



WASHINGTON COUNTY, ARKANSAS
County Courthouse

August 15, 2014

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, August 21, 2014
6:00 p.m.
Washington County Quorum Court Room

AGENDA

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 July 17 regular meeting of the Quorum Court. **(5.1)**
6. **PUBLIC HEARING.** At this time, the Quorum Court will conduct a second public hearing concerning the implementation of an Arkansas Community and Economic and Development Program (ACEDP) grant for Economic Development for American Air Filer. The purpose of this hearing is to inform citizens of the current scope and progress of the ACEDP project; discuss any changes or impacts involving financing sources, user fees or beneficiaries that have occurred since the first public hearing conducted on July 19, 2012; accept oral and written comments regarding the project; and, discuss any potential impacts upon citizens that may/will result during the course of the project. **JUDGE EDWARDS**
7. **A RESOLUTION AUTHORIZING ALBERT NOLAN PENNINGTON TO SOLEMNIZE THE MARRIAGE OF KYLE DEMPSEY AND VICTORIA HELLWIG ON OCTOBER 4, 2014, IN WASHINGTON COUNTY, ARKANSAS. (7.1)** **ANN HARBISON**

8. FINANCE REPORT.

CANDY CLARK

8.1 AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$8,020 IN THE ANIMAL SHELTER GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$8,020 FROM THE ANIMAL SHELTER GRANT FUND TO THE TRAP/NEUTER/RELEASE GRANT BUDGET FOR 2014.

8.2 AN ORDINANCE APPROPRIATING \$11,000 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2014.

8.3 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$15,970 IN THE GENERAL FUND; AND APPROPRIATING \$43,190 FROM THE GENERAL FUND TO THE ELECTION COMMISSION BUDGET FOR 2014.

8.4 AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$15,722 IN THE JAIL FUND; AND APPROPRIATING \$15,722 FROM THE JAIL FUND TO THE JAIL BUDGET FOR 2014.

9. COUNTY JUDGE'S REPORT.

JUDGE EDWARDS

10. COMMITTEE REPORTS. (10.1-10.4)

11. AN ORDINANCE AMENDING ORDINANCE 2014-38 TO MAKE THE EFFECTIVE DATE OF SUCH JANUARY 31, 2016. This ordinance refers to the membership of the Washington County Library Board. It is on first reading and is being recommended by the County Services Committee. (11.1)

JOE PATTERSON

12. A RESOLUTION OPPOSING A PROPOSED RULE AMENDING THE DEFINITION OF "WATERS OF THE U.S." UNDER THE CLEAN WATER ACT. This resolution is being brought to the Quorum Court by JP Butch Pond. It was discussed during the County Services Committee meeting and failed to be recommended. (12.1)

BUTCH POND

13. OTHER BUSINESS.

14. 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

15. ADJOURNMENT.

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

Thursday, July 17, 2014
6:00 p.m.
Washington County Quorum Court Room

- 80.1 The Washington County Quorum Court met in regular session on Thursday, July 17, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 80.2 D. Bryant led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 80.3 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.
- 80.4 MEMBER ABSENT: Eva Madison.
- 80.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 80.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 80.7 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote by those present. The agenda was adopted as presented.**
- 80.8 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the June 19 regular meeting and June 30 special meeting of the Washington County Quorum Court.
- 80.9 **C. Clark made a motion to approve the minutes as distributed. A. Harbison seconded. The motion passed unanimously by voice vote by those present. The minutes were approved.**
- 80.10 FINANCE REPORT: C. Clark stated that she had one resolution and three appropriation ordinances from the Finance Committee to address tonight.
- 80.11 A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE BOSTON MOUNTAIN SOLID WASTE DISTRICT: C. Clark introduced **A Resolution Authorizing The Submittal Of A Grant Application To The Boston Mountain Solid Waste District**, and County Attorney George Butler read the resolution.

- 81.1 C. Clark stated that this grant requires no match by the County.
- 81.2 **C. Clark made a motion to adopt the resolution. A. Harbison seconded.**
- 81.3 Citizen Comments: There were no citizen comments made.
- 81.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 81.5 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The resolution was adopted.**
- RESOLUTION NO. 2014-12, BOOK NO. 3, PAGE NO. 76**
- 81.6 AN ORDINANCE REDUCING THE AMOUNT OF \$288,338 FROM LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$277,152 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS; AND SUSPENDING BUDGET CONTROLS AND ANY APPLICABLE JESAP POLICIES TO CHANGE THE TITLES OF TWO PERSONNEL POSITIONS IN THE SHERIFF AND JAIL BUDGETS FOR 2014: C. Clark introduced **An Ordinance Reducing The Amount Of \$288,338 From Line Items In Various County Budgets And Restoring Those Funds To Unappropriated Reserves; Appropriating The Amount Of \$277,152 From Unappropriated Reserves To Various Budgets; And Suspending Budget Controls And Any Applicable JESAP Policies To Change The Titles Of Two Personnel Positions In The Sheriff And Jail Budgets For 2014**, and County Attorney George Butler read the ordinance.
- 81.7 C. Clark stated that this ordinance was discussed in both the Personnel and Finance Committees.
- 81.8 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 81.9 J. Firmin stated that he missed both of the committee meetings and asked if this money was staying in the Sheriff's Budget to which the Court concurred.
- 81.10 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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

ORDINANCE NO. 2014-39, BOOK NO. 9, PAGE NO. 402

- 82.2 **C. Clark made a motion to suspend the rules and read the next ordinance by title only. The motion was seconded. The motion passed unanimously by voice vote by those present.**

- 82.3 AN ORDINANCE ADJUSTING REVENUES AND APPROPRIATIONS IN VARIOUS COUNTY FUNDS FOR THE 2ND QUARTER OF 2014: County Attorney George Butler read **An Ordinance Adjusting Revenues And Appropriations In Various County Funds For The 2nd Quarter of 2014** by title only.

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

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

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

ORDINANCE NO. 2014-40, BOOK NO. 9, PAGE NO. 405

- 82.7 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$17,600 IN THE DEM GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$17,600 FROM THE DEM GRANT FUND TO THE DEM RADIO SYSTEM BUDGET FOR 2014: C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$17,600 In The DEM Grant Fund; And Appropriating The Amount Of \$17,600 From The DEM Grant Fund To The DEM Radio System Budget For 2014**, and County Attorney George Butler read the ordinance.

- 82.8 **C. Clark made a motion to adopt the ordinance. B. Pond seconded.**

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

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

ORDINANCE NO. 2014-41, BOOK NO. 9, PAGE NO. 407

- 83.2 C. Clark reported that sales taxes are up, the budgets all look good, and the budget process for 2015 has started; the schedule for these meetings can be obtained from the Quorum Court Coordinator.
- 83.3 COUNTY JUDGE'S REPORT: Judge Edwards announced that a representative from Ozark Regional Transit was present to give a report.
- 83.4 Jeff Hatley, Public Information Officer of Ozark Regional Transit, addressed the Quorum Court and stated that Joel Gardner was unable to attend the meeting tonight because of family issues. He stated that ORT is growing and considering that they have had three less operational days in 2014 than they did in 2013 due to inclement weather, they have still grown 23% in the cities outside of the primary four in Northwest Arkansas. He reported that their para transit or smaller vans have grown by 595% over 2013, noting that this is squeezing more out of what they have. He stated that they sent their schedulers back to training camp to learn how to schedule more effectively, and these numbers reflect that progress.
- 83.5 Mr. Hatley stated that the biggest news that is dear to the court's heart is Route 620 which was initiated on June 2, 2014. He noted that in discussions during the fall of 2013, the court was interested in access to more rural communities in Washington County, and this has been done with the installation of Route 620 which goes down Highway 62 and Highway 71 to West Fork and Greenland. He noted that their numbers for one month on this particular route show 164 passengers which were all brand new riders who are just figuring it out; this figure is very promising. He reported that they have started to receive some feedback including Ms. Kyger from Farmington who is interested in using it for her son to go back and forth to the University of Arkansas. Unfortunately, he would be unable to make his 8:00 a.m. class with the way the route starts in West Fork, going to Lincoln and back, taking three hours, and Ms. Kyger requested that they see what they could possibly do to help get her son from Farmington to the U of A earlier. Mr. Hatley stated that they are starting to receive feedback, both positive and negative, for this route, and they will continue to work to please and service as many people as they possibly can with this route.

- 84.1 R. Cochran stated that this is a much improved route than in the past in the Lincoln area, and he commended Ozark Regional Transit for studying the route and putting it together. He suggested that Ozark Regional Transit might want to describe the route in a little more detail on television. He stated that even though it is a 3-hour turn from one end back to the other end, a lot of people will be able to utilize this route.
- 84.2 Mr. Hatley responded to R. Cochran's suggestion, stating that Route 620 starts in West Fork at 6:15 a.m. and runs until 9:15 p.m. finishing up at Harps in West Fork. He stated that this route travels Highway 71 up to Lot 56 at the University of Arkansas where it makes its connections with the rest of the Ozark Regional Transit system and then heads westbound out to Lincoln, making 2-3 stops in each location. He stated that Ozark Regional Transit website is www.ozark.org, and it has all of their interactive maps which in his opinion, is the best way to look at the all encompassing system and connections.
- 84.3 H. Bowman asked which route had the 500% increase in ridership; to which Mr. Hatley responded that was their para transit service which has had a 595% increase in Washington County over 2013 numbers for year-to-date without buying a single extra van. He explained that these are their smaller mini vans that are converted to hold 1 wheelchair occupant and 2-3 other occupants, and this is their curb-to-curb service or some call demand response or para transit.
- 84.4 H. Bowman asked about the increase in ridership excluding the core areas; to which Mr. Hatley responded that he did not have those exact figures with him, but would certainly e-mail that information. He did note that ridership across the board has increased.
- 84.5 H. Bowman stated that he lives on Gutensohn in Springdale and has noticed an Ozark Regional Transit bus there and asked if this was something new; to which Mr. Hatley responded he believes that is part of Route 64 that goes down Sunset. He noted that they are trying to stay off of Sunset and taking some of the back roads due to complaints received that Ozark Regional Transit buses will stop all of sudden in front of them.
- 84.6 In response to a question from Rex Bailey about how many buses Ozark Regional Transit has with lifts for the handicapped; to which Mr. Hatley responded that all of their vehicles are handicapped and wheelchair accessible, and the blue buses and two green buses actually have the lifts.

They also have two 40 passenger white Gillig buses that run the express route from Fayetteville to Bentonville and back that actually squat down at the curb for wheelchairs.

- 85.1 R. Bailey stated that his sister-in-law had a car wreck a number of years ago, and they could call Ozark Regional Transit who would pick her up and take to physical therapy appointments which was a life saver for his family.
- 85.2 Mr. Hatley stated that all of their mini-vans have a fold-out ramp and is wheelchair accessible as well.
- 85.3 D. Bryant asked if all of ORT stops are designated with a bus stop sign, noting that she does not believe that there is at the Farmington Library stop; to which Mr. Hatley stated that this is a work in progress. He noted that they do have bus stop signs, locations and landmarks on their maps, but they do not have designated specific bus stops. He stated that they currently operate on a flag down system, and they have tools for people to know where the buses are in real time, and the buses will stop as long as it does not create a dangerous situation by doing so. He stated that they want to get away from the current flag down system as they are trying to build their system so that they can utilize the software Google Transit that will walk their patrons through exactly how to get to any location on their routes.
- 85.4 D. Bryant suggested that Ozark Regional Transit might want to utilize bus stop signs with schedules posted to let the public know where the stops are generally made.
- 85.5 A. Harbison stated that the bus that goes to West Fork is fairly punctual and dependable as she sees it frequently during the day, and she is encouraging people to use the bus. She congratulated Ozark Regional Transit for the service they provide that helps a lot of people, the elderly as well as low-income people.
- 85.6 Mr. Hatley noted that Joel Gardner is ex-military and getting the buses on time is paramount in his decision-making, and he wanted to get that straight before expanding this route.
- 85.7 Judge Edwards provided an update on the Road Department stating that they have completed chip and seal on CR 612 or Kinion Lake Road which connects Viney Grove Road with the Wedington blacktop. They have completed CR141 and CR140. The Road Department is currently doing dirt work on CR1090 and CR199 near Round Mountain and on CR17 or the Wolf Track Road getting them ready for chip and seal.

- 86.1 Judge Edwards stated that they have started their chip and seal roads that are due to maintenance with about 60 miles to reseal this year in their 7-year program. Judge Edwards stated that constituents may be complaining about this work and gravel being placed on roads that do not need it, but she urged them to understand that they have to come back and put the chip and seal down on the road even though they may not think it is required. It will take a few days for the cars to pack the gravel down for it to become more like concrete. She noted that a lot of the complaints she receives are coming from motorcycles.
- 86.2 Judge Edwards stated that they have two state aid projects this year and reported that they will be overlaying one mile on the Brush Valley Road or CR11 and approximately 1.6 miles of Blue Spring Road or CR 7. She noted that these two projects will be open for bids on July 23. She reported that the Highway Department continues to survey the area around the Woolsey Bridge and reported last week that this survey was approximately 25% complete. In regard to the Stonewall Bridge, she reported that the survey and bridge design on this bridge are complete; they have received their ADEQ permit for this project and now continue to wait on the Corps of Engineers for their engineer permit.
- 86.3 Judge Edwards stated with the phenomenal weather we have been having, she has been very pleased with progress made.
- 86.4 COMMITTEE REPORTS: T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that this committee met on July 7 and reviewed a resolution authorizing the Clerk of the District Court of Elkins to destroy certain records and this was passed on to the full Quorum Court with a do pass recommendation. He noted that the Clerk had called him regarding the necessity for her to be present tonight, and he advised her that this resolution should pass and her presence was not necessary.
- 86.5 T. Lundstrum stated that the committee heard their monthly reports from the Juvenile Detention Facility and Sheriff's Office on enforcement and adult detention. He stated that high jail population continues to be an issue with state prisoners averaging 72 per day in the jail with a total jail population averaging 634 daily. He noted that they heard an update from Randall Denzer on a medical provider for the Adult Detention Facility with five companies interested in this business. Jay Cantrell gave a report from Sheriff Helder on the recent Special Legislative Session regarding jail overcrowding, noting that the State did approve money to open up 604 additional beds to help relieve the overcrowding problem.

- 87.1 In E. Madison's absence, H. Bowman reported that the Public Works Committee did not meet due to lack of an agenda.
- 87.2 B. Pond, Chairman of the Personnel Committee, reported that this committee met on July 7 and heard a report from Insurance Consultant Nelson Driver on the Employee Insurance Fund that is in very good shape at this time. They heard a report from Blair Johanson, Salary Consultant including updates on JESAP activities.
- 87.3 B. Pond reported that the committee heard a request from Sheriff Helder to reclassify two personnel positions, changing Deputy First Class position to a civilian Animal Control Officer position which should solve some of the turn over problems with this position. There was also a request for a change from an Adult Detention Officer position to a Warrants Records Supervisor.
- 87.4 B. Pond stated that Human Resource Director Lindsi Huffaker gave a quarterly report on new hires, terminations and turnover analysis.
- 87.5 J. Patterson, Chairman of the County Services Committee, reported that they met on June 30 and heard a report from the Washington County Planning Office that there have been seven lots created. He stated that the committee heard a brief report on the cell tower lawsuit. He noted that they had discussion on the Animal Shelter building utility expenses and reviewed the Sheriff's budget expense in relation to the Animal Shelter. J. Patterson stated that he has asked for numbers on what the cost savings would be if the euthanasia time period was changed from the current holding time of 45 days down to 30 or 15 days. T. Lundstrum has estimated that it is costing \$830,000 a year to run the shelter.
- 87.6 C. Clark, Chairman of the Finance and Budget Committees stated she had nothing further to report.
- 87.7 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: J. Patterson introduced **An Emergency Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, and County Attorney George Butler read the ordinance. The Planning Board granted a Conditional Use Permit on June 26 for Block Auction. This ordinance contains an emergency clause making it effective immediately upon passage.
- 87.8 **J. Patterson made a motion to adopt the ordinance. B. Pond seconded.**

88.1 Citizen Comments: There were no citizen comments made.

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

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

ORDINANCE NO. 2014-42, BOOK NO. 9, PAGE NO. 408

88.4 A RESOLUTION AUTHORIZING THE CLERK OF THE DISTRICT COURT OF ELKINS TO DESTROY CERTAIN RECORDS PURSUANT TO ACT 627 OF 2007 (A.C.A. §16-10-211) AND AUTHORIZING THE COUNTY JUDGE TO SIGN ANY NECESSARY DOCUMENTATION TO ACCOMPLISH SUCH: T. Lundstrum introduced **A Resolution Authorizing The Clerk Of The District Court Of Elkins To Destroy Certain Records Pursuant To Act 627 of 2007 (A.C.A. §16-10-211) And Authorizing The County Judge To Sign Any Necessary Documentation To Accomplish Such**, and County Attorney George Butler read the resolution that is being recommended by the Jail/Law Enforcement/Courts Committee.

88.5 **T. Lundstrum made a motion to adopt the resolution. The motion was seconded.**

88.6 B. Fitzpatrick stated that these records are from old closed cases that have been microfilmed and so this is getting ready of the paper, not information.

88.7 Citizen Comments: There were no citizen comments made.

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

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

RESOLUTION NO. 2014-13, BOOK NO. 3, PAGE NO. 77

- 89.1 AN ORDINANCE AMENDING WASHINGTON COUNTY CODE 2.7-21 ET SEQ AUTHORIZING CIVILIAN ANIMAL CONTROL OFFICERS TO ENFORCE THE PROVISIONS SETOUT THEREIN: R. Cochran introduced **An Ordinance Amending Washington County Code 2.7-21 Et. Seq. Authorizing Civilian Animal Control Officers To Enforce The Provisions Setout Therein**, and County Attorney George Butler read the ordinance that is on first reading and was brought to the Quorum Court by JP Rick Cochran.
- 89.2 R. Cochran stated that at the Finance Committee meeting, it was pretty obvious that the chances of passing the change to a civilian animal control officer was very likely to pass, so he asked County Attorney George Butler to draft something that would allow them to get their ordinances in order to allow a civilian animal control officer to enforce the County Ordinances which is what this ordinance is for.
- 89.3 **R. Cochran made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded. The motion passed unanimously by those present by voice vote.**
- 89.4 County Attorney George Butler read **An Ordinance Amending Washington County Code 2.7-21 Et. Seq. Authorizing Civilian Animal Control Officers To Enforce The Provisions Setout Therein** by title only.
- 89.5 **R. Cochran made a motion to suspend the rules and place the ordinance on third and final reading by title only. B. Fitzpatrick seconded. The motion passed unanimously by those present by voice vote.**
- 89.6 County Attorney George Butler read **An Ordinance Amending Washington County Code 2.7-21 Et. Seq. Authorizing Civilian Animal Control Officers To Enforce The Provisions Setout Therein** by title only.
- 89.7 **D. Bryant made a motion to adopt the ordinance. B. Pond seconded.**
- 89.8 Citizen Comments: There were no citizen comments made.
- 89.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 89.10 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The ordinance was adopted.**

ORDINANCE NO. 2014-43, BOOK NO. 9, PAGE NO. 412

- 90.1 A RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS COLLECTED UNDER ACT 833 OF 1991 TO THE VARIOUS FIRE DEPARTMENTS IN WASHINGTON COUNTY, ARKANSAS: T. Lundstrum introduced **A Resolution Approving The Distribution Of Funds Collected Under Act 833 Of 1991 To The Various Fire Departments In Washington County, Arkansas**, and County Attorney George Butler read the resolution that is being recommended by the Intergovernmental Cooperation Council and is being brought to the Quorum Court by JP Tom Lundstrum.
- 90.2 County Attorney George Butler noted that only change is that Tontitown had combined their rural and city to 4.54%, and it would now be distributed to the city at 3.13% and rural at 1.41%.
- 90.3 T. Lundstrum noted that this Act 833 money is state money that is distributed once a year to the fire departments, and the distribution of these funds is determined by the Intergovernmental Cooperation Council. He stated one of the reasons they are doing this now is because Tontitown Fire Department has started their own fire department and wanted to resolve what money they would get.
- 90.4 R. Aman asked if Lincoln was handling Cincinnati and Winslow being handled by West Fork; to which County Attorney George Butler responded that someone was covering these two communities.
- 90.5 B. Pond stated that Winslow is covered by Boston Mountain and T. Lundstrum noted that Elm Springs is covered by Cave Springs.
- 90.6 **T. Lundstrum made a motion to adopt the resolution. B. Pond seconded.**
- 90.7 Citizen Comments: There were no citizen comments made.
- 90.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 90.9 VOTING FOR: J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, and R. Cochran. **The motion passed unanimously by those present. The resolution was adopted.**

RESOLUTION NO. 2014-14, BOOK NO. 3, PAGE NO. 79

- 91.1 OTHER BUSINESS: D. Bryant stated that she had talked to Cheryl Bolinger about the finances of the County, and she was wonderful to explain things. She stated that she had a great conversation with her and was really pleased with the information she received.
- 91.2 CITIZEN COMMENTS: There were no citizen comments made.
- 91.3 ADJOURNMENT: The meeting adjourned at 6:40 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 AUTHORIZING ALBERT NOLAN PENNINGTON TO SOLEMNIZE THE MARRIAGE OF KYLE DEMPSEY AND VICTORIA HELLWIG ON OCTOBER 4, 2014, IN WASHINGTON COUNTY, ARKANSAS.

WHEREAS, pursuant to Arkansas Code Annotated 9-11-213, the Quorum Court has the authority to appoint a person to solemnize a marriage; and,

WHEREAS, a request for such has been made as set out above.

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

ARTICLE 1. Albert Nolan Pennington is authorized to solemnize the marriage of Kyle Dempsey and Victoria Hellwig on October 4, 2014, in Washington County, Arkansas.

MARILYN EDWARDS County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2014-_____

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 \$8,020 IN THE ANIMAL
SHELTER GRANT FUND; AND
APPROPRIATING THE AMOUNT OF \$8,020
FROM THE ANIMAL SHELTER GRANT FUND
TO THE TRAP/NEUTER/RELEASE GRANT
BUDGET FOR 2014.**

ARTICLE 1. There is hereby recognized additional revenue of \$8,020 in the Local Grants Revenue Line Item of the Animal Shelter Grant Fund (1905-8781) for 2014.

ARTICLE 2. There is hereby appropriated the amount of \$8,020 from the Animal Shelter Grant Fund to the following line items in the Trap/Neuter/Release Grant Budget for 2014:

<u>Trap/Neuter/Release</u>	
Small Equipment (19050308-2002)	\$ 670
Fuel, Oil, Lubricants (19050308-2007)	1,000
Medical/Dental/Hospital (19050308-3006)	5,350
Advertising & Publications (19050308-3040)	<u>1,000</u>
 TOTAL APPROPRIATION:	 <u>\$ 8,020</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2014-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING \$11,000
FROM THE COUNTY LIBRARY FUND TO THE
COUNTY LIBRARY BUDGET FOR 2014.**

ARTICLE 1. There is hereby appropriated the amount of \$11,000 from the County Library Fund to the Software Support Maintenance Line Item of the County Library Budget (30080600-3102) for 2014.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2014-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE ANTICIPATING ADDITIONAL
REVENUES OF \$15,970 IN THE GENERAL
FUND; AND APPROPRIATING \$43,190 FROM
THE GENERAL FUND TO THE ELECTION
COMMISSION BUDGET FOR 2014.**

ARTICLE 1. Additional revenues of \$15,970 are hereby anticipated in the Reimbursement-Elections Revenue Line Item of the General Fund (1000-8719) for 2014.

ARTICLE 1. There is hereby appropriated the amount of \$43,190 from the General Fund to the following line items in the Election Commission Budget for 2014:

<u>Election Commission</u>	
Part-time Salaries (10000109-1002)	\$ 29,500
General Supplies (10000109-2001)	4,250
Computer/IT Equipment (10000109-2009)	9,000
Internet Connection (10000109-3023)	90
Rent-Machinery & Equipment (10000109-3071)	<u>350</u>
TOTAL APPROPRIATION:	<u>\$ 43,190</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2014-_____

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 \$15,722 IN THE JAIL FUND;
AND APPROPRIATING \$15,722 FROM THE
JAIL FUND TO THE JAIL BUDGET FOR 2014.**

ARTICLE 1. Additional revenues of \$15,907 are hereby recognized in the Insurance Proceeds Revenue Line Item of the Jail Fund (3017-8718) for 2014.

ARTICLE 1. There is hereby appropriated the amount of \$15,907 from the Jail Fund to the Vehicles Line Item of the Jail Budget (30170418-4005) for 2014.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

Monday, August 4, 2014
5:30 p.m.

Washington County Quorum Court Room

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

Members Absent: John Firmin

Others Present: Harvey Bowman, Rick Cochran, Candy Clark, Butch Pond, Ann Harbison, Diane Bryant, Bill Ussery, George Butler, Sue Madison, Jennifer Hinkle, Ron Wood, Berni Kurz, Sophia Stephenson, Angela Ledgerwood, Amy Smith, Marilyn Edwards, Dan Short, Renee Biby, Lee Beshoner, Beth Breed, and Dan Holtmeyer (NWA Times).

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

An Ordinance Amending Ordinance 2014-38 To Make The Effective Date Of Such January 31, 2016. County Attorney, George Butler, reported that two at large members currently represent the County, with one of those living in Farmington, the Library Board has informally accepted her as a *de facto* Farmington representative.

County Librarian, Glenda Audrain, reported that this request is to allow continuity on the Board. Currently the terms are staggered five year terms. The *de facto* member's term ends in January, 2016, and changing the ordinance to take effect in January, 2016, will allow continuity.

Barbara Fitzpatrick made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. Tom Lundstrum seconded. The motion was approved unanimously.

Report from the Washington County Planning Office. County Planning Director, Juliet Richey, reported that eight projects were approved administratively. There will be five land development hearings on the Planning Board's agenda this week. There are a couple of minor subdivisions. The West Wheeler tower will be in September, but there have not been any negative responses from the neighbors. There are some concerns about the Old Mill Estates, but the neighbors just don't want any development there. There are a lot of people who are opposed to the Rich Red Dirt Pit. Staff is not making a recommendation at this time. There are concerns about where the haul road runs. The currently proposed buffer is 50', in the past there has been at least 100' to 150' buffers. The haul road comes in just feet from someone else's property line. There are also serious concerns about the sight distance for trucks making left hand turns from the proposed haul road. The initial public hearing will be held this Thursday, August 7th, and it will be determined if the Planning Board would like to have a meeting on site prior to making a determination. The gentleman that is proposing this pit is proposing to take the top off of a null, taking a wedge shaped piece out to make it one height, and then build his house, he estimates approximately five years, but there will be no blasting.

Next, Juliet Richey explained to the Committee that she will be asking for an additional \$1,000 in her 2015 budget to pay for the beginning of a floodplain update, this would be for the Illinois River watershed. Washington County is part of the FEMA floodplain management program, allowing citizens to purchase floodplain insurance. The current maps are outdated, with a lot of the data coming from 20 or more years ago. There has been TOPO done in the past couple of years, and there is better information available. The first part of the process is called discovery, that is an inventory and analysis stage, this is what the \$1,000 being requested will be used for. FEMA has partnered with ANRC to pay 75% of the cost of this, they are asking the other communities to partner to make this happen, other cities, including the City of Fayetteville, will also be contributing to this. People who were previously grandfathered in are required to get based flood elevation certifications based on new federal insurance guidelines. FEMA wants the County to sign off on things concerning based flood elevation, and some of those things, she does not feel like she has adequate data to be able to certify.

Beth Breed with FTN reported that her company has been selected by the state to perform this study.

Ann Harbison asked what the total cost to map Washington County? Beth Breed estimated that it will cost approximately \$300,000. The cost for the initial discovery portion is \$87,000, 25% of that comes from local cost share, and that is why Washington County's portion is \$1,000.

Harvey Bowman asked what is driving the process? Beth Breed replied that the age of the maps, and techniques have become much more advanced to further clarify the maps. Harvey Bowman asked what the implications are for the people along the lines of the flood zones? Beth Breed replied that there are opportunities when properties come out of the flood plain area, but there are also potentials for properties going into the flood zones.

Candy Clark asked why the \$1,000 was going to be part of the 2015 budget rather than requesting it now. Juliet Richey replied that the money is not needed until the Spring of 2015, rather they are asking for a letter of intent. Juliet Richey also stated that she will come back in 2016 to ask for the remainder of the request for the mapping.

Jimmy Mardis asked if there is a study that shows what the studies elsewhere in the state has done to the insurance rates? Juliet Richey replied that she believes it would be hard to get that information. FEMA likes to keep its insurance arm separate from the other arms.

Tom Lundstrum asked if approving the \$1,000 obligate the County to the \$20,000 that is being suggested for 2016? Juliet Richey replied it did not.

Barbara Fitzpatrick asked what kind of approval needs to be given? Juliet Richey replied that she can do a letter that says that she is going to request it in her 2015 budget request.

Update from the Lester C. Howick Animal Shelter. Animal Shelter Director, Angela Ledgerwood, presented the report for the Animal Shelter. Eva Madison asked why the number of cats euthanized was so high? Angela Ledgerwood replied that sickness has been high. There are only six isolation cases. The number of cats with ringworm has been high, and that can spread through one single hair. Another big illness has been bobcat fever, there has been case after case after case. If it is caught very, very early it can be treated, but it is very difficult to treat if not found immediately. Eva Madison stated although not euthanizing for space, they are being euthanized because of lack of space for quarantine and medications. Angela Ledgerwood replied that she is being very cautious with the resources that the Shelter has, and cannot spend a lot on expensive antibiotics.

Next, Angela Ledgerwood, reported that the County has been awarded a grant for \$8,000 for a Trap, Neuter, Release (TNR) program. PetSmart Charities will pay \$23 per cat. On average a cat costs \$8 to neuter and \$12-\$15 to spay. This is for one full year and will do up to 200 cats. Last year there were approximately 120 cats. By increasing the live release rate, she is hopeful to open the door for other grant possibilities. The cats will be sterilized and given three year rabies vaccinations, and then be released to the Humane Society of the Ozarks and released into cat colonies. Eva Madison stated that there is a potential for a cat colony being abandoned, and she would like to see a requirement of assurance to be able to sustain cat colonies.

Amy Smith, with the Humane Society of the Ozarks, stated that several of the organizations actually have 501(c)(3) status. There are actual feral cat sanctuaries in Northwest Arkansas, which have between 25 and 30 acres. There are also people who have large barns, who have been more than thrilled to receive and care for the cats. Eva Madison replied that she believes the County needs to be sure that the resources are well spent and there is someone there to take care of the cats.

Candy Clark stated that she has no problem with doing this as long as there is a commitment from the Humane Society that if a colony is abandoned, that the Humane Society is going to go in and take care of the cats. Amy Smith replied that she doesn't believe there is going to be any problem with placing the cats.

Angela Ledgerwood added that there are studies that have been done that cat colonies work to decrease the number of feral cats.

Report from the Environmental Affairs Office. Environmental Affairs Director, Sophia Stephenson, presented the quarterly report for Environmental Affairs. The spring clean-up collected 288 tons. The fall clean up will be a multi-day event, and including the south campus. The number of enforcement cases has been steady. The rural recycling for the second quarter is a little down from last year. The HHW facility had a significant rise in electronic collections. During that time there was \$5,000 in revenue brought in from the Household Hazardous Waste facility. Spring is the busiest time for education, they had almost 2000 education contacts with one full time and one part time educator.

A Resolution Opposing A Proposed Rule Amending The Definition Of "Waters Of The U.S." Under The Clean Water Act. Rex Bailey asked Jeff Williams to come forward and speak about the resolution.

County Assessor, Jeff Williams, presented the Resolution to ask the Environmental Protection Agency and the U.S. Corp. of Engineers to more specifically define the terms "water of the U.S." He stated under the Clean Waters Act these waters are more highly regulated than other waters. The proposed rule change greatly expands that definition. It is a great concern to the National Association of Counties as well as Farm Bureau. The change leaves a lot of questions as to what could be defined as a water of the U.S. The comment period closes on October 20th. NACO has asked for a recommendation from the Counties during this comment period.

Rex Bailey commented that he believes government is overreaching anyway, and while it not mean anything, he would at least like to take a stand against it.

Ann Harbison asked if the Arkansas Association of Counties has taken a stance? County Attorney George Butler replied that he heard from Jeff Sikes that they were opposed to it, however, there has been nothing in writing.

Barbara Fitzpatrick commented the clean water act has been working on re-defining waters of the U.S. to keep coal slag out of drinking water, and is not in support of this resolution.

Eva Madison commented she is concerned that this is a comprehensive rule change, and it has other purposes. It is not the intention to only regulate county ditches. This resolution doesn't cite what the problem with the definition is, it just generally states the County is against it in its entirety. The only concern she believes there is at the County

level is the ditches, but the entire change is being opposed, and, thus, she would oppose the Resolution at this time. She would like to do a better job of articulating the problem with it and how the County could propose it to be fixed.

Jimmy Mardis stated his concern is with any of the proposals is to further allow EPA to regulate certain things, if Congress wants it to be the regulation, they should pass legislation for that. EPA continues to reach and re-define to meet other purposes. There are unintentional consequences that sometimes arise from these regulations.

County Attorney George Butler asked if the Resolution is approved if there should be an addition directing the County Judge to forward it to the Congressional Delegation, the EPA and the Corp. of Engineers? Jimmy Mardis replied that he would like to see that.

Rex Bailey asked if the Association of Counties would be more specific? County Attorney George Butler replied that there are things happening in Congress right now, the comment period has been extended to November 12th.

Rex Bailey commented the State gets over-zealous sometimes and he knows that the EPA will be over-zealous, and asked if the Association of Arkansas Counties could do more research on it.

Jeff Williams commented he was working with information that was available to him, but if there is more specific language that someone would like to add, he would welcome the suggestions. The biggest thing is the time limit.

Candy Clark commented that she believes it is a waste of time to go into great detail about this rule, and encouraged the Committee to move on. The Washington County Quorum Court is not going to write the end all be all definition for the EPA.

Eva Madison commented that NACO or the Association of Counties should provide a Resolution to better define what the problem is.

Bill Ussery commented that he works in the construction business, and the Contractors across America have been against this for over a year. He believes it will just add layer on layer. He believes that the County needs to say we are against this and move on.

Butch Pond stated he believes that this thing is creating confusion and is not specific, he believes that it needs to be completely thrown out and started over with something that is specific. He will enjoy voting in favor of the Resolution.

Rex Bailey made a motion to forward the Resolution to the full Quorum Court with a do pass recommendation. Jimmy Mardis seconded. The motion failed with Eva Madison, and Barbara Fitzpatrick voting no.

County Attorney, George Butler, stated that the Resolution can still come up at the Quorum Court if someone wants to bring it forward.

Butch Pond stated that he would be happy to sponsor the Resolution to go to the Quorum Court.

Next Month's Meeting Date. The meeting date will in September will be on Tuesday, following the Labor day holiday.

With no other business or public comment, the meeting adjourned at 7:03 p.m.

/rb

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
PUBLIC WORKS COMMITTEE

Monday, August 4, 2014
7:10 p.m.

Washington County Quorum Court Room

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

Members Absent: John Firmin

Others Present: Jimmy Mardis, Candy Clark, Butch Pond, Diane Bryant, Joe Patterson, Barbara Fitzpatrick, George Butler, Ron Wood, Jennifer Hinkle, Dan Short, Renee Biby, and Dan Holtmeyer (NWA Times).

The meeting was called to order by Chair Eva Madison at 7:10 p.m. The agenda was adopted as presented.

Report from the Buildings and Grounds Department. Building & Grounds Superintendent, Ron Wood, reported that the lighting projects for this Courthouse is approximately 85% complete. After this building is finished out, he would like to look at the extension office. For that building there is a retro-fit light that has recently come out, and will hopefully save money. At the EOC building he predicts that LED lights will be used there to replace the T12s.

A new roof has been put on the Women's Department of Corrections building. That cost totaled \$79,991, the project was completed by Harness Roofing.

In the near future the security controls will need to be replaced at the JDC building. There are doors that inoperable at this time and have to be unlocked manually. The control panel controls the doors, the cameras and the other components of the JDC building. There have been expensive repairs done to the system, however, there have been significant problems with the company and they have not honored their warranty.

Rick Cochran asked what the time frame for making a decision on this security issue is; to which Ron Wood replied that he would like to look at the budget for a month or two and

see if there are funds available to replace the system. Rick Cochran replied he believes it is a safety issue and would like to have this issue addressed as soon as possible.

Next, Ron Wood stated that inspectors came through at the JDC building, parts of the pods just had plain gray block, the standards have changed and those will need to be painted. A boiler had to be replaced at the jail, it was approximately \$80,000. The County bought the boiler and all of the materials to replace it and then hired a company to do the labor.

Other business. Eva Madison asked if any of the members would want to tour a building at future meetings; to which Harvey Bowman stated he would like to see the buildings where there are issues that may come up in the near future. Ron Wood replied that the next biggest project is probably going to be at the Road Department, which will need a roof.

Candy Clark suggested that a tour be done at the Extension Service.

With no public comment, the meeting adjourned at 7:25 p.m.

/rb

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

Monday, August 11, 2014
5:30 p.m.
Washington County Quorum Court Room

A G E N D A

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

Others Present: Rick Cochran, Jimmy Mardis, Rex Bailey, Tom Lundstrum, Joe Patterson, George Butler, John Firmin, Eva Madison, Bill Ussery, Leta Darling, Cristi Beaumont, Renee Biby, and Dan Holtmeyer (NWA Times).

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

Request from Circuit Judge Cristi Beaumont to Increase the Salary of a Law Clerk Position for 2014. Circuit Judge Cristi Beaumont asked the Committee to approve an increase in the salary of Law Clerk, due to the qualifications of the person who has been hired. Based on the assets that the person that has been hired she is asking for this increase. The person that was hired previously worked in the Prosecuting Attorney's office, and this request is to pay her the same amount that she was making at the Prosecutor's office.

Butch Pond noted that Judge Beaumont has added a Veterans Treatment Court. Judge Beaumont replied that a different docket has been established, separate from the drug court docket.

Eva Madison stated she is an advocate for the drug court, but is concerned about the continuing obligations of the county to pay the state's responsibilities. She believes there should be some kind of legislation that tells the County what it has to be paid for. She was unable to find any enabling legislation, for whether or not this can actually be done. According to the County Attorney, there is no enabling legislation. The concern is she doesn't know what parameters to work within because there isn't a statute to go by.

Pulaski County's statute sets the maximum pay. The Pulaski County position sets the pay grade. She further stated that if this is the County's position she believes that it should go through JESAP. County Attorney George Butler replied that JESAP does not rate attorney positions.

Eva Madison stated she doesn't believe it is remaining a full time attorney position with the additional duties that Judge Beaumont has proposed. Further commenting that she would be curious to know if JESAP believes the position justifies an increase, noting that Judge Mason phased the position out and changed the duties to assist all seven divisions. Ms. Madison further added that she is not sure what parameters are being worked within and is not comfortable with this request.

Butch Pond asked if Blair Johansen could do some study and comparison with other law clerks to determine if this request is warranted.

Eva Madison cited laws that discuss Law Clerks, which speaks to Pulaski County and the Sixth Judicial Circuit, but noted that this is the only other Law Clerk in the state outside of that Circuit. She questioned why the statute exists only for that Judicial District, if the County is paying for this. Judge Beaumont replied that the statutes that Ms. Madison cited she believes addresses the issue of giving the Law Clerks in that Judicial District additional duties, including magistrate duties, that they would not otherwise be entitled to do as an attorney.

Ann Harbison asked if the County already pays for the Law Clerk position? Judge Beaumont replied yes.

Karen Beeks stated that the Comptroller provided a breakdown for the cost to be \$4,155.23 for the remainder of the year. Candy Clark added that the total cost per year is \$9,972.55.

Candy Clark stated that this request is to add management duties and social work. She asked if it was time to look at adding a social worker position to the drug court. She is concerned that this new description is asking the Law Clerk to do a lot, including legal duties and social worker duties.

Diane Bryant asked how much of the salary is paid for by court fees? Judge Beaumont replied that she estimates that it is \$15,000 per year. Diane Bryant asked that the exact number be provided for the Finance Committee meeting.

Diane Bryant stated that she believes to get someone of this caliber in the position she believes that the County should pay. Judge Beaumont added that in the past years this has been a high turnover job, with this increase she believes that it will keep the same person in the position for many years. It takes a year or two to train someone and by the time they get trained, then they leave because the pay is not adequate.

County Attorney George Butler stated that there is not a range because it is not a JESAP position. There is a job description.

Jimmy Mardis stated that he would like to see the job description with the changes added, to have a justification for the salary.

Barbara Fitzpatrick stated she believes that there should be less money for less experience and more money for someone with more experience. The Personnel Committee needs to re-define this position, and she believes it will demand this salary as the midpoint with someone with this type of experience.

Candy Clark reminded the clerk that the Personnel Committee decides on the needs of the position and then the Finance Committee decides on the money. She believes that there needs to be a job description. She also pointed out that this is about the job, not the person. She asked to table this until the paperwork is done and the position is tabled as to what the Judge needs.

Candy Clark made a motion to table the request. Ron Aman seconded. The motion failed with a vote of three to three.

There was discussion concerning parliamentary procedure.

Ann Harbison made a motion to forward the request to the Budget Committee with a more detailed job description.

Judge Beaumont informed the Committee that upon her taking office she lessened the budget request for the Drug Court \$110,000. By giving this increase to the Law Clerk she believes it will be saving money in other areas because of the caliber of employee it will afford to the Drug Court. She further stated that if she is asking for money it is because she is really trying to make things better, not because she likes to spend the County's money.

Ann Harbison made a motion to forward this to the Finance Committee with a do pass recommendation.

Candy Clark asked if there could be a special meeting to discuss the job description. Karen Beeks replied that a special meeting requires 24 hour notice.

Eva Madison stated she doesn't have a lot of confidence in a job description that has not been approved by the Human Resource Director. She further stated that she views Law Clerk positions as high turnover positions. They are positions that new attorneys take to learn the ropes of the court systems and to benefit the Judge with legal research and writing just learned out of law school, it is a stepping stone. She is concerned that the salary is being set for a person rather than a position that she thinks should have a salary range, also voicing concern that given her knowledge of law clerking, adding additional duties does not strike her that an attorney should be doing, but instead, someone with a master's degree in social work should be doing at significantly less pay, ending her

comments with questioning whether or not a second year attorney would be getting the same salary.

Rex Bailey noted that the person that was recently hired knew the salary when changing jobs. He stated that it is not personal against the Judge, but he believes the Court needs to be very careful with money. Judge Beaumont replied that she is cutting corners any possible way she can, there are 220 participants in her court, and rather than asking for an additional person, she believes the most efficient option is to pay an individual \$9,000 per year more to do the additional work that is necessary.

Bill Ussery commented that he would like a salary range in, so it would pay based on the ability and experience that they have.

Harvey Bowman commented that this matter is simple, and is being made more complicated than necessary. He made a motion to amend the Motion on the floor to write a thorough job description, associate a range of salaries based on experience, moving that to the Budget Committee. Ann Harbison accepted the friendly amendment. Harvey Bowman seconded the motion.

Rick Cochran suggested having a special Personnel Committee meeting to discuss the job description and pay range for this position. Further, Rick Cochran suggested that it may be wise to make the salary decision retroactive.

Candy Clark made motion to add a friendly amendment to make the salary retroactive to when the new Law Clerk was hired. Ann Harbison accepted the amendment. The motion was approved.

Ron Aman suggested that Judge Beaumont review the job description and it be discussed in September.

Candy Clark commented that she believes that it is best for it to be thoroughly reviewed and wait until September. Joe Patterson agreed that it would be better to wait until September. Barbara Fitzpatrick disagreed, stating she feels it would be better to get this out of the way prior to going into 2015 budget discussions.

Karen Beeks restated the motion to move the request to the Finance Committee with a friendly amendment to consist of a thorough job description with a range of salary for levels of experience, and another friendly amendment that it be retroactive to the date of hire.

The motion was approved by all those Committee members present.

With no other business or public comment, the meeting adjourned at 7:20 p.m.

/rb

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

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

Tuesday, August 12, 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, Jimmy Mardis, Bill Ussery, and Diane Bryant.

Members Absent: Harvey Bowman

Others Present: George Butler, Sue Madison, Jennifer Price, Renee Oelschlaeger, Peter Loris, Max Deitchler, Daniel Balls, Angela Ledgerwood, Tim Helder, Randall Denzer, Jay Cantrell, Bobby Hill, Glenda Audrain, Jerry Bolinger, Jennifer Hinkle, Ashley Farber, Cheryl Bolinger, Renee Biby, and Dan Holtmeyer (NWA Times).

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

Adoption of Agenda. A motion was made by Rick Cochran, seconded by Rex Bailey, to remove agenda item 7 referring to the appropriation request from Circuit Judge Cristi Beaumont concerning the law clerk position. The motion passed.

A motion was made and seconded to adopt the agenda as amended. The motion passed.

Financial Report. County Treasurer Roger Haney and Comptroller Cheryl Bolinger will update the Committee on the monthly financial report.

County Treasurer, Roger Haney, reported that the Road and Jail Funds ended the month with the Road Fund having a balance of \$407,201.05 and the Jail Fund having a balance of \$622,498.71. The balance in General was helped by the state turn back money and the real estate transfer tax distribution. The turn back money is an advance and has to be paid back. The tax distribution was \$43,000, which is more than the \$25,000 that was received in 2013, it was also helped by \$113,955 that was transferred to the General Fund from the Recorder's Cost Fund. The collections for the July one cent sales tax was the second highest that it has been since 2006. The ½ cent road sales tax has been

consistent between \$108,000 and \$109,000, when the tax was being proposed it was projected that the County would receive \$102,000 per month.

Comptroller Cheryl Bolinger reported that there were adjustments to the unappropriated reserves, those show the housekeeping ordinance that was approved and the Sheriff's Work Release that was approved. The budgets should be at 58% for this time of the year, and everything appears to be on track, the ones that look out of line show the encumbrances, because those costs are already known and accounted for.

Eva Madison noted looking at the Road Fund and the Jail Operations Fund, the 5 million dollar additional price tag is concerning her, in that they could use all that is budgeted. She stated she has been optimistic that the reserves wouldn't be spent, however, looking at the percentages, it appears they may be on track to spend the entire budgets.

Report from County Grant Administrator Wayne Blankenship on Grants Awarded to the County and Related Appropriation Requests and Resolutions Needed for the Submission of Grant Applications. Assistant Grant Administrator Renee Biby presented an ordinance recognizing additional revenues of \$8,020 in the Animal Shelter Grant Fund; and appropriating the amount of \$8,020 from the Animal Shelter Grant Fund to the Trap/Neuter/Release Grant Budget for 2014.

Assistant Grant Administrator Renee Biby reported that this is the money that was received from Pet Smart Charities and will be used for the TNR Program that the Animal Shelter will be doing.

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 by all those present.

Appropriation Request in the Amount of \$11,000 From The County Library Fund To The County Library Budget For 2014. County Librarian, Glenda Audrain, reported that this request is being brought forward to pay for additional licenses.

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

Request from the Washington County Election Commission to Recognize Additional Revenues of \$15,970; And to Appropriate \$43,190 from the General Fund. Election Coordinator, Jennifer Price, presented the request for an appropriation will allow five (5) additional Early Voting sites to be opened for the November General Election.

Peter Loris, Chairman of the Election Commission, stated that the former Chairman has passed away. The request is being brought by all three Election Commissioners, who have had input.

Rex Bailey asked if this was a one time request. Jennifer Price replied that the additional sites will be requested in future years as well. Currently there are two early voting sites, one being at the Springdale Rodeo Grounds and the other being in the Quorum Court room. This is being brought due to requests by voters. For Washington County 35% of voters early vote. Benton and Pulaski County get approximately 50% early votes.

Eva Madison asked if it is normal to use a private business location for a voting site? Jennifer Price replied that this is the first time, however, she noted that the facility that is being proposed is self-contained and is not directly in the pharmacy. It has a separate entrance and is a good location that meets ADA requirements, the facility also has Wi-Fi. Eva Madison asked if it requires a contract. George Butler replied that it would be treated the same way as the churches which sometimes hold elections. Jennifer Price added that the Rodeo Grounds is also privately owned. Next, Eva Madison stated that she doesn't see the fairgrounds as being accessible, due to the complex of buildings there. Jennifer Price replied that there will be additional signage there, and there will be an arts and crafts festival there as well so she is hopeful by the extra advertising that the fairgrounds location will be successful.

Jennifer Price stated early voting times are set from 8:00a.m. to 6:00 p.m. pursuant to state law, the sites can close earlier than that, however, may not stay open later. Eva Madison replied that she wishes there was a way to add hours.

Tom Lundstrum commented that he will not support this request due to the cost. He noted that he has not had any problem early voting and although the lines are long sometimes if people wait until election day to vote, that is expected.

Rick Cochran asked if the cities have been contacted concerning their costs, to which Jennifer Price replied they had not. The amount for any individual city is not a significant increase. The sites have been determined after speaking with voters on election days, and by looking into the sites with the entire Election Commission. Rick Cochran asked if other options had been looked at concerning having one week at one site and one week at the other site. Jennifer Price responded that she worried that would be confusing to the voters. Rick Cochran stated he would be open to the idea of only adding Prairie Grove to the first term to see how it does, easing into it to see if there is a benefit.

Jennifer Price stated the Prairie Grove area has 12,000 potential voters, just looking at the precincts in that area. The site at the boys and girls club has about 12,000 voters in that proximity, one of the things that was looked at was where could the voters be maximized. She further stated that the Election Commission does get reimbursed through the state and the cities as well, which will be approximately \$120,000 for the primary. The total cost for the General Election is divided in half and then the remaining half is billed out to the cities. There are currently 56 polling places on election day. An increase of early voters may decrease the number of ballots that have to be used on election day and possibly a decrease in the number of poll workers that are needed on election day. Jimmy Mardis stated he doesn't see any problems in Washington County

on election day. He understands that it is convenient, but there comes a point where the costs have to be considered. He also stated having oversight at the additional sites would be a concern for him. Jennifer Price replied that security was a primary concern when looking at the early voting sites, and each will be completely secured. Pulaski County has nine early voting sites, Benton County has seven early voting sites.

Eva Madison noted a scrivener's area, which should say \$15,970 rather than \$15,907. She stated that she thinks this is about increasing the access to people who work all day or can't get away to vote on election day. Looking at the numbers of turn out in Benton and Pulaski County, she fully supports this request. She urged the Committee to let the Commission try it this year.

Ann Harbison stated that voting is necessary for a democracy to work. She believes it is very important for people to vote and this will be money well spent.

Jimmy Mardis asked if there were numbers available from when the Rodeo Grounds were implemented. Jennifer Price replied that in 2008 when the Rodeo Grounds was first opened there were 5,804 people who early voted there. In 2012 there were 7,255 people who early voted at the Rodeo Grounds. The Quorum Court room was opened in 2012, there were 11,465 votes there for early voting. It dropped the County Clerk's number down to 6,726. There were lines down the stairs and out the door prior to opening the Quorum Court room. She stated this is the best year to try it because it is not a presidential election year.

Candy Clark stated that she has received emails and calls concerning this and all of those were in support of the request. Further stating, that she thinks this is a very good idea and she believes that the election commission will analyze the data and will make it easier for people to due to the duty that is fundamental to democracy.

Tom Lundstrum stated that he doesn't think that early voting sites are going to appreciably change the number of people who vote, people who want to vote are going to vote. Before early voting he had to stand in line and wait, so the only benefit was not standing in line. Further commenting, most all of it is just convenience, government in large, can't find a place to stop spending money.

Ron Aman stated he will be in opposition also because it is more of a wish than a complaint.

Rex Bailey asked if anyone had been disenfranchised? Jennifer Price replied that there are people who wait in line for quite a while to get to vote. This would alleviate those voters at some of the polling places from waiting. Rex Bailey replied that they do get to vote, so he would not call that disenfranchised.

Rick Cochran stated he shops at Wal-Mart and there are long lines, but it doesn't stop people from shopping there. He doesn't see that this kind of money should be spent, with the exception of the Prairie Grove site.

Ann Harbison made a motion to forward the request to the full Quorum Court with a do pass recommendation. Diane Bryant seconded. The motion was approved with Tom Lundstrum, Joe Patterson, Rex Bailey, Rick Cochran, Jimmy Mardis and Ron Aman voting no.

Request from Circuit Judge Cristi Beaumont to Increase the Salary of a Law Clerk Position for 2014. This item was removed from the agenda at the beginning of the meeting.

Request from Sheriff Helder to Recognize Additional Revenues Of \$15,722 In The Jail Fund; And Appropriate \$15,722 From The Jail Fund To The Jail Budget For 2014. Chief Deputy, Jay Cantrell, reported that this request is due to a transport van that was totaled in an accident on Interstate 430 near Little Rock. This money was received from the insurance company and will allow for replacement of the van.

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

Other Business. Candy Clark informed the committee that the Budget Committee meeting scheduled for August 18th will be solely to discuss budget controls. She also informed the Committee that the September 15th meeting will be held at 6:30 p.m., due to it having the Animal Shelter and the IT Department, she feels it is very important for everyone to be present.

Eva Madison asked if those two departments could be separated into different nights, Candy Clark replied that she would work with Karen Beeks to come up with alternate dates for one of those two departments.

With no public comment, the meeting adjourned at 6:33 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 ORDINANCE 2014-38 TO MAKE THE EFFECTIVE DATE OF SUCH JANUARY 31, 2016.

WHEREAS, Ordinance 2014-38 enacted on June 19, 2014, amended Washington County Code 9-12 regarding the Washington County Library Board; and,

WHEREAS, such needs to be amended so that it is effective on January 31, 2016, so that the existing at large member can serve out her term which ends on January 31, 2016, and so that the new Farmington representative can be appointed on January 31, 2016, to a five-year term that will end on January 31, as all other board members.

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

ARTICLE 1. Ordinance 2014-38, a copy of which is attached hereto and incorporated herein, as if set out word for word shall be effective January 31, 2016.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor:_____

Date of Passage:_____

Votes For:_____ Votes Against:_____

Abstention:_____ Absent:_____

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 OPPOSING A PROPOSED RULE
AMENDING THE DEFINITION OF “WATERS OF
THE U.S.” UNDER THE CLEAN WATER ACT.**

WHEREAS, on April 21, 2014, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) jointly released a new proposed rule, *Definition of Waters of the U.S. Under the Clean Water Act*, that would amend the definition of “waters of the U.S.”; and,

WHEREAS, the proposed rule change could have significant impact on Washington County by expanding the range of waters falling under federal jurisdiction; and,

WHEREAS, the proposed rule would modify existing regulations, which have been in place for over 25 years, regarding which waters fall under federal jurisdiction through the Clean Water Act (CWA); and,

WHEREAS, the proposed rule would define some ditches as “waters of the U.S.” if they meet certain conditions; and,

WHEREAS, the proposed rule would broaden the geographic scope of CWA jurisdiction; and,

WHEREAS, the proposed rule could broaden the number of county maintained ditches—roadside, flood channels and potentially others—that would require CWA Section 404 federal permits; and,

WHEREAS, the proposed rule change could significantly impact Washington County by requiring additional permitting and extending the time period needed for infrastructure improvements; thereby, putting an additional burden on already tight budgets and possibly causing safety concerns to go unaddressed while awaiting federal approval.

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

ARTICLE 1. That the Quorum Court hereby opposes the proposed rule change in its current form and asks the EPA and Corps to revisit this proposed rule change and more narrowly define waters of the U.S.

ARTICLE 2. Upon adoption of this Resolution, the Quorum Court hereby requests that the County Judge forward a file-marked copy to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, Governor Mike Beebe, and to each of Arkansas' six U.S. congressional delegates.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Butch Pond

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____