

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

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

2014 SEP 22 PM 3:49
BECKY L. WALLEY
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

- 92.1 The Washington County Quorum Court met in regular session on Thursday, August 21, 2014. The meeting was called to order by Judge Marilyn Edwards.
- 92.2 E. Madison led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 92.3 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, Candy Clark, Rick Cochran, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Jimmy Mardis, Joe Patterson, Butch Pond, and Bill Ussery.
- 92.4 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 92.5 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 92.6 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote. The agenda was adopted as presented.**
- 92.7 APPROVAL OF MINUTES: Judge Edwards asked for approval of the Minutes of the July 17 Regular Meeting of the Washington County Quorum Court.
- 92.8 **A motion was made and seconded to approve the minutes as distributed. The motion passed unanimously by voice vote. The minutes were approved.**
- 92.9 PUBLIC HEARING: Judge Edwards stated at this time that 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 Filter. The purpose of this hearing is to inform citizens of the current scope and progress of the ACEDP project; 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 introduced Cassie Elliot with Visionary Milestones who would be making a presentation.

- 93.1 Cassie Elliot with Visionary Milestones addressed the Quorum Court stating as part of the grant requirement for the American Air Filter Project that was started in July 2012, they hold public hearings to answer any questions and give an update on the status of the grant. She stated she was proud to announce that they finished on time with a deadline of September 1. She stated that they are complete with the job tracking, noting that 58 new jobs were required as part of the grant to be created as part of the project, and 91 new jobs were created at American Air Filter.
- 93.2 Judge Edwards stated that having worked with Renee and Cassie, she is familiar with this work and noted that they have done an excellent job.
- 93.3 There were no comments made by JPs or public present to comment.
- 93.4 **The Public Hearing was closed.**
- 93.5 A RESOLUTION AUTHORIZING ALBERT NOLAN PENNINGTON TO SOLEMNIZE THE MARRIAGE OF KYLE DEMPSEY AND VICTORIA HELLWIG ON OCTOBER 4, 2014, IN WASHINGTON COUNTY, ARKANSAS: A. Harbison introduced **A Resolution Authorizing Albert Nolan Pennington To Solemnize The Marriage Of Kyle Dempsey And Victoria Hellwig On October 4, 2014, In Washington County, Arkansas,** and County Attorney George Butler read the resolution.
- 93.6 **A. Harbison made a motion to adopt the resolution. R. Bailey seconded.**
- 93.7 Citizen Comments: There were no citizen comments made.
- 93.8 A. Harbison noted that the bride's grandfather would be solemnizing this marriage. The couple who was present was given good luck wishes.
- 93.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 93.10 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The resolution was adopted.**

RESOLUTION NO. 2014-15, BOOK NO. 3, PAGE NO. 80

- 94.1 FINANCE REPORT: C. Clark stated that she had four appropriation ordinances from the Finance Committee to address tonight.
- 94.2 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: C. Clark introduced **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**, and County Attorney George Butler read the ordinance.
- 94.3 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 94.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 94.5 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2014-44, BOOK NO. 9, PAGE NO. 413

- 94.6 AN ORDINANCE APPROPRIATING \$11,000 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2014: C, Clark introduced **An Ordinance Appropriating \$11,000 From The County Library Fund To The County Library Budget For 2014**, and County Attorney George Butler read the ordinance.
- 94.7 C. Clark stated that this was not new money, but they were simply moving money into a different line item.
- 94.8 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 94.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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

ORDINANCE NO.2014-45, BOOK NO. 9, PAGE NO. 414

- 95.2 C. Clark stated that the next ordinance, addressing a request for an appropriation in the Election Commission Budget for 2014, was amended.
- 95.3 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$9,000 IN THE GENERAL FUND; AND APPROPRIATING \$22,000 FROM THE GENERAL FUND TO THE ELECTION COMMISSION BUDGET FOR 2014:
C. Clark introduced **An Ordinance Anticipating Additional Revenues Of \$9,000 In The General Fund; And Appropriating \$22,000 From The General Fund To The Election Commission Budget For 2014**, and County Attorney George Butler read the ordinance.
- 95.4 C. Clark stated that the Finance Committee heard a request from the Election Commission to add five new early voting sites that totaled somewhere in the neighborhood of \$43,000. She noted that this amended ordinance reflects the absence of the Fairground and Arvest Ball Park and the confirmation of the Boys/Girls Club, Medical Arts, and Prairie Grove which now totaled \$22,000.
- 95.5 **C. Clark made a motion to adopt the ordinance. A. Harbison seconded.**
- 95.6 R. Bailey stated his problem with this is that it is not equal and the only way he will support this ordinance is if the three locations would be Arvest Ball Park, Prairie Grove and Medical Arts to go along with the Rodeo Grounds and the Courthouse. He explained that they are not giving any consideration to Springdale, and they have people who live in Benton County that vote, and it is hard to get across town. He stated that a guy could look at this and think that politics was involved in this decision. R. Bailey stated that a site at Arvest Ball Park would cover the northwest portion of Washington County; a site at Prairie Grove would cover the southwest portion of the county; the Medical Arts and Rodeo Grounds sites would cover the central portion of the county. He questioned why Arvest Ball Park was not one of the sites.

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 5

- 96.1 Jennifer Price, Election Coordinator for Washington County, responded to R. Bailey stating the reason why they selected Boys/Girls Club over Arvest Ball Park was because the hours with Arvest Ball Park were only able to be open from 9:30 a.m. to 4:30 p.m. and the Boys/Girls Club is able to be open from 8:00 a.m. to 6:00 p.m. This allows voters who are on their way to work or on their way home to vote; Arvest Ball Park does not have the opportunity to catch those voters with the current hours.
- 96.2 In response to a question from R. Bailey about who Ms. Price spoke to at Arvest Ball Park, she stated that it was one of the facility managers, but she did not bring that information with her.
- 96.3 R. Bailey stated that the baseball team does not have any control over the ball park after August. He noted that he belongs to the Arvest Ball Park Facilities Board, and they are over that ball park and their board has not been approached regarding this issue. This is the board that needs to be contacted as they are responsible for the ball park during off season. He further noted that it is a distinct advantage to have it the way they are proposing. He is not accusing Ms. Price of anything, but they will be hard pressed for any Republicans to vote for this. R. Bailey suggested that they go back and ask more questions about Arvest Ball Park.
- 96.4 Ms. Price reiterated that when they talked to Arvest Ball Park, there was no mention of a Board; this is new information that they did not have. She noted that they toured the facility and the location of an early voter site would be in the Guest Locker Room which has its own entrance and is easier to find than the other portions of the ball park.
- 96.5 R. Bailey suggested that Ms. Price talk to the Mayor of Springdale, and he can call a special meeting of the Facilities Board.
- 96.6 Ms. Price stated that besides talking to the manager of Arvest Ball Park, she spoke to the gentleman who puts together the outreach type programs.
- 96.7 R. Bailey stated that there is a place where they could set up right in front of the ball park, a place to rent that would be convenient.

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 6

- 97.1 Ms. Price stated that there was another place that they showed them that had a meeting one day a week and would interfere with their equipment; they thought that the parking would be easier with signage in the Guest Locker Room. She stated when they put this proposal together, they obviously looked at the hours that would be most consistent and convenient; that was the only reason that they chose the Boys/Girls Club.
- 97.2 R. Bailey stated that he could not support this ordinance because it does not take care of Springdale at all. He stated that there are all kinds of people in the western part of the County and Springdale's city limits goes to the other side of Elm Springs.
- 97.3 R. Bailey stated that they take care of a lot of Benton County people that vote for the city councilmen; to which Ms. Price responded that they cannot vote in Washington County and verified that those that cannot vote for the city councilmen cannot come for early voting and only Washington County voters are eligible for this.
- 97.4 R. Bailey stated that he would not support this ordinance unless Arvest Ball Park is included.
- 97.5 R. Cochran thanked Ms. Price for curtailing the number of locations to keep it as an exploratory measure. He stated that she mentioned the location in Prairie Grove would be open on Saturday as well as late hours through the week which is an optimal time for most people to take advantage of an early voting site. He noted that some of these locations are not open past 5:00 and any of the locations that are chosen that he will strongly consider in his vote need to be open past 5:00 and need to be open at least one of the two Saturdays. He stated that he believes the Arvest Ball Park could probably accommodate them on Saturdays because the ball team will be gone at that point.
- 97.6 Ms. Price stated that they will be open at the Medical Arts Center from 8 a.m. until 6:00 p.m. Monday through Friday and the Boys/Girls Club from 8:00 a.m. until 6:00 p.m. Monday through Friday. She stated that they would not be able to be open the entire day at the Boy/Girls Club but would be able to adjust their hours at the Medical Arts Center to be open on Saturday. She explained the reason they did not choose to be open on Saturday at the

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 7

Medical Arts Center is that that first Saturday is homecoming at the University of Arkansas and early voting shuts down because no one wants to fight the traffic. She noted that when they are not open on Saturday, it saves them money as well. She stated that they could adjust the time and be open on Saturday from 8:00 a.m. until noon or 1:00 p.m. at the Boys/Girls Club; they are still open at the Quorum Court Room and Rodeo Grounds on Saturdays as well.

- 98.1 J. Mardis stated that Ms. Price provided him with information on the effect of early voting stations in relation to voting turn out. He stated that he took the information and broke it into presidential elections and the off year elections and found that early voting increased dramatically for presidential elections at 49% from 2004 to 2008 compared to 12% from 2008 to 2012; and in this situation there were all of the early voting locations available except for the Quorum Court Room. J. Mardis stated that looking at the period of 2006 to 2010; they went from only early voting at the Courthouse to increasing to two early voting sites, during which time early voting decreased 2.5%; however, when they went from just early voting at the Courthouse to having two more locations, including the Quorum Courtroom and Rodeo Grounds, the votes decreased by .5%. He stated that if they are going to do this, the better opportunity is during the bigger elections because more people will vote, and it allows people more time to vote. He stated that he would not be in favor of keeping the Fayetteville locations and not having the other locations, and he believes it would be very advantageous to have a location near Highway 540 because a high population of the county come and go through there to go to work.
- 98.2 J. Mardis asked about the radius in which the Courthouse, Boys/Girls Club and Medical Arts Center are located; to which Ms. Price responded that with the Medical Arts Center on Huntsville and Crossover, they expect voters from Elkins, Durham and those in proximity to their polling places. She stated with the Boys/Girls Club, voters from Wedington and Mount Comfort areas are expected with Mount Comfort being their second largest polling place.
- 98.3 Ms. Price further noted regarding the decrease in early voting in the 2010 election, that each election is based on the dynamics of the candidates running, and in 2010, they had the Governor's race with an incumbent running which draws less voters, as well as no incumbent running for the Senate with a strong Republican candidate which impacted their 2010

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 8

election. Ms. Price stated for the 2014 election, they have two new candidates running for Governor and those running for the Senate have been advertising for months, which she believes will increase their voter turnout. She stated for the 2014 election, they expect voter turnout to be more than numbers in 2010 but not as much as in 2012.

- 99.1 J. Mardis stated that he likes to look at the data that they have and he agrees that each election is different. It is hard to predict how an election will go and impossible to predict early voting. He stated that the way this is set up, it would be a lot more convenient if you lived in the Fayetteville area and a lot less convenient for people living north of there. He noted that most of the growth in Springdale is towards the west and now their polling place is out toward the east. In conclusion, he stated that he would not support this ordinance with the locations that they currently have.
- 99.2 Ms. Price stated that one of their growth areas is in Fayetteville out toward the Wedington and Wheeler areas and when she looks back at some of the numbers of the city votes that they had, 51% of the votes came from Fayetteville and only 30% of the total number came from Springdale.
- 99.3 J. Mardis stated that when he saw the early voting sites he wanted to look at the votes in the precincts in those areas to review the voting numbers; he could not find anything online in this regard, but believes that it would be helpful. He continues to believe that there are so many people that move up and down 540 to go to work regardless of where they live, that somewhere out there would make more sense. He stated that he would be in favor of keeping a Wedington site and getting rid of the Medical Arts Center.
- 99.4 In response to a question from J. Firmin about the procedure for amending this ordinance, County Attorney George Butler stated that normally, they would automatically do it, but theoretically, someone should have moved at the adoption of the agenda to have substituted this ordinance in its amended version as the original.
- 99.5 J. Firmin stated that he would like to see them open up another early voting location in Springdale as discussed by J. Mardis and R. Bailey even though it will cost a little bit more money and in this case, would be a better course of action. He stated if there was a way to amend the amended ordinance and they could get an idea on the cost of adding Arvest Ball Park, R. Bailey could

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 9

assist on getting the hours increased; he believes that this would be the best location to add for early voting.

- 100.1 R. Bailey stated his appreciation for J. Firmin's concern that the way the ordinance is currently drawn is not right and crossing Springdale to the Rodeo Grounds is difficult. They concurred that this ordinance would simply not pass the way it was currently drawn.
- 100.2 Ms. Price stated to add Arvest Ball Park back into the equation at the 9:30 a.m. to 4:30 p.m. hours would bring them to an additional \$4,587 and if they were able to adjust the hours as discussed, would add approximately \$2,000 for a total addition to the cost of approximately \$6,500.
- 100.3 J. Firmin asked if Ms. Price was still counting the Boys/Girls Club as he was counting taking it out of the ordinance if they add Arvest Ball Park; to which Ms. Price responded that she was keeping it in. She explained that the Election Commission decides on which polling places are open and concurred with J. Firmin that the Quorum Court makes the decision on the money. Ms. Price stated by adding \$6,500 that would take the appropriation up to \$28,587 that they would be requesting. She noted that part of that is what they consider fixed costs that will only be incurred once such as the signage and computers and the other costs they would be able to bill out to the cities. Therefore, she stated that the total cost that the Quorum Court actually would incur would around \$16,000. She stated opening up one more site does not cost that much more money.
- 100.4 **J. Firmin made a motion to increase the appropriation to \$28,587 with the intention to add Arvest Ball Park location. B. Pond seconded.**
- 100.5 E. Madison stated when she received the revised ordinance this afternoon; she called Ms. Price because she was concerned about the removal of Arvest Ball Park. She stated even if they can justify ratio to population and hours, it does not send a good message that all but one of the early voting sites are in the southern portion of the county. E. Madison stated that she had asked Ms. Price to be ready to talk about what it would cost to add Arvest Ball Park back into the ordinance.
- 100.6 E. Madison stated that after their last meeting, the Ms. Price and the Election Commission looked at all of the numbers again and looked hard at the expenditures that they were planning on spending for the election already and cut down to the bare bones. She stated her surprise that by dropping only

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 10

two early voting sites, they reduced the money by \$20,000 and Ms. Price explained that they looked at things such as having a one-page ballot instead of two-pages and getting a lot of mileage out of these dollars and making these numbers work. E. Madison stated that she would like to see all five early voting sites as she thinks that this is a good trial run and that this is how they are supposed to spend tax dollars. She stated if you asked an 18-year-old today, they probably believe that they can vote on their phone.

- 101.1 With respect to T. Lundstrum's statement that if people are committed to vote, that they will vote, E. Madison stated she is not so sure about that because not everyone is as committed as they are in this Quorum Court. She believes that people these days expect conveniences and expect things to be easy, and they need to spend dollars to make that work in this process. She also does not believe that every election should have different early voting sites but rather decide where the population centers are, decide where the early voting sites should be, and stick with those so that they have consistent sites. She noted that they have been told that this is the year to try this rather than during a presidential year due to the work. She stated that they are talking about less than a \$20,000 expenditure from the general fund, a drop in the bucket to really increase the access here and urged that they need to do this and should not be arguing over something that has such a direct translation back to the taxpayers. She stated that she would be supporting J. Firmin's amendment.
- 101.2 A. Harbison stated that she definitely supports adding Arvest Ball Park as an early voting site and believes that the Election Commission did due diligence because they put these early voting sites in high population areas. She stated that she is definitely in favor of the one on Highway 16 because it covers a large area and the east portion of the county. She stated that it is important for people to vote early because we are a busy society and people get busy and do not always take the time to vote and early voting is important to open the door for people to vote who normally would not vote. She stated that voting is a level field for everyone, whether you live in a \$2 million home, or out of your car, or are a homeless person, everyone's vote counts the same. She concurs with R. Bailey and J. Mardis that they need the Arvest Ball Park site in Springdale with only one other site.
- 101.3 B. Pond stated that he is counting on R. Bailey to see to it that they can increase the hours open at the Arvest Ball Park site and that they can get it added, but he also wants to keep the Boys/Girls Club site as it is a heavy voting area. He stated that the Election Commission has worked hard on this

and are being very accommodating. He stated that he understands R. Bailey's frustration with the Arvest Ball Park being pulled out of this ordinance, and he appreciates him coming forward and letting them know that this can happen.

- 102.1 T. Lundstrum stated that he is going to take a little different approach and will oppose J. Firmin's amendment and will oppose the ordinance altogether. He noted that the Springdale News had a good editorial on this subject recently and noted him as one who opposed putting early voting sites out to begin with, which is true. He stated that one of his main reasons for opposing this is because it is just simply a matter of convenience only. The editorial cited a research group who had done research on this topic, and they showed that early voting did not increase the total vote at all but actually tended to decrease the total vote. He stated that no one that he has discussed this with at the Election Commission has assured him that early voting actually increases the vote. He added that the research group's point of view was that early voting takes the urgency out of voting on Election Day and that is why people turn out in larger numbers to do that. T. Lundstrum stated that he does not believe they have a huge problem with people having access to early voting. T. Lundstrum stated that he is opposed to spending anymore taxpayer money for more early voting sites.
- 102.2 C. Clark stated that she had a lady at Senior Democrats come up to her last Tuesday incredibly excited about adding early voting sites, though this was when they thought that Arvest Ball Park was still in play. She pointed out that daylight savings time ends November 2 and our election is November 4 so she was excited about being able to vote early closer to home during daylight hours. C. Clark stated that she strongly supports J. Firmin's motion and believes the more that they can offer people lessens their excuses for not exercising the true fundamental right in our country to vote. She commended the Election Commission for cutting the cost and believes that this is the right thing to do.
- 102.3 R. Aman stated that most of his constituents were not for the sites and those who were in favor were a member of the City Council and a school teacher. He stated that the school teacher wanted it so she could bring her class in to the site to see how it worked, and the City Council member reported that they passed a resolution in favor of it but received no comments for or against from the community. He concurs with T. Lundstrum and will oppose this ordinance but believes if they go forward with it, they should shorten the time for early voting from two weeks to one week

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 12

B. Fitzpatrick stated that she too was concerned to see the amended ordinance without Arvest Ball Park. She stated if they had to choose one of two on the west side of town then the Boys/Girls Club would be it because of its close proximity to 540. She stated since there is so much expansion going to the west in both Fayetteville and Springdale, they need both of these sites. She further pointed out that it is as difficult to get from the west side of Fayetteville to the east side as it is in Springdale. She stated that there is nothing in a country that claims to be free that is more important than providing its citizens with the opportunity to vote.

103.1 **B. Pond called for the question. A. Harbison seconded.**

103.2 County Attorney George Butler explained that there has been a call for the question, and they have someone who wants to continue discussion, so if they want to call off the debate they need a motion and second with a 2/3 vote to pass.

103.3 **Judge Edwards called for a vote on the call for the question.**

103.4 **VOTING FOR: B. Pond. VOTING AGAINST: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion failed with one member voting in favor and fourteen members voting against the call for the question.****

103.5 J. Mardis stated that he talked earlier about the original amendment, not to be confused with the new amendment presented to them to vote on tonight. He addressed J. Firmin, stating that he does not want to add any more sites on and wanted to replace one location for another location. He understands what everyone is saying, and he is all for everyone voting. While he believes that it is their right to vote, he also believes that it is our duty to vote. He wonders how they ever got along with everyone voting on one day. He pointed out that the percentage of registered voters has decreased in every election ever since they have had early voting, which indicates more of a trend of people who just do not vote.

103.6 J. Mardis stated if they vote against these early voting sites, it will sound in the press like they are against people voting and that is absolutely not true. He stated that he will not support this amendment. To the comment made earlier that if this is not successful that they will not do it, he questioned the definition of "successful" and what was meant by it.

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 13

- 104.1 Ms. Price stated in response to J. Mardis' comments that the voting has decreased every election since they have had early voting sites. Registered voters decreased in 2006 and 2010 compared to other years; however, in 2012, they had 107,307, and in the 2014 primary they actually increased their registered voters and in the May primary, they had 109,449 which is an increase this year from 2006.
- 104.2 J. Mardis stated that he was not talking about registered voters but rather the percentage that actually voted. He referred to the list sent out by Executive Assistant Karen Beeks; the percentage of voters has decreased after every cycle.
- 104.3 Ms. Price addressed J. Mardis, stating in 2012 it was 66% and 2008 it was 69%; however, in 2008, they had two new presidential candidates running while in 2012 they had an incumbent running which impacts the percentage of voters that they see. She stated that it is hard to look at elections in a vacuum because there are so many variables that go into an election and the numbers simply provide them with an idea of how they think the election will turn out.
- 104.4 A. Harbison stated that this particular year is an off year, but she does not think that they will see a decrease in the number of people voting. She pointed out that they have an important U.S. Senate race, Governor's race, Constitutional and Legislative races, as well as County Judge and Justice of the Peace races, and she believes that they will see a large number of people voting in this off year. She stated her understanding that in each of these areas identified, they had somewhere around 20,000 people to vote if they all voted.
- 104.5 Ms. Price responded to A. Harbison stating that there were between 12,000 and 20,000 voters per area depending on the area.
- 104.6 A. Harbison stated that the only polling place that she agreed with dropping was dropped and that was the Fairgrounds. She stated that she believes they are in a very important election cycle to this state and county, even though it is an off year, and it is important to give people the opportunity to vote.
- 104.7 T. Lundstrum stated that in the editorial that he referred to previously, the editor said that \$43,900 was very minuscule when compared to the Washington County budget. He agrees with this, but he tends to look at what

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 14

everyone is wanting. They could increase taxpayer spending by ½ million dollars by the end of the year; however, they keep wanting to look at these minuscule numbers and just vote for them which bothers him as he has watched the spending grow during the eight years he has been on this court. He stated that no one is keeping them from having the opportunity to vote in Washington County, and it does not seem to bother anyone nor has anyone rebutted that these early voting locations seem to reduce the total number of voters instead of increasing them.

- 105.1 H. Bowman stated that it is five miles from the Courthouse to the Boys and Girls Club, and he cannot see establishing another site in a five mile radius. He stated, as T. Lundstrum has indicated, it is really important that there be some validation that early voting sites will increase the number of people voting, and he has not heard any facts to support that. He stated that he will oppose this ordinance.
- 105.2 Ms. Price responded to H. Bowman stating if they look at Pulaski and Benton Counties, overall voter turnouts are slightly higher than Washington County, and they have more early voting sites.
- 105.3 H. Bowman asked whether Pulaski or Benton County could document the fact that adding early voting sites increased their total voter turnout; to which Ms. Price responded that she does know if they are able to reach closer to 50% of their early vote, than that will lessen some of their election day costs by 15% in regards to the number of ballots that they have to print. She stated that they might spend more money to early vote, but then they can turn around and save a percentage of that money on Election Day by not having to print as many ballots and lowering the number of poll workers that they have at polling places.
- 105.4 H. Bowman asked if Ms. Price has presented them with any numbers that show how many fewer ballots have been printed when they had a nice turnout in early voting.
- 105.5 Ms. Price responded that they do not have enough voting machines to offer that as another voting option and people still request paper ballots and they are currently 60% to 70% Election Day paper ballots vs. the touch screen. She reiterated that they can save 15% of the ballot costs which can be close to \$5,000 in that regard; and if they have fewer voters turning out on Election Day as well, then they can lower the number of poll workers that they have at

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 15

a location which also decreases the costs. She stated that all of these things go into play when they prepare their next year's budget.

- 106.1 B. Ussery stated that there should be some number that represents the number of people that they are anticipating these additional early voting sites will bring out to vote. He stated that they are shoveling nut shells, but at the end of the day, how much ahead will they be by doing this.
- 106.2 Ms. Price responded to B. Ussery stating that at Prairie Grove there is the potential of reaching 13,000 registered voters with that number currently being less than 20%, so they are hoping to increase that number of registered voters closer to the 35% to 40% that they have had at the Rodeo Grounds and Quorum Court. She stated that they do anticipate more people early voting because we have the opportunity for them to early vote which in turn will impact voting on Election Day because the lines will be shorter.
- 106.3 B. Ussery stated that he would like to hear a report after the election of at least a thumbnail sketch of what they gained by doing this.
- 106.4 Ms. Price stated that everyone knows that the Rodeo Grounds is open for voting as it has been open since 2008, and this year, they want to let people know that these new early voting sites are open. By doing it this year rather than waiting until the presidential Election in 2016, they have established that the sites are available and will remain available for future elections, so people get used to voting at those facilities.
- 106.5 J. Patterson stated when he first moved in 2000 to East Springdale, the Rodeo Grounds which was in his District until the last census, his District always ran low with only 13,500 citizens from the 2000 census. His District was one of the largest with almost 19,000 in 2010 when they took the census. However, the zoning percentage of his district actually went down because east Springdale traditionally does not vote at all. J. Patterson noted he won his first election at 68% with 3100 votes, and Jack Norton in the southwest portion of the county got 4200 votes and barely won. He usually ran 1200 to 1800 voters less voting than any of the other districts. He stated that he could never tell that it made any different by having early voting in his own district and felt that a lot of people just do not want to mess with it.
- 106.6 D. Bryant stated that she does support the amendment, having additional early voting sites and that they need a site on the west side of Springdale.

She feels like they have beaten this horse to death and would like to hear the amendment read and have them go ahead and vote on it.

- 107.1 E. Madison stated that she thinks they would have to suspend the rules but would like to see if there is anyone from the public present who wanted to comment on this before they vote. It was determined that there were no citizens present who wanted to comment.
- 107.2 **J. Firmin reread his motion to increase the appropriation to \$28,587 with the intention to add Arvest Ball Park location as an early voting site. B. Pond seconded.**
- 107.3 B. Pond asked if this figure was certain or an estimate; to which Ms. Price responded that the reason they were able to drop down from the initial \$43,900 that they asked for was by cutting some poll workers at some locations. She states that they initially asked for some computers for the Rodeo Grounds and Quorum Courtroom that they later took out of the proposal because they have been able to find computers to use from other departments. Ms. Price stated that they have been very frugal in the way they have spent their money every year and were able to cut the cost for ballots and therefore, that increase is sufficient with the money they are able to find from their General Election cost fund.
- 107.4 County Attorney George Butler stated that this vote would just require a majority to pass.
- 107.5 R. Bailey stated that he would have to call a special meeting of the Arvest Ball Park Facilities Board but did not anticipate any problems.
- 107.6 **With no further discussion, Judge Edwards called for a vote on the motion to amend #8.3 as above.**
- 107.7 **VOTING FOR: B. Fitzpatrick, A. Harbison, E. Madison, B. Pond, B. Ussery, R. Bailey, D. Bryant, C. Clark, and J. Firmin. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, R. Aman, H. Bowman, and R. Cochran. The motion to amend passed with nine members voting in favor and six members voting against the motion. The ordinance was amended.**
- 107.8 County Attorney George Butler stated that they now needed to vote on the motion to adopt the amended ordinance and this would require ten votes to pass.

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 17

- 108.1 E. Madison asked County Attorney George Butler about the procedure for passing an ordinance by simple majority as compared to by 2/3 vote; to which he responded that in order for this ordinance to pass by a simple majority, they would have to read it three times, but the motion to suspend the rules and move the ordinance up on readings requires ten votes.
- 108.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance as amended.**
- 108.3 VOTING FOR: B. Fitzpatrick, A. Harbison, E. Madison, B. Pond, B. Ussery, D. Bryant, C. Clark, and J. Firmin. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, R. Aman, R. Bailey, H. Bowman, and R. Cochran. **The motion failed with eight members voting in favor and seven members voting against the motion.**
- 108.4 Judge Edwards asked if this meant that they were going back to their original two early voting sites, to which Ms. Price responded that was the case.
- 108.5 E. Madison noted that they could call Special Quorum Court meetings in order for this ordinance to be heard three times at three meetings, and she would ask that they do that because this had 8 votes and support from the majority of the court. If it were not for the timing of the election, this would be heard three times and would pass. She feels that the will of the majority is going to be suppressed if they do not hold special meetings to get this done.
- 108.6 County Attorney George Butler noted that special meetings can be called by the County Judge or by the majority of the Quorum Court.
- 108.7 **C. Clark made a motion that they suspend the rules and place this ordinance on second reading by title only. E. Madison seconded.**
- 108.8 County Attorney George Butler stated that this would take 2/3 vote to pass; however, and C. Clark stated that she wants it on the record who is going to support this and who will not support this.
- 108.9 J. Mardis stated that he would be in favor of this ordinance if they trade out the Arvest Ball Park for one of the other locations, but the amendment ran off in another direction. He stated that this is a problem, but regardless, the facts do not support that the total number of votes will change; however, he does believe that it will make it more convenient for a lot of people. He does not agree with going from two to seven with very limited speaking time.

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 18

- 109.1 R. Bailey stated that he is fine with two sites in Fayetteville, two in Springdale, and one in Prairie Grove but will not support having the three sites in Fayetteville. He believes that it should have been Arvest Ball Park all along anyway.
- 109.2 **C. Clark withdrew her motion to suspend the rules and place the ordinance on second reading by title only.**
- 109.3 R. Aman said that he did have some support of the early voting in Prairie Grove. When he went on the State website, there was one place that they opened for two weeks by law and the rest of the sites were from 7 days or 15 days. He stated that he would support the ordinance with adding Arvest Ball Park and Prairie Grove, keeping the sites open at the Courthouse and at Parsons Stadium and having them open a minimum of seven days, plus Election Day. He stated that according to the website, the main early voter site that the County chooses would be open for two weeks and the remaining were open for seven days and the Election Day.
- 109.4 Renee Oelschlaeger, a Republican on the Election Commission, stated that the Election Commission is tasked with choosing the locations. She is all for keeping the Arvest Ball Park because she lives in this area and knows that the citizens of Springdale are not going to be happy if there is not an early voting site near them. She wished she had known about the option to change the hours ahead of time. She stated that she does not want the Quorum Court to think that the Election Commission is not interested in their point of view on this issue, but it is the Election Commission's job. It is the job of the Quorum Court to fund it or not. Therefore, she stated if their motion is to drop one site in favor of another, even though it is reasonable, that is getting into what the State has tasked the Election Commission to do.
- 109.5 E. Madison stated that the motion and ordinance passed with 8 votes or a quorum in the form with J. Firmin's amendment, and it is just put on a second reading, so it is not a reconsideration which would be them voting on it and it failing. She does not know how they can reconsider something that has passed, so she is not sure that C. Clark's motion is procedurally correct. She stated that they could have two special Quorum Court meetings at their very next committee meetings at no additional cost to the county, and the will of the majority can be carried out.

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 19

- 110.1 County Attorney George Butler responded to E. Madison, stating that the motion did not pass because it required a 2/3 vote and it has to be a full 24 hours before the ordinance can be on second reading or until the next time they meet.
- 110.2 Attorney Butler further explained that they need to back up and have a motion and second to reconsider which would require a 2/3 vote to pass.
- 110.3 A. Harbison stated if it gets eight votes again, it still does not pass. She asked how many votes it takes to call a Quorum Court meeting; to which Attorney George Butler responded that the County Judge has the authority and power to call a meeting herself or it takes a majority vote of the Quorum Court.
- 110.4 H. Bowman pointed out that Ms. Renee Oelschlaeger just got through telling them that it is not their job to be making decisions about adding Arvest Ball Park or cutting other sites, so all of these motions that are being thrown around are completely out of order.
- 110.5 County Attorney George Butler responded to H. Bowman stating that it is the call of the Election Commission; however, the Quorum Court can make their appropriations contingent on certain things such as certain early voting sites.
- 110.6 T. Lundstrum stated that this appropriation ordinance requires a 2/3 majority vote, and it failed on their first vote; and they knew that it was an appropriation ordinance when they voted on it, and it took ten votes to pass. He questioned how they can come back on a second reading of a failed ordinance.
- 110.7 County Attorney George Butler responded to T. Lundstrum that if they are going to have special meetings, the ordinance will just be randomly read and, they have done this before. He stated that C. Clark withdrew her motion to suspend the rules and place the ordinance on second reading and in lieu of that, she made a motion to reconsider the ordinance at this meeting.
- 110.8 **C. Clark made a motion to reconsider the ordinance at this meeting. E. Madison seconded.**
- 110.9 VOTING FOR: A. Harbison, J. Mardis, B. Ussery, and C. Clark. VOTING AGAINST: B. Fitzpatrick, T. Lundstrum, E. Madison, J. Patterson, B. Pond, R. Aman, R. Bailey, H. Bowman, D. Bryant, R. Cochran, and J. Firmin.

The motion failed with four members voting in favor and eleven members voting against the motion to reconsider.

- 111.1 **E. Madison made a motion that the Quorum Court hold Special Meetings on Monday, August 25th at 5:00 p.m. to take up this issue on second reading; and on Tuesday, September 2nd at 5:00 p.m. to hear this ordinance as amended on its third and final reading. A. Harbison seconded.**
- 111.2 E. Madison reiterated that they have already scheduled committee meetings on those dates and times and can get their per diem, so they can hold those meetings at no additional cost to the county and get this ordinance through to second and third reading.
- 111.3 **With no further discussion, Judge Edwards called for a vote on E. Madison's motion above.**
- 111.4 **VOTING FOR: B. Fitzpatrick, A. Harbison, E. Madison, B. Pond, B. Ussery, D. Bryant, C. Clark, and J. Firmin. VOTING AGAINST: T. Lundstrum, J. Mardis, J. Patterson, R. Aman, R. Bailey, H. Bowman, and R. Cochran. The motion passed with eight members voting in favor and seven members voting against the motion.**
- 111.5 Ms. Price noted that the Election Commission is meeting tomorrow for the ballot draw at 10:00 a.m. and will be able to revisit this issue, along with the hours that Arvest Ball Park can be open, and discuss before the Quorum Court meets again on Monday.
- 111.6 **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: C. Clark introduced **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,** and County Attorney George Butler read the ordinance.**
- 111.7 C. Clark explained that this was insurance on the accident in Little Rock during ice and snow.
- 111.8 **C. Clark made a motion to adopt the ordinance. D. Bryant seconded.**
- 111.9 R. Cochran pointed out a scrivener's error in the ordinance.

- 112.1 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 112.2 **VOTING FOR:** B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2014-46, BOOK NO. 9, PAGE NO. 415

- 112.3 **COUNTY JUDGE'S REPORT:** Judge Edwards stated that due to their lengthy meeting, she had nothing to report, but Shawn Shrum would give the Road Report.
- 112.4 Shawn Shrum, Assistant Road Superintendent, addressed the Quorum Court stating that they have been working hard on their reseal program with the 60 miles to complete which they should wrap up in the next couple of weeks if the weather cooperates. He stated that they continue to work on CR1090 and CR199 near Round Mountain and on CR17 near Summers, and the state line getting ready to chip and seal next year.
- 112.5 Mr. Shrum reported that there is a subdivision going in on the west side of Fayetteville on Hughmount Road and in the next couple of weeks they will be partnering with the developer to widen and pave Hughmount Road up to the subdivision. He explained that it helps everyone involved and will be safer since this subdivision will increase traffic. He noted that the developer is paying for the asphalt and hauling while the county will do the work.
- 112.6 Mr. Shrum reported on their two state aid projects, stating that they are finishing Blue Springs Road or CR70 east of Springdale putting them from the Goshen city limits all the way to Highway 412 with a new overlay surface and on Bush Valley Road or CR11. He noted that these bids were let on July 23, and they did not bid on them this year as they have a lot going on, and APAC won the bids.
- 112.7 Mr. Shrum noted that they are still working on the surveys in the area around the Woolsey Bridge. With regard to the Stonewall Bridge, he reported that they have all of the permits and plan to close the road and start that project on September 3. He stated that they have been trying to get the word out to people living in the area who use that road a lot, and the signs will be put up

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 22

tomorrow. He stated that they are hopeful to have this bridge project completed by next spring.

- 113.1 In response to a question from Judge Edwards, Mr. Shrum stated that he has visited with the State Highway Department about the location of Woolsey Bridge and the plan right now is to put it back in the same location which seems to be the desire of residents in the area as well as the State. He continued to explain that surveying is still going on for this and once the hydrology is done, they will draw the plans and put it out for bids next year.
- 113.2 R. Cochran addressed Mr. Shrum, stating that one of his constituents on CR86 where the Road Department has done some work contacted him to compliment the Road Department on great work.
- 113.3 R. Aman addressed Mr. Shrum on the work done on Strickler Road looks really good, and he appreciates it.
- 113.4 COMMITTEE REPORTS: J. Patterson, Chairman of the County Services Committee, reported that they met on August 4 and discussed an ordinance that would allow continuity of two at large members representing the county on the Library Board, and the Committee unanimously voted to forward the ordinance to the full Quorum Court with a do pass recommendation. The Committee heard a report from County Planning Director Juliet Richey regarding recent land development hearings and opposition to the Rich Red Dirt Pit. Ms. Richey reported that they will be upgrading their floodplain maps, and the total cost to map Washington County is \$300,000. The cost for the initial discovery portion is \$87,000, 25% of that coming from local cost share and so Washington County's portion is only \$1,000. The Committee heard an update from Lester Howick from the Animal Shelter who reported receipt of an \$8,000 grant for a Trap, Neuter, Release Program. J. Patterson stated that the Committee had a lengthy discussion on a Resolution opposing a proposed rule amending the definition of "waters of the U.S." under the Clean Water Act. He reported that the motion to forward the Resolution to the full Quorum Court failed; however, B. Pond would be presenting it tonight for discussion.
- 113.5 E. Madison, Chairman of the Public Works Committee, reported that that this committee met briefly on August 4 and heard a report from Buildings and Grounds Superintendent Ron Wood about the work that he is doing in county facilities, including the lighting projects for the Courthouse which are approximately 85% complete. He noted that they are taking advantage of

incentives to save money over the long haul. Mr. Wood stated that the new roof has been put on the Women's Department of Corrections building at a cost of \$79,991. He advised the Committee that it is inevitable that the security system at the Juvenile Detention Center will need to be replaced due to problems including doors becoming unlocked at strange times and cameras not working. The Committee discussed that potential expense.

- 114.1 B. Pond, Chairman of the Personnel Committee, reported that this committee met on August 11 and had lengthy discussion on one agenda item, a request from Circuit Judge Cristi Beaumont to increase the salary of a Law Clerk Position for 2014. He stated after much struggle and some lively discussion, they managed to approve a motion to forward this onto the Finance Committee.; however, the Finance Committee is sending this request back to the Personnel Committee who will take it back up next month.
- 114.2 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee reported that they did not meet this month due to lack of an agenda.
- 114.3 C. Clark, Chairman of the Finance and Budget Committees stated she had nothing further to report.
- 114.4 AN ORDINANCE AMENDING ORDINANCE 2014-38 TO MAKE THE EFFECTIVE DATE OF SUCH JANUARY 31, 2016: J. Patterson introduced **An Ordinance Amending Ordinance 2014-38 To Make The Effective Date Of Such January 31, 2016**, and County Attorney George Butler read the ordinance that is on first reading and being recommended by the County Services Committee. This ordinance refers to the membership of the Washington County Library Board.
- 114.5 J. Patterson explained that they were only changing the dates of the terms that work better for the County.
- 114.6 **J. Patterson made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded. The motion passed unanimously by voice vote.**
- 114.7 County Attorney George Butler read **An Ordinance Amending Ordinance 2014-38 To Make The Effective Date of Such January 31, 2016** by title only.

- 115.1 **J. Patterson made a motion to suspend the rules and place the ordinance on third and final reading by title only. D. Bryant seconded. The motion passed unanimously by voice vote.**
- 115.2 County Attorney George Butler read **An Ordinance Amending Ordinance 2014-38 To Make The Effective Date of Such January 31, 2016** by title only.
- 115.3 **J. Patterson made a motion to adopt the ordinance. C. Clark seconded.**
- 115.4 Citizen Comments: There were no citizen comments made.
- 115.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 115.6 VOTING FOR: B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Mardis, J. Patterson, B. Pond, B. Ussery, R. Aman, R. Bailey, H. Bowman, D. Bryant, C. Clark, R. Cochran, and J. Firmin. **The motion passed unanimously. The ordinance was adopted.**
- ORDINANCE NO. 2014-47, BOOK NO. 9, PAGE NO. 416**
- 115.7 Judge Edwards stated that she wants it noted and recorded that she is in total support of the resolution that B. Pond is about to introduce in its entirety.
- 115.8 B. Pond stated that this issue is near and dear to the hearts of a lot of people and once County Attorney George Butler reads the resolution, there were a couple gentlemen present that wished to comment.
- 115.9 A RESOLUTION OPPOSING A PROPOSED RULE AMENDING THE DEFINITION OF "WATERS OF THE U.S." UNDER THE CLEAN WATER ACT: B. Pond introduced **A Resolution Opposing A Proposed Rule Amending The Definition Of "Waters Of The U.S." Under The Clean Water Act**, and County Attorney George Butler read the resolution. This resolution is being brought to the Quorum Court by JP Butch Pond after it failed to be recommended by the County Services Committee.
- 115.10 **B. Pond made a motion to adopt the resolution. A. Harbison seconded.**
- 115.11 Jeff Williams, citizen of Washington County, addressed the Quorum Court stating that he brought this resolution to the County Services Committee and

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 25

everyone is aware of what occurred at that meeting. He noted that there is not much that he wanted to add but noted the addition of Article 2 to the Resolution, giving specific direction to the County Judge. He stated that most of what he has said the court has already heard; however, he introduced Ross Dunn from the Arkansas Farm Bureau who wished to express their position on this issue.

- 116.1 Ross Dunn with the Arkansas Farm Bureau Federation in Little Rock and Director of local affairs and rural development, addressed the Quorum Court stating that they have been dealing with this for quite sometime now. He stated that they very often deal with regulations, and they are not always a bad thing and necessary to continue on. He stated that these newly proposed regulations specifically define the term "waters of the U.S. or Lotus and would redefine navigable waters to include smaller waterways and go so far as to include ditches and pastures when they are holding water from a heavy rainfall which they flood into a navigable waterway.
- 116.2 Mr. Dunn explained that the waterways now fall under jurisdiction of the EPA and this would result in an increase in bureaucratic red tape for farmers and private landowners alike. It would cost money and time to build a fence, but if it goes across a ditch with water in it sometime, they are looking to whenever they had time to get a permit and spend more money to build a fence. He stated that the implementation of these rules would significantly increase the costs associated with carrying out normal farming and ranching practices and landowners would of course require permits to do things like build fences and run cattle. The rule would also alter the use of pesticides by requiring an added layer of permitting prior to application, making it more difficult for farmers to control bugs and weeds in a timely manner.
- 116.3 Mr. Dunn stated that the second proposed rule is referred to as the "interpretive rule" that is basically an end run around Congress intent. He stated in 1977 the Congress amended the Clean Water Act to exempt normal farming and ranching practices. The new interpretive rule would clarify 56 practices that were said to be normal and would place NRCS standards on the benchmark for how those practices must be carried out.
- 116.4 Mr. Dunn stated that the Arkansas Farm Bureau opposes these rules and have submitted formal comments against the rules and have actually engaged in the Federal Dish the Rule Campaign put on by the American Farm Bureau Association to educate individuals and bring on comments to both of the proposed rules. He noted that they have all four Congressmen

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 26

and both Senators Boozman and Pryor on board with that campaign, so they have both Democrats and Republicans on a bipartisan effort to ditch these rules. He noted that many individuals believe that this would continue to better our water supply and keep our water clean, but these rules are not here to do such although that is what the proponents would have you believe. Mr. Dunn stated that they already have intact regulations to keep our water supply clean and plentiful. Additionally, he noted that the State of Arkansas currently is in the process of forming a new water plan that will be finalized in October and will go through legislation in January that will continue to upgrade water quality and needs. He further pointed out that the proposed added regulations are simply to give the EPA and federal government more power over the private landowner.

- 117.1 Judge Edwards inquired about Federal litigation going on currently about this; to which Mr. Dunn responded that this is not only in the State of Arkansas but is Farm Bureaus and Economists Associations across the country have weighed in on this and that is how the "Ditch the Rule" campaign came about.
- 117.2 Judge Edwards stated that she has written many letters to our Congressmen and received letters back from them to let us know that they are trying to help us anyway they can in this effort.
- 117.3 Mr. Dunn stated that there is an entire breakdown of the "Ditch the Rule" campaign online.
- 117.4 E. Madison stated that she will be abstaining from this vote as she is not happy that this resolution was placed on the agenda without committee approval. She stated that they have the support of their entire congressional delegation already, and she asked for time to consider this incredibly complex issue but is feeling rushed to get this through. She noted that this resolution failed to pass out of committee, not because it was opposed but because they wanted more time to talk about it and think about it and understand the specifics as Mr. Dunn has explained. She stated that they have a committee procedure and Judge Edwards named members on that committee, and they should not be bypassing that procedure and believes that any other legislative body would not let that happen.
- 117.5 R. Bailey stated that he is unhappy that the committee did not forward it to the full Quorum Court. He stated in his time on this court he has voted in favor of passing items onto the full Quorum Court when he knew he would oppose it at that level and so he is frustrated because he only knows of two times this

Minutes of the Regular Meeting of the
Washington County Quorum Court
August 21, 2014
Page 27

has happened. He noted that both candidates for Governor oppose these regulations and the Benton County Quorum Court has already passed this resolution, as well as the Farm Bureau who is strictly against it, as well as his representative in Fayetteville. He honestly does not know of many people in favor of these regulations.

- 118.1 Mr. Dunn addressed R. Bailey's comments, reiterating that they have the regulations they need to protect their water supply and to protect our environment.
- 118.2 R. Bailey asked if coal-burning plants somehow fall under this; to which Mr. Dunn responded that the reason that these rules were attacked was because the EPA lost some court cases including an old mining operation that was no longer in process where a recycling and waste management group took over and used it as a landfill. Since there was water in the landfill, they came in and slapped them with some fines, but it was overturned in federal court.
- 118.3 A. Harbison stated that she and B. Pond are the only full-time farmers on this court. She does not think they need any more time to discuss this. They have the Farm Bureau and Cattlemen's Association representing them. We have enough rules and regulation for clean water at the present time.
- 118.4 R. Cochran asked County Attorney George Butler that since this resolution did not come from committee, should they not have voted to approve adding it to their agenda this evening; to which he responded that their Code of Order specifically allows that if something is defeated in committee that any member of the Quorum Court can bring it to the Quorum Court and the County Judge sets the agenda.
- 118.5 B. Pond noted that farmers are taking care of their piece of the world and doing everything they can to do by using the best farming practices to stay in the farming business, to produce quality products, and take care of their future. He stated that groups such as the EPA or some guy sitting in Washington, D.C. is not going to be able to give him cookie cutter instructions on how to take care of his upper 39 acres or lower 40 acres because they are totally different pieces of ground in this part of the country with many different factors to consider. He noted that the sort of thing that will happen is an individual will come out and give him specific instructions on how to manage his land and even though he knows nothing is wrong in this case, he has to do his job and that was what the guy above him told him to do. He stated that they are running the farmers out of business, and when they do that, they are

undermining everyone's food supply. B. Pond stated that this sort of thing has gone on for too long and they have put up with too much of it. He noted that they are running out of time on this and he does not know how to educate people but appreciates Mr. Dunn's efforts.

119.1 Citizen Comments: There were no citizen comments made.

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

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

RESOLUTION NO. 2014-16, BOOK NO. 3, PAGE NO. 81

119.4 OTHER BUSINESS: County Attorney George Butler reminded the Court that Judge Edwards will be out of town Monday and Tuesday next week, so the Court needs to elect somebody to Chair the Special Quorum Court meeting and that person cannot vote.

119.5 Executive Assistant Karen Beeks stated that the ordinance will only be on second reading and does not require a vote at that reading.

119.6 CITIZEN COMMENTS: There were no citizen comments made.

119.7 ADJOURNMENT: The meeting adjourned at 8:15 p.m.

Respectfully submitted,


Jessica Ims
Quorum Court Coordinator/Reporter