



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

October 11, 2013

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

Thursday, October 17, 2013
6:00 p.m.
Washington County Quorum Court Room

A G E N D A

1. **CALL TO ORDER.** **JUDGE EDWARDS**
2. **PRAYER AND PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL.**
4. **ADOPTION OF AGENDA.** At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added to the agenda subject to approval of the Quorum Court.
5. **APPROVAL OF MINUTES.** Approval of the minutes of the September 19 regular meeting of the Quorum Court. **(5.1)**
6. **FINANCE REPORT.** **CANDY CLARK**
 - 6.1 **APPROPRIATION ORDINANCE: AN ORDINANCE REDUCING THE AMOUNT OF \$72,400 FROM FULL-TIME SALARY LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$60,359 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS; AND, SUSPENDING BUDGET CONTROLS AND ANY APPLICABLE JESAP POLICIES TO CHANGE THE TITLE OF SECRETARY/ RECEPTIONIST TO ADMINISTRATIVE DETENTION BOOKKEEPER IN THE JAIL BUDGET OF THE JAIL FUND FOR 2013.**

- 6.2 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING AND APPROPRIATING REVENUES OF \$80,192 IN VARIOUS COUNTY FUNDS FOR 2013.**
- 6.3 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$20,000 IN THE GENERAL FUND; AND APPROPRIATING \$20,000 FROM THE GENERAL FUND TO THE SHERIFF'S BUDGET FOR 2013.**
- 6.4 **APPROPRIATION ORDINANCE: AN ORDINANCE TRANSFERRING MONIES WITHIN THE CIRCUIT COURT III BUDGET IN THE GENERAL FUND FOR 2013.**
- 6.5 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING \$5,933 FROM THE COURTHOUSE SECURITY GRANT FUND TO THE COURTHOUSE SECURITY GRANT BUDGET FOR 2013.**
- 6.6 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING \$20,000 FROM THE RECORDER'S COST FUND TO THE RECORDER'S COST FUND BUDGET FOR 2013.**
- 7. COUNTY JUDGE'S REPORT. JUDGE EDWARDS
- 8. COMMITTEE REPORTS. (8.1- 8.3)
- 9. AN ORDINANCE EXTENDING AN INTERLOCAL AGREEMENT FOR JAIL SERVICES WITH THE CITY OF FAYETTEVILLE FOR 2014. This ordinance is on first reading and is being recommended by the Jail/ Law Enforcement/Courts Committee. (9.1, 9.2) TOM LUNDSTRUM
- 10. OTHER BUSINESS.
- 11. CITIZEN'S COMMENTS. Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items
- 12. ADJOURNMENT.

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

Thursday, September 19, 2013
6:00 p.m.

Washington County Quorum Court Room

- 213.1 The Washington County Quorum Court met in regular session on Thursday, September 19, 2013. The meeting was called to order by County Judge Marilyn Edwards.
- 213.2 J. Firmin led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 213.3 Judge Edwards reported that they had new microphones tonight and urged JPs to turn them on and off as they spoke.
- 213.4 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, and Bill Ussery.
- 213.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 213.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 213.7 **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.**
- 213.8 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the August 15 regular meeting of the Washington County Quorum Court.
- 213.9 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote. The minutes were approved.**
- 213.10 FINANCE REPORT: C. Clark reported that there was one resolution and four appropriation ordinances on the agenda tonight that had been thoroughly discussed and forwarded from the Finance and Budget Committee.
- 213.11 A RESOLUTION ENDORSING THE PARTICIPATION OF AMERICAN TUBING, INC., IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. §15-4-2706(d): C. Clark introduced **A Resolution Endorsing The Participation Of American Tubing, Inc., In The Sales And**

Use Tax Refund Program Authorized By The Consolidated Incentive Act Of 2003 And Ark. Code Ann. §15-4-2706(d), and County Attorney George Butler read the resolution.

- 214.1 A typographical error was pointed out and corrected in the title paragraph and Article I of the resolution.
- 214.2 **C. Clark made a motion to adopt the resolution. B. Pond seconded.**
- 214.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 214.4 Citizen Comments: There were no citizen comments made.
- 214.5 VOTING FOR: J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, and E. Madison. **The motion passed unanimously. The resolution was adopted.**

RESOLUTION NO. 2013-18, BOOK NO. 3, PAGE NO. 58

- 214.6 AN ORDINANCE SUSPENDING BUDGET CONTROLS AND CREATING ADDITIONAL PERSONNEL POSITIONS IN THE ANIMAL SHELTER BUDGET; AND APPROPRIATING THE TOTAL AMOUNT OF \$37,763 FROM THE GENERAL FUND FOR SAID POSITIONS FOR 2013: C. Clark introduced **An Ordinance Suspending Budget Controls And Creating Additional Personnel Positions In The Animal Shelter Budget; And Appropriating The Total Amount Of \$37,763 From The General Fund For Said Positions For 2013**, and County Attorney George Butler read the ordinance.
- 214.7 C. Clark explained that she is bringing this ordinance back to the Quorum Court as these two positions have been needed since the Shelter opened, and the County needs to be supporting them. She announced that as of today, the Animal League of Washington County is ready to buy and install fencing that the Animal Shelter needs, and they can start that project in two weeks. Also, she announced that the Animal Shelter received a \$15,000 grant from the Walker Foundation which is a matching grant to buy the blood analysis machine that is needed in the clinic. She stated that they had to raise approximately another \$8,000 to \$10,000, and they are committed to doing that so that this piece of equipment can be delivered by Christmas. She noted that the blood analysis is currently being outsourced and having this equipment at the Shelter will keep their animals happier and healthier.

- 215.1 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**
- 215.2 R. Bailey stated that he was afraid this was going to happen when he voted for the Animal Shelter. He explained one reason he was in favor of the Shelter was because of all the voluntary help that they would have. He stated that he has been involved with the Springdale Animal Shelter and knows for a fact that keeping it clean and sanitary is the most important thing. He stated if C. Clark states that these positions are needed, he has no reason to doubt her, but he will not support the addition of another \$180,000 to their budget at this time.
- 215.3 B. Pond stated that he will support this ordinance because even though it is a very expensive proposition for the taxpayer, he knows that it is needed. He pointed out that they had many years contracting this service with the City of Fayetteville's Animal Shelter, but unfortunately that was no longer possible, so they are just going to have to stand up and do what they have to do.
- 215.4 E. Madison stated that she will support this ordinance which was the amendment that they tried to get through last month. She further stated that both she and C. Clark will take any checks to help them meet the matching grant.
- 215.5 R. Cochran stated that when they discussed this at their last meeting, one of the things that came up was to consider whether they wanted to continue to fund the voucher system that they are presently using for the Spay/Neuter Program. He stated if they are going to bring a full-time Veterinarian into the Shelter, they give themselves the latitude to continue this program as they currently are and also pick up some of the slack on that as well. He questioned whether they should eliminate the \$40,000 budget item that is for those vouchers because they would be doing their own in-house Spay/Neuter Program and this would help to offset the additional cost for employees.
- 215.6 **R. Cochran made a motion to amend the ordinance and remove the Spay/Neuter budget and eliminate issuing future vouchers. R. Bailey seconded.**
- 215.7 C. Clark addressed R. Cochran's motion, stating that what she is hoping is that they can finish out this year the way they are and when they hear the Shelter's budget next week, they can make that \$40,000 adjustment themselves and asked County Attorney George Butler whether this motion to amend was necessary.
- 215.8 County Attorney George Butler responded that if this is done in their budget process, the amendment to the ordinance was not needed, and they could just eliminate what money is in that budget currently.

- 216.1 C. Clark noted that some the money is obligated through vouchers and purchase orders, and it would be cleaner to do it during the budget process for the next year.
- 216.2 R. Cochran suggested that they could just eliminate issuing any future vouchers which would essentially stop paying money on the vouchers at a cost of \$50 to \$60 to the County, and this would have the same effect.
- 216.3 A. Harbison stated that this was part of the discussion on adding a full time Veterinarian and Vet-Tech, and she concurs with C. Clark that they should just leave the Spay/Neuter Program as is for the remainder of this year.
- 216.4 R. Aman stated that he will not support this ordinance and would like to see discussions of letting an organization rent the Shelter for a certain amount each year, and this way the County can save the taxpayers some money and still have an Animal Shelter.
- 216.5 E. Madison stated that she would rather see them vote on the Veterinarian and Vet-Tech positions now and wait until they are settled into the Shelter and used to what they are doing and then find out at what point the folks at the Animal Shelter feel that it is okay to incorporate the Spay/Neuter program into the Shelter. She concurs that R. Cochran's motion is where they would like to go but believes that they should be on a timetable that works for the Shelter and just stopping vouchers before they know what is going to work out is not a good idea. She further pointed out that they fought really hard to allow the City of Fayetteville to have this program because the Veterinarian Board was asserting that governmental entities could not do this.
- 216.6 C. Clark concurred with E. Madison's comments about giving the new positions at the Shelter time to gear up and get their ducks in a row. Additionally, she addressed R. Aman's comments about outsourcing and letting an organization take over the Animal Shelter, stating that she will fight tooth and nail to oppose that because they would be right back where they started at the mercy of someone else to set the prices. She stated that they are able to control their costs right now because it is a county entity and further believes that it is a health issue that a government must provide, and they would have absolute chaos and health issues without a place to take sick or aggressive animals and test them for rabies. C. Clark noted that Judge Edwards had a committee look into outsourcing and the cost for this was prohibitive, and they do not need to get back into that. She reported that the Fayetteville Shelter is about to raise their rate from \$85.00 to \$125.00 an animal, and she knows that the County Shelter is much more efficient. She reiterated that they now have the numbers to prove that the Shelter needs a full-time Veterinarian and another Vet-Tech because one person cannot

support all the work. C. Clark stated that they have a premiere animal shelter, and she wants to keep it that way, and these two positions are necessary. She stated that volunteers can do the work of kennel supervising but not the specialized work that these two positions will be doing.

- 217.1 R. Bailey stated that he simply does not believe that they should cut back on the operating hours at the Shelter.
- 217.2 R. Cochran stated that since people currently have these Spay/Neuter vouchers in hand, then maybe he should amend his motion to simply stop issuing vouchers to work towards transitioning the Spay/Neuter Program to the Animal Shelter.
- 217.3 J. Mardis asked that a representative from the Animal Shelter weigh in on this discussion; to which Angela Ledgerwood, County Animal Shelter Director, replied that the best thing for the Shelter would be to wait until the 2014 Budget to move the Spay/Neuter Program. She stated the full-time Veterinarian and Vet-Tech will then have three months to get settled and will be able to better manage their time.
- 217.4 R. Cochran stated that since there seems to be a majority interest in taking this up separately; he will withdraw his motion, and they can take this up at the County Services Committee meeting.
- 217.5 **R. Cochran withdrew his motion.**
- 217.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 217.7 **VOTING FOR:** J. Mardis, B. Pond, B. Ussery, H. Bowman, C. Clark, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, and E. Madison. **VOTING AGAINST:** J. Patterson, R. Aman, R. Bailey, and R. Cochran. **The motion passed with ten members voting in favor and four voting against the motion.**

ORDINANCE NO. 2013-50, BOOK NO. 9, PAGE NO. 238

- 217.8 **AN ORDINANCE APPROPRIATING \$28,900 FROM THE GENERAL FUND TO THE CORONER'S BUDGET FOR 2013:** C. Clark introduced **An Ordinance Appropriating \$28,900 From The General Fund To The Coroner's Budget For 2013**, and County Attorney George Butler read the ordinance.
- 217.9 **C. Clark made a motion to adopt the ordinance. R. Bailey seconded.**

- 218.1 T. Lundstrum stated that the cost for the new Tahoes that the Sheriff's Department is purchasing is \$25,300 and he assumes that the difference is those are two-wheel drive and what the Coroner is wanting to purchase is a 4-wheel drive. He further noted that the Chief Deputy Coroner is driving a Tahoe 2-wheel drive, and they are talking about a \$4,000 difference plus more money down the road for maintenance, etc. He stated that he cannot support this ordinance for a 4-wheel drive, but will support the purchase of a 2-wheel drive vehicle.
- 218.2 County Coroner Roger Morris stated that he would have no objection to changing this to a 2-wheel drive vehicle.
- B. Pond asked whether there is harm to a corpse that is exposed to freezing temperatures in the event that a Coroner's vehicle became stuck in an ice/snow storm; to which Mr. Morris responded that this would not hurt the condition of a corpse.
- 218.3 **T. Lundstrum made a motion to amend the ordinance appropriating \$25,300 for a 2-wheel drive vehicle. J. Patterson seconded.**
- 218.4 B. Fitzpatrick asked if the County Coroner or Sheriff had a 4-wheel drive vehicle to be able to get out to places where a 2-wheel drive vehicle cannot, because if the County does not, they need to have a 4-wheel drive vehicle; to which Mr. Morris replied that he has 2 vehicles that are 4-wheel drive.
- 218.5 A. Harbison stated that she lives on a farm and would never own another 2-wheel drive vehicle, stating that she has torn many up from getting stuck. She stated if the Coroner asked for a 4-wheel drive, then they should give him a 4-wheel drive. She stated that sometimes she thinks that they try to save money when they really do not. She noted that it is possible to get a standard two-wheel drive vehicle stuck on grass.
- 218.6 Mr. Morris pointed out one advantage to a 4-wheel drive being that a 4-wheel drive will not tear up a wet yard like a 2-wheel drive will.
- 218.7 **With no further discussion, Judge Edwards called for a vote on the motion to amend the ordinance.**
- 218.8 VOTING FOR: J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, H. Bowman, J. Firmin, and T. Lundstrum. VOTING AGAINST: R. Bailey, C. Clark, R. Cochran, B. Fitzpatrick, A. Harbison, and E. Madison. **The motion passed with eight members voting in favor and six voting against the motion.**

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

219.2 VOTING FOR: J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2013-51, BOOK NO. 9, PAGE NO. 239

219.3 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF \$10,000 IN THE ENVIRONMENTAL AFFAIRS GRANT FUND, AND APPROPRIATING \$10,000 FROM THE ENVIRONMENTAL AFFAIRS GRANT FUND TO ADEQ-BMT02-12 BUDGET FOR 2013: C. Clark introduced **An Ordinance Anticipating Additional Revenue Of \$10,000 In The Environmental Affairs Grant Fund, And Appropriating \$10,000 From The Environmental Affairs Grant Fund To ADEQ-BMT02-12 Budget For 2013**, and County Attorney George Butler read the ordinance.

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

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

219.6 VOTING FOR: J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2031-52, BOOK NO. 9, PAGE NO. 240

219.7 AN ORDINANCE APPROPRIATING \$5,925 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2013: C. Clark introduced **An Ordinance Appropriating \$5,925 From The County Library Fund To The County Library Budget For 2013**, and County Attorney George Butler read the ordinance.

219.8 C. Clark stated that they discussed this at the Finance Committee meeting, and County Library Director Glenda Audrain was present to answer any questions.

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

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

- 220.1 VOTING FOR: J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2013-53, BOOK NO. 9, PAGE NO. 241

- 220.2 COUNTY JUDGE'S REPORT: Judge Edwards stated that County Assessor Jeff Williams would like to address the Quorum Court at this time.

- 220.3 County Assessor Jeff Williams addressed the Quorum Court stating that he has the distinct pleasure of being able to help offset some of the additional appropriations made tonight. He stated in an effort to help offset the cost of some operations, they have made a concerted effort to look for help and participation in some of the things that they do in his office and a couple of years ago put together the Northwest Arkansas GIS Consortium which is made up of entities from both Benton and Washington County with some recent participation from Sebastian County as well. He stated that each year when they do their aerial photography, they look for participation from as many organizations that could use the data as possible, including his work with Northwest Arkansas Planning Commission, to offset some of the cost that Washington County pays each year.

- 220.4 Mr. Williams reported that this year the aerial photography will cost slightly over \$68,000, which expense is easily offset and cost effective by the fact that they can do desktop reviews and do not have to send appraisers out into the field. He reported that this year that participation by other entities has saved the taxpayers of Washington County the sum of \$51,817.50 from other organizations that participated in the aerial photography and this money will go back into the General Fund. He noted that they had the greatest participation level this year as they have ever had and will continue to try to expand that effort in the future.

- 220.5 In response to a question from Judge Edwards whether any of this money will need to go back to the schools; Mr. Williams stated that the money ends up going back into the General Fund and if they can return any of it back to the school districts, he would be in favor of that.

- 220.6 Judge Edwards reported that the Road Department has completed all of this years resealing of just over 60 miles at a cost of around \$750,000. She further reported that they have also finished the following new construction: Bunyard Road going out to Devil's Den, half of a mile on the west end of Kinion Lake Road, Vanzant Road, Butterfield Park Road, Thunder Mountain Road, and Pete Lee Road for a total of 7.4 miles of new chip and seal at an approximate

- cost of \$147,500 (not part of the resealing cost above), but the cost of two coats of the CRS2 asphalt and chip.
- 221.1 Judge Edwards stated that they put out bids for three State Aid jobs this year: Wyman Road (CR48) east of Fayetteville; Bush Valley Road (CR11) south of Lincoln, and Blue Springs Road (CR70) east of Springdale. She stated that she has tried to make sure that every part of the County gets some representation to help with their roads. She reported that the Wyman Road and Bush Valley Road are completed, and they should start on Blue Springs Road any day with Hutchinson Construction.
- 221.2 Judge Edwards reported on the Harvey Dowell Bridge replacement, they have completed the end walls, the wing walls, two middle piers, and the bridge stepping should be delivered in the next few weeks. She stated that they planned to set the beams in 3-4 weeks, place and set the bridge decking (pans) and get ready to pour the drive and are hopeful that they can have this bridge completed by the end of the year. Judge Edwards further reported that the preliminary work on the Woolsey Bridge is being done and the survey is scheduled for this winter. She noted that it takes a long time when they are working with the State.
- 221.3 COMMITTEE REPORTS: J. Patterson reported that the County Services Committee met on September 3 and discussed several items. He reported that the Planning Office had nine exemption splits, one family split, two cell tower arrays and six lot line adjustments approved by the Planning Board.
- 221.4 J. Patterson stated that the Committee had a lengthy discussion on the Southeast Phase II Water Project and a report that some people in the area are not getting water which they are checking into, and he has spoken to State Representative Neal in Springdale who is willing to ask for more money as it will take \$100,000 to \$150,000 to complete that one road. He reported that there were several questions as to why quite a bit of this water money was spent in Madison County. He noted that they did not have answers for many of these questions, but are currently working on that. He noted that the RDA has power of eminent domain, but will condemn only for the main line which has a pump station on it. The cost to extend the line along Miller Road will be increased significantly by the requirement to install at least one booster pump.
- 221.5 J. Patterson stated that they discussed an ordinance amending Washington County Code pertaining to computer usage, electronic mail and internal security policy, and he has asked E. Madison to take a look at this to see if there is anything that needs to be adjusted.

- 222.1 R. Bailey stated that he does not feel comfortable at all and still has a lot of questions on the water project. He commended A. Harbison for not giving up on the issue as well. He noted that it seems that the more questions there are, the more that everyone is asking. He stated that he is not going to give up getting these people water which is a second attempt for most of them.
- 222.2 B. Pond responded to R. Bailey that no one wants to give up on getting water for these people, but believes they need to be very careful about how they approach water providers, different organizations or boards that work as hard as they can to provide water. He noted that there are many different associations that provide water to the rural area of Washington County, including all the cities providing water to unincorporated areas, as well as Washington Water and Mt. Olive. He noted that he has left off this list the Madison County Water Association who provides water for a large number of people in Washington County. He stated that he feels uncomfortable when anything is said about following federal guidelines when they are able to avoid extra expense by dropping down to a lower elevation where the terrain is not as rough and provide water for a few people. He further pointed out that Mt. Olive Association provides water for us. We work hand in hand many times with Madison County when it is more feasible and less expensive for them to help a few people in Washington County or vice versa. He stated that these folks turn out and work hard to help each other and have a more efficient, less expensive water system. B. Pond reiterated that they needed to be careful about how they speak about those who provide water in the rural areas.
- 222.3 R. Bailey stated that he does not feel comfortable at all talking about it because when they began talking about how their #1 priority was Washington County water, not one thing was said about Madison County.
- 222.4 E. Madison reported that the Public Works Committee met briefly on September 3 following the County Services meeting. She reported that Ron Wood, County Building Supervisor, gave an update on County buildings including work that is progressing nicely on the Sheriff's East Annex upstairs. Mr. Wood also reported that there were not any big projects coming up and did not anticipate any big maintenance needs. E. Madison stated that it sounds like the biggest issue currently is with Juvenile Court HVAC system where two new units are being changed out with duct work added which should take care of the hot, humid environment in the Juvenile Court.
- 222.5 B. Pond reported that the Personnel Committee met on September 9 and heard a routine report from Blair Johanson, Salary Consultant for Washington County, as well as a comparison of County employee salaries and current salary market with a recommendation on raises for county employees.

- 223.1 T. Lundstrum reported that the Jail/Law Enforcement/Courts Committee did not meet this month due to lack of an agenda.
- 223.2 C. Clark reported that Finance and Budget Committee met on September 10 and income is on target, budgets are in good shape, and sales tax is up. She further noted that they started their budget process on the following Thursday with the Sheriff's Office.
AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: J. Patterson introduced **An Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, and County Attorney George Butler read the ordinance. The Planning Board granted a Conditional Use Permit on September 5 for Sassafras Springs Vineyard (SSV). This ordinance contains an emergency clause making it effective immediately upon passage.
- 223.3 **J. Patterson made a motion to adopt the ordinance. C. Clark seconded.**
- 223.4 Citizen Comments: There were no citizen comments made.
- 223.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 223.6 VOTING FOR: J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, and E. Madison. **The motion passed unanimously. The ordinance was adopted.**
- ORDINANCE NO. 2013-54, BOOK NO. 9, PAGE NO. 242**
- 223.7 OTHER BUSINESS: There was no other business to discuss.
- 223.8 CITIZEN COMMENTS: Ms. Terri Davis-Beaupre addressed the Quorum Court to comment on recent developments in her neighborhood. She stated that several of her neighbors have, over the last several years, made a concerted effort to do a better job of getting to know each other by sharing baked goods, celebrating birthdays together, sharing grief and offering support at the loss of loved ones, watching each other's homes during vacations, feeding and caring for each other's pets and keeping in contact with those who have moved out of the neighborhood for one reason or another. That is until one of them decided to bring one of their family members into their part of the subdivision with an exempt family lot split and additional dwelling unit application to the Planning Department. She reported that this neighbor maintains that she received no warning from said Planning Department and that this might cause problems because she was told that

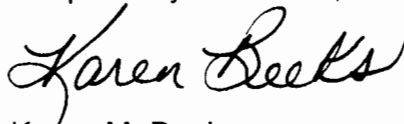
the County did not defend protective covenants in the county which is her second reason for being here tonight because she said – no one pays attention to those covenants anyway. She further reported that this neighbor was encouraged by the Planning Department to proceed with her plans, even after an adjoining property owner made known to her his personal knowledge of said covenants, and when she and two other neighbors came to her home this past Sunday afternoon, she defended her position with e-mails from said Planning Department Senior Planner. She reported that she visited the Planning Department in person the next day and was met by Mr. Phu Phong who proceeded to assist her by answering questions related to her property if she wanted to do the same thing as her neighbor and went on to explain the county's position. She further reported that the Senior Planner joined them and when she mentioned the possibility of drawing legal action from other property owners in the unit, she admitted that they had already received a phone call from another person on the street complaining about the development sanctioned by the County Planning Office and swore that she had indeed warned the neighbor in violation of the covenants.

224.1 Ms. Terri Davis-Beaupre stated that she was there to find out the truth about just how the Planning Department is handling these exempt lot splits and EDU's. She reported when her neighbor moved a trailer onto her lot, a direction violation of at least three items in the covenant, her actions not only affected her and her property values, but potentially the 60 property owners in their section, and if that trailer had been allowed to remain, it would have set a legal precedent. She asked how this was in line with the County Planning Department's Mission Statement and stated that rural areas are an important resource that should be developed with care in order to retain their value. She stated that they have all suffered declining property values just like the rest of the nation but most of their neighborhood have continued to spend their hard earned money on renovations and upgrades in spite of and in support of this struggling economy and while they still care deeply what happens this neighbor, the policies and dismissive attitude of this Planning Department has effectively pitted neighbor against neighbor. She wonders how many other rural subdivisions have had their market value of their homes negatively impacted because of the ease and speed with which these type of exempted lot splits and EDU's can be executed and how many other neighborhoods that have tried to foster a sense of community have had their relations sour in turn adversarially because of these potentially damaging development vehicles.

224.2 County Attorney George Butler explained that they cannot enforce or regulate restricted covenants, nor can the cities, but covenants can only be enforced by property owners living thereon, and this has not been the first time this issue has come up.

- 225.1 Ms. Terri Davis-Beaupre responded to Mr. Butler stating that she has never said that Washington County has a position that they would have to defend. Her problem is that the standard policy to let people come into the Planning Office and know that the rights of those particular property owners has collapsed.
- 225.2 County Attorney Butler added that attorneys have to be hired and lawsuits filed in order to enforce their own covenants.
- 225.3 Ms. Terri Davis-Beaupre stated that her neighbor was never warned that there might be possible legal action as a result of her placing a trailer on her property which was in violation of the covenants.
- 225.4 County Attorney Butler suggested that Ms. Terri Davis-Beaupre consult a legal attorney.
- 225.5 Ms. Terri Davis-Beaupre said that they have consulted an attorney, and the trailer has been moved, but her point is that none of this would have happened if the appropriate people were properly informed.
- 225.6 Aubry Shepherd, resident of JP Clark's district, addressed the Quorum Court regarding the County Road Department's mowing.
- 225.7 ADJOURNMENT: The meeting adjourned at 7:15 p.m.

Respectfully submitted,



Karen M. Beeks
Executive Assistant

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

AN ORDINANCE REDUCING THE AMOUNT OF \$72,400 FROM FULL-TIME SALARY LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$60,359 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS; AND, SUSPENDING BUDGET CONTROLS AND ANY APPLICABLE JESAP POLICIES TO CHANGE THE TITLE OF SECRETARY/ RECEPTIONIST TO ADMINISTRATIVE DETENTION BOOKKEEPER IN THE JAIL BUDGET OF THE JAIL FUND FOR 2013.

ARTICLE 1. Appropriations are hereby reduced by the total amount of \$72,400 from full-time salary line items in the various County budgets of the General Fund for 2013 as outlined in Attachment "A" for 2013.

ARTICLE 2. There is hereby appropriated the total amount of \$60,359 from unappropriated reserves in the General Fund to line items in various County budgets as outlined in Attachment "B" for 2013.

ARTICLE 3. Budget Controls and applicable JESAP Policies are hereby suspended and the title of the personnel position of Secretary/Receptionist, Grade 8 (Slot 0418118) in the Jail Budget of the Jail Fund (30170418) is hereby changed to Administrative Detention Bookkeeper, Grade 12, for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk:

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

3RD Quarter Housekeeping for 2013

Reductions, Attachment "A"

General

0100004	SALARIES FULL-TIME	4,500.00
0101005	SALARIES FULL-TIME	2,500.00
0104108	SALARIES FULL-TIME	4,000.00
0105009	SALARIES FULL-TIME	2,500.00
0108004	SALARIES FULL-TIME	500.00
0118002	SALARIES FULL-TIME	500.00
0121003	SALARIES FULL-TIME	2,000.00
0308007	SALARIES FULL-TIME	1,500.00
0400091	SALARIES FULL-TIME	3,000.00
0400100	SALARIES FULL-TIME	3,000.00
0403010	SALARIES FULL-TIME	800.00
0444020	SALARIES FULL-TIME	1,000.00
0444028	SALARIES FULL-TIME	1,500.00
		27,300.00

Road

0200004	SALARIES FULL-TIME	1,000.00
0200020	SALARIES FULL-TIME	1,000.00
0200102	SALARIES FULL-TIME	5,000.00
0200223	SALARIES FULL-TIME	2,000.00
		9,000.00

Jail

0418033	SALARIES FULL-TIME	1,200.00
0418110	SALARIES FULL-TIME	2,500.00
0418202	SALARIES FULL-TIME	1,800.00
0418205	SALARIES FULL-TIME	1,500.00
0418210	SALARIES FULL-TIME	1,500.00
0418216	SALARIES FULL-TIME	1,500.00
0418233	SALARIES FULL-TIME	3,000.00
0418238	SALARIES FULL-TIME	4,000.00
0418303	SALARIES FULL-TIME	3,500.00
0418306	SALARIES FULL-TIME	1,500.00
0418405	SALARIES FULL-TIME	600.00
0418412	SALARIES FULL-TIME	3,000.00
0418420	SALARIES FULL-TIME	5,000.00
0418426	SALARIES FULL-TIME	1,500.00
0418428	SALARIES FULL-TIME	2,500.00
0418434	SALARIES FULL-TIME	1,500.00
		36,100.00

Reductions

1000	General Fund	27,300.00
2000	Road Fund	9,000.00
3017	Jail Fund	36,100.00
		72,400.00

3RD Quarter Housekeeping for 2013

Appropriations, Attachment "B"

General		
0103004	SALARIES FULL-TIME	490.00
0104092	SALARIES FULL-TIME	200.00
0105055	SALARIES FULL-TIME	170.00
0105057	SALARIES FULL-TIME	327.00
0115010	SALARIES FULL-TIME	354.00
0115021	SALARIES FULL-TIME	661.00
0308001	SALARIES FULL-TIME	1,190.00
0308004	SALARIES FULL-TIME	110.00
0308005	SALARIES FULL-TIME	870.00
0400023	SALARIES FULL-TIME	103.00
0400096	SALARIES FULL-TIME	215.00
0400104	SALARIES FULL-TIME	610.00
0400200	SALARIES FULL-TIME	1,144.00
0400202	SALARIES FULL-TIME	3,009.00
0400208	SALARIES FULL-TIME	167.00
0400219	SALARIES FULL-TIME	706.00
0400221	SALARIES FULL-TIME	730.00
0400302	SALARIES FULL-TIME	315.00
0400303	SALARIES FULL-TIME	315.00
0400306	SALARIES FULL-TIME	315.00
0400318	SALARIES FULL-TIME	583.00
0400322	SALARIES FULL-TIME	315.00
0400327	SALARIES FULL-TIME	315.00
0400329	SALARIES FULL-TIME	315.00
0400334	SALARIES FULL-TIME	315.00
0400336	SALARIES FULL-TIME	356.00
0400401	SALARIES FULL-TIME	279.00
0403007	SALARIES FULL-TIME	351.00
0403020	SALARIES FULL-TIME	896.00
0417002	SALARIES FULL-TIME	1,162.00
0444004	SALARIES FULL-TIME	1,895.00
0444022	SALARIES FULL-TIME	389.00
01021005	OVERTIME/OTHER COMP	545.00
01051005	OVERTIME/OTHER COMP	240.00
01091001	SALARY FULL-TIME	12.00
01091005	OVERTIME/OTHER COMP	84.00
01091008	NONCONTRIBUTORY RET	1,359.00
03081005	OVERTIME/OTHER COMP	682.00
03081017	HOLIDAY INCENTIVE	780.00
04191005	OVERTIME/OTHER COMP	86.00
		22,960.00

Road		
0200031	SALARIES FULL-TIME	206.00
0200041	SALARIES FULL-TIME	941.00
0200052	SALARIES FULL-TIME	212.00
0200204	SALARIES FULL-TIME	343.00
0200211	SALARIES FULL-TIME	104.00
0200215	SALARIES FULL-TIME	730.00
0200239	SALARIES FULL-TIME	610.00
		3,146.00

Jail		
0418025	SALARIES FULL-TIME	979.00
0418031	SALARIES FULL-TIME	446.00
0418036	SALARIES FULL-TIME	555.00
0418113	SALARIES FULL-TIME	225.00
0418114	SALARIES FULL-TIME	1,800.00
0418244	SALARIES FULL-TIME	451.00
0418312	SALARIES FULL-TIME	192.00
0418321	SALARIES FULL-TIME	244.00
0418327	SALARIES FULL-TIME	1,302.00
0418328	SALARIES FULL-TIME	6,722.00
0418330	SALARIES FULL-TIME	5,832.00
0418335	SALARIES FULL-TIME	212.00
0418403	SALARIES FULL-TIME	1,960.00
0418411	SALARIES FULL-TIME	542.00
0418414	SALARIES FULL-TIME	908.00
0418416	SALARIES FULL-TIME	424.00
0418419	SALARIES FULL-TIME	1,032.00
0418422	SALARIES FULL-TIME	547.00
0418423	SALARIES FULL-TIME	1,315.00
0418433	SALARIES FULL-TIME	560.00
0418444	SALARIES FULL-TIME	661.00
0418493	SALARIES FULL-TIME	1,366.00
0418495	SALARIES FULL-TIME	2,297.00
0418497	SALARIES FULL-TIME	1,950.00
0418498	SALARIES FULL-TIME	1,731.00
		34,253.00

Appropriations		
1000	General Fund	22,960.00
2000	Road Fund	3,146.00
3017	Jail Fund	34,253.00
		60,359.00

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING AND
APPROPRIATING REVENUES OF \$80,192 IN
VARIOUS COUNTY FUNDS FOR 2013.**

ARTICLE 1. There are hereby recognized additional revenues totaling \$80,192 in various funds in the following revenue line items for 2013:

<u>Fire Equipment & Training (Act 833) Fund</u>		
Fire Equipment & Training (Act 833) (3023-7011)		\$ 31,818
 <u>Drug Enforcement-State Fund</u>		
Carryover (3404-6999)	\$ 21,460	
State Drug Seizures (3404-7408)	4,530	
Interest Income (3404-7501)	6	
Treasurer's Commission (3404-8401)	<u>- 429</u>	25,567
 <u>Drug Enforcement-Federal Fund</u>		
Federal Drug Seizures (3405-7409)	\$ 10,912	
Interest Income (3405-7501)	42	
Treasurer's Commission (3405-8401)	- 291	
Rebate (3405-8751)	<u>- 71</u>	<u>10,734</u>
 TOTAL REVENUES:		 <u>\$ 68,119</u>

ARTICLE 2. There is hereby appropriated the amount of \$6,896 from the General Fund to the Parts and Repairs Line Item of the Sheriff-Work Release Budget (10000428-2023) for 2013.

ARTICLE 3. There is hereby appropriated the amount of \$31,818 from the Fire Equipment & Training (Act 833) Fund to the Act 833 Fire Protection Line Item in the Fire Equipment & Training (Act 833) Budget (30230502-3013) for 2013.

ARTICLE 4. There is hereby appropriated the amount of \$25,567 from the Drug Enforcement-State Fund to following line items in the Drug Enforcement-State for 2013:

<u>Drug Enforcement-State:</u>	
General Supplies (34040400-2001)	\$ 4,536
Transfers Out (34040400-9999)	<u>21,031</u>
Total Appropriation:	<u>\$ 25,567</u>

ARTICLE 5. There is hereby appropriated the amount of \$10,734 from the Drug Enforcement-Federal Fund to the General Supplies Line Item of the Drug Enforcement-Federal Budget (34050400-2001) for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING ADDITIONAL
REVENUES OF \$20,000 IN THE GENERAL FUND;
AND APPROPRIATING \$20,000 FROM THE
GENERAL FUND TO THE SHERIFF'S BUDGET
FOR 2013.**

ARTICLE 1. There is hereby recognized additional revenues of \$20,000 in the Reimbursement-Salaries Revenue Line Item in the General Fund (1000-8727) for 2013.

ARTICLE 1. There is hereby appropriated the amount of \$20,000 from the General Fund to the Overtime/Other Premium Compensation of the Sheriff's Budget (10000400-1005) for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE TRANSFERRING MONIES
WITHIN THE CIRCUIT COURT III BUDGET IN THE
GENERAL FUND FOR 2013.**

ARTICLE 1. The Other Professional Services Line Item in the Circuit Court III Budget of the General Fund (10000403-3009) is hereby reduced by \$7,557 for 2013.

ARTICLE 2. There is hereby appropriated the amount of \$7,557 from the General Fund to the Machinery and Equipment Line Item of the Circuit Court III Budget (10000403-4004) for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING \$5,933 FROM
THE COURTHOUSE SECURITY GRANT FUND TO
THE COURTHOUSE SECURITY GRANT BUDGET
FOR 2013.**

ARTICLE 1. There is hereby appropriated the amount of \$5,933 from the Courthouse Security Grant Fund to the Supplies Line Item of the Courthouse Security Grant Budget (39990499-2001) for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor:_____

Date of Passage:_____

Votes For:_____ Votes Against:_____

Abstention:_____ Absent:_____

ORDINANCE NO. 2013-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING \$20,000 FROM
THE RECORDER'S COST FUND TO THE
RECORDER'S COST FUND BUDGET FOR 2013.**

ARTICLE 1. There is hereby appropriated the amount of \$20,000 from the Recorder's Cost Fund to the Part-time Salaries Line Item of the Recorder's Cost Budget (30060128-1002) for 2013.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

Monday, October 7, 2013
5:30 p.m.
Washington County Quorum Court Room

Members Present: Butch Pond, Ann Harbison, Candy Clark, Barbara Fitzpatrick, and Ron Aman.

Members Absent: Harvey Bowman

Others Present: Jimmy Mardis, Rex Bailey, Tom Lundstrum, George Butler, John Firmin, Eva Madison, Bill Ussery, Jeane Mack, Tim Helder, Jay Cantrell, Randall Denzer, Blair Johanson, Karen Beeks, Jessica Ims, and Tony Hernandez (NWA Times).

The meeting was called to order at 5:35 p.m. by Chairman Butch Pond. The agenda was adopted with the addition of a request from Sheriff Tim Helder.

Report from Blair Johanson, Salary Consultant for Washington County. Salary Consultant Blair Johanson distributed and reviewed information on comparing the County's salaries with some of the other municipalities as well as the total cost for the different scenarios that he will be presenting at the Finance and Budget Committee meeting on October 21. This information also addresses pay comparisons within the pay range by grade level. Referring to his handout, he stated that the grades begin with Grade 6 and end with Grade 29. There are total of 567 county employees; there are ten employees at Grade 6 and two employees at Grade 29. No one is under the minimum as the County hires at the minimum of the range. The midpoint of the range is between the second and third quartile, and then the max represents employees who are 120% above the midpoint. Currently, out of 567 employees there are 0 under minimum, 266 in the first quartile, 177 in the second quartile, 133 in the third quartile, 36 in the fourth and 13 over the maximum. The actual range on a per hour basis at the lower part of the range starts at \$10.67 cents with a maximum of \$15.19 and on the upper grades the minimum starts out at \$28.45 with a maximum of \$42.67.

Mr. Johanson proposed to deal with compression issues with employees who have completed two to five years of service. The handout shows where people fall based on

years of experience. The total less than one year service represents 12% of the total work force. Completing one year but less than two years represents 9%, completion of two years represents 8%, three years of service represents 6% and four years of service represents 6%. Five years or more of service represents 59% of the total employees. This is important because when you look at 59% of the workforce with 5 or more years in service then we need to look at this in relation to the midpoint and range. If the range is competitive with the market, then your midpoint represents the market average. Currently, 68% are below the midpoint and 32% are above the midpoint. This means, proportionally, there should be a shift towards the midpoint and above. Anything that we can do to add to the additional pay based on the years of service and address the compression issue will help us move towards the midpoint.

Mr. Johanson provided two scenarios. Scenario one suggests a 50 cent adjustment with $\frac{1}{2}\%$ based on each year of service past two years. Scenario two suggests a 3% adjustment plus $\frac{1}{2}\%$ for the years of service. Scenario one moves the chart to the right and makes 53% under the midpoint and 47% above the midpoint. With scenario two, it comes out to the same percentage with a slightly different movement on the chart. Both scenarios address the compression and provide additional pay based on years of service. Mr. Johanson also wanted to point out that approximately $\frac{1}{5}$ of the workforce has completed one to two years of service.

Jimmy Mardis asked if this information factors in employees who have been here for multiple years but have moved into other positions; to which Mr. Johanson replied that this does not address that scenario. With 567 employees, the overall promotion movement as a percentage is relatively small. The key factor is that there are 59% with five or more years of service and too many of those employees are below the midpoint. Mr. Johanson then showed a scattergram graphically representing scenario one showing movement towards the midpoint.

There are 185 employees of the total 567 employees that are making less than \$15 per hour in grades six through grade fourteen which represents 32.6% of the workforce; 98 of those employees have less than two years of service. Employees making less than \$15 an hour with more than two years of service represent 15% of the workforce; 87 employees have more than two years of service and make less than \$15 per hour. He reiterated that the recommendation for this year is a 3% pay increase plus $\frac{1}{2}\%$ for each complete year of employment for two through five years. He warned that if the 50 cent increase is done consistently, that it will affect the balance of the people to the middle and upper part of the range. The overall budget adjustment is approximately 4.5%.

Next Month's Committee Meeting. The next regular meeting of the Committee falls on Veteran's Day when county offices will be closed.

A motion was made by Ann Harbison, seconded by Barbara Fitzpatrick, that the Personnel Committee be moved to November 5 and that it be cancelled if there are no agenda items. The motion was approved unanimously by those present.

Request from Sheriff Tim Helder to change the title of the Secretary Receptionist in the Jail to an Administrative Detention Bookkeeper, changing the position from a Grade 8 to a Grade 12. Sheriff Tim Helder presented a request to change the title of the Secretary Receptionist in the Jail to an Administrative Detention Bookkeeper, changing the position from a Grade 8 to a Grade 12. There are two slots in the Detention Center that perform the same function and it was an oversight to not have addressed this situation earlier. The change would amount to a 60-cent per hour pay increase. There is no additional funding necessary to make this change.

Candy Clark made a motion to forward the request to the Finance & Budget Committee. Ann Harbison seconded. The motion was approved unanimously.

Other Business. Eva Madison raised an issue concerning an anonymous letter that was received by the Quorum Court. She expressed that she was very concerned about some of the things that she read and is hopeful that a thorough investigation is being conducted.

Ann Harbison commented that she is sure the allegations are being investigated, and it is in the realm of the County Judge's responsibility because she is over the Road Department.

Rex Bailey asked if there is a whistle blower policy in the County. County Attorney George Butler replied there is a policy in the handbook.

Eva Madison stated she realizes it is the County Judge's prerogative to handle this issue but because the complaints were directed to the Quorum Court, she takes it seriously and wants to know that the allegations are being investigated.

Candy Clark commented that she offers her support and help to the County Judge if she needs it in investigating the allegations contained within the letter; she also takes it very seriously. She is bothered by the anonymous part of the letter; however, the part of retaliation in the letter also concerns her. The Judge has assured her that she is handling this, and she hopes that the Quorum Court and the County employees will be kept apprised.

County Attorney George Butler informed the Committee that the County Judge and the Chief of Staff have been to the Road Department and have talked with all of the employees and asked the person or persons who sent the letter to feel free to come forward in anonymity.

Barbara Fitzpatrick commented that the investigation is the purview of the Judge. She does not want to interfere with an ongoing investigation, but she hoped to hear a report of the findings.

Rex Bailey asked if the Association of Counties would take this up if a lawsuit was filed regarding these type of allegations; to which County Attorney George Butler replied that

Personnel
October 7, 2013
Page

if the lawsuit is for a civil rights violation, it would be covered by the Risk Management policy.

With no other business or citizen comments, the meeting adjourned at 6:22 p.m.

/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
JAIL/LAW ENFORCEMENT/COURTS COMMITTEE

Monday, October 7, 2013

6:22 p.m.

Washington County Quorum Court Room

Members Present: Butch Pond, Tom Lundstrum, Candy Clark, Ron Aman, Jimmy Mardis, Bill Ussey.

Members Absent: Joe Patterson

Others Present: Rex Bailey, George Butler, Ann Harbison, John Firmin, Barbara Fitzpatrick, Eva Madison, Jeane Mack, Tim Helder, Jay Cantrell, Randall Denzer, and Tony Hernandez (NWA Times).

The meeting was called to order at 6:22 p.m. by Chairman Tom Lundstrum. The agenda was adopted as presented.

Report from the Juvenile Detention Facility. Jeane Mack, Juvenile Detention Director, reported that detention numbers are running low in the facility. The Courts and JDC staff are meeting with the Juvenile Detention Center Alternatives Program to discuss their findings and alternatives to keeping kids out of detention.

John Firmin asked for the JDC employees input concerning salary discussions.

Report from the Sheriff's Office on Enforcement and Adult Detention. Chief Deputy Jay Cantrell reported that there is nothing significant going on with the enforcement side of the Sheriff's Office.

Detention Major Randall Denzer reported that everything is about the same on the detention side noting that the numbers of state prisoners are up quite a bit this month. Out-of-county transports are also with two picked up in California, one in Colorado and two in Indiana. He also reported that the cost for medical has exceeded the budget by \$84,000. In the past years when the food budget was long the funds were taken from that line item, but the budget has been cut to the bare minimum. It may be necessary to move money out of the contingency to pay for these expenses.

Sheriff Tim Helder also commented on the health care costs for inmates stating that he may look into other options at some point, but he is not prepared to do that at this point.

An Ordinance Extending An Interlocal Agreement For Jail Services With The City Of Fayetteville For 2014. Sheriff Tim Helder stated in 2005 the new detention center was completed. For many years prior to that there had been discussions with the City of Fayetteville to get out of the jail business. There was a contract issued and it was determined at that time that the booking process is the most time consuming with the misdemeanor defendants that come from Fayetteville. The contract started out at \$35 and gives the county the ability to increase the amount by 10% each year. The current year amount is \$60 and he feels that is adequate and it is not necessary to change that amount for 2014.

Butch Pond made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. Candy Clark seconded. The motion was approved unanimously by those present.

Next Month's Committee Meeting. The next regular meeting of the Committee falls on Veteran's Day and county offices will be closed.

A motion was made by Candy Clark, seconded by Butch Pond, to move the next Committee meeting to the week prior on November 5 and cancel it if there are no agenda items. The motion passed unanimously.

Other Business: Sheriff Helder reported that the construction is going well at the East Annex with the drywall up and painted. The 309 inmates have done a lot of work with that construction and he believes they are on track to move in towards the end of November.

Sheriff Helder also reported that he is considering in moving in the direction of creating a smoke free campus for the Sheriff's Offices.

With no citizen comments, the meeting adjourned at 6:40 p.m.

kb/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
FINANCE AND BUDGET COMMITTEE

Tuesday, October 8, 2013
5:30 p.m.

Washington County Quorum Court Room

Members Present: Butch Pond, Joe Patterson, Ann Harbison, Tom Lundstrum, Rex Bailey, Candy Clark, John Firmin, Barbara Fitzpatrick, Eva Madison, Ron Aman, Harvey Bowman, Jimmy Mardis, and Bill Ussery.

Members Absent: Rick Cochran

Others Present: George Butler, Chris Wahrman, Mike Malone, Kyle Sylvester, Bobby Hill, Joel Gardner, Jerre M. Van Hoose, Dan Short, Renee Biby, Shawn Shrum, Norma Frisby, Stacey Zimmerman, Cheryl Bolinger, Ashley Farber, Jay Cantrell, Tim Helder, Roger Haney, and Tony Hernandez (NWA Times).

The meeting was called to order at 5:30 p. m. by Chair Candy Clark. The agenda was adopted as presented.

Financial Report. County Treasurer Roger Haney updated the Committee on the Financial Report. Through the month of September, the collections should be at 75%, although most of the property taxes are going to come in during the next month. The income in the Road Fund and General Fund is less than the expenditures, but there is enough cash flow and carry over that there is not a problem. The 15th of this month is the due date for personal and real property taxes. Collections have started to pick up; the money collected in September was a little over one million for the General Fund. The Road Fund will also be helped by the property taxes along with the ½ cent road tax. The Jail received a \$500,000 transfer from the General Fund to the Jail Fund. The income items to date for the Jail is exceeding or meeting the projections. The Jail fund will most likely need to be supplemented for the foreseeable future. Sales tax was up for the month; it was 4% over what it was last year at the same time. The last three months are generally fairly good months, but there are a lot of influences that the County has no control over that determine how much people purchase in this county.

County Comptroller Cheryl Bolinger reported that there have been no transfers from the contingency for the Road Fund, but there has been quite a bit of the contingency set aside for the Jail fund utilized. Approximately one million has come in from the sales tax

so that will be carried over. She then presented a revenue and expenditures report for the County budgets followed by a summary broken down by funds and departments. There are no budgets that are in trouble at this time.

Quarterly Personnel Housekeeping Ordinance. Budget Controls for 2013 require that surplus personnel appropriations be de-appropriated from full-time salaries on a quarterly basis

County Comptroller Cheryl Bolinger presented an amended ordinance to add the Bookkeeper/Administrative Jail position that was approved by the Personnel Committee.

Rex Bailey made a motion to forward the ordinance to the full Quorum Court with a do pass recommendation. Tom Lundstrum seconded. The motion was approved unanimously by all those present.

An Ordinance Recognizing And Appropriating Quarterly Revenues In Various Funds For 2013. Cheryl Bolinger reviewed this ordinance noting that the Act 833 money is something the State Auditors would like to see placed in a special revenue fund so it funnels through the Comptroller's office and is budgeted.

Ann Harbison made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. Barbara Fitzpatrick seconded. The motion was approved unanimously by all those present.

Report from County Grant Administrator Wayne Blankenship on Grants Awarded to the County and Related Appropriation Requests and Resolutions Needed for the Submission of Grant Applications. Assistant Grant Administrator Renee Biby presented an ordinance appropriating \$5,933 from the courthouse security grant fund to the courthouse security grant budget for 2013. This grant was received approximately five years ago by the Circuit Judges. They have not spent those funds.

Comptroller Cheryl Bolinger reported that this has been there for several years, and the auditors would like to see it appropriated. Eva Madison asked if the money could be spent elsewhere; to which Renee Biby replied that it cannot. It must be spent for courthouse security only; however, it has gone past the time frame allotted, and she suspects that it will be returned to the Administrative Office of the Courts.

Ann Harbison made a motion to forward the ordinance to the full Quorum Court with a do pass recommendation. Butch Pond seconded. The motion was approved unanimously by all those present.

Request from Circuit Judge Stacey Zimmerman to Transfer \$7,557 Within the Circuit Court III Budget for 2013. Judge Zimmerman reported that the purpose of this request is to purchase a voice recognition system for her court reporter. This system is a voice recognition system which the court reporter will talk into, and it will recognize his voice and type the transcript. He then goes back and reads and edits it.

Harvey Bowman commented that the voice recognition on his computer has terrible accuracy and warned that accuracy for this particular system should be tested.

Judge Zimmerman replied that the Court Reporter has tested the system, and he must certify the transcripts to the Court of Appeals that it is accurate. He verifies accuracy by going back and listening and correcting.

Eva Madison made a motion to forward the request to the full Quorum Court with a do pass recommendation. Butch Pond seconded. The motion was approved unanimously by all those present.

Request from Circuit Clerk Kyle Sylvester for an Appropriation of \$20,000 from the Recorder's Cost Fund to the Recorder's Cost Budget for 2013. Circuit Clerk Kyle Sylvester reported that this is budget neutral appropriation. He has had one person on maternity leave for a portion of this year, and one of his key employees went to part time status, thus, requiring more part time work done.

Rex Bailey made a motion to forward the request to the full Quorum Court with a do pass recommendation. Butch Pond seconded. The motion was approved unanimously by all those present.

Request from Sheriff Tim Helder to Recognize Additional Revenues of \$20,000 and Appropriate to the Sheriff's Budget for 2013. Sheriff Helder reported this is money for over time. Normally, he doesn't come back and ask for money to be reimbursed, but there have been shortages in dispatch where overtime is exceeding what was expected. This is money from reimbursements and going into the Sheriff's budget.

Ann Harbison made a motion to forward the request to the full Quorum Court with a do pass recommendation. Rex Bailey seconded. The motion was approved unanimously by all those present.

Transportation Funding Request from Ozark Regional Transit. Joel Gardner, with Ozark Regional Transit, addressed the Committee. ORT has been in Northwest Arkansas for over twenty years, and there has been an increasing need for public transportation in Northwest Arkansas. ORT is experiencing a greater need and more requests for rural transportation which can come in way of fixed route, demand response or even in van pool or car pool. Washington County currently provides ORT

with \$24,000 per year. The request is for each participating entity use 10% of the Amendment One sale tax revenue for transit. In working with Washington County, there could be a fixed route that would leave Lincoln every two hours and could leave Elkins every two hours with connections to Razorback Transit in Fayetteville. These are all conceptual ideas. ORT is maximized on service at this time with the funding that is available. ORT has taken measures to reduce costs as much as possible. The idea is to grow the transit system incrementally for the citizens of Washington County. There is regional cooperation with four different counties and four different cities. The people coming to Northwest Arkansas are looking for transit. The current services started out focusing on the elderly and disabled, but the goal is to grow that so that anybody can look to public transportation.

Rex Bailey asked if ORT had ended the contract with First Transit; to which Mr. Gardner replied yes. The savings of ending that management contract amounts to approximately \$125,000, and that will start on January 1, 2014. The Board has taken a "hands on" approach to managing the transit system.

Tom Lundstrum commented that he had been told that Elm Springs pays \$800 per year but only about two trips per week go there. He doesn't know how someone could get to work if the bus only goes twice a week. Mr. Gardner replied that the services provided to Elm Springs is demand response driven. The trips made are indicative of the funding source. With Washington County's contribution, it breaks down to about \$2 per trip. The state has calculated a trip at being just over \$36 per trip. The balance is being picked up by state and federal funding.

Tom Lundstrum stated he feels that cities benefit from mass transit, but he is not so sure how the real rural citizens in the County benefit. He continued that he believes that fares need to be charged for the people who are capable of paying more for rides rather than the system being so heavily subsidized. Mr. Gardner responded that there should be a fare structure that is different for rural demand response; however, there are so many issues that are down the pipeline.

Harvey Bowman commented that other than the couple of buses coming back from the Rogers area, he is concerned that the level of usage is minimal and asked about changing the vehicle size or multiply the number of vehicles with the number of routes. Mr. Gardner replied that the vehicle usage may appear negligible at certain times of the day, but during peak hours that bus may have many riders on it. The hours have been extended to 6:00 to 6:30 at night.

Jerre Van Hoose compared the need for transit to the beginning of the Beaver Water District. There were comments that there would never be a need for that much water, and now it is ten times. The system had to be built and oversized so the area would grow, and this is the same with public transit. Public transit will be essential for

Northwest Arkansas to work. In all areas of the United States, as they grow in density, public transit is essential. Cities have contributed monies to have some skeletal system, and he sees this as an opportunity to grow the system to create the frequency in the areas where people can use it and eventually use it to get back and forth from work. Currently, the demand is not where people can use it, but it will be in demand when ORT can furnish it.

Ann Harbison commented that she supports public transit; however, she doesn't support it at this level, at this time, because there are too many needs in the County with bridges and roads. Her constituents are in almost 50% of the rural area, and there are lots of bridges that are impaired in some way or another. She asked for a figure of how much it would cost to do a fixed route from Fayetteville to Lincoln and to see how many people would be willing to ride the bus three days a week; to which Mr. Gardner replied that for a fixed route bus five days a week the cost is \$108,000 per bus for 15 hours a day. For a demand response vehicle, five days per week is \$86,000 a year for 15 hours a day. The van pool programs are sponsored by ORT who works with a for-profit corporation, and those vehicles are anywhere from \$1,100 to \$1,400 per month depending on the passenger size. He would suggest a seven passenger van to start with.

Ann Harbison stated she would like to see the system grow and once it takes off it will be more efficient and economical. She is not willing to vote for \$200,000; she is more likely to vote for something closer to \$50,000.

Mike Malone with the Northwest Arkansas Council spoke to the Committee. He stated while he did not support the tax proposal before, he is now in support of this proposal. This proposal is modest and measured; it is a way to add a few things and not go overboard. Since the Board brought in new management they have rung out many of the inefficiencies that were there. Saturday routes were eliminated, and they have had talked with Razorback Transit and are now working together. The management company has been let go, which created cost savings as well. ORT still has to pay the salaries for some folks, but they have done everything they can to down size and run efficiently. This area is growing steadily; Northwest Arkansas has at least 12,000 new residents since 2012 so the needs are getting greater. The Northwest Arkansas Council did a survey of the 450 biggest employers in Northwest Arkansas, and one of the things that kept coming up from area employers was they needed people who had a reliable way to get to work.

Barbara Fitzpatrick stated that the system needs to get regular and dependable; to which Mr. Gardner replied that he believes the dependability has already improved in the past eleven months. The additional funding will increase the routes and usage of the transit system.

Candy Clark asked that this issue be addressed at a stand-alone meeting to be held on November 18.

Ann Harbison made a motion to table this item until November 18. Butch Pond seconded. The motion was approved unanimously by all those present.

After discussion, many of the Committee members stated they would email questions to Mr. Gardner prior to the November 18 meeting.

With no citizen comments, the meeting adjourned at 7:12 p.m.

/rb

ORDINANCE NO. 2013-_____

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

**AN ORDINANCE EXTENDING AN INTERLOCAL
AGREEMENT FOR JAIL SERVICES WITH THE
CITY OF FAYETTEVILLE FOR 2014.**

WHEREAS, an Interlocal Agreement between Washington County and the City of Fayetteville has been in existence since 2004; and,

WHEREAS, the current Interlocal Agreement will expire on December 31, 2013; and,

WHEREAS, the Washington County Sheriff has recommended that said Agreement be extended for another year on the same terms.

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

ARTICLE 1. The 2013 Interlocal Agreement for Jail Services is hereby extended for the year 2014 and the County Judge of Washington County, Arkansas is hereby authorized to execute such on behalf of Washington County, Arkansas.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

THIS AGREEMENT, is made pursuant to Ark. Code Ann. §14-14-910, by and between the County of Washington, Arkansas (hereinafter referred to as the “County”), and the City of Fayetteville, Arkansas, (hereinafter referred to as the “City”), herein collectively known as the “Parties”.

WITNESSETH:

WHEREAS, the Parties entered into an Interlocal Agreement for Jail Services dated October 19, 2004, which was supplemented by an Addendum on April 19, 2006, which was amended on January 10, 2005; January 20, 2011; December 9, 2011, and September 1, 2012.

WHEREAS, the Parties desire to extend the Agreement, for another year.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND OBLIGATIONS OF THE PARTIES CONTAINED HEREIN, BE IT AGREED:

1. Effective January 1, 2014, Section 5 of the Interlocal Agreement for Jail Services remains unchanged and reads as follows:

“5. **DURATION.** The initial term of this Agreement shall commence January 1, 2014, and shall expire on December 31, 2014. The County further agrees to make jail space for City prisoners an operational priority during the initial term and any subsequent term of this Agreement.”

2. Effective January 1, 2014, Schedule A of the Interlocal Agreement for Jail Services remains unchanged and reads as follows:

“SCHEDULE A

The current cost of keeping a County Prisoner in jail has been determined to be Sixty Five Dollars (\$65.00) per day, however, due to the fact that citizens of the City are paying a one quarter (¼ %) sales and use tax, and due to the long and ongoing history of sharing resources between the Washington County Sheriff and the Fayetteville Police Department, the County shall charge the City Sixty Dollars (\$60.00) per booked prisoner.

The rate provided for herein shall not increase more than ten percent (10%) in any following years that this Agreement is renewed.”

CITY OF FAYETTEVILLE

WASHINGTON COUNTY

LIONELD JORDAN, Mayor

MARILYN EDWARDS, County Judge

ATTEST:

ATTEST:

SONDRA E. SMITH, City Clerk

BECKY LEWALLEN, County Clerk

APPROVED as to form:

APPROVED as to form:

KIT WILLIAMS
City Attorney

GEORGE E. BUTLER, JR.
County Attorney

DATE: _____

DATE: _____