SALARY LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; AND, APPROPRIATING THE AMOUNT OF \$70,351 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS FOR 2013: C. Clark introduced **An Ordinance Reducing The Amount Of \$73,718 From Full-Time Salary Line Items In Various County Budgets And Restoring Those Funds To Unappropriated Reserves; And, Appropriating The Amount Of \$70,351 From Unappropriated Reserves To Various Budgets For 2013**, and County Attorney George Butler read the ordinance.

77.7 C. Clark stated that this was also a housekeeping ordinance.

77.8 **C. Clark made a motion to adopt the ordinance. E. Madison seconded.**

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

77.10 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-28, BOOK NO. 9, PAGE NO. 198

78.1 AN ORDINANCE APPROPRIATING \$43,285 FROM THE GENERAL FUND TO THE ASSESSOR'S BUDGET FOR 2013: C. Clark introduced **An Ordinance Appropriating \$43,285 From The General Fund To The Assessor's Budget For 2013**, and County Attorney George Butler read the ordinance.

78.2 C. Clark explained that this appropriation was for an invoice from 2011 that did not get paid.

78.3 **C. Clark made a motion to adopt the ordinance. J. Patterson seconded.**

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

78.5 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-29, BOOK NO. 9, PAGE NO. 201

78.6 AN ORDINANCE APPROPRIATING \$100,000 FROM THE GENERAL FUND TO THE TRANSFERS OUT BUDGET; AND RECOGNIZING AND APPROPRIATING REVENUES OF \$100,000 IN THE CENTRAL SUPPLIES FUND FOR 2013: C. Clark introduced **An Ordinance Appropriating \$100,000 From The General Fund To The Transfers Out Budget; And Recognizing And Appropriating Revenues Of \$100,000 In The Central Supplies Fund For 2013**, and County Attorney George Butler read the ordinance.

78.7 **C. Clark made a motion to adopt the ordinance. B. Fitzpatrick seconded.**

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

78.9 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-30, BOOK NO. 9, PAGE NO. 202

- 79.1 AN ORDINANCE APPROPRIATING \$7,000 FROM THE DRUG COURT PROGRAM FUND TO THE DRUG COURT PROGRAM BUDGET FOR 2013: C. Clark introduced **An Ordinance Appropriating \$7,000 From The Drug Court Program Fund To The Drug Court Program Budget For 2013**, and County Attorney George Butler read the ordinance.
- 79.2 **C. Clark made a motion to adopt the ordinance. B. Fitzpatrick seconded.**
- 79.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 79.4 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-31, BOOK NO. 9, PAGE NO. 203

- 79.5 COUNTY JUDGE'S REPORT: Judge Edwards introduced Bill Bradley, President and CEO of Washington Regional Medical Center, who would be making the annual report from Washington Regional Medical Center
- 79.6 Bill Bradley, President and CEO of Washington Regional Medical Center, addressed the Quorum Court stating that he had some good news and some bad news. He stated that healthcare reform will create tough years for healthcare providers for 2013, 2014, and 2015, as well as the federal budget deficit reduction sequester that hit them on April 1, 2013. He explained that for Washington Regional Medical Center, over the next five years, the combined impact of sequestration and healthcare reform is \$25 million that they need to get out of their operations and over the next few months the challenge will be to develop a plan to cope with this. He reported that their volumes continue to be very good and they continue to grow, but this will be a tremendous challenge and a lot for WRMC to deal with; however, at the end of the day they will figure it out and be better for it.
- 79.7 Mr. Bradley referred to the special report to the community edition "Your Health" handout and reported that one of WRMC's quality metrics that they are measured on by major independent third parties that they continue to do very well on and they benchmark themselves against national averages for things like mortality which is lower than the national average and equates to about 35 lives in a year's period of time. He further noted with regard to complications, WRMC vs. a hospital that is performing at the average level,

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there would be 312 less complications at WRMC. He noted that readmissions is an area that impacts their reimbursement from Medicare so with a readmission rate of 84 fewer patients than at an average performing facility which is low, it is assumed that their quality is high and they got paid more this year. He stated that they were the only area hospital that didn't get penalized and actually received a bonus. He noted that WRMC's glucose levels are 18% lower than the national average; deep vein thrombosis levels are that you are about 3½ times less likely to get a blood clot at WRMC than a national average hospital and twice as likely to not get an infection. Mr. Bradley stated that they are very proud of these performance metrics and statistics.

- 80.1 Mr. Bradley reported that a group formed by major employers such as G.E. and G.M., Hopkins, Harvard, etc., evaluate hospitals for patient safety and WRMC was one of four hospitals in Arkansas to receive an "A" grade which is quite an accomplishment for them.
- 80.2 E. Madison stated that she occasionally receives questions about WRMC and was recently questioned about whether BrookStone was going to be sold and as someone who has had grandparents stay at this facility, this was unwelcome news.
- 80.3 Mr. Bradley responded to E. Madison stating when they are confronted with the challenges that he alluded to earlier, they have to make some tough decisions and their Board looked at all services they offer and, since they are not really into the residential care business but rather into the treatment of illness and wellness business, that is the reason that this decision was made. He explained that it was related to the City Hospital component as well because nursing homes and assisted living has not really been a part of their mission compared to long-term acute care hospitals, inpatient rehabilitation hospitals, or skilled nursing facilities which are the areas that they are going to focus on. He stated that a lot of people have had loved ones in BrookStone and they have received many compliments through the years about the care, but this is the type of decision that the Board has been struggling with and there will probably be more such decisions with the challenges that they have.
- 80.4 In response to a question from E. Madison about whether they are far enough along that they have identified a buyer for BrookStone, Mr. Bradley stated that they have received some bids which they are in the process of analyzing because they want to make sure to sell to someone who will do a good job.

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- 81.1 M. Spears stated having spent a good part of this last week at WRMC with a 7-month-old grandson, she wanted to commend WRMC for the outstanding care that he received.
- 81.2 B. Fitzpatrick stated that she has received a lot of comments regarding problems with billing from different areas which creates overbilling, under billing, reimbursements, rebilling and then being turned over to a bill collector for something that they were told was an incorrect bill. She stated if there is one thing that especially the elderly do not need is this kind of run around and questioned whether there was any plans to look into the idea of centralized billing through the hospital with one bill and the hospital then reimburses the various departments.
- 81.3 Mr. Bradley responded to B. Fitzpatrick stating that the problem is that they are not one legal entity, noting when he started at WRMC 8 years ago, they had 12 physicians that worked for them and now they have 100 as well as an additional 300 physicians in the area that are on their medical staff and there is no way to do all the billing.
- 81.4 B. Fitzpatrick stated that these physicians could bill the hospital and the hospital could then bill the patient; to which Mr. Bradley stated that there are a lot of federal laws about when they write checks to physicians there are a lot of restrictions which is why they now retain three lawyers.
- 81.5 H. Bowman referred to sequestration with Obama Care being tough for the hospital through 2015 and asked how it will be better after that time; to which Mr. Bradley responded that he believes the sequestration will be a problem indefinitely, but it will be worse through 2015. He stated that part of the healthcare reform law is that more people would get same level coverage and the original deal with hospitals is that hospitals agree to finance 20% of healthcare reform through lower reimbursement which they volunteered to do. He stated that the converse part is that more people were going to get insurance and so their charity and indigent care would be reduced. However, as time and politics have passed, about 60% of the original number that were going to have coverage will have coverage, so it has been watered down quite a bit and they will not get as much benefit from that as they had hoped. He stated in now way will it make up for the reimbursement cuts and will only be an opportunity to get back about \$2 to \$3 million out of the \$25 million.
- 81.6 H. Bowman asked where the primary losses were coming from in the \$25 million over the next three years; to which Mr. Bradley responded that it is coming out of reimbursement and they are all getting paid less for what they do which puts a lot of pressure on them to reduce their operating costs, process improvement, improving billing, etc.

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- 82.1 In response to a question from H. Bowman on how this will impact elder care, Mr. Bradley stated that he does not see a major impact to the elderly. He stated why he believes healthcare reform will have trouble working is that the country is not going to save any money because hospital admissions per 1000 population will go down with a lot more focus on outpatient care and preventative medicine which will reduce the need to go to the hospital in the long term; however, there are so many "baby boomers" that will more than compensate for that.
- 82.2 Judge Edwards introduced Steve Harrison with Central EMS to provide the annual report from the Washington County Regional Ambulance Authority.
- 82.3 Steve Harrison, Central EMS Assistant Chief, addressed the Quorum Court stating that 2012 was a good year for them with an increased call volume. He noted that their dispatch center is still the only internationally accredited emergency medical dispatch center for the State of Arkansas and continue to perform at a 98 to 99 percentile. He pointed out that their cardiac arrest save rate is at 25% compared to the national average of 7% attributed to their ambulance responses, their equipment, first responders, etc., and speaks very highly to that. He noted that they continue to try to improve their ambulances and equipment and have added an ambulance to help with calls on the east side of the county toward Goshen.
- 82.4 In response to a question from H. Bowman about the national average for cardiac arrest save rate, Mr. Harrison stated that they call it return to spontaneous heart beat with the national average being only 7% compared to Central EMS's rate of 25%.
- 82.5 Also under the County Judge's Report, Judge Edwards stated that her report on the County Road Department is pretty much the same as last month, so there was nothing new to report this month.
- 82.6 COMMITTEE REPORTS: J. Patterson, Chairman of the County Services Committee, reported that this committee met on April 29 and had a short meeting with the removal of the GIS Department item from their agenda. They received an update from Juliet Richey from the County Planning Department as well as a report from Lester Howick on the County Animal Shelter. They had some discussion about the reports from the Animal Shelter being quarterly and more financial in nature.
- 82.7 E. Madison, Chair of the Public Works Committee, reported that the committee met briefly on April 29 following the County Services meeting. She reported on behalf of Ron Wood that the bids were opened on the Sheriff's

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Annex on Friday and a decision should be made this week. She reported that they had a discussion about Roberts Rules of Order, but took no action. After the meeting adjourned, the Committee toured the County's Emergency Operations Center.

- 83.1 B. Pond, Chairman of the Personnel Committee, reported that they did not meet this month due to lack of an agenda.
- 83.2 C. Clark, Chairman of the Finance and Budget Committee stated that they needed to acknowledge receipt of the Washington County Legislative Audit for the year 2011.
- 83.3 **C. Clark made a motion to acknowledge receipt of the Washington County Legislative Audit for the Year 2011. J. Firmin seconded.**
- 83.4 R. Cochran noted that one of the auditor's comments was an adverse opinion on the accounting, but he is also aware that all 75 counties in the State receive this same adverse message. He stated that this was something that they discussed in committee, but this is not an issue other than the accountants have to say that. He reported that the other issue that the auditors hit them hard on was with their disaster recovery plan for the IT and infrastructure for the Year 2011 which they have put a lot of money into, and he does not expect for that to even hit the radar on their next report for 2012.
- 83.5 Judge Edwards stated that they are trying to work on the disaster recovery plan which is a very difficult project, but they are moving forward and hoping one of these days to have it taken care of.
- 83.6 **With no further discussion, Judge Edwards called for a voice vote on the motion.**
- 83.7 **The motion passed unanimously by those present by voice vote. Receipt of the 2011 Audit was acknowledged.**
- 83.8 AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT BETWEEN WASHINGTON COUNTY AND THE INCORPORATED CITIES THEREIN TO PROVIDE HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES:
J. Patterson introduced **An Ordinance Approving An Interlocal Agreement Between Washington County And The Incorporated Cities Therein To Provide Hazardous Materials Incident Response Services**, and County Attorney George Butler read the ordinance. This ordinance is on third and final reading.

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- 84.1 County Attorney George Butler reported that they have received a letter back from the Attorney General on this interlocal agreement, and everyone else has passed the ordinance, and they are just waiting on some documentation from them.
- 84.2 J. Patterson explained that this has been ongoing for several years and the equipment has just been moved around with the headquarters relocated.
- 84.3 **J. Patterson made a motion to adopt the ordinance. R. Bailey seconded.**
- 84.4 Citizen Comments: There were no citizen comments made.
- 84.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 84.6 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-32, BOOK NO. 9, PAGE NO. 204

- 84.7 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD: J. Patterson introduced **An Emergency Ordinance Ratifying A Conditional Use Permit Denied By The Planning And Zoning Board**, and County Attorney George Butler read the ordinance. The County Planning Board denied a CUP for White River Auction on April 4. The ordinance contains an emergency clause and will be in effect immediately upon passage.
- 84.8 County Attorney George Butler explained that because of the way the Arkansas Court of Appeals construed our zoning ordinance, both approvals and denials have to be ratified by the Quorum Court. He noted that they held off on this as they thought that there was going to be an appeal, but there has not been an appeal filed and the time to appeal has expired.
- 84.9 **J. Patterson made a motion to adopt the ordinance. R. Bailey seconded.**
- 84.10 Citizen Comments: There were no citizen comments made.
- 84.11 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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85.1 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, E. Madison, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and C. Clark. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-33, BOOK NO. 9, PAGE NO. 210

85.2 A RESOLUTION DECLARING THAT A VACANCY EXISTS FOR THE POSITION OF CONSTABLE JUSTICE OF THE PEACE DISTRICT #10: M. Spears introduced **A Resolution Declaring That A Vacancy Exists For The Position Of Constable Justice Of The Peace District #10**, and County Attorney George Butler read the resolution.

85.3 M. Spears explained that John Maynard, Constable in her District has been called up for active duty in the Air Force creating a vacancy.

85.4 **M. Spears made a motion to adopt the resolution. C. Clark seconded.**

85.5 E. Madison stated that she seems to recall that for a long time Benton County had a lot of vacant constable positions, inquiring about how that worked; to which George Butler responded stating that he was unsure about Benton County, but it could be that they didn't declare a vacancy or the Governor didn't appoint anyone or a combination of the two.

85.6 E. Madison stated that given the Judge has moved to reduce the number of constables, she would almost be declined to leave this position empty.

85.7 County Attorney George Butler explained that once the Quorum Court knows about a vacancy, they are required to advise the Governor of that fact and then it is up to the Governor to appoint anyone or not.

85.8 J. Patterson stated that he recalls reading in the newspaper on a couple of occasions that Benton County is reducing the number of constables, but he has never seen what that number was going to be.

85.9 Citizen Comments: There were no citizen comments made.

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

85.11 VOTING FOR: R. Cochran, J. Firmin, B. Fitzpatrick, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, H. Bowman, and C. Clark. VOTING AGAINST: E. Madison and R. Bailey. **The motion passed with ten**

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**members voting in favor and two members voting against the motion.
The resolution was adopted.**

RESOLUTION NO. 2013-09, BOOK NO. 3, PAGE NO. 47

- 86.1 OTHER BUSINESS: There was no other business to discuss.
- 86.2 CITIZEN COMMENTS: There were no citizen comments made.
- 86.3 ADJOURNMENT: The meeting adjourned at 6:40 p.m.

Respectfully submitted,



Karen M. Beeks
Quorum Court Coordinator/Reporter