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**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.**

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 2

- 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 revoted 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.

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 3

- 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.

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 4

- 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.

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 5

- 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.

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 7

- 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.

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 8

- 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.

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 11

- 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.

Minutes of the Regular Meeting of the
Washington County Quorum Court
January 16, 2014
Page 12

- 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