



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

February 14, 2014

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

Thursday, February 20, 2014
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 January 16 regular meeting of the Quorum Court. **(5.1)**
6. **FINANCE REPORT.** **CANDY CLARK**
 - 6.1 **A RESOLUTION ENDORSING THE PARTICIPATION OF KARCHER NORTH AMERICA, 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).**
 - 6.2 **APPROPRIATION ORDINANCE: AN ORDINANCE CREATING AN ADDITIONAL PERSONNEL POSITION IN THE BUILDINGS AND GROUNDS BUDGET; AND APPROPRIATING THE AMOUNT OF \$34,351 FROM THE GENERAL FUND TO THE BUILDINGS AND GROUNDS BUDGET FOR SAID POSITION IN 2014.**

6.3 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$4,698 IN THE GENERAL FUND; AND, APPROPRIATING THE AMOUNT OF \$4,698 FROM THE GENERAL FUND TO THE PLANNING BUDGET FOR 2014.**

6.4 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING REVENUES OF \$3,500 IN THE DEM GRANT FUND; AND, APPROPRIATING THE AMOUNT OF \$3,500 FROM THE DEM GRANT FUND TO THE MRC 2014 GRANT BUDGET.**

7. COUNTY JUDGE'S REPORT. JUDGE EDWARDS

8. COMMITTEE REPORTS. (8.1-8.6)

8.1 **AMENDMENTS TO THE EMPLOYEE HANDBOOK.**
The Personnel Committee is recommending proposed amendments pertaining to the Overtime Compensation Policy and Unpaid Leave Policy. Changes to the Employee Handbook must be approved by a majority vote of the full Quorum Court. (8.1A, 8.1B)

BUTCH POND

9. **AN ORDINANCE AMENDING WASHINGTON COUNTY CODE 11-99.1 REGARDING COMMUNITY SEWER SYSTEMS.** This ordinance is on first reading and is being recommended by the County Services Committee. (9.1) BUTCH POND

10. **AN ORDINANCE WITHDRAWING FROM INTERLOCAL AGREEMENTS WITH THE CITY OF FAYETTEVILLE AND THE CITY OF FARMINGTON AND TERMINATING SUCH.** This ordinance is on first reading and is being recommended by County Services Committee. (10.1) BUTCH POND

11. OTHER BUSINESS.

12. **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

13. ADJOURNMENT.

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

Thursday, January 16, 2014
6:00 p.m.
Washington County Quorum Court Room

- 1.1 The Washington County Quorum Court met in regular session on Thursday, January 16, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 1.2 T. Lundstrum led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 1.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussery.
- 1.4 MEMBERS ABSENT: Eva Madison.
- 1.5 Judge Edwards reported that E. Madison had a trial and would be absent tonight.
- 1.6 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 1.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 1.8 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 1.9 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the December 19 regular meeting of the Washington County Quorum Court.
- 1.10 **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.**

- 2.1 FINANCE REPORT: C. Clark announced that County Treasurer Roger Haney would be reviewing the year end financial report.
- 2.2 County Treasurer Roger Haney addressed the Quorum Court stating that he wanted to give the Quorum Court a breakdown on the 2013 financial summary. The year ended with cash on hand amounting to \$36,617,932 with \$27,347,027 in the active county accounts. He stated that the General Fund shows an ending cash balance of \$18,999,512, but this will be a little higher amount once the books are closed out. His projected cash balance was pretty close at \$20 million and they did meet their projection in that fund with 103%.
- 2.3 As far as the Road Fund, Mr. Haney reported that they ended up right at 100% and did not have to use or transfer any of the 10% appropriated into the General Fund for the Road Fund this year and they ended the year with cash of \$680,526. He further stated that they did transfer some monies to the Jail Fund which placed them right on target at 101% and an ending balance of \$589,938.
- 2.4 Mr. Haney reported that they projected \$6,091,191 in the sales tax fund and ended the year at \$6,071,284. He stated that they gained about \$200,000 over the previous year on average in that fund and for 2013 gained \$232,446. He noted that it has taken them a little longer to catch up to where they were in 2008 due to the change that they had in percentages during the census that came into effect in 2011. He noted that the highest year that they had was in 2006 at \$7,466,930 and he believes that they can catch up to that before the end of the decade.
- 2.5 Mr. Haney stated with respect to the ¼-cent tax, they projected \$8.1 million and ended the year at \$8,085,728. He also addressed the ½-cent sales tax that they receive back from the State for the Road Fund, noting that they collected \$460,000 for September through December 2014 with projections of \$1.1 million for the whole year of 2014 which he believes will be met unless there is an economic down turn. He further noted that they would be receiving this ½-cent sales tax for the next 9-1/2 years unless it is revoked by the majority electors of the state.
- 2.6 Mr. Haney stated that he has completed the end-of-the year capital compilation of all funds handled by the Treasurer's Office. This report has been filed in the County Clerk's Office and asked JPs to contact him if anyone would like to receive a copy.

- 3.1 In response to a question from A. Harbison regarding commissions on various funds, Mr. Haney stated that funds for the Collector, Assessor and Treasurer's Office are generated off of commissions on the amount of money that they handle. He stated that the Assessor's funds are based on the amount of property assessed and the value of that reflects how much he collects. He stated that the Treasurer's funds are based on how much goes through his office which is not only tax money, but also he is by law required to charge a commission which varies depending upon which law they are looking for monies coming in. He stated for the most part this is 2%, but it is only ½% for schools that have their own Treasurer. Because Washington County has two of the largest school districts in the state, this amounts up to more than he uses for his budget. He further explained that whatever his budget is which is funded in the General Fund, they transfer enough money out of that commission at the end of the year to cover that budget. This is the same for the Assessor and Collector budgets as well. He stated that any money that is left over or excess Treasurer Commission, he distributes back out to the taxing units based on pro rata share of the money that was collected. Mr. Haney further explained that fines and fees are not transferred out, but any fines or fees that he collects that commission on reduces the amount of tax money that he is using and therefore, he is usually able to turn back around 85% of the money that he has available in his budget; and the same is true for the Offices of Collector and Assessor that generate more money than they use. He stated that he will show the excess Treasurer's Commission in each of these funds coming in and this is distributed in January which is part of their revenue. He stated that they will also have a minus amount based on how much they collected the previous year which they will be taking away from their fund as well.
- 3.2 J. Firmin thanked Roger Haney for being within .996 percent of the projected budget which allows them to do a better job.
- 3.3 Mr. Haney stated that there are a lot of things that come into play with the projections and noted that while the county collected \$154 million in taxes this year, 80% of that goes to the schools and the remaining to the county and cities. He stated that there is a lot of other monies such as fines and fees that they also account for that comes through the county that is not tax money.
- 3.4 C. Clark noted that County Comptroller Cheryl Bolinger is working on the books and should have her closeout reports ready in March.

- 4.1 COUNTY JUDGE'S REPORT: Judge Edwards stated that the dock arrived today for their Juvenile Detention Center Hooked on Fishing Not on Drugs (HOFNOD) program and will be working with the Road Department to build a gravel road making it easier to get from the road out to the pond.
- 4.2 Judge Edwards referred to the report distributed on County property disposal, noting that the property has been distributed according to the assessment.
- 4.3 Judge Edwards reported that the Road Department has not been working much on new construction due to the weather. She will be determining later this year what roads will be repaired with state aid funds. She noted that the Highway Department has started working on the survey for the Woolsey Bridge and the Harvey Dowell Bridge/Molly Wagon Bridge is completed and open to traffic. She reported that they started working on the Stonewall Road Bridge with the survey completed, drilling and testing soil and culverts which are things that they can do themselves within the county.
- 4.4 T. Lundstrum stated his understanding that the Coroner's Office traded two cars and purchased a 4-wheel drive vehicle instead of a 2-wheel drive vehicle that they approved in the budget and questioned whether they are able to trade off county assets in this manner.
- 4.5 County Attorney George Butler responded to T. Lundstrum that this is the only property of no value that can be disposed of in that manner and is not part of the Judge's report.
- 4.6 T. Lundstrum further asked if the County department heads have the ability to trade off county assets; to which County Attorney George Butler responded that they do have the ability to trade in used assets for either other used assets or new assets.
- 4.7 T. Lundstrum questioned whether they need to be concerned in the budgeting process when they approve a budget to accomplish a certain task with because it is actually spending more money than the budget is authorizing; to which County Attorney Butler responded if they already have it in the budget, they are not looking at existing assets.
- 4.8 T. Lundstrum stated that there were two cars that they purchased from the Sheriff's Department for \$100 each. He further noted in the budget process, they did not want to spend extra money for a 4-wheel drive, but yet in the final analysis, that is what they did.

- 5.1 County Attorney Butler responded that they would have to make an absolute description on the purchase; otherwise, there is no violation and nothing to stop them from purchasing a 4-wheel drive.
- 5.2 R. Aman asked, for example, if a department had budgeted \$30,000 for the purchase of a vehicle and the department also traded in a vehicle resulting in a expense of only \$20,000, what would happen to the remaining \$10,000 that was budgeted; to which County Attorney Butler responded that the extra money would just sit in the budget unless it is transferred to another line item if allowed under the Budget Controls.
- 5.3 T. Lundstrum stated that he changed his mind on the 4-wheel drive since the Coroner had mentioned that a two-wheel drive sometimes will tear up a yard and for that reason, a 4-wheel drive is a better vehicle for this job.
- 5.4 B. Pond stated his appreciation for the hard work and long hours put in by the Road Department clearing the roads following their recent bad weather to make them passable.
- 5.5 T. Lundstrum concurred with B. Pond's sentiments, stating the he has to drive almost the full length of Habberton Road every Sunday and Wednesday night to get to church and he couldn't hardly stay on the road until he got up to the county road which was as clean as a whistle.
- 5.6 COMMITTEE REPORTS: Judge Edwards reported that due to the holidays, there were no Committee meetings held this month and nothing to report.
- 5.7 **R. Bailey made a motion that they suspend the rules and read Resolution #9.1 by title only. B. Fitzpatrick seconded. The motion passed with 2/3's in favor.**
- 5.8 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR A COUNTY VOTING SYSTEM GRANT: C. Clark introduced **A Resolution Authorizing The Submittal Of An Application For A County Voting System Grant**, and County Attorney George Butler read the Resolution by title only.
- 5.9 C. Clark explained that this is a simple resolution requesting that they submit a grant which has no match by the County.
- 5.10 **C. Clark made a motion to adopt the resolution. R. Bailey seconded.**
- 5.11 Citizen Comments: There were no citizen comments made.

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

6.2 VOTING FOR: B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, and B. Pond. **The motion passed unanimously by those present. The resolution was adopted.**

RESOLUTION NO. 2014-01, BOOK NO. 3, PAGE NO. 62

6.3 AN ORDINANCE ANTICIPATING REVENUES TOTALLING \$850,938 IN VARIOUS GRANT FUNDS; AND APPROPRIATING \$850,938 FROM VARIOUS FUNDS TO VARIOUS BUDGET LINE ITEMS FOR 2014: C. Clark introduced **An Ordinance Anticipating Revenues Totalling \$850,938 In Various Grant Funds; And Appropriating \$850,938 From Various Funds To Various Budget Line Items For 2014.**

6.4 C. Clark explained that this is an ordinance just about grant monies.

6.5 **C. Clark made a motion to suspend the rules and read the ordinance by title only. R. Bailey seconded. The motion passed by a 2/3's vote.**

6.6 County Attorney George Butler read **An Ordinance Anticipating Revenues Totalling \$850,938 In Various Grant Funds; And Appropriating \$850,938 From Various Funds To Various Budget Line Items For 2014** by title only.

6.7 C. Clark stated that these are the grants that Grant Administrator Wayne Blankenship is anticipating receiving and the distribution of those grants.

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

6.9 R. Aman stated that he will oppose this as he would like to see the County not rely on any grant because if they have the money and actually need these things, they will provide it and he would like to see any grant funds received sent back.

6.10 B. Pond stated that he would not approve of them not using any grant funds for anything because there are a lot of bridges that would have never been built without grant money. He stated that grant money really helps with economics in the rural areas, and he opposes R. Aman's opinion on this subject.

- 7.1 R. Aman stated that he would like to see them be self-sufficient and not rely on anyone else and believes if they manage their money well, they can do this.
- 7.2 J. Patterson stated that he believes they do as good a job with grant funds as anyone does and if they don't take the grant funds, someone else will take it.
- 7.3 C. Clark stated that she understands R. Aman's comments, but in her experience on this court, most of the grant money that they receive is in fact taxpayers' dollars, but is also part of her dollars too and if she is going to have to pay those dollars in, she would much rather it come back to our county. She stated that the grants that they actively look for are evaluated and it is a really a feather in Wayne Blankenship's cap that they receive them for which he should be commended. She sees these grant funds as our taxpayer dollars at work and she would much rather it come back to our county and be used for our folks than to just turn it down and let it build up either in surplus or go to other counties which allows them to free up other money in their general fund for other things that come up and benefit our county. C. Clark stated that she is a big proponent of grants which are competitive and shows that our county is way ahead on the curve in terms of the going out and finding them. She noted that the Sheriff's Department receives a lot of the grant money and put it to the best use she has ever seen and they have a very good Sheriff's Department as a result.
- 7.4 R. Aman responded to C. Clark stating that he is unaware how this money is funded back exactly and redistributed and agrees that they should get back money sent off from our County, but if it comes from another county, they are not entitled to it. He further noted that they are taxing too much if they have all this extra money.
- 7.5 H. Bowman stated that after seeing the way they spend money in Little Rock, that this County does a whole lot better job of managing grant money.
- 7.6 R. Bowman stated that he promises that our county pays a whole lot more in taxes than most counties in the state.
- 7.7 J. Firmin stated that the devil is in the details and if there is concern about these grants, they need to be looking at each grant separately. He referred to the Drug Court Grant which encourages us to use Drug Court money to try to keep offenders out of jail as a pilot program and if they can use it as an effective tool, then statewide they can start to implement these programs and then taxpayers in other parts of the state can benefit from lower taxes.

- 8.1 B. Pond stated his understanding as far as taxes are concerned, Washington County is a donor county meaning they are still paying out more taxes than what comes back and at the next level, the State of Arkansas is a donor state as well.
- 8.2 J. Patterson stated that he concurred with R. Aman that they send off a lot more than they get back.
- 8.3 T. Lundstrum stated that what really aggravates him more than these grants is the millions of dollars sent home with State Senators and Legislators to buy votes with this year and doesn't believe that they should have any money given for that purpose and believes this indicates that they are taxing people too much.
- 8.4 H. Bowman concurred with T. Lundstrum, stating that he believes \$174 million left with their Senators and Representatives when the legislative session was over and they go home with no oversight on where they put that money and can use it at their own discretion and take care of organizations and supporters that they have in their district. He sees this as a way of keeping people voting the way the Governor wishes for them to vote and to come back next year and do the same thing which he is extremely opposed to.
- 8.5 Judge Edwards stated that she has served for six years during which they passed the law that the House was not allowed to take the money unless it was for a situation used for the entire community and had to be designated that way, and now all of a sudden, it has gone back to where they can use it as they choose. She believes that it is good to talk about this, but they need to be talking to the people in Little Rock as they are the ones calling the shots on this.
- 8.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 8.7 **VOTING FOR: B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, and B. Pond. The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2014-01, BOOK NO. 9, PAGE NO. 326

- 8.8 C. Clark requested that County Attorney Butler read Ordinance #11.1 in total since they have four members on the Quorum Court who have never played the game with the Association of Counties.

- 9.1 AN ORDINANCE AUTHORIZING THE COUNTY JUDGE TO ENTER INTO A CONTRACT FOR SERVICES WITH THE ASSOCIATION OF ARKANSAS COUNTIES: C. Clark introduced **An Ordinance Authorizing The County Judge To Enter Into A Contract For Services With The Association Of Arkansas Counties**, and County Attorney George Butler read the ordinance that is on first reading.
- 9.2 C. Clark stated that she has talked about this ordinance with Judge Edwards and they both know that they have to do this, but she is questioning whether it would be wise to ask them to come up here and give them another presentation, especially for the new JPs, to tell them what the AAC does. And justify the \$5,385 allocation. She stated that as far as she can tell, the only thing the AAC does for them is covers their risk management.
- 9.3 B. Fitzpatrick asked if they would have a problem with the risk management if they don't get this ordinance passed; to which County Attorney George Butler responded that he did not know when this was due.
- 9.4 In response to a question about whether they had no choice but to pass this ordinance, County Attorney George Butler stated that if they don't participate in this risk management fund, then they need to find another one.
- 9.5 C. Clark stated that it is a catch 22 and she just does not know when they have to pay it; to which County Attorney Butler stated he did not know when it was due either, but he does not want them to lose coverage.
- 9.6 D. Bryant asked for an explanation of "risk management", to which County Attorney George Butler responded that this fund preserves our tort immunity, but defends them if they get sued, giving the example of a civil rights action from the Sheriff's Office or County Jail.
- 9.7 **B. Pond made a motion to suspend the rules and place the ordinance on second reading by title only. B. Fitzpatrick seconded.**
- 9.8 In response to a question on how much they pay for risk management; to which County Attorney George Butler responded that he does not know what their premium is but it is more than this \$5,385.
- 9.9 **Judge Edwards called for a roll call vote on the motion to suspend the rules.**

- 10.1 **VOTING FOR:** B. Ussery, R. Aman, H. Bowman, D. Bryant, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, J. Mardis, J. Patterson, and B. Pond. **VOTING AGAINST:** R. Bailey, C. Clark, and T. Lundstrum. **The motion passed with eleven members voting in favor and three members voting against the motion to suspend the rules and place the ordinance on second reading by title only.**
- 10.2 County Attorney George Butler read **An Ordinance Authorizing The County Judge To Enter Into A Contract For Services With The Association Of Arkansas Counties**, by title only.
- 10.3 Judge Edwards stated that they can invite the AAC to come up and visit with them after they have passed this ordinance.
- 10.4 **C. Clark made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Bailey seconded.**
- 10.5 **Judge Edwards called for a roll call vote on the motion to suspend the rules.**
- 10.6 **VOTING FOR:** B. Ussery, R. Aman, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, J. Mardis, J. Patterson, and B. Pond. **VOTING AGAINST:** R. Bailey and T. Lundstrum. **The motion passed with twelve members voting in favor and two members voting against the motion to suspend the rules and place the ordinance on third and final reading by title only.**
- 10.7 County Attorney George Butler read **An Ordinance Authorizing The County Judge To Enter Into A Contract For Services With The Association Of Arkansas Counties**, by title only.
- 10.8 **B. Pond made a motion to adopt the ordinance. B. Fitzpatrick seconded.**
- 10.9 R. Aman stated that he would like to know why those voting against this ordinance did so.
- 10.10 T. Lundstrum stated that he generally is not in favor of suspending the rules and moving an ordinance through three readings as it may be prohibitive to the community for hearing it. Further, he is not real high on the AAC, but understands them covering the county on legal expenses, etc. He believes that they should know when this is due and they do not. He further stated that even though he is voting against it, it will pass, so it doesn't really make any difference.

- 11.1 C. Clark stated that this is their sixth year with this and in their second year, the AAC visited and gave a good presentation of why they were so wonderful and what they would do for them as a county; however, since then they hadn't done anything for them. She stated however that they do handle the county's risk management and noted settlements they have paid for Sheriff's Offices and she believes that this appropriation has reduced some. She believes that asking them to pay them a visit would be putting them on notice that they are watching and would like a little consideration. She would prefer not to pay this much if they can't get legislation passed to benefit counties; however, risk management is a different issue. She noted that the municipal league does a fantastic job on legislative matters for the cities.
- 11.2 R. Bailey stated E. Madison could give a better answer, but as far as he can tell the risk management is the only thing they do for the county.
- 11.3 R. Aman stated that when they went to Little Rock, he got legal representation from the AAC.
- 11.4 County Attorney George Butler stated that they bid their workers' compensation periodically; it is a really good program. He further noted that they bid risk management, but couldn't find anyone who could beat the AAC on cost.
- 11.5 Judge Edwards noted that they also provide a health insurance program, but Washington County is not involved in that.
- 11.6 County Attorney George Butler stated that they cover 75 counties and there are things that Washington and Benton Counties need, but the rest of the counties don't need because they don't have the growth in population problems that we have. He explained that there are several associations within the AAC including the County Judges Association, Clerks Association, Treasurers Association, etc. He stated if it comes down to counties vs. cities, we will get outvoted every time.
- 11.7 B. Pond stated that the AAC represents all 75 counties and they can't just break off for a county that they represent and go against the majority of the counties. He stated that the vast majority of counties in Arkansas are smaller and are governed in a leaner, more streamlined government way, so many times it appears to him that when they are not represented by the AAC, it is because we are outnumbered by more conservatively governed smaller counties. He stated his opinion that the AAC does a very good job for the counties overall.

- 12.1 B. Fitzpatrick stated that the AAC has good points and bad points and if they are looking for someone who is going to represent Washington County, the AAC is not it. However, they have the best risk management and workers' compensation programs that they can get, so they need to get this ordinance passed to make sure that they do not end up with a hole in their coverage.
- 12.2 B. Ussery concurred with B. Fitzpatrick that they need to pass this ordinance; however, he would still like to have the AAC pay them a visit to help the new JPs get acquainted with them as well as the AAC getting acquainted with them and maybe get a little more empathy with the issues that they have in Washington County.
- 12.3 Citizen Comments: There were no citizen comments made.
- 12.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 12.5 VOTING FOR: B. Ussery, H. Bowman, D. Bryant, C. Clark, R. Cochran, J. Firmin, B. Fitzpatrick, A. Harbison, J. Mardis, J. Patterson, and B. Pond. VOTING AGAINST: R. Aman, R. Bailey and T. Lundstrum. **The motion passed with eleven members voting in favor and three members voting against the motion. The ordinance was adopted.**
- ORDINANCE NO. 2014-02, BOOK NO. 9, PAGE NO. 327**
- 12.6 Judge Edwards commented that anytime the Legislative Session is going on and they are trying to lobby to get something done to help the counties, with only five counties of any size out of 75, the smaller counties don't care enough about us to sacrifice and this causes them trouble sometimes. Further, she stated where they get into trouble with their municipalities, is that they are over 400 strong compared to 75 counties and so the legislators tend to listen to the municipalities over the counties. Judge Edwards stated that she will contact the AAC and try to set a date for them to come up here and have a conversation with them.
- 12.7 OTHER BUSINESS: There was no other business to be discussed.
- 12.8 CITIZEN COMMENTS: Circuit Clerk Kyle Sylvester introduced Saralin Whittaker who attended tonight to observe the Quorum Court's meeting process.
- 12.9 ADJOURNMENT: The meeting adjourned at 6:55 p.m.

Respectfully submitted,

Jessica Ims
Quorum Court Coordinator/Reporter

RESOLUTION NO. 2014-____

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

A RESOLUTION ENDORSING THE PARTICIPATION OF KARCHER NORTH AMERICA, 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).

WHEREAS, in order for a business to be eligible for participation in the investment tax incentives provided in the Consolidated Incentive Act of 2003 and Ark. Code. Ann. §15-4-2706(d), the local governing body must specify that the Department of Finance and Administration is authorized to refund local sales and use taxes to a business participating in the tax refund program; and,

WHEREAS, Karcher North America, Inc., is expanding its facility to Fayetteville and wishes to participate in, and be eligible for, the investment tax incentives contained in Ark. Code Ann. §15-4-2706(d), due to the establishment of its facilities and the purchase of new equipment in Washington County, Arkansas; and,

WHEREAS, Karcher North America, Inc., has agreed to furnish Washington County all information necessary for compliance in the tax refund program.

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

ARTICLE 1. That the participation of Karcher North America, Inc., in the sales and use tax refunds as provided by the Consolidated Incentive Act and Ark. Code Ann. §15-4-2706(d) is hereby endorsed.

ARTICLE 2. It is further resolved that that the Department of Finance and Administration is authorized to refund local sales taxes to Karcher North America, Inc.

ARTICLE 3. That this Resolution shall take effect immediately.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE CREATING AN ADDITIONAL
PERSONNEL POSITION IN THE BUILDINGS AND
GROUNDS BUDGET; AND APPROPRIATING THE
AMOUNT OF \$34,351 FROM THE GENERAL FUND
TO THE BUILDINGS AND GROUNDS BUDGET
FOR SAID POSITION IN 2014.**

ARTICLE 1. Budget Controls are hereby suspended and the additional personnel position of Assistant Leadman/Foreman, Position 0108115 (Grade 12) is created in the Buildings and Grounds Budget of the General Fund (10000108) for 2014.

ARTICLE 2. There is hereby appropriated the total amount of \$34,351 from the General Fund to the following personnel line items in the Buildings and Grounds Budget for 2014:

<u>Buildings and Grounds:</u>	
Full-time Salaries, Position 0108115 (10000108-1001)	\$ 24,605
Social Security Matching (10000108-1006)	1,883
Noncontributory Retirement (10000108-1008)	3,643
Health Insurance (10000108-1009)	4,110
Life Insurance (10000108-1016)	<u>110</u>
 TOTAL APPROPRIATION:	 <u>\$ 34,351</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING ADDITIONAL
REVENUES OF \$4,698 IN THE GENERAL FUND;
AND, APPROPRIATING THE AMOUNT OF \$4,698
FROM THE GENERAL FUND TO THE PLANNING
BUDGET FOR 2014.**

ARTICLE 1. There is hereby recognized additional revenue of \$4,698 in the Carryover Revenue Line Item of the General Fund (1000-6999) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$4,698 from the General Fund to the Other Professional Services Line Item in the Planning Budget (10000100-3009) for 2014.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING REVENUES OF
\$3,500 IN THE DEM GRANT FUND; AND,
APPROPRIATING THE AMOUNT OF \$3,500
FROM THE DEM GRANT FUND TO THE MRC
2014 GRANT BUDGET.**

ARTICLE 1. Additional revenues in the amount of \$3,500 are hereby recognized in the Other Federal Grants Revenue Line Item of the DEM Grant Fund (1901-7109) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$3,500 from the DEM Grant Fund to the Small Equipment Line Item in the MRC 2014 Grant Budget (19010548-2002) for 2014.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

15. OVERTIME COMPENSATION:

- A. Elected officials, executive, administrative, and professional employees, and other employees exempted by the Fair Labor Standards Act are not subject to the minimum wage and overtime provisions of Washington County Policy. An employee designated as 207(k) shall not be eligible for over-time until he or she works hours in excess of the number designated for his or her work period. Any employee that meets the definition of an executive, administrative, or professional employee, as set forth in the Fair Labor Standards Act, shall be paid as an exempt employee by Washington County.
- B. No County employee may work more than 40 actual hours in one week without prior Elected Official authorization. Work weeks may be restructured on an individual basis to accommodate particular situations.
- C. Hours worked in excess of 40 actual work hours per week shall be compensated by compensatory time at the rate of one and one-half hours for each hour of overtime actually worked in a work week.
- D. An employee who has accrued compensatory time and who has requested the use of such compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not disrupt the operation of the employee's office or department. Nothing herein shall be construed as prohibiting an Elected Official from requiring that an employee use compensatory time.
- E. No County employee may accrue more than 40 hours compensatory time. After any employee has accrued the maximum compensatory time and not used it as leave, all overtime in excess of maximum limits must be paid in cash at the rate of 1 ½ times his or her regular rate of pay for each additional overtime hour worked.
- F. Employees being considered for promotion who have a compensatory time balance shall either be given such compensatory time off or paid for the compensatory time at their current rate of pay before the promotion can become effective.
- G. Upon termination of employment with Washington County, an employee who has accrued compensatory time shall be paid for unused compensatory time at a rate of compensation not less than:
 - 1. The average regular rate received by the employee during the last three (3) years of the employee's employment, or
 - 2. The final regular rate received by the employee, whichever is higher.

3. If a county employee is paid for accrued compensatory time subsequent to the time such compensatory time is earned other than upon termination of employment, the employee shall be paid for such compensatory time at the regular rate earned by the employee at the time the employee receives the payment.
- H. Overtime pay at the rate of one and one-half (1 ½) times the regular rate may be paid to the county employees in accordance with Quorum Court approved appropriations.
 - I. If an employee agrees, and with the approval of his or her elected official and solely at the option of the individual, to substitute during scheduled work hours for another such employee, hours worked as a substitute shall be excluded in the calculation of the hours worked for which the employee is entitled to overtime compensation.
 - J. The term “compensatory time” shall mean hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee’s regular rate.
 - K. The Fair Labor Standards Act prohibits employees from volunteering to perform the same type of services, which the individual is employed to perform for Washington County, in excess of 40 hours without compensatory time or overtime pay as compensation.
 - L. Procedures to document the accrual and use of compensatory time have been developed by the County Human Resources’ Office and must be followed by all County offices and employees.

(Rev. October 12, 2000)
(Rev. June 12, 2003)

27. UNPAID LEAVE:

- A. In no instance shall an employee be granted an unpaid leave of absence if the employee has qualifying leave time available to them, except as outlined by federal law or county policy. The employee must first use the available leave time available to them, before taking an unpaid leave of absence.
- B. The employee may be entitled to take unpaid leave in certain cases as defined by law. All other unpaid leave requests that are not specifically authorized by law, shall be made to the Elected Official or his/her designee. The Elected Official or his/her designee will have the authority to approve or deny the leave request.



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

Monday, February 3, 2014
5:30 p.m.

Washington County Quorum Court Room

Members Present: Joe Patterson, Tom Lundstrum, Rex Bailey, John Firmin, Barbara Fitzpatrick, Eva Madison and Jimmy Mardis.

Others Present: Harvey Bowman, Rick Cochran, Candy Clark, Butch Pond, George Butler, Ann Harbison, Bill Ussery, Austin Thomason, Juliet Richey, Renee Biby, Ron Wood, John Adams, and Daniel Holtmeyer (NWA Times).

The meeting was called to order at 5:30 p.m. by Chairman Joe Patterson. The agenda was adopted as presented.

Report from the Washington County Planning Office. County Planning Director Juliet Richey reported there were three exemption splits, four family lot splits, and six lot line adjustments approved administratively for the month. At the January 9, 2014 Planning Board meeting, there was one subdivision approved with 22.88 acres being subdivided into 18 lots, and one re-plat with 4.52 acres being divided into two lots.

She also reported her office has been working on the software program that was implemented last year. There is about \$4,800 remaining until the program is finished and tested. She will come back to Finance Committee requesting a transfer of those funds from 2013 to 2014.

Tom Lundstrum asked if there was further information on the cell tower lawsuit; to which County Attorney George Butler replied that he is waiting for the Judge to rule.

Review of An Ordinance Amending Washington County Code 11-99.1 Regarding Community Sewer Systems. Assistant Grant Administrator Renee Biby presented the ordinance stating that the State has legislation, and the Health Department regulates these systems. This ordinance repeals the financial requirements because those are already being required by the State.

County Attorney George Butler commented the reason these rules were implemented is because in earlier years the State did not regulate these as closely as they do today. The proposed ordinance requires that the systems be compatible with the cities which may eventually be annexed. The majority of the cities would prefer the gravity flow systems; however, Elm Springs has a STEP system and may request something different. A STEP system has individual tanks on each lot.

Renee Biby added that the SCADA requirement is added so that if an alarm event happens, the operator gets notification.

Jimmy Mardis asked if this is limiting certain types of systems being put in place; to which Renee Biby replied no, and there is a caveat in there that says as compatible with the nearest city that may annex. He asked how common a SCADA system is for these systems; to which Renee Biby replied that there are a lot of options for the package systems to have telemetry, and it is only required for new developments. Jimmy Mardis stated his concern was only the cost of this and if it is feasible for developments. Renee Biby replied that the ordinance does not propose to have complex specifications for SCADA technology, only a call or text to notify of an alarm situation. Jimmy Mardis asked if the operators have been involved in this ordinance; to which Renee Biby replied that she has been working with the operators to draft this ordinance. This proposed ordinance will save the operators money by not having to pay the fees to the county in addition to the fees that they are required to pay to ADEQ.

Tom Lundstrum commented he has had several realtors come to him and ask him to get rid of the inspection that is required for septic systems when a house is sold and that it creates a problem for selling property. It is an extra cost and time constraint. George Butler stated that the reason for that is because people didn't think to inspect that and ended up having a system that may need a whole bunch of work on it and not have the money to fix it.

Harvey Bowman asked if there penalties that would stimulate them to add the SCADA if a subdivision is not in compliance; to which Renee Biby replied that there are currently seven systems in the county, some of which already have the technology. It would be too costly to go back and add this to existing systems in most cases.

Rick Cochran asked if the wording could be changed to state "unless the system is located within a city that utilizes a different type of system than gravity flow". George Butler replied that he would amend that wording.

Rex Bailey 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.

Review of An Ordinance Withdrawing From Interlocal Agreements With The City Of Fayetteville And The City Of Farmington And Terminating Such. County Attorney George Butler informed the Committee that there is an Interlocal Agreement to regulate the systems within the city limits; there is currently one within Farmington city limits and one within Fayetteville city limits. The City Attorneys have verbally indicated they would waive the six months termination period.

Rex Bailey 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.

Update from the Washington County IT Office. County IT Director John Adams reported that one of the projects talked about during budget was fax to desktop. AT&T has now increased the single line cost for fax lines to \$70 each. This year the fax to desktop project will be paid for out of the IT Budget. It is not what was agreed on, but it will be a cost savings. Eva Madison asked if there will still need to be a couple of fax machines; to which John Adams replied that it will go through the VOIP lines, but there will still need to be a couple of analog lines. Eva Madison asked since we are a governmental entity if there is going to be a way to send a paper fax. John Adams replied that some legacy fax machines will be kept. He added that the savings will be seen in individual budgets and will not be seen in the IT budget.

With no other business or public comment, the meeting adjourned at 6:07 p.m.

/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
PUBLIC WORKS COMMITTEE

Monday, February 3, 2014
6:07 p.m.
Washington County Quorum Court Room

Members Present: Ann Harbison, Rex Bailey, John Firmin, Rick Cochran, Eva Madison, Harvey Bowman, and Bill Ussery.

Others Present: Jimmy Mardis, Candy Clark, Tom Lundstrum, Joe Patterson, Butch Pond, George Butler, Barbara Fitzpatrick, Renee Biby, Austin Thomason, and Daniel Holtmeyer (NWA Times).

The meeting was called to order at 6:07 p.m. by Chair Eva Madison. The agenda was adopted as presented.

Report on County Buildings – Ron Wood, County Building Superintendent. Building Superintendent Ron Wood reported that the build out on the Jail is finished. The project went well; the total cost came in at \$455,289.57, a little under the \$480,000 that was budgeted. Tom Lundstrum reported that the Jail meeting will be at the Sheriff's Annex, and there will be a tour following that meeting.

Ron Wood reported that the roof has been replaced on the Juvenile Detention Center, which was 19,000 square foot. It is a newer type welded seam roof. There was also another ½ inch of insulation added. Candy Clark asked if the JDC roof was replaced out of 2013 or 2014 money; to which Ron Wood replied that it was from 2013 funds.

Harvey Bowman asked what the warranty is on the roof. Ron Wood replied that it is a 15 year warranty from any leak and then 25 year roof warranty. There are mats placed around the HVAC units so there are traffic patterns with mats to take care of pressure.

Eva Madison asked if the HVAC was also changed at the JDC; to which Ron Wood replied that one unit was upsized and two smaller units were also added. There was some duct work was also added.

There were some issues at the old courthouse with ice falling off the bell tower where tiles on both sides of the roof had to be replaced. This has happened before, and it leaves a hole in the roof, so he keeps tiles on hand in case of emergency. The cost for that repair was \$11,000 and the other four squares of roofing were also ordered and the cost came up to \$17,000. Because it is a historical building, he does not know of any solution to prevent that from happening in the future. The roof on that building is clay. He doesn't believe that icebreakers can be put on the bell tower. The ice breakers have been installed on the back side of the building to prevent ice from coming down on the condenser units. A roof coating has been applied to the old jail to get a few more years out of because the future of that building is unknown at this time. There have been a lot of lights changed out over the last few months, and he believes that there will be a four year pay back and will save money in years to come.

Tom Lundstrum asked if the mandate to get rid of T12 lights will affect the County. Ron Wood replied that there are not many T12 lights left in the County. Next, Ron Wood informed the Committee that he would like to get the lighting project finished this year because he is afraid that the money is going to run out on the SWEPCO program by next year, and he would like to get all of the County buildings lights changed out.

Harvey Bowman thanked Ron Wood for the great job he does for the County.

With no other business or public comment, the meeting adjourned at 6:28 p.m.

/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

Monday, February 10, 2014
5:30 p.m.
Sheriff East Annex
1155 W. Clydesdale Drive, Fayetteville

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

Members Absent: Diane Bryant

Others Present: Jimmy Mardis, Bill Ussery, Rick Cochran, Rex Bailey, Joe Patterson, Tom Lundstrum, George Butler, Eva Madison, John Firmin, Lindsi Huffaker, Hollie Haire, Cassi Boyd, Ron Wood, Jennifer Hinkle, Teddy Cardwell, Rick Hoyt, Jeremy Patterson, Kendrick Sexton, Jeane Mack, Jay Cantrell, Tim Helder, Renee Biby, Randall Denzer, and Daniel Holtmeyer (NWA Times).

The meeting was called to order at 5:30 p.m. by Chair Butch Pond. The agenda was adopted.

Report from Blair Johanson, Salary Consultant for Washington County. Salary Consultant Blair Johanson reported that the County is currently 53% above the midpoint and 47% below the midpoint, so it is more even with the adjustment. When planning for the next year, he would recommend a 3% adjustment in pay along with a 3% adjustment to the range. That will maintain the current percentages which is ideal.

Harvey Bowman commented he would not be inclined at this point to give any adjustment until he sees an accurate comparison of county benefits verses the benefits given in the private sector. Blair Johanson replied that he would pull data from counties, municipalities; as well as the private sector, to give a good detail of matching benefits as possible.

Ann Harbison stated she would like to maintain this point. It gives the employees who have been with the county longer the benefit of their training and experience.

Rex Bailey asked from where the data comes. Blair Johanson replied that there are a couple of different sources; one of which is the NOARK study which is a local study. Rex Bailey replied he is more interested in the private sector comparisons. Blair Johanson replied that the County also loses people to municipalities.

Eva Madison commented she believes what Harvey is looking for is a benefits comparison between the private sector and the public sector.

Candy Clark stated she would be interested in an average benefits package for the County on top of the salaries.

Ann Harbison commented that some of the benefits, such as the retirement, are set by the State. The County has self-insured health insurance and is saving money by doing that. She does not see how that can be compared to a private sector. All of those keys have to be looked at to make it fair.

Harvey Bowman commented that he has read a report that the fringe benefits in the government sector are remarkably better than in the private sector.

Tom Lundstrum added that private sector companies have some people who make good proportionate salaries compared to the people who are working for them. He asked if executives are also being included when comparing with corporations; to which Blair Johanson replied that it is a comparison of title to title.

There was a lengthy discussion regarding the possibility of a merit pay system, with no action recommended or taken.

Blair Johanson reported that he will work on doing a benefits comparison and try to be as thorough as possible to give the committee options.

Review of Quarterly Reports from Human Resources: Human Resources Director Lindsi Huffaker reported that there were 24 new hires and 22 terminations; there were two added positions for the Animal Shelter in the last quarter. The turn-over rate for the year was 6.6%, which was a slight increase over last year (5.6%), but is still very good. Generally, less than 10% is good. There is a little upward trend because the economy has picked up a little bit. This may be a reflection that there are a few more job opportunities than were available before.

Eva Madison asked if the Road Department could not work the uniforms outside of work; to which Lindsi Huffaker replied that that is a Road Department policy. The employees are not allowed to wear their uniforms during off duty hours.

Eva Madison asked how the offices being closed in December was handled pay wise. Lindsi Huffaker replied that the County always has Christmas Eve and Christmas Day as paid holidays; the third day was an additional holiday, and employees received holiday pay.

Consideration of Proposed Amendments to the Employee Handbook. County Attorney George Butler reported this issue came from the Sheriff's office. The employees thought that they were in total control of their comp time, and it was previously understood that it was federal law, but the Supreme Court has said that that is not the case. This request clarifies the policy.

Ann Harbison made a motion to forward the request to the full Quorum Court with a do pass recommendation. Barbara Fitzpatrick seconded. The motion was approved unanimously.

Lindsi Huffaker reported that this has been a policy for many years, but this now puts it in writing that someone cannot take unpaid leave if they have vacation or sick time available.

Candy Clark asked if vacation time accumulates; to which Lindsi Huffaker replied yes.

Ann Harbison made a motion to forward the request to the full Quorum Court with a do pass recommendation. Barbara Fitzpatrick seconded. The motion was approved unanimously.

Request from County Judge Marilyn Edwards to Add an Assistant Leadman/Foreman Position (Grade 12) in the Buildings and Grounds Budget for 2014. County Buildings Superintendent Ron Wood presented stating that this person is needed to assist in supervising the cleaning of 12 buildings with approximately 229,615 square feet. There have been several buildings added, including the annex, the coroner's building and the build out of the Jail annex, and no additional custodial people have been added. There is currently one supervisor that handles all of the ordering of supplies and running the materials from building to building. Additionally, the staff is shorthanded if anyone is on vacation or sick.

Tom Lundstrum asked if there would be an additional vehicle needed; to which Ron Wood replied that there would not be a vehicle added.

Ann Harbison made a motion to forward the request to the Finance Committee with a do pass recommendation. Barbara Fitzpatrick seconded. The motion was approved unanimously.

With no other business or public comment, the meeting adjourned at 6:40 p.m.

/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

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

Monday, February 10, 2014
6:43 p.m.
1155 W. Clydesdale Drive, Fayetteville

Members Present: Butch Pond, Joe Patterson, Tom Lundstrum, Candy Clark, Ron Aman, Jimmy Mardis, and Bill Ussery.

Others Present: Harvey Bowman, Rick Cochran, Rex Bailey, Ann Harbison, Barbara Fitzpatrick, Eva Madison, John Firmin, Teddy Cardwell, Rick Hoyt, Jeremy Patterson, Kendrick Sexton, Jeane Mack, Jay Cantrell, Tim Helder, Randall Denzer and Daniel Holtmeyer (NWA Times).

The meeting was called to order at 6:43 p.m. by Chair Tom Lundstrum. The agenda was adopted as presented.

Report from the Juvenile Detention Facility. Jeane Mack reported that the numbers remain low. She passed out thank you notes from the kids for the Christmas dinner, and there was enough left over to have black eye peas and cornbread for New Years. She also presented the 2013 annual report which includes the goals and plans for this next year. The website is also up and running.

Report from the Sheriff's Office on Enforcement and Adult Detention. Jay Cantrell reported there is nothing really to report. Weather has been a big issue, but no patrol cars have gone into ditches.

Randall Denzer reported that the biggest change is the number of state prisoners is up significantly. The numbers are significantly higher than what they were in 2013. The food budget is a big concern with these numbers being so high.

Sheriff Tim Helder reported that the state is behind \$175,000 in payments. The number of boarding days for January is almost double from last year for state prisoners. The Jail is in crisis situation, and all counties within the state are in the same situation. The state has approximately 21,000 occupied beds in the prisons; there are 23,000 on

parole. There are 2,800 that are in the county jails, and the prisons have no room for them. The acts of violence within the jail the first six months of 2013 were about 15, and with the overcrowding situation, that number for the last six months of 2013 was 64. The inmates are anxious to get to the state prison, and they think if they vandalize or are violent that that is going to speed up their deliverance to the state prisons; however, the state prisons have no room for them. The food and medical costs will increase.

Randall Denzer is being recognized for the Sheriff's office being selected as one of the few jail administrators in the state to help re-vamp the prison system. He has also been selected to meet with the prison board to discuss resolving the issues. One concern is that the state has 21,000 beds; they are all single stacked, and there are no bunk beds in the state prison system. Most county jails have bunk beds, if not triple bunks, to maximize space.

Tom Lundstrum asked if the county is liable for the state prisoners; to which Sheriff Helder replied that once they have been adjudicated and are held for more than 30 days, and then it is the State that is responsible.

With no other business or public comment, the meeting adjourned at 7:00 p.m. at which time the Committee toured the Sheriff's East Annex-Upstairs.

/rb



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
FINANCE AND BUDGET COMMITTEE

Tuesday, February 11, 2014
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, Rick Cochran, Eva Madison, Ron Aman, Harvey Bowman, Jimmy Mardis, and Bill Ussery.

Members Absent: Diane Bryant

Others Present: George Butler, Bobby Hill, Justin Smith, Chung Tan, Jay Cantrell, Tim Helder, Ron Wood, John Threet, Jerry Bolinger, Roger Haney, Ashley Farber, Juliet Richey, Wayne Blankenship, Renee Biby, and Dan Holtmeyer (NWA Times).

The meeting was called to order at 5:30 p.m. by Chair Candy Clark. The agenda was adopted as presented with the addition of a request from County Judge Marilyn Edwards to create an additional personnel position in the Buildings and Grounds Budget.

Financial Report. County Treasurer Roger Haney reported that the beginning balance of the General Fund was \$27,000,000 and ended up at \$24,377,000. Most of that was paying December 2013 and January 2014 bills. Revenue in January is never as strong as it is in other months because there is no tax money received in January and February. January is always the lowest month as far as collecting revenues. The Road Fund is very low and part of that is because of payments that were and also because of the snow removal. The Jail Fund balance at the end of the month is larger than it started out at the beginning of the month, but an \$800,000 infusion was made from the General Fund. 3.5 million dollars has been set aside for the Jail. The Jail is currently holding state prisoners, and they will be paid for those at \$28 per day; the state is behind on paying those, and it is on the agenda for the state to make additional appropriations to pay counties for holding the state inmates. The Assessors Amendment 79 Fund was projected at \$20,000. The state is recalculating that and the County will get some additional money for that. The sales tax was disappointing. The income was just \$1,300 more than what was received in the previous year for the month of January, which is actually for November sales. He believed that one reason may have been the weather. The ½ cent road tax was \$109,000 for this month, which was higher than what was projected.

County Comptroller Cheryl Bolinger reported the unappropriated reserve report is not showing any change. The summary of revenue and expenditures shows the funds, the budgeted revenue, the actual revenues, the percent received, the hold back, the budget expenditures, actual expenditures, percent expended, and the unappropriated balances. The negatives are for Road and Jail.

Rick Cochran asked if there could be a line showing how much the Road and Jail has withdrawn from the unappropriated reserve that was set aside. Cheryl Bolinger replied that she would add that.

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.

An Ordinance Recognizing Revenues Of \$3,500 In The DEM Grant Fund; And, Appropriating The Amount Of \$3,500 From The DEM Grant Fund To The MRC 2014 Grant Budget.

Assistant Grant Administrator Renee Biby reported that this money has already been received and the request is to recognize it and appropriate it to be utilized by the Department of Emergency Management for the Medical Reserve Corp.

Rex Bailey made a motion to forward the ordinance to the full Quorum Court with a do pass recommendation. Ann Harbison seconded. The motion was approved unanimously.

Review of the Prosecuting Attorney's Hot Check Fee Account for 2013. Prosecuting Attorney John Threet reported that the balance of the hot check fee account is \$70,757.48. No action is necessary for this item. However, he is required by law to report to the Quorum Court annually.

A Resolution Endorsing The Participation Of Karcher North America, 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). Chung Tan, the Director of Economic Development with the Fayetteville Chamber of Commerce, presented this request stating that the goal is to attract businesses to Fayetteville. Karcher does warehousing and distribution of high powered cleaning equipment. They were formerly based in Springdale where they occupied 150,000 square foot of warehousing. They are headquartered in Denver, Colorado. They moved to Fayetteville and doubled the amount of space to 300,000 square feet. They are also adding jobs from between 50-60 employees. They have now grown to 90 employees and are in the process of adding ten more employees. They have invested more than 10 million dollars in the building and an additional 1.7 million dollars in equipment; they are also committing another \$480,000 in capital costs.

Justin Smith with the Arkansas Economic Development Commission in Little Rock informed the Committee that the tax back program is a refund of sales and use tax credits. The company has to invest at least \$100,000 as an eligibility requirement. Additionally, to apply for this program, they have to be awarded for the Advantage Arkansas program, which is more than \$125,000 of new payroll and meet a \$10.86 average wage requirement. Karcher has met all of those thresholds. They will also have to prove to DFA that they did purchase at least \$100,000 equipment. The County rate at 1.25% would be \$6,000. It is a program to help retain industries in Arkansas and helps to attract industries to the state of Arkansas.

Rex Bailey made a motion to forward the request to the full Quorum Court with a do pass recommendation. Joe Patterson seconded. The motion was approved unanimously.

Request From County Judge Marilyn Edwards For An Ordinance Recognizing And Appropriating Carryover Revenues In The Planning Budget For 2014. County Planning Director Juliet Richey presented the stating that this was approved in 2013 and the project is not quite complete but will be very soon. The request is only to utilize what was granted in 2013 in the 2014 budget.

Rex Bailey 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.

Request from County Judge Marilyn Edwards to Add a Janitorial Assistant Leadman/Foreman Position (Grade 12) in the Buildings and Grounds Budget for 2014. Building & Grounds Superintendent Ron Wood presented the request. This was forwarded from the Personnel Committee.

Rex Bailey made a motion to forward the request to the full Quorum Court with a do pass recommendation. Barbara Fitzpatrick seconded. The motion was approved unanimously.

With no other business or citizen comments, the meeting adjourned at 5:57 p.m.

/rb

ORDINANCE NO. 2014-_____

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

**AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE 11-99.1 REGARDING COMMUNITY
SEWER SYSTEMS.**

WHEREAS, at the beginning of 2005 the County enacted ordinances regulating community sewer systems due to rapid growth and lack of state regulation; and,

WHEREAS, the Rural Development Authority was authorized to promulgate regulations regarding such; and,

WHEREAS, said power was later conferred upon the County Judge; and,

WHEREAS, the State of Arkansas has implemented laws and regulations regarding these types of systems such that there is no longer a need for the County to extensively regulate said systems, except to set standards in certain areas.

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

ARTICLE 1. Washington County Code 11-99.1 is hereby amended to read as follows:

ARTICLE 2. This ordinance shall be effective upon passage as to the unincorporated portions of the County. Said ordinance will become effective as to the Cities of Fayetteville and Farmington upon termination of the Interlocal Agreements with said cities.

Sec. 11-99.1. - Community sewer systems.

(1) "Community sewer systems" also known as "decentralized sewer systems" are defined as follows: Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

~~(a) Community sewer systems are also defined as more than one (1) septic system that utilizes a common area for lateral lines and/or utilizes a common area for the alternate area as required by the Health Department.~~

(2) To ensure compatibility in the event of annexation, all community sewer systems located within two miles of any incorporated city shall be designed as "gravity flow" unless the city most likely to annex the area where the system is located prefers otherwise. The Public Utility Coordinator shall make this determination after consulting with the cities involved.

(a) Gravity flow means water or waste water flowing through a higher elevation to a lower elevation due to the force of gravity without aid of individual lot interceptor tanks. This shall not exclude lift stations.

~~The responsible management entity (RME) as defined and determined by the County Judge of Washington County shall comply with the rules and regulations of the Arkansas State Health Department and the Arkansas Department of Environmental Quality.~~

(3) All community sewer systems shall contain a SCADA (Supervisory and Data Acquisition) system as follows:

(a) Automatic call-out or text to emergency contact number during alarm event.

~~The RME shall charge a sufficient rate or fee that includes reserves for operation and maintenance, emergencies, and capital improvements; the County Judge is hereby authorized to promulgate rules and regulations concerning such, and is also given the authority to administer all other terms of this Ordinance; and promulgate any additional regulations it deems necessary.~~

(4) Prior to construction plan approval pursuant to Washington County Code 11-74, proof of application from the Arkansas Department of Environmental Quality showing a permit has been applied for and is deemed Administratively Complete shall be submitted to the Public Utility Coordinator.

(5) Prior to receiving Final Plat approval pursuant to Washington County Code 11-75, proof of the operation permit from the Arkansas Department of Environmental Quality shall be submitted to the Public Utility Coordinator.

(6) This ordinance shall be enforceable by appropriate civil action by the County Judge.

~~The RME shall within ninety (90) days from the date of this article report to the County Judge the following:~~

~~(a) The name and location of the land development to be served by said system and the type of system that is being utilized;~~

~~(b) The number of lots or units if applicable to be served by said system;~~

- ~~(c) — The rate or fee that will be charged to the property owner or user to be served by said system.~~
 - ~~(d) — The amount of reserves that will be built into any rate or fee along with evidence indicating how these reserves are adequate and appropriate to provide long-term sustainable system performance and compliance with permits;~~
 - ~~(e) — The legal entity that will own and retain the services of the licensed operator of the system and the exact name, address and phone number of said entity and operator;~~
 - ~~(f) — A copy of the contract to be executed for the operation of the system;~~
 - ~~(g) — Plans to enforce and collect the rate or fee to be charged; and~~
 - ~~(h) — Any other matter deemed relevant by the County Judge.~~
- ~~(5) — The RME shall report to the County Judge, upon request, any matters relevant to the operation of said system including, but not limited to operation and maintenance issues, environmental issues, financial matters, customer service issues, and any other matter deemed relevant by the County Judge. A bond in an amount to be determined by the County Judge shall be posted, by the RME to ensure compliance with this section and any regulations promulgated hereto.~~
- ~~(6) — This Ordinance shall be applicable throughout the unincorporated area of the County including the extra-territorial growth area of any incorporated City. This Ordinance shall not be applicable in the event any such system is or becomes owned, maintained, or operated by an incorporated city or other public entity. In the event that an incorporated city or other public entity enacts ordinances or rules and regulations concerning said systems, then the more stringent provisions shall apply.~~
- ~~(7) — A violation of this section or any regulation promulgated hereto by the County Judge shall be enforceable by appropriate civil action by the County Judge. Such civil remedy shall include but is not limited to injunctive relief, civil sanctions, removal of the RME, the owner, and/or the operator from operating or in any other manner managing said system; attorneys fees and any other costs related to any civil action.~~
- ~~(8) — This section does not authorize the County, any County Department, Board, or Commission to take ownership, permanently or temporarily, or to take over operation or maintenance of any such system.~~
- ~~(9) — No land development that will utilize a Community Sewer System may receive final approval until the following information has been supplied to the Public Utility Coordinator on behalf of the County Judge:~~

- ~~(a) The name and location of the land development to be served by said system and the type of system that is being utilized;~~
- ~~(b) The number of lots or units if applicable to be served by said system;~~
- ~~(c) The rate or fee that will be charged to the property owner or user served by said system;~~
- ~~(d) The amount of reserves that will be built into any rate or fee along with evidence indicating how these reserves are adequate and appropriate to provide long term sustainable system performance and compliance with permits;~~
- ~~(e) The legal entity that will own and retain the services of the licensed operator of the system and the exact name, address and phone number of said entity and operator;~~
- ~~(f) A copy of the contract to be executed for the operation of the system;~~
- ~~(g) Plans to enforce and collect the rate or fee to be charged; and~~
- ~~(h) Any other matter deemed relevant by the Public Utility Coordinator.~~

~~(10) The Public Utility Coordinator shall participate in all plat reviews and sign the final plat indicating compliance with this section.~~

~~(11) This section is hereby amended to also be applicable to any such system located within the corporate limits of any incorporated city upon execution of an interlocal agreement that addresses the financial responsibilities of the parties to said agreement.~~

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Butch Pond

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2014-_____

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

AN ORDINANCE WITHDRAWING FROM INTERLOCAL AGREEMENTS WITH THE CITY OF FAYETTEVILLE AND THE CITY OF FARMINGTON AND TERMINATING SUCH.

WHEREAS, Washington County, Arkansas and the City of Fayetteville, and the City of Farmington, entered into an Interlocal Agreement on December 13, 2005 and November 13, 2007 to oversee community sewer systems located within the city limits and within the growth area of the cities; and,

WHEREAS, the Arkansas Department of Environmental Quality has adopted rules and regulations that govern community sewer systems; and,

WHEREAS, the Arkansas Department of Health has adopted rules and regulations that govern community sewer systems; and,

WHEREAS, the Arkansas State Legislature has adopted legislation that governs community sewer systems; and,

WHEREAS, it appears that there is no longer a need for the County or the Cities to govern community sewer systems with such already being governed by two separate state agencies; and,

WHEREAS, said agreement provides that six months' notice must be given by the party desiring to terminate or withdraw from said agreement.

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

ARTICLE 1. That Washington County, Arkansas does hereby withdraw from and terminate said agreement, effective six months from the date of notice given by the County Judge, unless either city agrees to termination earlier.

ARTICLE 2. The Quorum Court hereby requests that the cities waive the six (6) month requirement due to the enactment of state laws and regulations.

ARTICLE 3. The County Judge is authorized to give written notice of this Ordinance to the Mayors of the City of Fayetteville and the City of Farmington.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Butch Pond

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____