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

Thursday, June 20, 2013
6:00 p.m.

Washington County Quorum Court Room

- 117.1 The Washington County Quorum Court met in regular session on Thursday, June 20, 2013. The meeting was called to order by County Judge Marilyn Edwards.
- 117.2 Rex Bailey led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 117.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, Mary Ann Spears, and Bill Ussery.
- 117.4 OTHERS PRESENT: County Judge Marilyn Edwards, County Attorney George Butler, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 117.5 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 117.6 B. Pond requested that Resolution #4.1, honoring the Yang Family for being named Washington County Farm Family of the Year, be added to the agenda.
- 117.7 **B. Pond made a motion to add Resolution #4.1 to the agenda. The motion was seconded. The motion passed unanimously by voice vote by those present.**
- 117.8 **E. Madison made a motion to adopt the agenda as amended. The motion was seconded. The motion passed unanimously by voice vote by those present. The agenda was adopted as amended.**
- 117.9 A RESOLUTION IN HONOR OF DAVID AND CINDY YANG: B. Pond introduced **A Resolution In Honor Of David And Cindy Yang**, and read the resolution.

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- 118.1 Judge Edwards asked the Yang family to stand and they were given a round of applause.
- 118.2 B. Pond stated that a successful farm family is always working to build a better future for itself and for the community, always being conservative with natural resources and protecting the environment for generations to come. In the end a successful farmer leaves this world a better place than when he started. He stated his appreciation for the Yang family and thanked them for attending the meeting tonight.
- 118.3 **C. Clark made a motion to adopt the resolution. M. Spears seconded.**

M. Spears stated that she had the pleasure of having the Yang children at her school with a couple still being in high school and the older two having graduated. She commended the Yang family, stating that they are an outstanding family with outstanding students who were very successful at Lincoln High School.
- 118.4 Citizen Comments: There were no citizen comments made.
- 118.5 Judge Edwards stated that it was definitely the Court's honor to have the Yang family with them tonight and appreciation for what they have done for the community.
- 118.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 118.7 VOTING FOR: B. Fitzpatrick, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. ABSENT: A. Harbison. **The motion passed unanimously by those present. The resolution was adopted.**

RESOLUTION NO. 2013-10, BOOK NO. 3, PAGE NO. 48
- 118.8 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the May 16 regular meeting and the June 4 special Quorum Court meeting of the Washington County Quorum Court.
- 118.9 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote by those present. The minutes were approved.**

- 119.1 **FINANCE REPORT:** C. Clark reported that there were only 3 appropriation ordinances on the agenda tonight forwarded from the Finance and Budget Committee.
- 119.2 **AN ORDINANCE RECOGNIZING REVENUES OF \$19,038 IN THE GENERAL FUND, AND APPROPRIATING THE AMOUNT OF \$19,038 FROM THE GENERAL FUND TO THE DEPARTMENT OF EMERGENCY MANAGEMENT BUDGET FOR 2013:** C. Clark introduced **An Ordinance Recognizing Revenues Of \$19,038 In The General Fund, And Appropriating The Amount Of \$19,038 From The General Fund To The Department Of Emergency Management Budget For 2013**, and County Attorney George Butler read the ordinance.
- 119.3 **C. Clark made a motion to adopt the ordinance. M. Spears seconded.**
- 119.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 119.5 **VOTING FOR:** B. Fitzpatrick, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. **ABSENT:** Ann Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**
- ORDINANCE NO. 2013-34, BOOK NO. 9, PAGE NO. 213**
- 119.6 **AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE OF \$6,940 IN THE GENERAL FUND, AND APPROPRIATING \$6,940 TO DISTRICT COURT SECURITY BUDGET FOR 2013:** C. Clark introduced **An Ordinance Recognizing Additional Revenue Of \$6,940 In The General Fund, And Appropriating \$6,940 To District Court Security Budget For 2013**, and County Attorney George Butler read the ordinance.
- 119.7 **C. Clark made a motion to adopt the ordinance. J. Patterson seconded.**
- 119.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 119.9 **VOTING FOR:** B. Fitzpatrick, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. **ABSENT:** A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-35, BOOK NO. 9, PAGE NO. 214

- 120.1 AN ORDINANCE RECOGNIZING REVENUES OF \$4,000 IN THE JDC GRANT FUND, AND APPROPRIATING THE AMOUNT OF \$4,000 FROM THE JDC GRANT FUND TO THE JDC HOFNOD BUDGET FOR 2013: C. Clark introduced **An Ordinance Recognizing Revenues Of \$4,000 In The JDC Grant Fund, And Appropriating The Amount Of \$4,000 From The JDC Grant Fund To The JDC HOFNOD Budget For 2013**, and County Attorney George Butler read the ordinance.
- 120.2 **C. Clark made a motion to adopt the ordinance. M. Spears seconded.**
- 120.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 120.4 VOTING FOR: B. Fitzpatrick, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. ABSENT: A. Harbison. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2013-36, BOOK NO. 9, PAGE NO. 215

- 120.5 COUNTY JUDGE'S REPORT: Judge Edwards reported that the City of Lincoln has recommended Melissa Hutchins be appointed to fill their seat on the Washington County Library Board. Melissa is a longtime supporter of the Lincoln Library and an active member of the Friends of the Lincoln Library.
- 120.6 Judge Edwards further reported that the City of West Fork is recommending the reappointment of Barbara Balione to fill their seat on the Washington County Library Board.
- 120.7 Judge Edwards stated that she was requesting that the Quorum Court confirm these two board appointments to the Washington County Library Board.
- 120.8 **B. Pond made a motion to confirm these two board appointments to the Washington County Library Board. R. Bailey seconded. The motion passed unanimously by those present by voice vote. The appointments were confirmed.**

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- 121.1 Judge Edwards reported that the Road Department has started back on Kinion Lake Road, CR612 (North of Prairie Grove), clearing trees and shaping back slopes. They have the following roads ready with base to chip seal this year: Thunder Mountain Road, CR 46 (South of Elkins); Bunyard Road, CR 41 (South of Winslow); Battlefield Park Road, CR 80 (North of Prairie Grove); Half of Kinion Lake Road, CR 612, (North of Prairie Grove); and Pete Lee Road, CR 603, (West of Farmington). Judge Edwards stated that they continue to work on Wyman, CR 48, (East of Fayetteville), clearing trees and brush, shaping back slopes, and hauling fill material
- 121.2 Judge Edwards reported that they have three state aid jobs being bid this year: Wyman Road (CR48, East of Fayetteville), Bush Valley Road (CR11, South of Lincoln), and Blue Springs Road (CR 70, East of Springdale). She stated that Wyman Road and Bush Valley Road were bid in June with APAC winning the bid for Bush Valley Road and Washington County Road Department was awarded the Wyman Road job. She stated that the Blue Springs Road job will bid towards the end of July.
- 121.3 Judge Edwards distributed a picture of the Harvey Dowell Bridge and reported that the Road Department continues to work on the end walls and piers. They have the North end wall nearly complete as shown in the picture and they continue to build the middle piers. She reported that the rain has slowed us down some on the South end wall, but that should not be a problem over the next few months. She noted that they are painting the beams and getting them ready to take out to the job.
- 121.4 COMMITTEE REPORTS: J. Patterson, Chairman of the County Services Committee, reported that this committee met on June 3 and received an update from Juliet Richey from the County Planning Department on the County's Large Scale Developments. He stated that the Committee reviewed an Ordinance pertaining to large scale development standards and amendment to the rules and regulations of the Planning Director regarding zoning. These were drafted at the request of Planning Director Juliet Richey and add an exemption from development standards for ambulance service. J. Patterson reported that the committee voted unanimously to forward this ordinance onto the full Quorum Court with a do-pass recommendation.
- 121.5 J. Patterson stated that they heard a report on the Lester C. Howick Animal Shelter from Chief of Staff Dan Short who reported that the shelter is currently running at capacity and has run short of money. He explained that the animals are not coming in from the small towns as had been

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anticipated or had been in the past with Fayetteville Animal Shelter, with only a small fraction of that money coming in. H. Bowman asked Mr. Short to provide recommendations in the future on what can be done to reduce the costs at the Shelter.

- 122.1 J. Patterson reported that the committee heard a request from Debbie Beckerdite with the NWA Citizens for Better Government for a resolution in opposition of the National Blueway Designation of the White River Watershed and voted 2-3 to forward the resolution onto the full Quorum Court for consideration.
- 122.2 E. Madison, Chairman of the Public Works Committee, reported that the committee did not meet this month due to lack of an agenda, but will be meeting in the near future to hear a report on the upstairs renovation of Sheriff East Annex.
- 122.3 B. Pond, Chairman of the Personnel Committee, reported that this Committee met on June 10 and heard a report from Blair Johanson, Salary Consultant for Washington County that JESAP reviewed five positions in the Juvenile Court Department, and out of that grouping the Director of Juvenile Court Services Position received an adjustment of two grade levels as in evaluating the job description, the scope of responsibilities had expanded and was re-rated to go from a Grade 21 to a Grade 23. He further reported that they heard a request from Norma Frisbee, Director of Juvenile Court Services to change the Community Outreach Coordinator Position (Grade 13) to a Juvenile Officer Position (Grade 15).
- 122.4 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that this committee met on June 10 and heard a report from the Juvenile Detention Center and Sheriff's Office on enforcement and adult detention with nothing extraordinary to report. Major Randall Denzer had encouraging news about state and federal prisoners possibly bringing in more revenue this year than last year. Sheriff Helder updated the committee on the renovation of the East Annex-Upstairs which has begun and arrangements were made for Ron Wood to provide information concerning the bid amount and price of the overall project through the Public Works Committee. Sheriff Helder reported that the estimates for furniture came in really high at \$115,000 and they were able to get it down somewhat, but this is still higher than he had anticipated.
- 122.5 T. Lundstrum reported that the committee discussed an Ordinance approving an agreement with the City of Tontitown, City of Springdale, and

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Washington County regarding the operational expenses of the Springdale District Court and that the committee voted unanimously to forward this ordinance onto the full Quorum Court with a do-pass recommendation.

- 123.1 C. Clark, Chairman of the Finance and Budget Committee stated that this committee met on June 11 and reports from County Treasurer Roger Haney and Assistant Comptroller Ashley Farber were that property taxes are coming in, sales tax is up, jail sales tax is up, and the budgets are doing okay.
- 123.2 AN ORDINANCE RATIFYING CONDITIONAL USE PERMITS GRANTED BY THE PLANNING AND ZONING BOARD: J. Patterson introduced **An Ordinance Ratifying Conditional Use Permits Granted By The Planning And Zoning Board**, and County Attorney George Butler read the ordinance that is on second reading and ratifies a CUP granted for East Prairie Grove Tower Site CUP.
- 123.3 County Attorney George Butler noted that the Quorum Court met on June 4 for a lengthy special meeting where they had the first reading of this ordinance followed by discussion from both sides. He announced that they would hear citizen comments tonight with 10 minutes allowed from both sides, and then they will have another special meeting to read the ordinance for the third and final time with each side of the issue allowed 45 minutes to comment, after which the Quorum Court will vote on this ordinance.
- 123.4 Judge Edwards announced that the special meeting has been set for Monday, June 24 at 6:00 p.m., and this CUP would be the only issue addressed at that meeting.
- 123.5 Dale Brown, Attorney with the Bassett Law Firm representing 6 of the appellants, stated that he would reserve his comments on this matter for the meeting Monday night.
- 123.6 **J. Patterson made a motion to have the third reading of this Ordinance on Monday, June 24. C. Clark seconded.**
- 123.7 **With no further discussion, Judge Edwards called for a vote on the motion.**
- 123.8 VOTING FOR: B. Fitzpatrick, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. ABSENT: A. Harbison.

The motion passed unanimously by those present. The ordinance would be on third and final reading at a Special Quorum Court Meeting on Monday, June 24.

- 124.1 AN ORDINANCE AMENDING WASHINGTON COUNTY CODE 11-100 PERTAINING TO LARGE SCALE DEVELOPMENT STANDARDS: J. Patterson introduced **An Ordinance Amending Washington County Code 11-100 Pertaining To Large Scale Development Standards**, and County Attorney George Butler read the ordinance that is on first reading and being recommended by the County Services Committee.
- 124.2 J. Patterson explained that this has to do with exempting the following public utility services and structures from Washington County Code provisions concerning large-scale developments such as utility boxes, passenger stops for buses, police alarm boxes, historical markers, watershed improvement projects, water conservation projects, or flood control projects, lift and pump stations, booster generators not owned by a utility, additions or expansions of municipal fire department or volunteer fire departments or ambulance service buildings or facilities located in the unincorporated portions of the County.
- 124.3 County Attorney George Butler noted that this amendment was simply adding ambulance service located in the unincorporated portions of the County to the list of services exempt.
- 124.4 **B. Pond made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded. The motion passed unanimously by voice vote by those present.**
- 124.5 County Attorney George Butler read **An Ordinance Amending Washington County Code 11-100 Pertaining To Large Scale Development Standards** by title only.
- 124.6 **B. Pond made a motion to suspend the rules and place the ordinance on third and final reading by title only. E. Madison seconded. The motion passed unanimously by voice vote by those present.**
- 124.7 County Attorney George Butler read **An Ordinance Amending Washington County Code 11-100 Pertaining To Large Scale Development Standards** by title only.
- 124.8 **J. Patterson made a motion to adopt the ordinance. B. Pond seconded.**

- 125.1 Citizen Comments: There were no citizen comments made.
- 125.2 **A. Harbison arrives at the meeting.**
- 125.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 125.4 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The ordinance was adopted.**
- ORDINANCE NO. 2013-37, BOOK NO. 9, PAGE NO. 216**
- 125.5 AMENDMENT TO THE RULES AND REGULATIONS OF THE PLANNING DIRECTOR REGARDING ZONING: J. Patterson introduced an **Amendment To The Rules And Regulations Of The Planning Director Regarding Zoning**, and County Attorney George Butler read the amendment that is being recommended by the County Services Commission and requires approval of the Quorum Court by simple motion.
- 125.6 County Attorney George Butler explained that this amendment will do the same as the previous ordinance on large scale development standards as ambulance services, fire departments, etc. to things that will be allowed as a matter of right. He further explained that this is just an amendment to the rules and regulations and only requires a straight vote on a motion to approve.
- 125.7 **J. Patterson made a motion to approve the amendment. B. Pond seconded. The motion passed unanimously by voice vote. The amendment was approved.**
- 125.8 A RESOLUTION OF OPPOSITION TO THE JANUARY 2013 "DESIGNATION" AND "RECOGNITION" OF THE WHITE RIVER AND ITS WATERSHED AS THE "SECOND NATIONAL BLUEWAY"; AND SPECIAL OPPOSITION TO A "BLUEWAY" MEMORANDUM OF UNDERSTANDING BEING ENTERED INTO THE FEDERAL AND STATE BUREAUCRATS PERTAINING TO OUR LANDS AND WATERS-DUE TO LACK OF PROPER NOTIFICATION OR INVITATION, AND DUE TO FAIRLURE TO SEEK APPROVAL, INVOLVEMENT, OR INPUT OF ANY KIND FROM WASHINGTON COUNTY, ARKANSAS: J. Patterson introduced **A Resolution Of Opposition To The January 2013 "Designation" And "Recognition" Of The White River And Its**

Watershed As The "Second National Blueway"; And Special Opposition To A "Blueway" Memorandum Of Understanding Being Entered Into The Federal And State Bureaucrats Pertaining To Our Lands And Waters-Due To Lack of Proper Notification Or Invitation, And Due To Failure To Seek Approval, Involvement, Or Input Of Any Kind From Washington County, Arkansas. The resolution has been forwarded for consideration by the County Services Committee.

- 126.1 **J. Patterson made a motion to suspend the rules and the resolution by title only. T. Lundstrum seconded.**
- 126.2 **Judge Edwards called for a vote on the motion to suspend the rules.**
- 126.3 **VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. The motion passed unanimously.**
- 126.4 County Attorney George Butler read the resolution by title only. The resolution has been forwarded for consideration by the County Services Committee.
- 126.5 E. Madison stated that she was out-of-town for her grandfather's funeral when this matter was discussed in committee and had she been at that committee meeting, her opposition to the resolution would have killed it and it would not be before the Quorum Court tonight. She stated that when she first heard of the UN Agenda 21, she did not know what it was and her research has indicated that only about 15% of Americans know what it is and a poll of those who do know what it is, 9% of Americans supported it and only 6% opposed it. She stated that it was a non-binding UN resolution signed by 178 world leaders, including President Bush in 1992 to promote sustainable development in the face of a rapidly growing global population; to figure out where they are going to put all the people, have some concern about conservation and our environment. She stated that though this sounded like a great idea, it was completely non-binding, and she understands this is also the Blueway's designation. E. Madison stated that she is very concerned about the notion that they are basing government policy off of what to her is a conspiracy theory. She noted that she has read a lot of information on the resolution and it does not force them to do anything, just as UN Agenda 21 did not and she is very concerned about them voting on something when they are not really 100% sure of what they are voting on.

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- 127.1 E. Madison stated that her grandfather who recently died was a WWII Veteran, having spent his first career in the military in Army Intelligence and his second career was as an attorney. He joined the Army at age 14 because he thought that he should serve and that it would be cool to ride a horse. After returning home after WWII and marrying her grandmother, they bought a lot of property in Louisiana so he could be a forester and plant trees which was his passion in life. When Hurricane Katrina hit in 2005 and his forest was devastated, he was in his 80's and yet was committed to reforestation that land. The grandchildren spoke at the funeral on how dedicated he was to conservation, so it is ironic that she was not here to vote against this resolution when at the very heart of this issue is something that her grandfather cared so passionately about. She stated if she left his funeral with any message, it was that we need to be good stewards of our earth which is something that he knew so long ago before any of them were really that in tune with the issue. E. Madison stated that she will oppose this resolution and support the Blueway designation of the White River Watershed in honor of her grandfather in a conservation effort that he dedicated the majority of his life to and urged her fellow JPs to consider helping her to honor her grandfather because had she been here, she does not believe that they would be having this vote tonight.
- 127.2 J. Mardis stated that he appreciates E. Madison's comments as he too was absent from the meeting and has a feeling that they would have cancelled their votes out had he been there. He stated that he had never heard of this until returning from his trip to Brazil and read in the newspaper about the meeting. He stated that two things hit him immediately; first of all, that the federal government issued an executive order to basically create a designation for a watershed in the state without it going through a normal procedure where the state agencies are involved. He stated in honesty, he does not know how all of this came about and stated his appreciation for the information that people have sent him. He stated that he is really concerned about an executive order because his biggest concern for the first point is that they end up in a situation like they have done in Oklahoma where he thinks that they had great cause and reasons for designated scenic rivers and then they go and put a standard that nobody realized how it would affect Arkansas. He stated that once the federal government establishes them in a program, his concern is that Congress could pass a law that everyone in this category cannot do certain things in these watersheds, even though they are saying this cannot happen. J. Mardis stated in his twenty years working for Tyson Foods in the environmental area, he has seen these types of things happen – unintended consequences when something is

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passed. He stated at this point in time, he does support this resolution to not support this until they get more information so they can understand what exactly they are intending to do.

- 128.1 In response to a question from J. Mardis, County Attorney George Butler stated that the Memorandum of Understanding ("MOU") that was supplied to us was between three entities of the executive branch; the Department of Interior, the Department of Agriculture, and the Department of Army. Within the 180 days of this designation, these parties would enter into another MOU with the National Blueway Systems Committee for the White River and its watershed.
- 128.2 J. Mardis stated that this gets back to his concern that based on how this has been set up so far and based on information he has read that how it is determined whether this passes or not, is that there has to be substantial number of organizations' support. He inquired whether they would be the organizations that would have people on those committees involved in the MOU; to which County Attorney George Butler responded that he has not researched who would be on those committees.
- 128.3 J. Mardis reiterated his concern that there are a lot of unknown things and he can understand why citizens would be concerned because this does cover a lot of the State of Arkansas. He stated that not having a lot of this information and the executive federal order scares him and he is skeptical with all of the things going on in the federal government currently with the IRS, it is a lot more feasible to believe.
- 128.4 B. Fitzpatrick stated that the reason for the federal involvement is because the White River goes across state lines and provides water to millions of people in two different states. She stated that this is based on existing law that ranges from fish and wildlife back in 1956 to 2009, but it is mostly a hanger to allow coordination between stake holders. The people involved in Blueway Watershed include the federal government and the Corp of Engineers who if you are working with the MOU with the Blueway, the Corp of Engineers or other entities at the state or local level can be asked to do some of the work to reclaim problem areas where things have become degraded. She stated that this is totally voluntary and there is no coercion of any kind, as it is an opportunity across state and county lines and levels of government, private entities, personal property owners, etc. to work together to deal with problems in the watershed. B. Fitzpatrick stated that she likes having this here because they are at the headwaters of the White River in Madison and Washington County and anything that goes wrong with the watershed, whatever they do has a long trip around

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causing damage and having the Blueway designation offers more ways of getting it fixed and that is why she will be voting against this resolution.

129.1 R. Bailey stated that B. Fitzpatrick has more faith in the federal government than he does and he does not want them in anything because this is a state issue. He stated that he does not like executive orders and after what he has seen in the last few years, he does not trust this federal administration at all.

129.2 T. Lundstrum stated that he plans to support this resolution. It is a non-binding resolution and his guess is that it will be totally ignored when it gets to the state just like every other resolution that they send them. However, he wants to send it anyway to try to get their attention and concurred with R. Bailey that if you read the Constitution, our Federal Government has usurped far more authority from the States than they were ever entitled constitutionally to have and they have to be very careful to start limiting that. He stated that they already have regulations and just because you support this resolution, does not mean that you are in opposition to clean water.

129.3 B. Pond stated that some of the nongovernmental organizations that would be involved in the committee are Nature Conservancy, Ducks Unlimited, Audubon Society and he is thinking about being able to partner up with them and the federal government agencies. He is concerned about the environment, but does not believe that his vote would count very much and is not sure that the guys back in Washington have ever looked at his stick-built, shotgun houses sitting in the woods with the tin roof. He thinks that they need to get back to the Constitution that will not cause them to run out and pollute a bunch of things. We have been doing a good job without this designation.

129.4 J. Patterson stated that he will favor this resolution. He stated that he is not too impressed with the federal government right now and referred to their deal with Oklahoma whereby Rogers, Springdale, Bentonville, Fayetteville, Washington and Benton Counties are all paying about \$40,000 a year a piece just to keep it out of court where they have set a standard on water in Oklahoma that they can never possibly meet.

129.5 J. Mardis stated that his concern is not with the current MOU because they can read that, but with the new MOU that would actually be established afterwards and questions who will represent that. He stated that he gets really concerned where if Missouri decides they are not happy with what is going on with the White River and decide through this organization to create something that we will pay for like they are currently

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with the State of Oklahoma. J. Mardis pointed out that actually Missouri has been much easier to work with on these issues unlike Oklahoma, so he does not see that happening. He believes the best way to handle this is through their relationships that they now have with the Arkansas Department of Environmental Quality and everybody getting a fair share on environmental issues that are regulatory that everybody follows the rules. When the Federal Government gets involved, all of a sudden, even though something is legal to do in Arkansas, it can become illegal in this watershed because of a standard.

130.1 J. Mardis continued stating that the organizations such as the Natures Conservators, Audubon and Ducks Unlimited are great organizations that they have worked with and he in fact has a friend who is now head of the National Ducks Unlimited. He absolutely knows what their heart is for conservation. He stated that he believes in Arkansas they can work with these organizations without the Federal Government intervening.

130.2 H. Bowman stated due to three major points that have been made, he will support this resolution. He stated that he believes property owner rights have been eroded in this country to the point it is ridiculous. Further, they know having worked with the EPA that this is not creeping regulation, but rather galloping regulation increase and with them, he would expect the same type of thing to happen in this kind of federal program. Thirdly, he stated that with what is going on in Washington, D.C., they are seeing a tendency to open up all of their decision making to international organizations which is something that he completely opposes and hopes we will resist it to our last breath.

130.3 B. Fitzpatrick stated that it is not regulation or a law and all of the law that this designation is based on is has existed for at least five years and some of it is older than some members of this court. She stated that the regulations given to the authority are in existence and there is nothing new as far as a law is concerned and there is no regulation with this at all. Rather, she noted this allows people to get together across state lines and across governmental private public partnerships, both entities like Ducks Unlimited and individuals. She stated she understands that those opposed do not trust the other people involved in this, but it is not a regulation, rather a way to work together to have a common name and pool of entity stake holders to pull from. She noted that sometimes federal agencies will be involved, most of the time they will not, but when you go across state lines, having the federal agencies involved is a good idea, as with the interstate highway system that provides fairly consistent safe travel across state lines.

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- 131.1 **M. Spears called for the question. B. Pond seconded.**
- 131.2 **Judge Edwards called for a vote on the call for the question.**
- 131.3 VOTING FOR: A. Harbison, T. Lundstrum, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Bailey, H. Bowman, and R. Cochran. VOTING AGAINST: B. Fitzpatrick, E. Madison, J. Mardis, R. Aman, C. Clark, and J. Firmin. **The call for the question failed with nine members voting in favor and six members voting against.**
- 131.4 County Attorney George Butler explained that a call for the question required two-thirds or 10 votes to pass, so debate would continue.
- 131.5 B. Ussery stated that he believes the Corp of Engineers has a lot to do with coordinating all the way down the entire stream and control the water quality as well as some other things, and he does not see the federal government preventing one group from talking to another. He stated that one thing that concerns him is so far he has seen nothing definitive on this issue with a lot of "to be announced" and it makes no sense to him to vote on something today that is not concrete.
- 131.6 C. Clark stated if this resolution was written a little differently, she would vote for it because she thinks that the situation with this designation is ambiguous, there are things to determine later that make her nervous, there are issues that are not evident and unfortunately none of that is in this particular resolution. Instead, they make some very definitive negative statements that the federal government has violated the law and that more laws are going to be violated, and she does not see the proof. She admitted missing County Services Committee meeting where this proof may have been offered, but she does not believe that it exists because she thinks that we still need a land of ambiguity – if those for it cannot speak definitively, therefore, those against it cannot speak definitively. C. Clark stated for that reason alone, she will not support this particular resolution. However, she stated if she were to receive more hard core data, she might support the theory.
- 131.7 C. Clark recalls when on vacation driving over the Mississippi River when she was 10 years old, being sound asleep, and the stench of the Mississippi River woke her up from a dead sleep because it was polluted to the point of no return. She stated that individual landowners did not get together and fix the pollution issue, but it involved a coordinated effort from federal, state and local governments and now the Mississippi River is one of their greatest attributes of this country. She stated you have to

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have a good plan of action and she does not see such a plan of action, nor does she see the paranoia either.

- 132.1 C. Clark stated that the State several years ago passed a riparian zone along the Kings River where they were going to set aside frontage to preserve this river and landowners could voluntarily contribute to that zone. She stated that she owns property on the Kings River and has been trying to do that for four years, but cannot find anyone in the state who really wants to take the land. She stated that this was a great idea, but execution left her a little disappointed in our State, so while some may not have faith in the Federal Government, she does not have much faith in the State Government either. In closing, she stated that she isn't saying that this is wrong or that it is right, but that it is too ambiguous and she cannot support the resolution.
- 132.2 B. Pond stated that he thinks everyone knows how they are going to vote and they can keep on arguing, but he would like to see them close this discussion and hear some public comments on the issue. He stated that it is not sending a good message to just go along with this when they do not know what it will be in the end.
- 132.3 **R. Bailey called for the question. B. Pond seconded.**
- 132.4 **R. Bailey withdrew his call for the question to allow E. Madison to speak.**
- 132.5 E. Madison asked if County Attorney George Butler if he had vetted the truth of the statements in this resolution; to which he responded that he tried to go to neutral websites and talk to neutral people. He found information from the Department of the Interior that basically said that this is all voluntary and a way for them to get a group together, may allow for application for federal grants, etc.
- 132.6 E. Madison pointed out that the resolution says things that are required by federal law or things that people did not do that she feels unsure about. She noted that it says it should be sent for informational purposes to all of our District Arkansas Legislative Delegates and no one knows who that is. She stated that as a matter of respect, she would urge the court to consider the tenor of the language in this because she does not want to make a demand to Governor Beebe or to our Congressional Delegation. She stated that there may not be respect for the individual, but there should be respect for the office and some of the language in this

resolution is perhaps inflammatory and something coming out of their legislative body should exemplify this body's decorum.

- 133.1 **A. Harbison made a motion to table the resolution and make a more positive approach with the same ideas that we want everything at the state and local level. M. Spears seconded.**
- 133.2 **Judge Edwards called for a vote on the motion to table the resolution.**
- 133.3 **VOTING FOR: B. Fitzpatrick, A. Harbison, E. Madison, M. Spears, B. Ussery, C. Clark, and J. Firmin. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, B. Pond, R. Aman, R. Bailey, H. Bowman, and R. Cochran. **The motion failed with seven members voting in favor and eight members voting against the motion.****
- 133.4 **R. Bailey made a motion to adopt the resolution. T. Lundstrum seconded.**
- 133.5 **Citizen Comments: Debbie Beckerdite, Chair of the Northwest Arkansas Citizens For Better Government, addressed the Quorum Court stating that they had asked for this resolution of opposition to the National Blueways System of the White River to halt its progress. She stated that according to the Federal Land Policy Act of 1976, Section 17-12, it requires local coordination, and this was not U.S. transparency with the people and is the basis for this resolution. She noted that the 180 days expires on July 6. She stated that in Arkansas and Missouri, they have gone county to county and at this time, 12 counties in Arkansas have passed this same resolution and most of those were unanimous.**
- 133.6 Ms. Beckerdite distributed a letter from Missouri Congressman Jason Smith to the Secretary of Interior, and read from the letter, "It is very disturbing to me that any federal agency would attempt to implement any type of initiative with open ended guidelines and no Congressional oversight that could potentially harm the hard working Missourians I represent. I have serious concerns over the apparent attempt by your agency to call this a "local initiative" while local groups and governments in my district have been excluded in this process." She stated that a similar situation happened in Wyoming where they sent a letter. Ms. Beckerdite stated that they have also approached Congressman Womack and Senator Boozman and have been in contact with other State Congressmen and Senators and a letter is in the works currently to be made forthcoming to do the same thing for the State of Arkansas. She

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pointed out on a map the route of the Blueway for the White River which contains 17.8 million acres or one-third the land mass of Arkansas that they are being asked to give over to the federal government so they can control it and which will cause many headaches for their constituents who will be losing control of their property rights.

- 134.1 Tim Smith, resident now on the western side of Washington County, addressed the Quorum Court and distributed some information. He stated that he wished to point out the reality of Nature Conservancy and the Audubon Society have a public face that looks very nice; however, he has family in California directly affected by them and their ability to take over large swamps of land. He stated that UN Agenda 21 is real and was turned down by Congress, but in spite of what President Bush did, UN Agenda 21 has had far reaching effects on the United States.
- 134.2 Mr. Smith stated that he came before this Quorum Court many years ago attempting to stand against the effort to increase the control of our land and as a result of that, they turned down the attempted zoning that year, but which came back and passed the following year in a less egregious form. He stated that this is about creeping regulations that eventually take away property rights. He referred to Arkansas' State Constitution, Article 7, §28 that states, "The county courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties." He stated that this court is here to do what our Constitution is designed for them to do – the power is to be at the local level where they can meet face-to-face.
- 134.3 Judge Edwards addressed Mr. Smith, stating that the Quorum Court is not the County Court. County Attorney George Butler added that the County Court is the County Judge and the County Court does have jurisdiction over certain things, but some of those things mentioned in the Constitution have been ruled unconstitutional. He added that the County Judge is the Judge of the County Court; she just presides over the Quorum Court and does not have a vote. In further response to Mr. Smith, he stated that Judge Edwards is not accountable to the individuals on this Quorum Court.
- 134.4 Mr. Smith addressed the members of the Quorum Court who are representing the citizens as individuals, stating that our government was designed to have local control, the least amount of control of the federal government and our system has switched it up so we now have the most

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control by the federal government and least control at the local government. He stated that they need to stop this and turn it around so our individual opportunities are to face the Quorum Court and ask whether they want to protect the individuals and give them a vote or allow the system to control from the top down. In closing, he quoted from Helen Keller, "I long to accomplish a great and noble task, but it is my chief duty to accomplish small tasks as if they were great and noble." He urged the Quorum Court with this small task to say no to the federal government that overreach into our lives.

- 135.1 Joe Maynard, resident of Washington County, addressed the Quorum Court referring to the UN Agenda 21 conspiracy and referred to E. Madison's reference that we have to find out where to put all the people which he stated was what UN Agenda 21 was truly about. He stated if there is existing law, why do we need more because we can work together with other states right now and don't need the federal government to bring us together. He stated that this really is not a choice between property management or property destruction, but who controls its ultimate destiny. Mr. Maynard stated that what they are really voting on tonight is largely symbolic of their belief that their local elected officials can move the people of Washington County's voices to determine public lands best use and can protect local property owners' rights. He stated that a vote against this resolution says otherwise – that they cannot govern our state, county and lands within local government, but have to use the federal government to do so. He stated if this is the case, then perhaps they should disband the local government, save their money, and let the federal government control all of their land.
- 135.2 Mr. Maynard stated regarding decorum that they probably could have done this better, but they should all look at themselves for decorum as well. He stated that he was speaking at the County Services Committee meeting last week and one of the members of this Quorum Court turned their head away the entire time that he was speaking.
- 135.3 Joe Alexander, resident of Fayetteville, addressed the Quorum Court stating that he has been seeing a pattern of big, giant initiatives coming down from international and federal levels and have all sold something very beneficial, sweet, non-threatening, and good for everybody concerned and what they end up doing is wrecking a situation that admittedly was not perfect before, but better than before the initiative came down. He gave the example of NAFTA which was passed to implement Agenda 21 and sold as a very sweet thing that would increase international friendship and cut down on illegal migration to the United

States and create millions of jobs in this country because the market for our experts would be so much better, but instead they lost thousands of factories and millions of jobs, a lot of small Mexican farmers got put out of business, and illegal migration to this country increased, ending up making our economy quite a bit worse. He further gave the example of Obamacare that was passed with the promise to make sure everybody would have good medical care and health insurance and instead has raised the price of health insurance, made thousands of doctors decide to quit medicine, caused millions of people to lose full time jobs because their employers can't afford the health insurance costs, ultimately making a situation that while it was not perfect, was better than before Obamacare. In closing, he urged the Quorum Court to vote to pass this resolution.

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

136.2 **VOTING FOR:** T. Lundstrum, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, and R. Cochran. **VOTING AGAINST:** B. Fitzpatrick, E. Madison, C. Clark, and J. Firmin. **ABSTENTION:** A. Harbison. **The motion passed with ten members voting in favor, four members voting against and one member abstaining. The resolution was adopted.**

RESOLUTION NO. 2013-11, BOOK NO. 3, PAGE NO. 49

136.3 AN ORDINANCE APPROVING AN AGREEMENT WITH THE CITY OF TONTITOWN, ARKANSAS, THE CITY OF SPRINGDALE, ARKANSAS, AND WASHINGTON COUNTY, ARKANSAS, REGARDING THE OPERATIONAL EXPENSES OF THE SPRINGDALE DISTRICT COURT:
T. Lundstrum introduced **An Ordinance Approving An Agreement With the City Of Tontitown, Arkansas, The City Of Springdale, Arkansas, And Washington County, Arkansas, Regarding The Operational Expenses Of The Springdale District Court**, and County Attorney George Butler read the ordinance that is on first reading and being recommended by the Jail/Law Enforcement/Courts Committee.

136.4 T. Lundstrum explained that this ordinance to enter into an agreement with Tontitown and Springdale to allow Tontitown to use their District Court, and this will not cost Washington County anything.

- 137.1 **B. Pond made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded. The motion passed unanimously by voice vote.**
- 137.2 County Attorney George Butler read **An Ordinance Approving An Agreement With the City Of Tontitown, Arkansas, The City Of Springdale, Arkansas, And Washington County, Arkansas, Regarding The Operational Expenses Of The Springdale District Court** by title only.
- 137.3 **B. Pond made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Cochran seconded. The motion passed unanimously by voice vote.**
- 137.4 County Attorney George Butler read **An Ordinance Approving An Agreement With the City Of Tontitown, Arkansas, The City Of Springdale, Arkansas, And Washington County, Arkansas, Regarding The Operational Expenses Of The Springdale District Court** by title only.
- 137.5 **M. Spears made a motion to adopt the ordinance. R. Bailey seconded.**
- 137.6 Citizen Comments: There were no citizen comments made.
- 137.7 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 137.8 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, M. Spears, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The ordinance was adopted.**
- ORDINANCE NO. 2013-38, BOOK NO. 9, PAGE NO. 218**
- 137.9 OTHER BUSINESS: There was no other business to discuss.
- 137.10 CITIZEN COMMENTS: Antone Blansett, Constable for District #4 in Springdale, addressed the Quorum Court stating that he wanted to appeal the idea of reducing the number of Constables in Washington County down to three. He noted on the issue of untrained Constables, he is a trained police officer in the State of Arkansas, has been a soldier in a Special Operations Unit for more than 20 years, has travelled all over the

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world, and he wielded a gun. He stated that he has never injured anybody mistakenly and knows what he is doing. He stated that he has cleared over 5000 houses in Iraq and has never once engaged somebody that did not need to be engaged.

- 138.1 Mr. Blansett stated that when there are people who are not good in their office, you simply get someone to run against them and vote them out, but you don't reduce the number of people in that office. He reported that he is currently looking for trained, experienced police officers who are willing to go do this job because it is an important job in Washington County and in the State of Arkansas. He stated those states that have gotten rid of their constables, later get rid of their sheriffs, and then you find a policed state such as Delaware and Connecticut. He noted that in states such as Indiana and Ohio, the Constable is the center point of law enforcement and you will find law enforcement that is much more responsive to the needs of its citizenry. In closing, Mr. Blansett stated that Washington County does not need to get rid of constable positions, but rather need to get rid of the bad constables, find people to run for these positions and treat the office with the respect and dignity that it deserves.
- 138.2 R. Cochran stated that many people do not understand the rights and duties of a constable and asked Mr. Blansett to share that with the public, noting that it would be a good pitch to help people understand the importance of the position.
- 138.3 Mr. Blansett explained that a constable is sort of like a Marshall, an elected person in a JP District and it states in the Constitution that there shall be one Justice of the Peace and one Constable in each District. He stated that the Constables in a total are actually where the Sheriff derives his power; so they are there as a constitutional check on the Sheriff, as well as the enforcement of the will of the people inside the city limits and anywhere where there is a Constable.
- 138.4 E. Madison stated that she fully supports the order that the Judge issued on this point. She believes that although it sounds like Mr. Blansett makes an effort to do a very diligent job in his Constable post, she is always very concerned, especially as a woman, about Constables trying to pull people over because it is terrifying when you or your child are being pulled over by someone you are not sure is law enforcement or not. She noted that Washington County has a great Sheriff and their cities have Police Departments that do a good job of protecting its citizens and believes that at least part of the concern is the notion that there is a level of uncertainty with Constables and whether someone pulling you over is an authorized law enforcement official or not.

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139.1 Mr. Blansett responded to E. Madison that Constables do not get issued cars and supply their own at their own cost. He stated when it is necessary for him to pull someone over, he is in immediate contact with the Police or Sheriff who actually do the ticket writing or arresting. He stated that he does not go and self-deploy which is very dangerous, but is willing to provide back-up if necessary. He pointed out that they have the same issues between County Sheriff Departments, State Troopers, or City Police Officers in that you don't know who is in the vehicle making the stop. He stated that the whole point of his job is to actually be there as the people's representative as law enforcement and this is the all important second state of the gun-carrying men in this county. In closing, Mr. Blansett stated that you just don't want to eliminate something that has worked for several hundred years.

139.2 ADJOURNMENT: The meeting adjourned at 7:30 p.m.

Respectfully submitted,



Karen M. Beeks
County Judge Executive Assistant