



WASHINGTON COUNTY, ARKANSAS
County Courthouse

March 13, 2015

REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Thursday, March 19, 2015
6:00 p.m.
Washington County Quorum Court Room

AGENDA

1. **CALL TO ORDER AND WELCOME.** **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 February 12 special meeting and February 19 regular meeting of the Quorum Court. (5.1, 5.2)
6. **FINANCE REPORT.** **RICK COCHRAN**
 - 6.1 **APPROPRIATION ORDINANCE: AN ORDINANCE RECOGNIZING AND APPROPRIATING FUNDS OF \$9,896 IN THE GAME AND FISH EDUCATION FUND FOR 2015.**
 - 6.2 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING THE TOTAL AMOUNT OF \$556,785 FROM UNAPPROPRIATED RESERVES TO VARIOUS PERSONAL SERVICES LINE ITEMS FOR 2014; AND APPROPRIATING THE TOTAL AMOUNT OF \$2,161,856 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGET LINE ITEMS FOR 2014.**

- 6.3 **APPROPRIATION ORDINANCE: AN ORDINANCE ADJUSTING CARRYOVER REVENUES IN VARIOUS FUNDS FOR 2015.**
- 6.4 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING THE AMOUNT OF \$31,656 FROM THE GENERAL FUND TO THE SHERIFF-WORK RELEASE BUDGET FOR 2015.**
- 6.5 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING THE AMOUNT OF \$1,980 FROM THE GENERAL FUND TO THE PLANNING BUDGET FOR 2015.**
- 6.6 **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING THE AMOUNT OF \$25,393 FROM THE ROAD FUND TO THE ROAD BUDGET FOR 2015.**
- 6.7 **APPROPRIATION ORDINANCE: AN ORDINANCE ANTICIPATING AND APPROPRIATING THE AMOUNT OF \$15,000 IN THE LAW ENFORCEMENT GRANT FUND FOR 2015.**
- 6.8 **A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GLOBAL FIRE PREVENTION GRANT APPLICATION.**
- 6.9 **A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION GRANT ON BEHALF OF THE WASHINGTON COUNTY DRUG COURT.**
7. **COUNTY JUDGE'S REPORT. (7.1)** **JUDGE EDWARDS**
8. **COMMITTEE REPORTS. (8.1-8.4)**
9. **AN ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE WEST FORK RURAL FIRE DEPARTMENT AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.** This ordinance has been requested by the West Fork Rural Fire Department. This ordinance is on third reading. **(9.1)** **ANN HARBISON**
10. **OTHER BUSINESS.**
11. **CITIZEN'S COMMENTS.** Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.
12. **ADJOURNMENT.**

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

Thursday, February 12, 2015
6:00 p.m.

Washington County Quorum Court Room

- 27.1 The Washington County Quorum Court met for a special meeting on Thursday, February 12, 2015. The meeting was called to order by County Judge Marilyn Edwards.
- 27.2 Judge Edwards stated that this was a Conditional Use Permit Appeal Hearing on the Rich Red Dirt CUP denied by the Washington County Planning and Zoning Board.
- 27.3 H. Bowman led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 27.4 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, Eva Madison, Sue Madison, Joel Maxwell, Joe Patterson, Butch Pond, and Bill Ussery.
- 27.5 MEMBERS ABSENT: Tom Lundstrum.
- 27.6 E. Madison and J. Patterson reported that T. Lundstrum was in the hospital and a moment of silent prayer was taken.
- 27.7 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 27.8 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 27.9 County Attorney Steve Zega noted that Ordinance #6.1 included in the packets is confirming the decision of the Planning and Zoning Board and denying the CUP. He stated that he drafted an Ordinance #6.2 that approves the CUP for consideration if the Quorum Court decides not to ratify the Planning and Zoning Board's decision.
- 27.10 **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.**
- 27.11 CONDITIONAL USE PERMIT APPEAL HEARING: Rich Red Dirt CUP Conditional Use Permit Request; Location: Section 05, Township 16 North, Range 31 West; Applicant: Benny Holtzclaw; Location Address: 15792

Harmon Road; Proposed Land Use: 122.00 acres – Open Pit Red Dirt/Clay/Gravel Extraction; Coordinates: Longitude: -94.28545281” W Latitude: 36.08850625” N; Project #: 2014-124; Planner: Juliet Richey, jrichey@co.washington.ar.us

- 28.1 Introductory Remarks and Presentation by County Staff Summarizing the Project and Staff Recommendations: County Attorney Steve Zega explained that County Planning Director Juliet Richey, would be giving remarks on behalf of Planning Staff and explain their actions, as well as giving a brief orientation to the Court, especially to the new members, on how to handle zoning appeals and a brief history of what is and isn't zoned in Washington County. He stated thereafter the Road Department and Contracted County Engineer will present make some remarks; followed by remarks by the Applicant/Appellant in support of the Project; followed by remarks by Opponents of the Project as well as remarks by Supporters of the Project. He noted that the public comments need to be held to three minutes each and if they have a group representative to hold that presentation to ten minutes. Further, the group representative should not comment individually. Mr. Zega stated that after all members of the public have spoken, public comment will be closed.
- 28.2 Mr. Zega explained that the Ordinance is on first reading tonight; however, the Court can move to suspend the rules and place the Ordinance on second and third reading by title only if they so choose which means that they may consider final resolution of this appeal at this meeting. If they do this, the Public Comment will be reopened ten minutes for and ten minutes against the granting of the permit and each will have three minutes to present their individual comments. He noted that Judge Edwards was the Chair for this meeting and all comments should be directed to her unless individual JPs ask questions and then they should engage that JP in dialogue. He noted that the most important rule is to be polite and civil to one another and to this proceeding not to disrupt the decorum of the proceeding. He stated if someone has already made the point that they want to make, yield the microphone to someone else so as not to be repetitious. He noted that the members of the Quorum Court take all comments very seriously and consider each and every comment with all due attention.
- 28.3 County Planning Director Juliet Richey addressed the Quorum Court stating that she would first give some general information on zoning since this is the first CUP hearing for some JPs. She stated that zoning in Washington County was originally passed in 2006 in limited portions of the County and extended to the full County in 2007. She explained when passed some of the primary concerns of residents and reasons for passage revolved around

compatibility of uses with existing rural and agricultural uses and the primary compatibility concerns at that time were with high density residential developments and high impact industrial uses. She stated that they passed an ordinance allowing for lower density single-family residential, one unit per acre and agricultural uses by right; and all other uses such as commercial, multi-family, high density residential, and industrial, etc. are by Conditional Use Permit only.

29.1 Ms. Richey explained that allowance of Conditional Use Permits is based on a set criteria and the Planning and Zoning Board shall hear and decide requests for conditional use and may authorize such if it finds as follows: (1) That a written application has been filed with the Planning Office and the appropriate fee has been paid; (2) That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail; (3) That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted; (4) That the proposed use is compatible with the surrounding area; (5) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; (6) That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area; and (7) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone. She stated that if it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to improve said conditions which shall be specifically set forth.

29.2 Ms. Richey explained that the Planning and Zoning Board will hear the conditional use permit first, rule on it, and have the same three choices that the Quorum Court has as follows: (1) They can approve as submitted by the applicant with no conditions; (2) They can deny it; or (3) They can improve it with conditions that the proposed use to meet the required criteria. She stated when allowing or considering a use via the CUP process, other than what is allowed by right, is not a variance to their zoning code but a common misconception that if they are even considering something that is not agricultural or single-family, then is disregarding their code. She stated that this is not the case because a variance would be a strict variation on the letter of law and their zoning ordinance is set up to consider these different types of uses through this process and evaluate them by that criteria list. She stated that whenever they hear these requests, staff will give a detailed report

addressing each criteria point directly and some points tend to be cut and dry such as notifying neighbors; safety and infrastructure are usually easier to evaluate; and some can be less so like compatibility. Staff will give their professional analysis of the project and the proposed conditions that they feel may apply in order to meet criteria, but there may be some things that are seen differently as far as aesthetics and compatibility. She stated that compatibility does not mean the same, but are able to co-exist in harmony with one another and different people may have different ideas regarding what is compatible.

- 30.1 Ms. Richey stated that for the most part zoning has been very successful in Washington County and staff tries their hardest to find conditions that make things work for everybody concerned. She stated that they want to grow business and development in Washington County and also respect the people that live there and their right to enjoy their property for residential and agricultural uses. She stated that many times they are able to find conditions that will work for both parties; and sometimes they can not and that is the position that they are in tonight.
- 30.2 Ms. Richey explained that Rich Red Dirt CUP was denied by the Planning and Zoning Board and staff recommended denial to the Board and will recommend the same to the Quorum Court for several reasons to include safety. She stated that herself, County Fire Marshall, Road Department, and County Environmental Affairs Department all take safety very seriously and consider it one of the primary functions of their jobs and while they try to be flexible in a lot of areas, safety is not an area that they have a lot of flexibility. She stated that they feel that they owe it to the people of Washington County to make sure that they have safe developments and their job is also to help protect the general taxpayer's dollar so that they are not picking up the tab for certain types of developments and issues that they may cause down the road.
- 30.3 County Attorney Steve Zega asked that cell phones be silenced during the hearing. He stated before they begin the detailed staff presentation, he wanted to give some legal advice that is especially fresh in his mind given the fact that he presented oral arguments yesterday in Kansas City on a zoning issue with a cell tower case that several members of this court had an opportunity to hear in the Summer of 2013. He stated that cell towers get special consideration, which they won't address tonight, but some of the issues that apply to a cell tower also apply in this case. He stated if the Quorum Court decides tonight as a body to move the ordinance up to its final decision, whatever their decision either for or against the CUP that they go down the list of criteria that Ms. Richey provided and state which criteria they are basing their vote on. He explained the reason for this is that many of

these issues tend to wind up as litigation and the viewing court reviews their decision and wants to know whether they followed their own zoning ordinance to base their decision.

- 31.1 Mr. Zega stated that the three issues on the criteria that they might consider tonight under Sec. 11-200 are compatibility; safety; and injury to the surrounding land use and enjoyment of that land by other property owners and the diminution in property values.
- 31.2 Mr. Zega noted that he was asked the other day by a JP whether they should be getting personal liability insurance for their time on the Quorum Court and he answered if it helped them sleep better at night that was fine; however, they generally enjoy broad immunities for their legislative actions on this court, such as with the votes they cast, the policies they make, and what they do for this county.
- 31.3 E. Madison noted that this issue was discussed in a court this week and the Dean of the UA Law School stated that the General Counsel of the University advised that if they had personal liability insurance, then their liability insurance would be on the hook and immunity didn't apply, which made her concerned about having personal liability insurance. She stated that the whole presentation that night was on immunity because apparently if they have any type of personal liability insurance, it would apply and qualified immunity only applies after that.
- 31.4 Mr. Zega responded to E. Madison stating that the immunity which he is talking about is not immunity from suit; it is whether a suit would be successful. He stated that they should generally feel pretty good about their personal issues for what they do on the court.
- 31.5 Mr. Zega noted if there is commentary from landowners about the value of their property, they need to know in Arkansas, generally speaking, a landowner or property owner is competent or is legally allowed to speak to the value of his or her property. He noted that this does not necessarily carry the same weight as an expert appraiser's opinion, but they are allowed to consider what folks say is the value of their property if they are the owners.
- 31.6 Planning Director Juliet Richey addressed the Quorum Court stating that this is a Conditional Use Permit Request for the Rich Red Dirt Pit CUP that was denied by the Planning and Zoning Board on November 6, 2014. She noted that this project site is located West of Fayetteville with an entrance proposed onto Harmon Road located North of Wedington or Hwy. 16 West. She noted that this CUP approval request is for Rich Red Dirt CUP to transition existing

agricultural and residential property into an open pit red dirt/clay/gravel and extraction operation. She noted that the property does lie within the County Zoned area Agriculture/Single-Family Residential 1 unit per acre and the project is not located within the City's Planning Area. She noted that the project is in District 7, JP Rick Cochran's District. She stated that the property is owned by Mark Rich and the operation proposes the construction of a haul road and red dirt pit operations for extraction of clay and gravel, but does not include rock quarrying. She stated that the proposed haul road from Harmon Road would connect to a proposed open cut mining area of approximately 9.3 acres in size.

- 32.1 Ms. Richey stated that it should be noted that this is a large piece of property with 123 acres, which has legal access from both Harmon Road and Riches Road, both being County roads. She noted that Mr. Rich in his application has elected to propose taking access from Harmon Road. She stated that there are other mining operations in the area; however, they are geographically separated from this mining site both by distance and terrain, and these mining operations take access off of Hamestring Road which then connects to Hwy. 16 West. She stated that the entrance to the site is proposed to be located near the existing home owned by Mark Rich at 15792 Harmon Road.
- 32.2 Ms. Richey reported that this project was initially heard and tabled at a Planning and Zoning Board of Adjustments meeting on August 7, 2014, followed by an informational Planning and Zoning Board meeting held onsite at the Rich property on August 26, 2014. She noted that the project was then tabled at the request of the applicant at the September and October 2014 Planning and Zoning Board Meetings. She stated that the project was heard and denied by the Planning and Zoning Board at their November 6, 2014 meeting; and an appeal for this project was filed on December 5, 2014. Ms. Richey reported that the primary reasons for denial include: (1) Safety concerns in regard to the proposed location of the haul road intersection with Harmon Road; (2) Issues of compatibility; and (3) The high likelihood that this project will be injurious to the use and enjoyment of some of the other property in the surrounding area for the purposes already permitted, and substantially diminish and impair some property values within the surrounding area. She noted that the Planning Staff recommended denial of this CUP at their November 6, 2014 meeting and at this time is making the same recommendation to the Quorum Court that they uphold the denial of this proposed CUP. Ms. Richey reported that there has been a large neighborhood response to this CUP of nearly 90 pages submitted in writing in opposition to the project as well as one neutral comment and one in-favor comment received.

- 33.1 Ms. Richey stated if a CUP for this project is approved, the project would be subject to any conditions set as well as all applicable Washington County Large Scale Development Regulations which is the next step in development if the project moves forward. She noted that during the CUP step, they are evaluating whether or not this proposed use is appropriate for this site in the manner it is proposed or if it could be made appropriate/compatible with the addition of any conditions; and as per their Zoning Ordinance, they must evaluate the proposed use using the seven criteria mentioned earlier. She noted that the criteria (1) and (2) were met by the applicant as the written application and fees paid, as well as the notification of neighboring property owners within one-half mile initially by certified mail and any subsequent notifications by regular mail. She stated with regard to criteria (3) That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted, that the location of the proposed haul road's intersection with Harmon Road appears to be inadequate in regard to safety. She further stated with regard to criteria (4) that the proposed use is compatible with the surrounding area, which staff had concerns in regard to compatibility due to portions of the proposed site being close to neighboring property lines and only relatively small buffer areas were being proposed at that time. Additionally, there will be an industrial use added to an area that does not currently have industrial type noise and traffic within this close of a proximity to it. Although there is mining nearby, even until a few years ago on Mark Rich's land, the areas that have been mined in the past and are currently being mined are geographically removed by distance and/or elevation and terrain changes from the currently proposed location. Additionally, the other existing mining sites route traffic via Hamestring Road to Hwy. 16, not onto Harmon Road. This CUP proposes to add an industrial/mining type use in an area that has not experienced such a use in such a close proximity. With regard to criteria (5) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare, she stated the sight distance visibility in regard to left hand turns onto Harmon Road from the site appears to be a health/safety issue. A significant amount of information has been submitted and staff has spent a significant amount of time analyzing the issue; and it appears that the currently proposed haul road configuration will not accommodate safe left turning movements onto Harmon Road. She stated with regard to criteria (6) That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area, that there is much concern from neighboring property owners in regard to property values, quality of life, and other similar issues. Additionally, staff has concerns about the affect of this use on neighboring properties due to the

limited buffering of haul roads and the mining area from surrounding residences. With regard to criteria (7) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone; staff feels that due to a lack of buffering from surrounding properties, the development and improvement of surrounding areas, especially neighboring properties, could be impeded in regard to agricultural and residential growth and development.

- 34.1 Ms. Richey stated that she would address the primary concerns and issues in greater depth. Ms. Richey noted that sight visibility and safety in regard to truck traffic and Harmon Road has been an issue of high concern since the project was initially submitted. She noted that this portion of Harmon Road is posted at a 45 mph speed limit and there is a curve advisory sign posted at 25 mph preceding the curves south of the proposed entrance; however, staff uses the posted speed limit of 45 mph to determine the intersection sight distance needed unless actual design speeds are available. She noted that the County generally uses a table from the AASHTO Green Book Standards to determine the minimum sight distance visibility needed for an intersection at certain speeds. She stated therefore, as per their code, minimum sight distance required for this speed is 500' for left turning movements and 430' for right turning or straight movements; and it became evident early in the process that the applicant did not have 500' of sight visibility to the South in order to be able to safely make left turning movements onto Harmon Road.
- 34.2 Ms. Richey stated that the applicant was given three options to address the sight visibility issue in regard to their proposed access point onto Harmon Road: (A) Pursue an alternate drive location that meets required sight distance for the posted speed limit; (B) Determination of design speed for this stretch of Harmon Road; or (C) Clearing/Offsite Easement option. She reported that the applicant chose to pursue Option B and their Engineer, Mike Kelly, submitted documentation via a plan and profile sheet showing a series of "design speeds" for 1800' of Harmon Road. Mr. Kelly further submitted intersection sight distances as follows: Sight distance to the south to accommodate left turning movements – 446.36'; and sight distance to the north to accommodate right turning movements – 500'. Using the time gap value appropriate for the proposed type of truck traffic at this site, Staff calculated that the sight distance needed for left hand turning movements from the proposed haul road onto Harmon Road should be 628.4' for a 45 mph speed limit. After the November 6, 2014 Planning Board Meeting, Staff decided it would be best to perform their own survey of the site to check their data against that submitted by the applicant. The Road Department performed a survey of the area and the County Contract Engineer used this

new data to formulate their own plan/profile sheet of the subject section of Harmon Road, and his findings dated January 29, 2015 were that 45 mph is the posted speed for this section of Harmon Road and the findings did not warrant a change in the posted speed of 45 mph for this section of Harmon Road. Further, the proposed haul road does not have enough sight distance to safely make left turns onto Harmon Road. The sight distance needed to make a left turn from the haul road onto a 45 mph roadway is 628 feet. According to the information submitted by the developer, the proposed site has a current intersection sight distance from the location of the haul road looking south of 446 feet. Due to all of the reasons listed, Planning Staff still feels that there is a true safety concern regarding the location of the proposed drive/haul road.

- 35.1 Ms. Richey stated the second area of concern was with buffering from surrounding properties in regard to noise, quality of life, property values, and incompatibility of uses. Planning Staff still has some concerns regarding the lack or minimal width of proposed buffers onsite, especially in the area of the proposed haul road. The applicant has attempted to move the haul road from the neighboring property line as much as they can, but the haul road is still within 35' or less from the neighboring property line for approximately 400'. While 28' to 35' may seem like a substantial width of land, staff feels that with the impact of 100 dump truck trips per day, further buffer may be needed for surrounding properties. The applicant has also offered to place a 3' berm with cedar trees on top of it for the first 230' along the haul road and while staff feels that a berm could be effective, they feel that it should be taller than 3' in height and extend to at least 400' in length. Additionally, the location of the berm should be considered carefully as none of the existing fence line vegetation should be disturbed so that the existing vegetative screen remains in place.
- 35.2 Ms. Richey continued stating that while the mining site itself appears to primarily be tucked away from the sight of the general public, there are two adjacent property lines to the south and west that are owned by other parties. Staff did note that both of these areas contain a high amount of existing vegetation, so the planning of additional vegetation is likely not needed if existing vegetation is left undisturbed; however, Staff recommends that a 150' buffer be proposed between these properties and all parts of the operation and the addition of berms could also be beneficial. At present the applicant is proposing only a 50' buffer from the southern property line while borders the Casey and University of Arkansas properties. Additionally, more buffering or berming along the western property line bordering the Elkins property should also be explored. Due to the intensity of the traffic and operations of a dirt pit,

Staff is hesitant to recommend less than 100' to 150' wide buffers along all adjoining property lines as this is a line with what has been recommended in the past for other industrial/mining CUPs like the Northwest Arkansas Quarry and Big Red.

- 36.1 Ms. Richey addressed Staff's concern regarding impact to Harmon Road and the possible need for road improvements to accommodate the proposed use. If a CUP is approved, Staff recommends that a formal Traffic Study be required at the Large Scale Development Stage. The applicant was given the following information at the County's technical review: A formal traffic study will be required at Preliminary LSD if a CUP is approved. The applicant would be required to pay for any needed improvements specified in the study as well as acquire any needed right-of-way. The traffic study should include but not be limited to: (a) Directional division of proposed truck traffic (north and south); (b) Level of service; (c) Impact to the intersection of Hwy. 16; (d) Impact on intersections with the existing Wedington Woods intersection (WC2161, Dogwood) to the North; and (e) Change in percentage of trucks vs. car traffic on Harmon Road. A pavement analysis for Harmon Road will be required once formal traffic loading has been determined. She noted that Harmon Road belongs to the City of Fayetteville for the first ¼ mile from the intersection of Hwy. 16 and discussion of any improvements needed must be coordinated with the City for their portion at Preliminary LSD.
- 36.2 Ms. Richey noted Staff's concern regarding debris and tracking on Harmon Road, especially during inclement weather situations, due to the amount of traffic that currently travels Harmon Road. The applicant has specified that they will build a tire wash onsite to help mitigate this issue, but this is not shown on the current plans that Staff can see. The applicant has made several statements in their plan that they will not track and will shut down on inclement weather; however the Staff needs more details and a fully defined policy/plan from the applicant to review in regard to safeguards against trucks' tracking on Harmon.
- 36.3 Ms. Richey noted that there are environmental concerns, including concern regarding proximity to the U of A site on Harmon. The Planning Staff contacted the U of A regarding any possible environmental issues that could arise in regard to this dirt mining proposal's proximity to the U of A's land on Harmon Road adjacent to the south of this site. As per Staff's conversations with the U of A, the Staff understands that all radioactive materials that were on this site in the past have now been removed and the site has been cleaned up; and the only restriction remaining on the site is a Deed Restriction stating that a water well cannot be drilled on the University's property due to the small amount of chemical contamination in the perched

ground water on a location on this specific site. The University does not want someone drilling through the perched water and into the aquifer. The deed's restrictions and concerns to the perched water are specific only to the U of A's parcel of land; not to any surrounding properties. She reported that the University's official response was that they are happy to make documentation regarding the Harmon Road property available for the inspection and review of county officials, including any deed restrictions. The University, however, does not believe that it should make any type of blanket warranties or representations regarding any of its property or any adjacent properties. The ADEQ worked with the University as officials of the institution to oversee the clean-up of the Harmon Road site and that process was completed some time ago. Further, the University has taken a neutral position on the permit issue currently pending with Washington County. Ms. Richey noted that Planning Staff also spoke with the ADEQ Hazardous Waste Division and they did not feel that there was a high chance of there being any contamination issues on surrounding properties.

- 37.1 Ms. Richey stated that other environmental concerns brought up by property owners in the area related to drainage, wildlife, and storm water, but staff did not have any specific concerns in regard to those.
- 37.2 Ms. Richey addressed the actual appeal document and the various issues addressed therein are as follows: With regard to safety, they stated that all designs are set for 45 mph per zoning staff unless applicant could prove Harmon Road does not meet 45 mph design. They stated that our engineer surveyed the site and stamped drawing stating that existing and vertical alignments for Harmon Road only meets 20 mph design. Immediately preceding the hearing, staff changed sight distance requirement from 500 feet as in the current ordinance to 628 feet not a current ordinance without properly notifying the applicant prior to the hearing. Ms. Richey stated that they talked several times about what our Engineer found in regard to the design speeds and after looking at the design speeds for that stretch of road that 45 mph is the correct posted speed for that road. She noted that the information that they found in the ASSHTO manual with regard to specifics in areas like this where there is primarily truck traffic utilizing that road, that they should be using a different time gap coefficient to figure what the sight distance is needed for that situation was something that they found the day before the Planning Board meeting, She noted that they went over this, checked their numbers, and sent it that evening to their County Engineer to review to make sure that they were reading it correctly. The County Engineer reviewed it and got back to them the actual day of the Planning Board meeting and finally solidified that information just a few hours before the meeting and emailed the information to the Planning Board at that time. Ms.

Richey stated that the Planning Staff does try to keep a clear line of communication with the applicant and while it is Staff's job to notify the Planning Board of findings of this nature, they are not under any obligation to share recent findings with the applicant prior to the meeting.

- 38.1 Ms. Richey stated while reviewing a CUP, one of the criteria to be met is that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health and safety. She noted that CUP review does not hold staff to road development standards only found in our current ordinance, and in this case they used the AASHTO Green Book as it was the best tool available to evaluate safety for this particular combination of use and intersection situation. For staff to ignore the use of the larger time gap coefficient for single unit trucks in the sight distance equation, which is what equated the larger distance of sight distance needed than originally calculated, would be negligent on their part.
- 38.2 Ms. Richey stated with regard to compatibility, the appellant stated the site is situated between the U of A Hazardous Waste Site adjacent to Harmon Road to the west and existing rock quarry and dirt mining pits to the east as well as having previous pits under reclamation on the applicant's owner's 123 acre farm. Staff determination of non-compatibility issue is being challenged and they requested the zoning staff basis for their determination of incompatibility. Appellant further stated that injurious to surrounding property already permitted as Applicant has a current open mining permit in effect on his land for reclamation purposes. They requested the Zoning Staff basis for their determination of significantly affecting surrounding property values as it is their contention that some will actually increase in value.
- 38.3 Ms. Richey reported that both of the above issues were covered in the November Staff report for this project and iterated by Staff at the November 6, 2014 Planning and Zoning Board Meeting. Their findings on these topics included the issue of compatibility in regard to the relatively small buffer area, which, for the record, Staff encouraged the applicant to increase this buffer area, but they were not interested in doing that. With regard to the other existing mining sites in the area, these are separated and route their traffic via Hamestring Road.
- 38.4 Ms. Richey stated that she feels Planning Staff has adequately addressed every issue that the Applicant/Appellant brought up and they are making recommendation for denial of this CUP. She noted that Shawn Shrum from the Road Department and Clay Crote, the County's Staff Engineer are available to address any other technical questions that anyone may have.

- 39.1 E. Madison asked if the speed limit on the curve is posted 25 mph, then why was it decided that it wouldn't be possible to lower the speed to 25 mph which seems to address the sight concerns.
- 39.2 Assistant County Road Superintendent Shawn Shrum addressed E. Madison and the speed limit issue stating that whenever driving on a State Hwy. or County Road, when you come to a curve, there is not a speed limit sign change, but rather an advisory sign which is the yellow and black sign. In this particular stretch, they do have it advised at 25 mph where the speed limit is 45 mph. He stated a UPS truck would not be able to drive that curve at as high a rate of speed as a car and on major collector roads; they do not want to change the speed limit up and down.
- 39.3 E. Madison stated that she understood from the Staff report that someone made the decision that posted speed limit should not be changed from 45 mph to 25 mph, which she believes would address the sight visibility and is asking for the rationale behind not solving this problem by reducing the speed limit. She noted that it may be that Staff believes that the appropriate speed for this road is 45 mph and shouldn't be 25 mph.
- 39.4 Mr. Shrum responded to E. Madison stating that this is where it is not good practice on a major collector to lower the speed limit because it is unlikely that the traffic coming through there would lower their speed to 25 mph creating an unsafe situation.
- 39.5 E. Madison asked with regard to visibility whether they believe that lowering the speed limit would not solve this problem; to which Ms. Richey responded that they are looking at how the road is actually laid out, the vertical and horizontal curves, and how the road is sloped to figure out what the actual design speeds are. They are all higher than 25 mph, varying from 35 mph going into the curve and 30 mph when in the curve. By the time they are at the haul road intersection location, it is up to 58 mph. She noted that they spent a lot of time evaluating this and driving that curve over and over noting that it is very steep at a 17% slope. The natural instinct is to brake and because of the slope, the minute you take your foot off of the brake, your speed shoots up and you are going much faster coming out of the curve. By the time you reach that intersection, you are going quite fast. She noted that it doesn't make sense to sign a road for a tiny stretch and then increase the speed right after the curve. Ms. Richey further stated that the ASSHTO manual takes into consideration many factors and advises in this particular type of curve on a major road preceding an intersection, they should look at using more caution and greater sight distance.

- 40.1 E. Madison asked with the first ¼ mile of this road being part of Fayetteville, how this would impact in terms of improvements because it suggests to her that this area could become a part of the city; to which Ms. Richey responded that one of the things that they look at in a traffic study is the direction of the traffic and if the majority is going toward Hwy. 16 and whether it necessitates intersection improvements such as a turning lane where Harmon Road meets Hwy. 16. In this case, the applicant would have to work with the City at Large Scale because technically at this point, the City is not part of the process since the project is in the County and not in the growth area.
- 40.2 In response to questions from E. Madison referencing the maps, Ms. Richey explained where the existing Rich Red Dirt property is located in reference to existing mining sites. E. Madison stated that it appears that some of the folks objecting are also doing mining work to which Ms. Richey responded that 40 should be fully under reclamation and the area all around the Rogers Group was part of John David Lindsey's mining operation before he went through bankruptcy and he actually owned the property that Rogers Group was on and they leased the quarry area from them. From what she understands, when they went through bankruptcy, all of their dirt mining areas, some being Lindsey's land and some land of other people that he had leases with, including Mr. Rich and Ms. Cromley, were all under reclamation with bond money and it has gone very slowly. She noted that the only portion that is being actively mined of Lindsey's property is the actual rock quarry and none of that accesses Harmon Road, but instead all went to Hamestring. She stated that the Rogers Group owns all of that property now and there is no longer a path for Mr. Rich to get to Hamestring Road. She further verified that for the Main and Cromley Properties to resume any type of mining work would require going through the Planning Board. E. Madison pointed out that the Casey Property is the only one in favor of the CUP and the bulk of the objections are the residential people on Harmon Road and Ms. Richey pointed out those property owners that would be impacted by the location of the haul road.
- 40.3 E. Madison asked if they looked at any alternate access roads to which Ms. Richey responded that they have legal access to Rich's Road but chose not to pursue that option, noting that is not to say that Rich's Road would not have its own issues.
- 40.4 J. Maxwell stated that since the impromptu use of the heavy traffic/heavy truck coefficients were just discovered prior to the Planning Board meeting, that those have not been used in any other calculations for any type of use permits; to which Ms. Richey responded that they have not used them in the

past, but they have not had the same sight visibility issues. He further asked about the actual posted speed limits in the 33 mph. and 35 mph; to which Ms. Richey responded that the posted speed limit is 45 mph. with a 25 mph. advisory sign before entering the curve.

- 41.1 R. Cochran addressed the existing permit of Mr. Rich for reclamation purposes and asked how much truck traffic it generates onto Harmon Road; to which Ms. Richey responded that it does not generate any on Harmon Road, but accesses Hamestring Road. He further asked whether they have as much activity as is expected with Rich Red Dirt; to which Ms. Richey responded that she could not answer that question.
- 41.2 Remarks from Applicable Public Agencies – Road Department & Contracted County Engineer: Clay Grote, Contracted County Engineer, addressed the Quorum Court stating that he is in his 10th year at this job, noting they have come a long way. He explained following the meeting for the CUP with the Planning Commission, they decided it would be best to go out and survey this site themselves. He noted that Mr. Kelly, Engineer for Rich Red Dirt Project had done his own survey and took over 200 shots to get their profile of the road; and the County took over 533 shots, or elevation spots, to model the road, noting that the more shots they make, the more accurate they can evaluate a road for its vertical and horizontal alignment.
- 41.3 Mr. Grote reported that he then took that data with “The Green Book” (6th Edition), and modeled a vertical and horizontal alignment of Harmon Road based on its curves. He stated that he feels that the posted speed of 45 mph. is the correct design speed for the main reason that the location of the proposed drive is in the area that has a designed speed of greater than 45 mph; it is actually at 58 mph. He noted that there is a curve to the north that is evaluated at 33 mph to 35 mph. the advisory posted speed there is 25 mph. and once you leave that curve, the straight stretch of road has a design speed greater than 45 mph.
- 41.4 Remarks by the Applicant/Appellant in Support of the Project: Todd Lewis, Attorney at Law in Fayetteville, addressed the Quorum Court stating that he has lived in Washington County for 23 years and represents Benny Holtzclaw, owner of the subject property, and has known Mr. Holtzclaw for over 30 years. He announced that Mr. Holtzclaw would address the court and Mike Kelly, Engineer, would give details about the design speeds that have been presented tonight varying from 25 mph. to 33 mph. for the curve on Harmon Road. He noted that Mr. Holtzclaw was born and raised in Washington County and has been a member of this community for a long time.

- 42.1 Mr. Lewis explained that Mr. Holtzclaw has operated several red dirt pits for many years and as a member of the community, is not here to run this into the ground or file bankruptcy. He explained that there is a rock quarry adjacent to this property owned by the Rogers Group and the same property has been used as a red dirt pit in the past. He stated that Mr. Holtzclaw tried to contact the Senior Vice President of the Rogers Group on three separate occasions trying to work out a deal with them where he could use Hamestring Road for access and was told no twice and has had no choice but to respect that decision. Mr. Holtzclaw next looked into Richards Road that has houses right on it and would not work as a haul away road, so Harmon Road fit for him. He noted that the red dirt pits in this part of the County are going fast with only one left with any red dirt activity as this is what they use to build roads and without it, they don't build in this area. Without it, they will need to go into Benton County or north Washington County to get red dirt.
- 42.2 Mr. Lewis stated with regard to compatibility that while he can appreciate the neighbors' protests; however, this land has always had red dirt and lime and if there is going to be a mining operation, Mr. Holtzclaw is the best person to run the operation; there are people in this community who have been doing business with him for 30 years who will speak tonight that he is a man of his word and will do what he says he is going to do. He stated that Mr. Holtzclaw is willing to work with everyone on this and willing to work with what the county believes is the best interest of not only this property, but those living in this area.
- 42.3 Mr. Lewis briefly addressed the issue of buffers, noting that the ADEQ requires a 50' buffer or even less in certain situations and Mr. Holtzclaw doesn't want to go any closer than what the State prescribes on this and that buffer would be next to the neighbor who is in favor of this project. Mr. Lewis stated another upside to this is that those who have visited this site can testify to the fact that the spot where the pit would be is far into the property and it wouldn't be possible to see anything other than trees. He stated that this court has a tough decision to make and he believes that they will treat everyone fairly.
- 42.4 Benny Holtzclaw, owner of Holtzclaw Excavating and the subject property, addressed the Quorum Court stating that he has lived in Washington County his entire life and has 35 years experience in the excavating business. He noted that he has been affiliated with seven dirt pits which is a part of his business and there is a great need for this as there is currently only one red dirt pit in operation. He stated that he has hauled dirt from all of these pits, but has only owned one other pit in the past.

- 43.1 Judge Edwards asked how long this red dirt pit is expected to last; to which Mr. Holtzclaw responded 4-6 years. With regard to the other red dirt pits that he has operated, she asked whether he had restored the earth back to use; to which Mr. Holtzclaw responded that they are currently in the process of doing this with the Luttrell's Pit on Hwy. 16, noting that they have hauled dirt out of this pit for over 30 years along with others and is now helping them to reclaim it. He explained that they have a contract with the City of Fayetteville who is bringing all of their waste dirt to this pit but with over 2 million yards of dirt removed from this pit, it will take a long time to reclaim. Judge Edwards questioned whether the owners of these other pits have restored them back to use; to which Mr. Holtzclaw responded that one is the White Pit that Johnny Tyson bought that hasn't been restored and he is unaware of plans for these other pits.
- 43.2 E. Madison asked why Riches Road wasn't considered as a haul road; to which Mr. Holtzclaw responded that there are so many houses on that road while the proposed location is back on top of the hill away from everyone.
- 43.3 E. Madison asked what the speed limit was on Riches Road; to which Assistant Road Superintendent Shawn Shrum responded that it would be 30 mph.
- 43.4 E. Madison stated that it looks like the property encompasses a part of Riches Road already and then the next closest property owner on Riches Road didn't even give an opinion on this red dirt pit, so it just looks like a path of less resistance.
- 43.5 J. Firmin asked who was responsible for reclamation to which Mr. Holtzclaw responded that the landowner was responsible and in this case, it will be him. He stated that he would plan to strip the topsoil off of it and store it in the back and this pit will be a 15 to 20' cut with a 3-1 slope and where the knoll is, it will be flattened and they will put the topsoil back.
- 43.6 J. Firmin addressed #7 on the criteria list that they have been asked by County Attorney Steve Zega and Planning Director Juliet Richey to follow in trying to determine whether this conditional use should be allowed, "That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in this zone." He stated that one of his concerns for the surrounding property owners is the fact that the land that has been used and is being reclaimed right now, is not being reclaimed by the sitting property owner who wants to start another pit. J. Firmin stated that he believes it is germane to the conditional uses that they have to follow and consider what sort of assurance

the surrounding property owners have that he will in fact reclaim the property; to which Mr. Holtzclaw responded that there will be a bond and whoever has the permit is responsible and if they don't reclaim it, this is done with the bond money. In his case, this property will actually be a better piece of property because he currently has no use for it other than cattle.

- 44.1 J. Firmin asked who determines how much bond is required to which Mr. Holtzclaw responded that the ADEQ determines the bond by the acreage.
- 44.2 County Attorney Steve Zega addressed J. Firmin's question, stating that Mr. Holtzclaw is correct that whoever gets the permit from the ADEQ is ultimately responsible for reclamation and ADEQ has a formula that they use per acre to determine the amount of bond required. He stated that at one time it was \$50,000 per acre, but he is not sure of the current formula. He further explained if the property holder goes bankrupt, the bond is static because if they buy a bond once, it is there forever and if the price of reclamation goes up and the bond remains the same, you can have a gap that is essentially not filled and ADEQ is responsible to reclaim the rest.
- 44.3 A. Harbison stated that there were a lot of pits that were mined before the law was passed that they had to be reclaimed, but all new pits have to be reclaimed. She doesn't believe that people are aware that a lot of those pits were grandfathered in.
- 44.4 E. Madison asked whether they were saying that the bonds were not sufficient; to which Ms. Richey responded that she has been told by ADEQ that there were gaps in the bonds for the Lindsey property, but she does not know the full story or if it was because of the bankruptcy or if ADEQ did not do a good job in following up to make sure that his bonds were not expired. She stated that she has heard several different things and does not know whether Mr. Lindsey held the permit for Mr. Rich's property as well and if so, she does not know why it is not being reclaimed.
- 44.5 H. Bowman stated that in looking at the map, and the small county road, Riches Road, that dead ends into this property, it looks like there would be far fewer people impacted (possibly six) than it would on the collector road with all of these neighborhoods. He stated that he has driven Harmon Road all the way from Tontitown all the way down to that way, and there are many really nice homes and a lot of traffic flow both North and South in this area.
- 44.6 H. Bowman stated that it appears to him that coming out onto Harmon Road is probably the worst of three options; and the he inquired whether the Rogers

Group had simply denied this possibility or whether it was a conditional deal based on the price for traveling through there; to which Mr. Holtzclaw reiterated that he has spoken to the Vice President twice and he just said that they were not interested at this time and there was no discussion about price.

- 45.1 H. Bowman stated that he sees Riches Road as the ideal access that would effect far fewer people and reduce the number of possible accidents impacting the neighbors.
- 45.2 B. Ussery stated that his concern is with Harmon Road as it just looks like an accident waiting to happen with as much traffic travelling through and with the number of trucks they are talking about. Further, he questioned why there couldn't be a little larger buffer area looking at it from the perspective that this is all it would take to make that issue go away. Mr. Holtzclaw stated that it is just the amount of dirt that would be taken away and on the south side it won't matter if it is 40' or 50' because it will be flat on top because when you cut a slope 15' into the ground, that 50' will be 15' to 20' in the air and you will be down on the level.
- 45.3 Mike Kelly, registered professional Engineer, addressed the Quorum Court stating that he has over 30 years of experience in this industry and served as a county engineer for over 20 years noting that he would be going through his PowerPoint outline and presenting exhibits related to the red dirt project.
- 45.4 Mr. Kelly stated that there had been discussion about using Hamestring, Riches and Harmon Roads and they elected to use Harmon Road as they did not have legal access to Hamestring Road. He explained that Riches Road is a gravel road that does not have sufficient right-of-way for a public road in Washington County and would require acquisition and construction in order to bring that road up to current County standards and the right-of-way acquisition would most likely be tenacious as well. He stated that they do not have the right of eminent domain as counties, states and utility companies do; therefore, if they ran into one opposition, they could not further the project.
- 45.5 Mr. Kelly addressed the history of our county roads and in particular Harmon Road, stating that Harmon Road like most county roads in this area were built using horse teams and plows back in the 1800's, long before the automobile revolution. These roads have transformed over the years in alignment and surfacing to what they are today. He refers to these roads as "farm to market" roads as they allowed our farmers and ranchers to get their commerce, meat and produce to the town market. He stated according to staff, this is also a major collector road which has federal highway designation and means that it is a major road that is one of the main routes to achieve moving public and

commerce to a particular area. These roads are usually subject to federal funding for improvements when available.

- 46.1 Mr. Kelly addressed their site plan for the Rich Red Dirt and explained that they are not creating a new drive, but modifying an existing driveway that leads to a rent house that they were going to use as their main entrance. Mr. Riches' renters use those roads, one a disabled Veteran. He noted the location of the gate as well as the 2 security lights, sediment basins, hatched area and a 9.3 acre mining site. He explained that the driveway will be a paved surface made with 250' x 40' x 28' asphalt and 8' shoulders. He also explained that the typical sections they plan to build with the road; 40' wide surfacing, 8' shoulder, 12' lane with 10" of pc concrete and another 12' lane with 10" of pc concrete, 8' shoulder, all on a 6" aggregate base. From the end of that road, they plan to create the haul road which would just be a gravel road that would be 20' wide. He stated that these are not public roads and would not have public designation or would they be opening them up to the right-of-way to the public as they are private roads.
- 46.2 Mr. Kelly noted the various areas that would be addressed with this project: Drainage intensity will not be increased, but actually reduced. He stated since they are going to cut the tops of the hills off to make them flatter, an increased time of concentration will be created for the storm water runoff to reach the streams down below it. Erosion control measures will be established, set-up, designed, monitored and kept at all times.
- 46.3 Entrance to the property will be protected by fencing and gates with proper signage and lighting with truck entrance signs placed along Harmon Road for entrance safety with LED flashers used if needed to warn the public of trucks entering. Operation of the facility would be from 7:30 to 5:30 during the summer months and 8:30 to 4:30 during the winter months and will be closed during inclement weather. Adequate sight visibility will be obtained and a detailed traffic study will be submitted for preliminary LSD. A geotechnical investigation will be conducted and recommendations followed for pavement preservation. Regarding traffic, it is estimated an average of 50 trucks per day will be using this facility and it will take approximately one year to generate traffic volume. He noted the 100 trucks that he has heard people speak of most likely come from 50 trucks coming in and 50 trucks going out. Egress to Harmon Road will be monitored and kept clean at all times.
- 46.4 Equipment necessary for this operation will be trucks, track hoe, track loader bulldozer and water sprinkling equipment for dust control. No fuel, chemicals, or hazardous materials will be stored on the site. Topsoil will be salvaged as a berm around the perimeter of the knoll removal project for reclamation

purposes. Reclamation (applying topsoil and vegetation) will be continuous as removal of the knoll progresses. Absolutely no blasting will be performed under any circumstance. A 50' buffer will be obtained between the knoll removal site and the property lines to the south and west of the knoll removal site. The entrance road buffer varies from 28' to 35' to the north edge of the proposed entrance to the property line. Moving the drive to the south to create more of a buffer would decrease safety sight distance and this is why they do not want to adhere to a 100' buffer on the road. He noted that ADEQ has a requirement for a 50' buffer on the site itself and they are more than happy to adhere to the 50' buffer. He noted that the property owner to the south is for it; the property owner to the east made no statements, so all properties around their actual removal site are either for it or null. A permit will be required and obtained by ADEQ.

- 47.1 Mr. Kelly addressed a Google Earth map showing the site for which Benny Holtzclaw has a permit to mine dirt at that location that expired June 30, 2014, and is now to go under reclamation; however they didn't take anything out, so there is nothing to reclaim at that location. He noted the project and boundaries of their proposed mining development, as well as the U of A hazardous waste site to the west; other dirt pits located in the area; a rock quarry located in the area.
- 47.2 Mr. Kelly reported at the Planning and Zoning meeting on November 6, 2014, he came up with a circle of compatibility by picking a point in their project closest to the densest population and objections they are having from neighbors and figured a distance of roughly 1300 feet and drew a circle to see who all they would affect with their circle of compatibility. He noted within that circle there is the Holtzclaw Excavating site, U of A Hazardous waste site, and the Rich Red Dirt site. He explained in drawing this he crossed five properties encompassed in the circle, two being rent houses owned by Mr. Rich, one the neighbor next to Mr. Rich who is indecisive whether the project goes through or not, and two are landowners who are opposed to the project. He noted as well the toxic waste site and all of the dirt and rock pits in this area.
- 47.3 Mr. Kelly stated there were three reasons given by the Planning and Zoning Board for denying their CUP, one being compatibility and he wanted to show that they really are compatible with this area. He noted another reason given for denying their CUP was that there is a high likelihood that this project will be injurious (causing harm, hurt, damage, or distress) to the use and enjoyment of some of the other property in the surrounding area for the purposes already permitted and substantially diminish and impair some property values in the surrounding area. He reiterated the fact that there is a

hazardous waste site on Harmon Road and on that site he had an associate of his, who has a PhD with the University of Oklahoma, who performs his environmental assessments look into this site and presented a 77 pg. report for the environmental concerns, not only for this project, but for all the projects in this area. He reported that the site is a closed, mixed waste, low-level, radioactive and hazardous waste disposal site that was closed in 1999. The report continued that there is contamination in the ground water solvent and post closure monitoring appears to be ongoing with some inspections as late as 2008. Mr. Kelly noted that they would not be disturbing the ground water or disturbing that hazardous waste site; however, it is a negative impact in this community, in this area that would be disclosed for real estate transactions. Therefore, it is his opinion that the toxic waste site served as a major detriment to the property values in this area, including Mr. Riches. If the project is approved, the scenario is that this would have an insignificant, short term impact of increased truck traffic; however, a greater long term positive impact because at the end of the mining of the knoll, it will be a flat, grassy plain conducive to residential building and/or agriculture.

- 48.1 Mr. Kelly stated that the third reason given for denial of their CUP was safety, and Ms. Richey advised him by email that that Harmon Road is posted at a speed of 45 mph. and this speed limit would stand unless they could prove this is too high of a speed for this section of County road per ASSHTO's "A Policy on Geometric Design of Highways and Streets", 6th Edition, also known as the Green Book; and that they must consider horizontal and vertical curve alignment and super elevation, and only after submitting all information, findings, etc. as per these standards, would the County consider any differing statement of designation. Mr. Kelly stated being a county engineer for 20 years; it is easy for him to determine that Harmon Road, from the top of the hill where Mr. Elkins drive and the toxic waste site is located all the way down to Wedington Woods Drive, would not qualify for 45 mph. design because the hill is too steep and the curves are too sharp. He stated that he assisted in a survey with a robotic data collector approximately 1800' of Harmon Road and those results were submitted to Planning personnel.
- 48.2 Mr. Kelly reported at the November 6, 2014 meeting the Planning and Zoning Board questioned his findings as he had used an outdated version of the Green Book. Mr. Kelly stated that he was told to use the 6th Edition, but they used the 4th and 5th Editions to check his work, noting that there is different information in the new editions and when one is outdated, it should be discarded and the latest edition should be used to verify engineering concepts. He received a letter from Mr. Grote stating different findings, but he even stated that the velocities interpreted were less than 45 mph. He believes that Mr. Grote did not properly interpret the information then and with

his current findings because he stated that the curve that they surveyed had 8% super elevation, but it can be seen on the cross sections that it doesn't; and it doesn't even address the fact that outdated data was used to compare his findings. As a professional Engineer, he took an oath to protect the health and safety of the public and when he discovered the discrepancy; on January 20, 2015 he mailed a set of stamped as built plans for this section of road to Judge Edwards and the County Superintendent with his velocity findings for consideration and immediate and future safety improvements. He stated that the horizontal curve only meets 15 mph. and one of the vertical curves near their entrance only meets 20 mph.

- 49.1 Mr. Kelly addressed a 200' section of Harmon Road where he took cross-sections every 25' to create a profile of Harmon Road which shows how much super elevation each lane of that curve holds. He noted that the Planning Staff claims that this curve has 8% super elevation throughout the whole curve; however his cross-section indicates on the curve that the northbound lane has 8% super elevation and the southbound lane does not.
- 49.2 Mr. Kelly next addressed the intersection sight distance stating at this point the information provided is little since this section of road does not meet 45 mph; however, he wanted to point out deficiencies in the information the County is providing stemming from their research of Chapter 9 of the 6th Edition Green Book. He read from the book that, "An intersection is defined as the general area where two or more highways join or cross, including the road way and roadside facilities for traffic movements within the area. Each highway radiating from an intersection and forming part of it is an intersection leg." He pointed out that they are not building a state or county highway or county road, but they are modifying an existing driveway. He stated he was unaware of what the sight distance is on an existing driveway and whether they have to adhere to the same standards or not which is something he will look into if this project goes forth. Mr. Kelly wanted to also point out on the time gap on truck instances is the intersection control. He stated that the recommended dimensions on sight triangles vary from type of traffic control used at an intersection because different types of controls impose different legal constraints on drivers and therefore result in different driver behavior. He noted that they will not have control of this intersection; it will not be mandated to have stop signs, yield signs, or traffic signals as it is an existing private drive wanting to be modified into a commercial drive for their use. He stated that Planning Staff held us to intersections with stop control on a minor road; and they will not have stop control on this road which is not a minor road, but rather a driveway. Mr. Kelly stated therefore he believes that Planning Staff has misinterpreted the Green Book in both of these instances with their increased sight design from 500' to 628' that they changed at the last meeting.

- 50.1 Mr. Kelly addressed neighbors' comments stating that the majority (30 out of 54) of the comments address safety along Harmon Road, which tells him that they have a current safety problem on Harmon Road. He stated at the last meeting he made suggestions to staff to correct this by erecting a stop sign at Wedington Woods Drive which does not have current sight distance as it is as short on sight distance as they are short on their sight distance to the south.
- 50.2 County Attorney Steve Zega stated that they are not talking about a stop sign on Wedington Woods, and asked him to keep his comments relating to the proposed drive.
- 50.3 Mr. Kelly stated that there are currently safety problems in that area and he has made suggestions to remedy some of the safety hazards and the addition of their drive may add to that; however, he maintains that they can remedy their situation the same way that the county remedies theirs. He recapped the points he had made regarding the county's denial of this CUP, stating that they have overcome all criteria found in the ordinance and have provided both reasoning and documentation for an approved CUP recommendation..
- 50.4 R. Dennis asked where Mr. Kelly was employed as a County Engineer to which he responded Cherokee, Adair, Sequoyah, Okmulgee, and Wagner Counties in Eastern Oklahoma.
- 50.5 R. Dennis stated that he is a believer in a person's property rights. He asked how long it takes with a stopped dump truck loaded with red dirt to go 30' which is how long it would be to go across the highway and turn; to which Mr. Kelly responded that he would have to defer that question to Mr. Holtzclaw.
- 50.6 Mr. Holtzclaw asked a truck driver in the audience to respond to R. Dennis' question and he stated he could go 30' in 5-10 seconds.
- 50.7 R. Dennis made the point that many teenagers cannot read speed limit signs. He reported that he visited this site and counted how long it took to see a car coming from the north and decided that he had stayed long enough and started to walk across and had to jump back as it took him 4 seconds. He noted if there was a dump truck pulling out, taking 5-10 seconds to get out of the way, he can see this resulting in disaster.
- 50.8 A. Harbison addressed the old red dirt pit located on this property and asked if it exited onto Hamestring Road; to which Mr. Kelly responded that it had to cross over another mining property and did exit onto Hamestring Road. He further explained that the owner of that old red dirt pit went bankrupt and so they lost their easement. She noted that they are looking at the easiest, most

inexpensive way to get their dirt out of there and she believes that it is too dangerous to come out on Harmon Road. She stated that she is also for property rights, but they have to put the safety of the general public first and she is hopeful that they can find another way out.

- 51.1 R. Cochran stated that he used to drive Harmon Road north all the way to Hwy. 412 going to work in Tontitown and it didn't take him long to determine that this was not a safe way to go. He noted that the speed limits are not necessary followed by most driving that road and he also saw instances of people passing on double yellow lines. He stated that reducing the speed limit to what they are recommending would technically make it possible to do what they want to do as an entrance and exit onto Harmon Road, but what people driving this road will do is a whole different thing. He agrees that people should be able to use their property the way they want to, but when it gets in the way of personal safety, he has to draw the line. Regarding concern over traffic coming from the north, he stated the folks coming down that hill are not slowing down and are going 50-55 mph. after they come out of the curve at the bottom, and he really would hate to see someone lose their life if they put the entrance at that location.
- 51.2 B. Pond stated that he also has concerns with the sight distances and it probably wouldn't make a difference with either of the engineering books used. He stated that he would like to see Mr. Holtzclaw give his permit to mine his red dirt and he appreciates their concern for the people on Riches Road. He believes that Mr. Holtzclaw is doing everything he can to get along with all the people around him. He noted that pointing out other safety issues on that road that don't pertain to his development makes it worse. B. Pond stated that this is a ribbon of country road that is paved and runs all the way from Tontitown to Farmington and he does not have a safety issue with the truck drivers, but those trucks coming out of there and doing what they are supposed to do, when a kid comes up behind them that is late for work or school and passes on a double yellow line. He stated that he would approve this if they could use Riches Road, though maybe not quite wide enough would be a safer alternative.
- 51.3 County Attorney Steve Zega pointed out that this time was to be spent asking questions of Mr. Kelly and the Quorum Court can deliberate later in the agenda.
- 51.4 Remarks by Opponents of the Project: County Attorney Steve Zega requested that any spokesperson for the opponents of the project to speak first.

- 52.1 B. Pond asked that once the public speaker has finished, that they ask for shows of hands that are in agreement with the comments made.
- 52.2 Dick Johnson, resident of Pin Oak Road, addressed the Quorum Court stating that he lives within ½ mile of this property. He stated his appreciation for the diligence put into the presentation to this point, along with the questions and statements which have robbed almost everyone of anything that they have to say. He stated that he is not an engineer, but has lived at this address for 40 years and driven that road every day and seen all sorts of things. He stated that signage will not do anything because just like it is against the law to litter, as soon as people leave Hwy. 16, whatever litter they have in their car goes out the window. He stated that he felt like Mr. Smith was referring to those opponents of this project present tonight as “not in my backyard” types to which he responded that 90% of the people present have no objection to the mining of this land, but their concern is for the safety of their family and children. Mr. Johnson pointed out that Hwy. 16 bounds this industrial area on one side and Harmon Road bounds it on another side. He noted that they have done their part quietly to be good neighbors to Washington County and don’t complain because they do have a quarry, multiple dirt pits, a hazardous waste dump, and also received 55% of the affluent flow of Fayetteville sewage when the new plant was built.
- 52.3 County Attorney Steve Zega asked for a show of hands of those in agreement with Mr. Johnson’s statements and a large majority of the audience held up their hands.
- 52.4 Walter Ward, resident at 16365 Hamestring Road which is just north of this site, addressed the Quorum Court stating that he has a little bit different experience. He stated as a business owner he doesn’t want to stop Mr. Holtzclaw from digging his dirt; however, he has had a lot of experience over the years with the red dirt farms. He noted that they talked about installing a spray pit to wash down the trucks before they start out on the road, but he has driven up and down Hamestring Road for years and they have been very good about bringing in a brush to clean off the red dirt and rocks. He stated however, that road has a very minor incline and it doesn’t take much for the trucks to get out, but they still lose a lot of dirt and rocks, and even though they are supposed to have tarps covering their loads, only about half of them do it. Mr. Ward reported that he has been following a truck on Hamestring Road when a rock fell off in front of him that he ran over and blew a tire. Further, he noted that they track red dirt out onto the road more so in the past than currently and no matter how good they are about keeping the road clean, the road will still have red mud clay on it and if it rains, will become exceedingly slick and if this were to happen on the curve of Harmon Road,

- cars will end up in the ditch. Mr. Ward stated that the size of the properties around the quarry portion of the property is larger at 10 acres or so, they are talking about a quarry that will be very near a major housing development just across the road and there will be a lot more people affected than from the quarry on the other side. He further noted that the red dirt farms that are now being closed right up the hill produce sounds like they are having a tank battle going on.
- 53.1 County Attorney Steve Zega asked for a show of hands of those in agreement with Mr. Ward's statements and a majority of the audience held up their hands.
- 53.2 Sherry Main, resident at the end of Riches Road and property owner of two other parcels on Riches Road where her family resides, addressed the Quorum Court stating that she was not opposing the red dirt pit that is adjacent to her property, Mark Rich is her neighbor and Mark and Betty Rich have assured her that the land will be reclaimed; the operation will not be long term over six years; and there will not be any additional land added to the original ten acres to be mined. She noted that there are 21 families who live on Riches Road, most with houses sitting very close to the road and have children who play along the road. She stated that they had this very same issue in 2002 with Gary Combs before John David Lindsey bought the Steven's Red Dirt Pit. Ms. Main noted that Riches Road is narrow and the houses along the road are very close to the road itself and the road is not wide enough for two trucks to pass and the county only has a 30' right-of-way easement for Riches Road which is not adequate for vehicles to pass with dump trucks. She stated that using Riches Road for this red dirt pit would affect houses sitting very close to the road and safety of children playing; however, using Harmon Road would only affect maybe three homes if turning left from the pit site onto Harmon Road. She further noted that these homes do not sit close to Harmon Road and the main issue she is hearing from folks in Wedington Woods and along Harmon Road is the safety concerns with the road and the inconvenience of following dump trucks and dump trucks entering and exiting the pit onto Harmon Road. Harmon Road is a main artery road for Hwy. 16 and Hwy. 412 and the hill on Harmon Road south of the pit entry and exit area has always been a problem with cars travelling too fast and if a slower speed limit is posted with flashing signs indicating trucks turning, this would handle the safety issue. Regarding safety of driving on Harmon Road, she believes that people should be held accountable for themselves and obey the law as speed limits are posted for a reason. Driving on Hwy. 16 West of Wedington is dangerous and dump trucks travel that road daily. The curve on Wedington and Hamestring is very dangerous, but they are aware that there are trucks entering and exiting so they slow down. Ms.

Main reported that her property was reclaimed by ADEQ and she now has a smooth sloped, nice area that is fenced, seeded and returned to agriculture and she now has cattle on the property.

- 54.1 In response to a question from Judge Edwards, Ms. Main stated that she is not opposed to the red dirt pit, but she is opposed to using Riches Road for access.
- 54.2 County Attorney Steve Zega reminded the audience that this time is reserved for folks to speak who are opposed to the CUP as applied for with the collector road going onto Harmon Road.
- 54.3 Jim Boyd, resident of Washington County for 40 years, addressed the Quorum Court stating that he has raised his family on the fourth property to the north of this proposed red dirt pit site. He stated that there is a creek running through there and this is a concern as well as the safety issue on Harmon Road. He has many drivers in his family and the thought of one of them colliding with a dump truck is a bad thought. He stated he is hopeful that the Quorum Court will be able to reach a conclusion tonight because there are many people who have taken the time to be here. He believes that they reached the right decision the first time and he hopes that they stick with that.
- 54.4 County Attorney Steve Zega asked for a show of hands of those in agreement with Mr. Boyd's comments and the majority of the room raised their hands.
- 54.5 Bill Robertson is a resident of Wedington Woods and has the closest house to the entrance of Harmon Road. His elevation is higher and he can look down on the pit, so he has an objection to the pit itself. Regarding the safety issue, he has a view of the hill and can testify that people fly down that hill and he is the one who calls 9-1-1 when people go off of it. He stated that 50 trucks don't run just one load a day and they would be talking about hundreds of trucks coming in and out of there. He noted that they do have a stop sign at the entrance of Wedington Woods onto Harmon Road, but this issue of sight distance, there is no way that drivers will be able to slow down in time. Mr. Robertson stated that he has been a certified appraiser for 35 years for one of the local lending institutions and the devaluation from the radioactive dump site occurred years ago. He noted he has purchased several lots and properties in Wedington Woods and was never disclosed about that pit. He stated that people will know that they have a safety issue at the bottom of that hill. He also stated that they have a red dirt pit across the hill and it will devalue their property.

- 55.1 County Attorney Steve Zega asked for a show of hands of those in agreement with Mr. Robertson's comments and the majority of the room raised their hands.
- 55.2 Sherry Williams, resident on Dogwood Drive, addressed the Quorum Court stating that she bought her house in 2004 and was not disclosed of the problems at the top of the hill. Her husband actually worked that excavation and her house sold for \$244,500 to her and there was no devaluation because of it. She stated that her main concerns at this time are with safety and devaluation of her home.
- 55.3 County Attorney Steve Zega asked for a show of hands of those in agreement with Ms. Williams' comments and the majority of the room raised their hands.
- 55.4 Janice Ward, resident ½ mile north of the quarry site, addressed the Quorum Court stating that there is so much talk about people driving too fast on Harmon Road and how that creates a safety issue and that people need to be held accountable for how they are driving. She stated her concern even more than teenagers who drive irresponsibly are the school buses from two school districts that go up and down Harmon Road, pointing out that school buses are a lot like trucks, they don't stop as fast, but they are in a hurry to get kids to school on time so they make up time where they can. She believes if a bus was driving the speed limit and a dump truck was pulling out in front of them, she doubts that they could stop in time and that is her major concern.
- 55.5 County Attorney Steve Zega asked for a show of hands of those in agreement with Ms. Ward's comments and the majority of the room raised their hands.
- 55.6 Remarks by Supporters of the Project: Sherry Main, resident on Riches Road, addressed the Quorum Court again to do some rebuttal on comments made regarding noise, property devaluation, stating that Rogers Quarry is right behind her house and she does hear the blasting when she is sitting on her deck, but does not hear dump trucks. Regarding safety and property devaluation, she does not see any devaluation of homes and if there was, she would have a great devaluation. Regarding the school buses stopping on Harmon Road, she stated that there may be 1-2 stops by school buses on this leg of Harmon Road because there are only 3 homes along this stretch and buses don't stop from where the entry exit is to the pit to Hwy. 16 that the trucks would be encountering. She stated on Riches Road they have two school buses that pick up small children and it would be very much more dangerous for a dump truck to be passing a school bus with children loading and unloading from the buses.

- 56.1 Terry Davis, resident on Beechnut Lane, addressed the Quorum Court in response to the comments made earlier about clay being slick when wet and about tire washing. She stated when looking at the profile going up the hill with a 17 degree grade and a 35-45 degree angle, she was following a dump truck into town today on Hwy. 16 that was hauling red dirt piled up high and almost to the end of the tail gate. She believes that Arkansas law requires tarping of trucks hauling rock, sand and gravel, but not dirt and so the red dirt farms are not required to do so. She questioned whether dump trucks going up this 35-45 degree incline and have to catch a lower gear, the dirt will shift and there will be dirt/clay falling off the trucks and while it may only be a small amount, by the time 50 trucks a day do this day after day, it builds up on the highway. She further noted that the red dirt pit would have no liability as it would be considered a road hazard by insurance companies. She stated if the owners of this property would sign some type of affidavit stating that they would be responsible for any accident on that hill as a result of the build up of the red clay, then she would support them, but she doesn't believe their attorney would advise them to do so.
- 56.2 Mark Rich, resident of Washington County for 52 years, addressed the Quorum Court stating that when he first bought his family farm there were fewer houses and a 20' driveway easement that wasn't wide enough, so when he bought his home on Harmon Road, the couple who owned it sold him land so that he would have another way out of his property. He noted he has had realtors try to get him to list it and when they viewed his rent house and asked him about the chain link fence on the hill, he advised them of the situation, showed them the documentation, and was told that he would have to make complete disclosure on any home that they sold within ½ to 1 mile of that site. When asked about the worth of his home or rent house, he was told that they couldn't estimate what it would be worth to somebody.
- 56.3 Mr. Rich stated that he does not want to hurt these landowners property values or damage their lifestyle in anyway; however, due to another's bankruptcy filing, he has no other way available to access and exit this property than Harmon Road. He stated that Mr. Holtzclaw has been in this business for 30 years and the money that would be made from this red dirt pit would be Washington County tax money. He stated that the realtors who looked at his property advised him that the only people who would be interested in his farm would be mining companies and they would be more interested in the state-grade limestone that was under the red dirt
- 56.4 County Attorney Steve Zega advised that Mr. Rich's time was up; however, as the owner of his property the court can continue his time; and it was voiced by some JPs that Mr. Rich should be allowed to continue.

- 57.1 Mr. Rich continued stating that over the years he has lived here and his parents lived on the farm for years and they had a radioactive dump site and quarry across from them and this land has always been considered commercial by the bank, the taxes are commercial. As far as going to the south of the hill, everybody including himself, is worried about the safety of the people in the neighborhood; however, he feels that if there was a safety issue, then all of the neighbors would have already wanted to clean it up so there wouldn't be any site problems. He drives a Toyota Forerunner and he has tried to go around that curve with cruise control set at 45 mph. and ran off the side of the road. He noted in one of the first pictures shown of vegetation, one of those trees is on his side of the property, but he was told not to cut anything and wanted to do what he was told. As stated by Mr. Shrum, the county doesn't have very much right-of-way, but from there over to the electric line is Ozarks Electric, who does have a right-of-way, with a gate on his property and are supposed to clean it. He contacted Ozarks Electric and they stated that they wouldn't do it and Planning Director Juliet Richey advised him that he couldn't do it until this is over with, so they actually have the right to clean that area for the site distance.
- 57.2 Mr. Rich reported speaking to Mr. Elkins three weeks ago and being put in the center of this has really been hard and he understands the pressure that has been put on them. He reported that someone made the statement that he had threatened him for the last 2-3 years, which is not the case in any way. He noted when he purchased the land adjoining them, he asked about it and was told that he would be cleaning the knoll off one of these days, so feels that he has been only honest and upfront with them.
- 57.3 Mr. Rich stated that he has driven a dump truck himself and there is a right way and a wrong way. He stated that it is against the law for trucks not to be tarped; they have to be loaded 6" below the boards including the tailgate. In his research on speed limits he contacted the State Police and was told that it is at 45 mph. that any car involved in an accident in that area would be given a ticket for driving too fast for conditions so any vehicle driving over the 25 mph. involved in an accident would be written a ticket. He believes one thing they could do for safety is clean that hill off and lower the speed limit at least down the hill and through the curve.
- 57.4 Matt Holtzclaw, son of Benny Holtzclaw, addressed the Quorum Court stating that he has been doing this for about 15 years and this is their livelihood. He stated that while he understands the concerns about safety, he thinks that some of it is a little over-exaggerated. He stated that they are not trying to upset or aggravate people, but are just trying to make an honest living. He believes that there is a way to resolve every problem or circumstance where people can meet in the middle.

- 58.1 County Attorney Steve Zega asked for a show of hands of those in agreement with comments made by the supporters of the project and about 7 people raised their hands.
- 58.2 E. Madison explained that she is the sponsor of this Ordinance as the new Chair of the County Services Committee and planning matters originate from there.
- 58.3 AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD: E. Madison introduced **An Ordinance Ratifying a Conditional Use Permit Denied By The Planning And Zoning Board**, and County Attorney Steve Zega read the ordinance which is on first reading.
- 58.4 County Attorney Steve Zega explained that depending on what happens tonight, he will probably go ahead and read Ordinance #6.2 unless there is a motion to advance #6.1 now and decide on it. However, if they do that, he cautioned them that public comment will need to be opened back up prior to voting.
- 58.5 E. Madison stated if they were to leave it on first reading and advance it to second reading next week, that would not require additional comments; to which County Attorney Steve Zega concurred.
- 58.6 E. Madison noted that many of the supporters of the project may have left and didn't get a chance to speak; to which Mr. Holtzclaw responded that he thought they were done with comments in support and since some of them had been there for 2 ½ hours, he told a couple of them to go ahead and leave.
- 58.7 E. Madison stated that she personally feels like she has heard enough to be ready to vote tonight, but doesn't want to make a motion without some sentiment from the court.
- 58.8 S. Madison asked if there was an extraordinary vote required to support the decision of the Planning and Zoning Board; and County Attorney Steve Zega responded if they move it up, it would require a 2/3rds on the two subsequent motions to do so. She verified therefore that only expediting the matter requires a 2/3rds vote or 10; otherwise, it takes a majority.
- 58.9 J. Maxwell stated that they have been given some different insights and perspectives and he has read through all neighbors' comments and

information from the website; went out to the property and did a sight survey himself. He stated that this has certainly has raised some new things that he would like to research so he would like to have the additional readings allowing them time to follow up.

- 59.1 H. Bowman agrees with J Maxwell.
- 59.2 Judge Edwards asked if they wanted to suspend the rules and place the ordinance on the second reading and then do a third reading next week; to which County Attorney Steve Zega responded that they could do that or do the next two readings at regular Quorum Court meetings. She stated if that is what they wanted to do, the way they stand just moves it forward.
- 59.3 E. Madison responded to Judge Edwards statements, stating she is not sure that is what everyone wants to do, but pointed out if they advance it to the second reading and then have the third and final reading at a regular Quorum Court meeting, it means that all of these people will have to come back and sit through their Quorum Court meeting and not a Special meeting. Therefore, she stated if they want to hear more, they need to leave it on first reading, have the second reading next week, and the third reading at their next Quorum Court meeting so that parties involved and the public do not have to sit through their regular Quorum Court meeting because she believes that they will have a healthy agenda. She further stated that she could also move to advance it to second and third readings tonight to see if it fails or passes tonight which she believes may be the consensus.
- 59.4 S. Madison asked when the Quorum Court will actually be discussing this ordinance to state their positions because they have heard a lot of discussion tonight and the public probably would like to know their sentiments tonight which she is prepared to give, as well as to vote on the issue tonight.
- 59.5 County Attorney Steve Zega responded to S. Madison stating that there is nothing that says the Quorum Court can't talk about the ordinance tonight, but if they don't advance it, they can't vote on it because advancing it would be the actual deliberation part of these proceedings.
- 59.6 E. Madison stated if she were to make a motion to suspend the rules and advance Ordinance #6.1 to the second, if that passed it would move to second reading and if it failed, then it would stay on first reading.
- 59.7 **E. Madison made a motion to suspend the rules and place the ordinance on second reading by title only. R. Cochran seconded.**
- 59.8 Judge Edwards asked for a roll call vote on E. Madison's motion.

- 60.1 **VOTING FOR:** R. Cochran, R. Dennis, L. Ecke, A. Harbison, E. Madison, S. Madison, J. Patterson, B. Pond, B. Ussery, and D. Balls. **VOTING AGAINST:** H. Bowman, J. Firmin, and J. Maxwell. **The motion passed with 10 members voting in favor and 3 members voting against the motion.**
- 60.2 County Attorney Steve Zega read **An Ordinance Ratifying a Conditional Use Permit Denied By The Planning And Zoning Board** by title only.
- 60.3 **E. Madison made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Cochran seconded.**
- 60.4 In response to a question from R. Dennis as to what they were voting on; County Attorney Steve Zega explained that they are voting to suspend the rules and advance the ordinance to third and final reading by title only and they are about to vote on the merits of the ordinance.
- 60.5 R. Dennis stated his concern that they have listened to a lot of information tonight and believes in order to be fair that they need some time to have further discussion within this quorum to reflect on the information they have received before making a decision. He stated he would not be in favor of advancing the ordinance to third and final reading tonight, preferring to having their discussion and voting on the ordinance at their next meeting.
- 60.6 J. Patterson suggested that they have the final reading two weeks from tonight instead of having it at their regular Quorum Court meeting next week.
- 60.7 County Attorney Steve Zega stated that they have a motion on the floor with a second to place it on third reading, so they would have to vote on the merits tonight. In order to accomplish what J. Patterson is suggesting, he would have to vote against E. Madison's motion. He further explained that if this ordinance is on the agenda on second reading for a regular Quorum Court meeting a week from tonight, it would have to be taken off the agenda and leave the special meeting scheduled on the 24th and use that for the third reading and vote.
- 60.8 E. Madison stated that it has been her experience that when an ordinance advances to a second meeting, they may learn some additional information on their own, but they don't hear anything different. She encouraged anyone with questions to take advantage of this opportunity to get them answered. She noted that they have had a lot of people here since before 6:00 and if they do it next week or the week after, they will have to come back and the court will probably hear the same comments over again, so she is trying to be considerate of those in attendance. She reiterated if the ordinance does stay

- on second reading tonight, she will move it to a special meeting and not a regular Quorum Court meeting which means a shorter agenda.
- 61.1 R. Cochran stated as long as they are honest with their constituents and pull it from next Thursday's meeting, that is fair to them. His concern is if they don't have it on the agenda and it is brought back for a special meeting, they won't know to attend.
- 61.2 In response to a question from E. Madison, Quorum Court Coordinator Carly Sandidge stated that the special meeting for third reading is currently set for February 24, 2015.
- 61.3 R. Dennis stated that he thinks he knows how he wants to vote and they have heard extensively from those opposed to the project; however, he wants to be fair to those in favor of the project who may have left the meeting without speaking and asked whether there was anything else that they may have wanted to add or were they ready for the court to vote.
- 61.4 Mr. Kelly, Engineer for the project, addressed the Quorum Court stating that he would like to speak again on behalf of those in favor of the project.
- 61.5 R. Dennis stated that he would entertain that they allow Mr. Kelly to speak because he does not want anyone to feel like they got shorted and were unable to speak; otherwise, he would be ready to vote.
- 61.6 **E. Madison made a motion to withdraw her motion to suspend the rules and place the ordinance on third and final reading by title only. R. Cochran seconded. The motion was withdrawn.**
- 61.7 **E. Madison made a motion to suspend the rules and allow Mr. Kelly to speak. R. Dennis seconded. The motion passed unanimously by those present by voice vote.**
- 61.8 Mike Kelly, Engineer for the project, addressed the Quorum Court stating that their original sight distance that they were shooting for when they started this project was 500 feet; they were 426 feet without doing any clearing and if the county was to declare their right-of-way, they probably could have obtained the 500 feet.
- 61.9 Juliet Richey, County Planning Director, stated that Planning Staff has some things that they would like to clarify based on statements made by Mr. Kelly if the Quorum Court was interested.

- 62.1 Ms. Richey addressed the Quorum Court stating that there are several things that Mr. Kelly said that are engineering issues and Mr. Clay should probably address; however, staff has discussed all of the issues that Mr. Kelly brought up tonight and she didn't go into the minutia of all the engineering ins and outs, super elevations and how things are determined. She stated while he was taking into consideration both lanes and calculating the velocities on that road, they were taking into consideration the northbound lane which did have the higher percentages because that was the traffic in question that was heading north. She stated there were decisions made by the County's Engineer and team that they feel they can completely back and she does not know what the specific questions are, but everything that Mr. Kelly brought up the Planning Staff and County Engineer addressed. She stated that they need to understand that this is not a highway and they are looking at the best tool that they have to evaluate the safety. She noted that they spent hours visiting the site, discussing and debating it between one another and she believes that they have good, solid reasons for everything they did. She addressed the statement that he is modifying a driveway, stating that this is a residential driveway for one house and they are turning it into a commercial drive, much larger than it was and it would have 100 trips a day on it that basically functions as a minor road. Ms. Richey stated that she feels confident that they considered everything and looked into things that had the safest outcome in mind and that were appropriate for the situation at hand. She urged anyone who had questions about the appropriateness to please ask and Mr. Grote will provide the information in whatever detail they want in regard to detailed engineering.
- 62.2 H. Bowman asked about the questions raised over the different editions of the Green Book used by the parties; to which Ms. Richey responded that they did use some older editions at the meeting in November; however, how the sight distance is calculated, which is the critical part, did not change from edition to edition. She noted to eliminate confusion, all calculations that they got on the plan profile sheet from the County's Engineer in the letter were all done with the 6th edition. She stated that this can be argued, but is a mute point now.
- 62.3 H. Bowman stated if they are talking about 100 trucks a day during an 8 hour period or 12 trucks per hour or one truck pulling out onto that highway every five minutes, his concern is that they will be heading south up that hill with a loaded truck of clay and he is interested in what their speed would be by the time they get to the top of that hill. He believes that they will basically stop traffic every time a truck pulls out onto that road and he doesn't believe that is a very good proposition to have to deal with.
- 62.4 The audience responded to Mr. Bowman by clapping.

- 63.1 H. Bowman continued stating that the issue about clay on the road is almost unavoidable and when it is wet, will be slick and will increase the potential problems on that road. He believes that the secondary road, even though it might not be a great place to move the trucks, there would be far fewer people at risk there and would dramatically improve the safety situation coming out of the site. He stated that these are the issues that he believes they need to talk about as a court before moving the ordinance onto a vote.
- 63.2 R. Cochran stated when they look at the seven criteria that they are tasked to make a decision on; the applicant has fulfilled items #1 and #2. He has a little question about #3 because he is concerned that this access road will get backed up early in the morning and the trucks may be cued out onto Harmon Road. He further has concerns about the red dirt debris that will be on Harmon Road and the very busy activity at this site. He noted that he travels Hwy. 16 coming in and there was a time when the other quarries actively mining red dirt were tracking it onto the highway which was a flat stretch of road; it was slick as ice when it got wet prompting Fayetteville to clean up their act and reduce the traffic, which helped the situation. With respect to item #4 whether the proposed use is compatible with the surrounding area, he feels they fail this criteria as well. He stated although the applicant feels that it is compatible activity in the area, he does not agree because there is a significant difference in the traffic pattern with trucks from this project as compared with the other site. Further, he stated that the access road is too close to the neighbors and loaded trucks traveling up that hill will be heard well into the Wedington subdivision.
- 63.3 R. Cochran continued stating with regard to item #5 that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare, this left hand turn visibility is a problem and trucks heading up the hill will back up traffic and create a hazardous situation for other traffic. He doesn't believe that reducing the speed limit will help this because people will go faster than the posted speed limit anyway. He has concerns about activity near the U of A waste site and although they declare that it has been cleaned up, they are still prevented from drilling there and the U of A did not explicitly give a green light on this. He addressed item #6, that the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area, stating that there were only two exits from Wedington Woods and they either will reroute and go the other way and come out onto Hwy. 16 or they will come out on Harmon Road and face that truck traffic every day. He stated the noise reduces enjoyment and those trucks traveling up the hill will be loaded, grinding, and loud. He stated that

there is no question that property values will be reduced and he cannot understand the comment made that the property values will increase. Finally, he stated he is undecided on item #7. R. Cochran stated that this fails on several of the items that they are to consider and at this time, he cannot approve the Rich Red Dirt CUP.

- 64.1 **E. Madison made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Cochran seconded.**
- 64.2 Judge Edwards requested a roll call vote on this motion.
- 64.3 VOTING FOR: H. Bowman, R. Cochran, R. Dennis, L. Ecke, A. Harbison, E. Madison, S. Madison, J. Patterson, B. Pond, B. Ussery, and D. Balls. VOTING AGAINST: J. Firmin and J. Maxwell. **The motion passed with 11 members voting in favor and 2 members voting against the motion.**
- 64.4 County Attorney Steve Zega read **An Ordinance Ratifying a Conditional Use Permit Denied By The Planning And Zoning Board** by title only.
- 64.5 County Attorney Steve Zega explained that the next item of business on the agenda is for the Quorum Court to deliberate and then open up for public comment.
- 64.6 E. Madison reported that she did a lot of studying on this issue and received some telephone calls and letters in opposition to Rich Red Dirt. She stated she has been in situations like this and from her experience, when a property owner wants to do something with their property and run into opposition from neighbors, it never works well if they get approval against a ton of opposition. She also believes where there is a will, there is a way and she has seen it work but the better way is to do it in some type of compromised fashion. She noted that the Rogers Group has not been cooperative with them and that is disappointing, but her hope would be that there will be some further opportunities and she does not believe that by shutting off the Harmon Road access, it means that they cannot find a way.
- 64.7 E. Madison addressed the criteria that they must use in considering this, she does feel that Planning Staff has spent tremendous time and effort studying and restudying this and it is one of those instances where the court is not the experts, but has enough faith in their staff that they have done the right thing. She stated that they come into this with Ms. Richey's recommendation that the court follow their lead and deny this CUP. She stated in looking at the elements, she has focused on #4, #5, and #6 which is the ones where their determination usually comes in. She stated that Mr. Kelly was somewhat

convincing to her on the compatibility issue because the circle was meaningful. As mentioned by Mr. Johnson, they have all had their share of burdens out there including Wedington Woods that is definitely a residential community, but by virtue of being in the County, they are very close to widely varying things from their homes because they have rock quarries and red dirt pits, so to some extent she is wavering on the compatibility issue.

- 65.1 E. Madison stated that the biggest challenge for her is criteria #5 with safety. She reported living on a residential street near a school where the speed limit is 25 mph. and it is not the teenagers that are speeding, but moms on their cell phones picking up kids after school and cutting through the neighborhood. She stated you can do everything in your power including posting speed limit, having Sheriff's patrols check periodically and it remains the same. She further stated that they need to listen to their Road Department who says 45 mph. is the appropriate speed for this type of collector road; unfortunately they can't assume that everybody will obey the speed limit. She stated that this is one of the things that engineers and experts take into consideration when evaluating safety and to her the sight distance concerns, having dump trucks moving slowly carrying heavy loads that can't move or stop quickly; school buses are a concern of hers. E. Madison stated that she will have to follow County Planning's lead on this because of her concern about the safety on Harmon Road.
- 65.2 B. Pond stated that criteria #5 which is the safety issue due to the sight distance for turning, is his reason for denying this CUP request. He added that it is not just because of what the Planning Board tells him; he has driven out there many times and you can just see the potential problems. He stated that this does not mean that he doesn't want these folks to have their red dirt for the need of this material in the county and he believes that they are bending over backwards to be as considerate as they can.
- 65.3 B. Ussery asked whether procedurally each one of them need to say what criteria they base their decision on; to which County Attorney Steve Zega responded if they intend to vote to deny the CUP, they need to vote in favor of ordinance #6.1 which is saying criteria #4, #5, and #6. He asked if there was such thing as a right of domain against the Rogers Group to provide them with a road. that they are ratifying the decision of the Planning Board and denying the CUP; and yes, he would appreciate them saying under what criteria they are casting their vote as E. Madison and B. Pond did because if it winds up in court, it allows the court to look at the ordinance and their reasons.
- 65.4 B. Ussery stated that the reason that he will vote to ratify the decision of the Planning Board is due to what Planning Staff has said, he feels that there is a

big safety issue. But having said that, he is certainly hopeful along with E. Madison that they do find a way to make this happen and that there are compromises out there some where.

- 66.1 S. Madison stated that she is in support of the Planning Board and therefore, support this ordinance and part of her reasoning is that the Applicant has not really shown a spirit of cooperation or compliance or alternative options and instead have just argued with them tonight on the safety issues. She feels like their County Staff very thoroughly went through their concerns about sight distances, speed limits, curves and hills and very carefully documented the issues with safety on that road and represented with engineering details, though she does not feel that this is the place to hash out engineering details. She believes that the compatibility issue is once again something that is being argued with in the Applicant's response. She noted there is nothing any of them can do about the University's hazardous waste site that has been remediated because it is State property. She stated that the Applicant has pointed to the existing mining pits in the area, but almost none of them are active and none of the reclamation is complete. Therefore, adding 50 trucks a day to this would be highly incompatible with what is currently going on in the neighborhood. She addressed the Applicant's language of rebuttal to the injury of the surrounding neighborhood by stating that she was a bit curious about it and had trouble understanding what they were meaning. She believes that they are ignoring the fact that the property is not being used for mining or hazardous waste in a sense and the reclamation is not happening. She believes that this use would be a new injury to this neighborhood and the fact that there is a very close neighbor who is not objecting does not imply any position or consent in her book. S. Madison stated that she is a sole believer in property rights, noting that what money her family had from her grandfather on down was only in real estate primarily undeveloped, but some developed. She noted that their Arkansas Constitution speaks very strongly of the right of property and she believes in strong property rights, but she is also a very strong believer in neighborhoods, safety and compatibility issues. She stated for those reasons, she has to agree with our Planning and Zoning Board.
- 66.2 J. Firmin stated that he will be supporting the Planning and Zoning Board decision to deny this CUP, though there are still some questions he has and will be disappointed if this applicant is not able to use his property. However, he believes that criteria #5 regarding safety and opening up this road for 100 trips a day or about one every five minutes will change the nature of that side of the neighborhood.
- 66.3 L. Ecke acknowledged Ms. Richey and the Osmonds whose letters and calls she has received, stating that she heard their voice and read their letters.

She stated that she agrees with them and supports them as property owners. She noted that they are in business and one day they or their grandchildren will be selling property and they want to maintain that value just as much as the applicant wants to do business here. She stated that she is always pro business and is the first one to tell the government to stay out of her business; and let her govern herself rightly and she believes that is what they want to do. She stated if they could come up with an alternative access other than Harmon Road because it is the safety issue that their neighbors are verbalizing loudly. L. Ecke stated that she is citing criteria #5 and #6 in support of property rights.

- 67.1 County Attorney Steve Zega stated that the JPs don't necessarily have to articulate every reason that they are citing criteria and can simply state the criteria number if they so choose.
- 67.2 R. Dennis stated that he will be supporting the Planning and Zoning Board's denial of this CUP and cited criteria #4, #5, and #6. He also asked if there was such a thing as the right of domain against the Rogers Group to provide the appellant a road.
- 67.3 County Attorney Steve Zega responded to R. Dennis that there are statutes for that and ways in which they can try to get a prescriptive easement or a private road, but it is not always that easy.
- 67.4 R. Cochran stated that he has already voiced criteria #4, #5, and #6 very strongly as his reasons for supporting the Planning and Zoning Board.
- 67.5 H. Bowman stated that he will be supporting the Planning and Zoning Board's denial of this CUP for reasons set out in criteria #4, #5, and #6.
- 67.6 D. Balls also stated that criteria #4, #5, and #6 were his reasons for supporting the decision of the Planning and Zoning Board.
- 67.7 A. Harbison stated that she would be supporting the Planning and Zoning Board's denial of this CUP for criteria #4, #5, and #6.
- 67.8 J. Patterson stated that he will be voting against the ordinance.
- 67.9 J. Maxwell stated that this is an older issue to some of the members who have been on this Quorum Court longer and they have probably had to attend many of these types of meetings in the past. For the other members who are newer at this he has done as much due diligence that he knew to do prior to coming in for the meeting tonight and have tried to listen with a very open

mind as this is a very difficult decision for property rights of someone who wants to operate a mining business vs. property rights of neighbors who will both be affected by whatever decision is made tonight. He stated his personal preference would be to have a little more time, not necessarily to garner more information from the parties who have spoken on both sides of the issue because they have heard both sides very thoroughly and he does understand that both sides have spent lots of hours researching, but to take more time to think about it. He understands that they will be moving the ordinance forward to vote tonight, so therefore he may choose to vote "present" just for a lack of the ability to make a good determination.

- 68.1 Judge Edwards thanked both groups who have come tonight to support their side of this issue, noting that they have been very courteous to one another and stated her appreciation for this and their patience.
- 68.2 County Attorney Steve Zega stated that there is 20 minutes allotted for citizen's comments if they so choose.
- 68.3 Citizen Comments: Bonnie Osmond, resident at the top of the hill very close to where the access road would be going in, addressed the Quorum Court stating that she knows of two school buses that come by her house every day, one big school bus with a lot of children riding that goes by in the morning and at exactly 3:26 p.m. every day. She further stated that there is a smaller bus that comes by 3-4 minutes before the first school bus, also full of children. She stated that she has been told there is a third bus, but these are the only two she is aware of. She wanted the court to be aware that these buses do not make school bus stops directly in this area, but come down that hill heading north and turn to the left just almost right across from the road where the CUP would be coming in.
- 68.4 Janice Ward addressed the Quorum Court stating that there was a comment made by S. Madison that she takes offense to when she said Ms. Ward was for this because she didn't want to upset her neighbor who she lives in close proximity to. She stated that she has not spoken to Mark Rich for probably 12 years ever since the initial Gary Combs issue when he wanted to bring his dirt down Riches Road. She reported that she and Mark Rich grew up and went to school together and this caused a huge conflict between them to the point that 21 families on Riches Road were going to file a lawsuit against Gary Combs and Mark Rich for the same reasons of opposition in this case, that of safety, the enjoyment of their property, etc. She stated if they proceed and go to Riches Road as everyone wants a different avenue but not in their back yard, but that alternative measure will affect 21 families and other people and they will be right back here again. She stated that they aren't getting

anywhere or resolving this issue, but just pushing it to someone else's backyard. Ms. Ward stated that she knows this is a new Quorum Court; however, she is really disappointed in the way the Quorum Court is working tonight with a lot of confusion, a lot of misunderstanding about motions, second and third readings, when to vote, when to speak. She stated that R. Cochran represents her district and he will be hearing from her tomorrow because she doesn't believe she is being represented very well.

69.1 Martha Richie, resident on Harmon Road, addressed the Quorum Court stating that her property starts at the top of the hill and ends at the bottom of the hill. She stated that they have lived on this property for 40 years, she likes it there and they have a nice quality of life. She reported lately she has taken up the pastime of counting cars and is very familiar with what goes on out there and is familiar with the compatibility and safety and property value issues. Ms. Richie urged the Quorum Court to vote against this CUP and hopes that it does not pass because who says they have to have a red dirt pit. In closing, she stated her appreciation for the Planning Commission and Quorum Court.

69.2 **B. Pond made a motion to adopt the ordinance. S. Madison seconded.**

69.3 County Attorney Steve Zega reiterated that a "yes" vote denies the CUP and ratifies the decision of the Planning and Zoning Board.

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

69.5 VOTING FOR: H. Bowman, R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, E. Madison, S. Madison, B. Pond, B. Ussery, and D. Balls. VOTING AGAINST: J. Patterson. ABSTENTION: J. Maxwell. **The motion passed with 11 members voting in favor, 1 member voting against, and 1 member abstaining from the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-04, BOOK NO. 9, PAGE NO. 543

69.6 J. Patterson stated that he thought long and hard about this, stating that they adopted zoning several years ago that has caused a lot of problems for both he and B. Pond who were rural JPs and voted against zoning. He reported that he has been condemned twice; first time the Game and Fish Commission from the State of Kansas took 160 acres of his rural bottom farm and about 15 years later, federal guys took his property to put in a power dam. However, he survived both of those incidents, but he doesn't like to go against property rights and doesn't take this lightly, voting against this

ordinance. He stated that he lives out by the JB Hunt Quarry and they are running 100 trucks a day now and when they first opened were running 300 trucks a day. With regard to the 250' that was mandated from the road, if they put in a water pit where they drive through when leaving the pit and the mud, etc. on their tires falls off in the last 250' before they get to the road. He thanked those who took the time to attend the meeting and speak on this issue.

70.1 ADJOURNMENT: The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Carly Sandidge
Quorum Court Coordinator/Reporter

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

Thursday, February 19, 2015
6:00 p.m.

Washington County Quorum Court Room

- 71.1 The Washington County Quorum Court met in regular session on Thursday, February 19, 2015. The meeting was called to order by County Judge Marilyn Edwards.
- 71.2 B. Ussery led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 71.3 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Joe Patterson, Butch Pond, and Bill Ussery.
- 71.4 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 71.5 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 71.6 **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.**
- 71.7 APPROVAL OF MINUTES: Judge Edwards asked for approval of the minutes of the January 15 regular meeting of the Washington County Quorum Court.
- 71.8 S. Madison noted an error in paragraph 9.3 whereby the quote should read, "A regular **or** special committee of a Quorum Court shall not consist of more than a **quorum** of the whole body without consent of the County Judge."
- 71.9 S. Madison further noted in paragraph 10.1, it was not an **Attorney General Opinion**, but rather something from the **Supreme Court** which she had given County Attorney Steve Zega a copy.
- 71.10 **A motion was made and seconded to approve the minutes as corrected. The motion passed unanimously by voice vote. The minutes were approved.**
- 71.11 SELECTION OF REPRESENTATIVE TO SERVE ON THE ARKANSAS ASSOCIATION OF QUORUM COURTS FOR THE 2015/2016 TERM: Judge Edwards stated that the Quorum Court needs to select a JP to serve as its representative to the Arkansas Association of Quorum Courts for this new term.

- 72.1 **R. Cochran nominated E. Madison to serve another term on the Association of Quorum Courts for the 2015/2016 Term. L. Ecke seconded the nomination.**
- 72.2 E. Madison stated that she understands this was a topic of some discussion at the January meeting when she was out-of-town for work. She stated that she has thought about this and is happy to do it again, but does it with some reservation and if there is another JP who would take the nomination a little more wholeheartedly than she is, then it should be someone else's turn. She noted that she has served as this court's representative for two terms or four years and in this last term, was elected to the Arkansas Association of Quorum Courts Board and served as a board member. She stated that the obligations are not considerable other than an annual meeting of the Association each spring in Little Rock on a weekend; an annual 3-day Association of Counties meeting generally in August and held during the week somewhere like Hot Springs, which she was not always able to attend; and some phone conferences held by the Board. E. Madison states that she is not sure what the Association of Quorum Courts does for JPs or how it benefits the Quorum Court; however, the other Associations include the County Clerks and County Judges since they devote their full time to their positions and tend to have the ear of the Association a little bit more. She noted if she were able to serve on the Board again, she could maybe have more influence in how the Association handles their matters.
- 72.3 L. Ecke addressed E. Madison and stated for that reason, she believes she should serve on this Association again because perhaps her voice will be the voice that will make a change and they can see the reason for this committee membership.
- 72.4 **With no further nominations, E. Madison will serve another term on the Association of Quorum Courts for the 2015/2016 Term.**
- 72.5 A RESOLUTION RECOGNIZING A VACANCY IN QUORUM COURT DISTRICT TWO FOR 2015: B. Pond introduced **A Resolution Recognizing A Vacancy In Quorum Court District Two For 2015**, and County Attorney Steve Zega read the resolution. JP Jimmy Mardis submitted his resignation last month.
- 72.6 **B. Pond made a motion to adopt the resolution. T. Lundstrum seconded.**
- 72.7 Citizen Comments: There were no citizen comments made.

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

73.2 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. **The motion passed unanimously. The resolution was adopted.**

73.3 Judge Edwards stated that they will send a copy of this Resolution to the Governor and he will make the nomination and appointment and this usually happens fairly quickly.

RESOLUTION NO. 2015-02, BOOK NO. 3, PAGE NO. 95

73.4 FINANCE REPORT: R. Cochran reported that the Finance and Budget Committee met for the first time this year on February 10 and he was selected as Chair and B. Ussery as Vice-Chair. He noted that they reviewed their responsibilities of the Finance and Budget Committee and established their regular meeting time to be the same as they had in the past. He stated that they heard a financial report by County Treasurer Bobby Hill who updated the committee and helped the JPs to get their feet on the ground with the finance side of the business. He reported that County Prosecutor Matt Durrett updated the committee on the Prosecuting Attorney's Hot Check fee, as well as a report from County Grant Administrator Wayne Blankenship who had some resolutions and ordinances for the court. He stated that they had brief discussion on Act 633 on money owed to the State of Arkansas.

73.5 A RESOLUTION AUTHORIING THE SUBMITTAL OF COMMUNITY FIRE PREVENTION GRANT APPLICATIONS: R. Cochran introduced **A Resolution Authorizing The Submittal Of Community Fire Prevention Grant Applications**, and County Attorney Steve Zega read the resolution.

73.6 **R. Cochran made a motion to adopt the resolution. B. Pond seconded.**

73.7 In response to a question from T. Lundstrum, it was pointed out that this grant did not require matching funds.

73.8 S. Madison announced that she would be abstaining from voting on all items coming out of the Finance Committee because she is in the process of getting an Attorney General's Opinion on the issue that was discussed last month and until that is resolved, she will be voting no.

73.9 Citizen Comments: There were no citizen comments made.

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

74.2 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The resolution was adopted.**

RESOLUTION NO. 2015-03, BOOK NO. 3, PAGE NO. 96

74.3 A RESOLUTION AUTHORIING THE SUBMITTAL OF A GRANT APPLICATION TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY, SOLID WASTE MANAGEMENT DIVISION: R. Cochran introduced **A Resolution Authorizing The Submittal Of A Grant Application To The Arkansas Department Of Environmental Quality, Solid Waste Management Division**, and County Attorney Steve Zega read the resolution.

74.4 R. Cochran noted that this grant did not require matching funds.

74.5 **R. Cochran made a motion to adopt the resolution. B. Pond seconded.**

74.6 Citizen Comments: There were no citizen comments made.

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

74.8 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The resolution was adopted.**

RESOLUTION NO. 2015-04, BOOK NO. 3, PAGE NO. 97

74.9 A RESOLUTION AUTHORIING THE WASHINGTON COUNTY JUDGE TO SUBMIT A GRANT REQUEST TO THE ARKANSAS RURAL DEVELOPMENT COMMISSION ON BEHALF OF THE WHEELER FIRE DEPARTMENT: R. Cochran introduced **A Resolution Authorizing The Washington County Judge To Submit A Grant Request To The Arkansas Rural Development Commission On Behalf Of The Wheeler Fire Department**, and County Attorney Steve Zega read the resolution.

75.1 R. Cochran stated that this was a fantastic opportunity for the Wheeler community to pull together \$15,000 for this State match.

75.2 **R. Cochran made a motion to adopt the resolution. A. Harbison seconded.**

75.3 Citizen Comments: There were no citizen comments made.

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

75.5 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The resolution was adopted.**

RESOLUTION NO. 2015-06, BOOK NO. 3, PAGE NO. 98

75.6 **J. Firmin made a motion to suspend the rules and read Ordinance #8.4 by title only. A. Harbison seconded. The motion passed unanimously by voice vote.**

75.7 AN ORDINANCE ANTICIPATING REVENUES TOTALLING \$1,131,441 IN VARIOUS GRANT FUNDS; AND APPROPRIATING \$1,182,679 FROM VARIOUS FUNDS TO VARIOUS BUDGET LINE ITEMS FOR 2015: R. Cochran introduced **An Ordinance Anticipating Revenues Totalling \$1,131,441 In Various Grant Funds; And Appropriating \$1,182,679 From Various Funds To Various Budget Line Items For 2015**, and County Attorney Steve Zega read the ordinance.

75.8 **J. Firmin made a motion to adopt the ordinance. A. Harbison seconded.**

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

75.10 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-05, BOOK NO. 9, PAGE NO. 555

- 76.1 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$287,651 IN THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT FUND; AND APPROPRIATING \$287,651 FROM THE HIDTA GRANT FUND TO THE HIDTA 2015 GRANT G15GC0004A BUDGET FOR 2015: R. Cochran introduced **An Ordinance Anticipating Revenues Of \$287,651 In The High Intensity Drug Trafficking Area (HIDTA) Grant Fund; And Appropriating \$287,651 From The HIDTA Grant Fund To The HIDTA 2015 Grant G15GC0004A Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 76.2 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**
- 76.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 76.4 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The ordinance was adopted.**
- ORDINANCE NO. 2015-06, BOOK NO. 9, PAGE NO. 559**
- 76.5 AN ORDINANCE RECOGNIZING REVENUES OF \$3,500 IN THE DEM GRANT FUND; AND, APPROPRIATING THE AMOUNT OF \$3,500 FROM THE DEM GRANT FUND TO THE MRC 2015 GRANT BUDGET: R. Cochran introduced **An Ordinance Recognizing Revenues Of \$3,500 In The DEM Grant Fund; And, Appropriating The Amount Of \$3,500 From The DEM Grant Fund To The MRC 2015 Grant Budget**, and County Attorney Steve Zega read the ordinance.
- 76.6 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**
- 76.7 In response to a question from J. Firmin; County Grant Administrator Wayne Blankenship explained that DEM and MRC stood for the Department of Emergency Management and Medical Reserve Corps respectively, which include volunteer nurses and doctors that will come together in an emergency and will help take care of injured citizens.
- 76.8 E. Madison requested that anyone speaking come to the microphones so that everyone can hear what is being said.
- 76.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

- 77.1 **VOTING FOR:** R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. **VOTING AGAINST:** E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-07, BOOK NO. 9, PAGE NO. 560

- 77.2 **AN ORDINANCE RECOGNIZING ADDITIONAL REVENUE OF \$50,000 IN THE DEM GRANT FUND, AND APPROPRIATING \$50,000 TO THE CEMS CAD BUDGET FOR 2015:** R. Cochran introduced **An Ordinance Recognizing Additional Revenue Of \$50,000 In The DEM Grant Fund, And Appropriating \$50,000 To The CEMS CAD Budget For 2015**, and County Attorney Steve Zega read the ordinance.

- 77.3 County Grant Administrator Wayne Blankenship addressed the Quorum Court and explained that CAD stands for Computer Assisted Dispatch System. He stated that the \$50,000 came from Uvalde Lindsey who got the Department of Rural Services to award that money to CEMS to help pay for this system and the County will write a check to them to help pay it off. He further noted that CEMS stood for Central Emergency Medical Services.

- 77.4 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**

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

- 77.6 **VOTING FOR:** R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. **VOTING AGAINST:** E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-08, BOOK NO. 9, PAGE NO. 561

- 77.7 **AN ORDINANCE ANTICIPATING REVENUES OF \$8,433 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING \$8,433 FROM THE LAW ENFORCEMENT GRANT FUND TO THE ARICAC BUDGET FOR 2015:** R. Cochran introduced **An Ordinance Anticipating Revenues Of \$8,433 In The Law Enforcement Grant Fund; And, Appropriating \$8,433 From The Law Enforcement Grant Fund To The ARICAC Budget For 2015**, and County Attorney Steve Zega read the ordinance.

78.1 R. Cochran stated that this was a good start on their Arkansas Internet Crimes Against Children fund.

78.2 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**

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

78.4 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-09, BOOK NO. 9, PAGE NO. 562

78.5 AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF \$3,711 IN THE LAW ENFORCEMENT GRANT FUND; AND APPROPRIATING \$3,711 FROM THE LAW ENFORCEMENT GRANT FUND TO THE CIRCUIT COURT-JUVENILE DIVISION GRANT BUDGET FOR 2015: R. Cochran introduced **An Ordinance Anticipating Additional Revenue Of \$3,711 In The Law Enforcement Grant Fund; And Appropriating \$3,711 From The Law Enforcement Grant Fund To The Circuit Court-Juvenile Division Grant Budget For 2015**, and County Attorney Steve Zega read the ordinance.

78.6 R. Cochran stated once again there was no cost to the County.

78.7 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**

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

78.9 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-10, BOOK NO. 9, PAGE NO. 564

- 79.1 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$24,000 FROM THE ASSESSOR'S AMENDMENT 79 FUND TO THE ASSESSOR'S BUDGET FOR 2015: R. Cochran introduced **An Ordinance Appropriating \$24,000 From The Assessor's Amendment 79 Fund To The Assessor's Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 79.2 R. Cochran explained that this is an ordinance that will allow them to put money into various line items that they need to do.
- 79.3 **R. Cochran made a motion to adopt the ordinance. R. Dennis seconded.**
- 79.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 79.5 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with twelve members voting for and two members voting against the motion. The ordinance was adopted.**
- ORDINANCE NO. 2015-11, BOOK NO. 9, PAGE NO. 565**
- 79.6 R. Cochran commended Grant Administrator Wayne Blankenship for two months of solid grant work.
- 79.7 E. Madison noted that they have been talked to regarding the cost of ordinances and questioned whether there was anyway to combine these grant ordinances.
- 79.8 County Attorney Steve Zega responded to E. Madison stating that they obviously can't combine resolutions and ordinances. With respect to combining all of the grant ordinances into one ordinance, he stated that while he is not certain on this, his inclination is that they cannot because they deal with various different departments' budgets.
- 79.9 E. Madison pointed out that County Comptroller Cheryl Bolinger will combine several for her quarterly housekeeping ordinance in order to be efficient and save the county the cost of each additional ordinance. She asked that County Attorney Zega put that on a "To Be Answered" list.
- 79.10 COUNTY JUDGE'S REPORT: Judge Edwards announced that Jeff Hatley was there with ORT to provide an update on Ozark Regional Transit.

- 80.1 Jeff Hatley, Public Information Officer for Ozark Regional Transit addressed the Quorum Court stating that in 2014 they had a record year with a ridership of 320,976 and he noted that a lot of that is due to the County and other municipalities increasing their funding which allowed them to create new routes. Further, he noted with their demand response model and smaller mini-vans, they have been able to more efficiently use their scheduling software sending their people who schedule those rides back for training and to have a consultant from Dallas assist them for a while without adding a single vehicle to that particular transit model.
- 80.2 Mr. Hatley reported that the new route 620 that they instituted in June of 2014 that goes from Lincoln to Prairie Grove to Farmington through Lot 56 in Fayetteville to Greenland and then to West Fork, they have had 1,575 riders on that route in the second half of 2014 and consider that a huge success for a brand new route. He stated that they have great expectations for this route as in January 2015 alone; this particular route has had 208 passengers.
- 80.3 Mr. Hatley noted in Washington County the demand response model, which are the smaller mini-vans, had 6 riders in January 2014 and only 3 riders in January 2015, and he was uncertain about the reason for this. He pointed out in all of 2013, they had a total of 65 demand response riders and that amount increased to 230 in 2014. He attributes this to being able to squeeze more out of their scheduling software and get more bang out of their buck.
- 80.4 Mr. Hatley stated that he has typically been reporting to the Quorum Court every two months and wanted to know if this was working for the court or if they wanted to make it every 3 or 6 months instead.
- 80.5 S. Madison stated that once every 6 months would be sufficient from her perspective because it takes away from time that ORT could be doing other things. She further pointed out that they would be welcome anytime there was something significant to report.
- 80.6 Mr. Hatley stated that he would send their report to the court electronically every month.
- 80.7 R. Cochran stated that he would appreciate the monthly reports sent electronically and suggested that they time their next report just shy of when they will begin the budget process next fall for the following year.
- 80.8 A. Harbison stated since Route 620 is in her District, she is glad to see that people are starting to use that bus route.

- 81.1 Judge Edwards advised Mr. Hatley to send the monthly reports to Executive Assistant Karen Beeks.
- 81.2 Judge Edwards then asked Assistant County Road Superintendent Shawn Shrum to provide a Road Department report.
- 81.3 Shawn Shrum addressed the Quorum Court stating that the Road Department has been dealing with the winter weather with crews spending 12 to 14 hours plowing and grading the snow off the roads and he intends to have a cost for the court on that next month. With respect to new construction and gravel roads being turned into paved roads, they are still working on Round Mountain on CR290 and CR199 and as soon as the warm weather gets here, they can chip seal that. He pointed out for the new court members that they can't chip seal until after April 15th and up until September 15th to make sure that the weather will be warm enough for a while. Additionally, he noted that they are working Wolf Track Rd over on the west side of the county near Summers, AR.
- 81.4 With respect to the Stonewall Bridge, they continue to work on the east side wing wall and end walls and he is hopeful by May they can have this bridge opened if not before. He explained that one of the obstacles slowing them down is the availability of concrete, sometimes taking as long as ten days to get a truck to them. He stated that they switched companies the first of the year and this has gotten a little better, but it still takes five days.
- 81.5 Mr. Shrum stated with this winter weather, freezing and thawing, JPs may get some calls for muddy or bad roads and he welcomed them to pass them onto the Road Department.
- 81.6 J. Firmin asked if there has been any change with the Woolsey Bridge; to which Mr. Shrum responded that right now the State is doing the design and environmental study. He is hopeful that they will be meeting soon to go over everything with them about the bridge. He stated he is hopeful to be able to bid by the end of the year, but it may be next year before it actually goes out for bids.
- 81.7 A. Harbison asked whether they were going to be able to start on the Orr Bridge this year; to which Mr. Shrum responded that the plan is to start this year and he will be working on getting the permits and plans done while they are working on Stonewall Bridge and then just carry on into that one depending on where they are with their budget after the Stonewall Bridge is complete.

- 82.1 H. Bowman reported that he has been very pleased with how the Road Department is handling the snow and ice on the West side of Tontitown and he has not heard any negative comments at all.
- 82.2 Judge Edwards announced that the Road Department was given the Association of the Arkansas Counties Workers Compensation Trust Recognition Award for the safety program efforts during 2014. It was pointed out that the last time Washington County Road Department received this award was in 2005.
- 82.3 The Quorum Court gave Shawn Shrum a round of applause.
- 82.4 B. Pond stated that he appreciates the work done by the Road Department clearing the roads of ice and snow and putting the gravel on. He pointed out that sometimes people don't think about how nice and convenient this is or if the work doesn't get done and someone needs an ambulance.
- 82.5 COMMITTEE REPORTS: E. Madison reported that the County Services Committee held its first meeting of the term on February 2 where she was elected Chair and J. Firmin Vice-Chair. She noted their agenda was mostly made up of varying reports from various county entities that fall under County Services and they heard from the County Planning Department and Director Juliet Richey who gave them an overview of the county's planning process for the new members. The Committee further heard from Angela Ledgerwood, Director of the Washington County Animal Shelter who reported on some of the good work being done at the Shelter. E. Madison stated that they heard from Sophia Stephenson, Director of Washington County Environmental Affairs who gave a year end report about work they did in 2014; as well as from John Adams, Director of Information Technology who gave them an update on past issues they had been dealing with and systems that have changed, as well as the coming year. She noted thankfully some of the expenditures are leveling out and slowing down and they anticipate big things on the horizon. She noted that they discussed hearing these reports less regularly on a staggered quarterly basis so they are not tying up time or being over-reported. Finally, she reported that Committee addressed an ordinance pertaining to community sewer systems and unanimously voted to send it onto the full Quorum Court with a do pass recommendation.
- 82.6 H. Bowman reported that the Public Works met on February 2 and had a brief presentation from County Building Superintendent Ron Woods and Assistant Road Superintendent Shawn Shrum about their buildings and grounds and county roads. Mr. Woods reported that they have finished up replacing light fixtures with energy efficient fixtures in the county buildings and they have

realized some nice savings from that. Mr. Woods also noted that he did not anticipate any big projects this year as a result of limited budget opportunities. Shawn Shrum updated them on the county road situation and everything seems to be going great.

- 83.1 B. Pond reported that the Personnel Committee met on February 9 and appointed him as Chair and J. Patterson as Vice-Chair. They reviewed responsibilities of the committee and established their regular meeting time to be the same as last year. Blair Johanson, Salary Consultant for Washington County gave a brief overview of the Job Evaluation and Compensation Plan and addressed a couple routine JESAP requests from Sheriff Tim Helder and County Judge Marilyn Edwards. The Committee discussed an ordinance setting mileage reimbursement practices and procedures for Justices of the Peace and it was decided to table the ordinance as there were some JPs who entertained the idea of being paid mileage for driving from their office to perform wedding ceremonies. Lindsie Huffaker, County Human Resources Director gave her quarterly reports.
- 83.2 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that this committee met on February 9, introduced members of the committee, nominated and approved him as Chair and J. Patterson as Vice-Chair, reviewed the responsibilities of this committee and established a regular meeting time to remain the same. He noted that they heard their normal monthly reports from the Jeane Mack, Juvenile Detention Director and from Chief Deputy Jay Cantrell from the Sheriff's Office on enforcement and adult detention and on their new medical program which seems to be functioning well.
- 83.3 R. Cochran, Chairman of the Finance and Budget Committee stated that he had nothing further to report from this committee.
- 83.4 AN ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE WEST FORK RURAL FIRE DEPARTMENT AND PRESCRIBING OTHER MATTERS PERTAINING THERETO: A. Harbison introduced **An Ordinance Calling A Special Election On The Question Of The Levy Of The Annual Dues Of The West Fork Rural Fire Department And Prescribing Other Matters Pertaining Thereto**, and County Attorney Steve Zega read the ordinance that is being requested by the West Fork Rural Fire Department. This ordinance is on second reading.
- 83.5 County Attorney Steve Zega explained that this ordinance is on second reading and West Fork has to have the election within 90 days of the third

reading and they want to have it in June, so they have asked that it not be passed until the March meeting.

- 84.1 R. Dennis asked why they need to have a special election and what is the cost of such; to which County Attorney Steve Zega responded that the cost depends on what they are electing for and he does not feel qualified to answer that question, other than to note that the County will pay for it upfront and then West Fork will reimburse the County. Regarding why it is a special election, S. Zega explained that the statute requires it to be a special election under A.C.A. §14-14-208.
- 84.2 Judge Edwards noted that the Election Commissioners are very detailed and prompt and they will work up all the billing to send to West Fork who will reimburse the county for all costs.
- 84.3 E. Madison stated that even though it is called a Special Election, that doesn't necessarily mean it is off cycle, and they can have a Special Election at another designated election time, but it is up to West Fork to designate the date of the election and then pay for it.
- 84.4 R. Dennis stated that he just doesn't see spending \$2,000 on an election to gain \$8,000 being a smart investment.
- 84.5 A. Harbison responded to R. Dennis stating that it was a very smart investment because most of the people forget to send in their dues that are listed on their tax bills and these Rural Fire Departments depend on those dues to function.
- 84.6 R. Dennis stated that he understands that this is the way they have to do it.
- 84.7 J. Maxwell stated that he put that out for feedback from his constituents and got a lot of feedback with some initial concerns and he reached out to the Attorney General's Office to try to understand what the precedent was for that and it now looks like there is a limitation on selecting taxes and dues for a non-profit. He continued stating that it looks like West Fork is currently a non-profit and there is pending legislation at the State to try to change that policy and he questions whether it puts the County at risk if they do this. He stated that this is something that they will probably need to understand better at a later date.
- 84.8 Judge Edwards addressed J. Maxwell and stated that she gave the documentation that they had visited about to County Attorney Steve Zega who will research and let us know more at a later date.

- 85.1 J. Patterson reported that Nob Hill was the first to do this in this county and they wanted to pay for their election the first year and it increased their money about 60% on average and was well worth it.
- 85.2 Judge Edwards noted that this ordinance would be on third and final reading at next month's regular meeting.
- 85.3 AN ORDINANCE AMENDING ORDINANCE NO. 2014-06 PERTAINING TO COMMUNITY SEWER SYSTEMS: E. Madison introduced **An Ordinance Amending Ordinance No. 2014-06 Pertaining To Community Sewer Systems**, and County Attorney Steve Zega read the ordinance that is on first reading and being recommended by the County Services Committee.
- 85.4 E. Madison explained for those who were not up to speed on this issue, their Public Utilities Coordinator brought this to committee and they are going back and correcting the community sewer systems ordinance that they had to make sure that there is a backup generator. She stated that this will make sure that new community sewer systems that are installed in the County will have a back up power supply.
- 85.5 **B. Pond made a motion to suspend the rules and place the ordinance on second reading by title only. The motion was seconded. The motion passed unanimously by voice vote.**
- 85.6 County Attorney Steve Zega read **An Ordinance Amending Ordinance No. 2014-06 Pertaining To Community Sewer Systems**, by title only.
- 85.7 **E. Madison made a motion to suspend the rules and place the ordinance on third and final reading by title only. The motion was seconded. The motion passed unanimously by voice vote.**
- 85.8 County Attorney Steve Zega read **An Ordinance Amending Ordinance No. 2014-06 Pertaining To Community Sewer Systems**, by title only.
- 85.9 **E. Madison made a motion to adopt the ordinance. T. Lundstrum seconded.**
- 85.10 R. Dennis stated that he doesn't understand the "Community Sewer System" and who owns it; to which E. Madison responded that this is out where there is no access to a sewer system and new developments make their own sewer system. She explained that instead of septic systems, it is like a miniature city sewer system that is funded by the property owners. She said that the committee talked to some extent about a bond because once the developer is

out of the picture, then the homeowners become responsible for running their own sewer system. When they first started doing this, they didn't think it all the way through and did not know how this was going to work out in terms of 5-10 years down the road including the question of who is in charge and will fund it if there is a problem with the system. E. Madison further explained that the system that they approved on Hwy. 45 will actually have a monthly assessment and the homeowners will get a sewer bill from their P.O.A. to help fund their sewer system.

- 86.1 Judge Edwards urged any of the new JPs to ask any questions they have.
- 86.2 S. Madison stated at the committee level where they discussed this, she became aware that there are some existing community sewer systems that don't have back up generators and this ordinance would not apply to them. She stated if there were to be some problem during a power failure like if a sewer system was out, the back up generator failed, and a lot of raw sewage flowed into the White River, who would bear the expense of trying to fix that. She is concerned about the loop hole being left out of this.
- 86.3 Judge Edwards responded to S. Madison stating that she is sure it would be up to the property owners to have to cover the cost of repair.
- 86.4 S. Madison asked who would fix the problem while the problem was there because courts don't tend to do things in a hurry.
- 86.5 County Attorney Steve Zega stated when he was a JP, the decentralized sewer systems were new to them and this exact question came up with the consensus of that court being that the expense would probably fall to the county for a variety of reasons, not the least of which is it's the only government where these decentralized sewer systems exist that would have any kind of ability to respond immediately. He stated he is not qualified to answer a question whether ADEQ has what would amount to hazmat teams to deal with something like this. He stated he doesn't believe they do and the county doesn't necessarily either, especially on that particular level. Attorney Zega stated that he was convinced as a JP that if there was a catastrophic failure of one of these systems, it was going to come back to us and that the bonds in general were woefully inadequate to deal with the cost of catastrophic failure.
- 86.6 S. Madison stated that she believes this perspective is valuable in this case, but there was no resolution of it.
- 86.7 S. Zega continued stating the way these came upon the court was the General Assembly approved these as a way to get rural property

development done in areas where they couldn't necessarily do individual septic tanks for each lot and it was left to them through Planning to implement that program and not to pass regulations about how they would be run, but simply to ask Planning whether a system would be adequate for the number of residents they anticipate in each of the houses for single families.

- 87.1 S. Madison stated that this is worrying her because once they have a catastrophe; it is not very helpful to sit back and say what they should have done. She suggests that for whichever committee heard this issue to look at the numbers and see what is being left out and uncovered and study what our exposure should be. She does believe that this ordinance is a step in the right direction, but if they discover that there are numerous systems without backup generators, they might need to have another plan.
- 87.2 Judge Edwards stated that she would suggest that the Committee bring Renee in with this as she can give them some good insight.
- 87.3 Citizen Comments: There were no citizen comments made.
- 87.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 87.5 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 12, BOOK NO. 9, PAGE NO. 566

- 87.6 A RESOLUTION CONFIRMING THE POLICY STATEMENT OF THE SHERIFF REGARDING THE TEMPORARY FILLING OF THE OFFICE OF SHERIFF PURSUANT TO ACT 229 OF 2009 (A.C.A. §14-14-1310): T. Lundstrum introduced **A Resolution Confirming The Policy Statement Of The Sheriff Regarding The Temporary Filling Of The Office Of Sheriff Pursuant To Act 229 Of 2009 (A.C.A. §14-14-1310)**, and County Attorney Steve Zega read the resolution that is being recommended by the Jail/Law Enforcement/Courts Committee.
- 87.7 T. Lundstrum explained that this is something that is required by the State at the beginning of every new term for the Sheriff to present and the three names that he has given are (1) Chief Deputy Jay Cantrell, (2) Major Rick Hoyt, and (3) Major Randall Denzer.

- 88.1 **T. Lundstrum made a motion to adopt the resolution. The motion was seconded.**
- 88.2 Citizen Comments: There were no citizen comments made.
- 88.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 88.4 VOTING FOR: R. Cochran, R. Dennis, L. Ecke, J. Firmin, A. Harbison, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, and H. Bowman. **The motion passed unanimously. The resolution was adopted.**

RESOLUTION NO. 2015-05, BOOK NO. 3, PAGE NO. 98

- 88.5 OTHER BUSINESS: S. Madison stated that she had asked during Other Business at the last Quorum Court meeting if there was any way for the agenda items that are on the web to be in a PDF form that wasn't scanned. She reported that she tried to transfer minutes of the last meeting to a flash drive to print on another computer that prints much faster and much cheaper and she was unable to do anything with it.
- 88.6 Carly Sandidge, Quorum Court Coordinator/Reporter, responded to S. Madison stating that she scans the original copy of the agenda and then uploaded as a PDF file to the website.
- 88.7 S. Madison stated that she talked to an IT person in the audience as well as to Judge Edwards and they indicated that they would check into getting this done, but if Carly could just take the PDF when she writes it and post that rather than printing and scanning it, she believes that is where the glitch is happening because the way she is doing it does not make it user friendly.
- 88.8 E. Madison added that she thinks the difference is that it makes for a searchable file that can be copied and is much smaller and easier to transfer because a lot of them are reading agenda on mobile devices in their offices and so the time to download a scanned PDF is a much larger file. She stated the difference is going to be instead of scanning it when she has it in Word, there should be a way to print to PDF instead of printing to a printer. She noted that R Cochran is truly their IT expert, but she does this at work a lot because they have to e-file in court.
- 88.9 Ms. Sandidge stated that some of the attachments that people give to them are not Word documents and they would have to be scanned; to which E.

Madison responded that some of the documents can be in PDF and there is a way to insert scanned PDF's into the document. She says in a way it saves printing because you never actually have to physically print the paper. She stated that John Adams thought that they had the technology to do it; to which Ms. Sandidge responded that she and Karen Beeks went over it with him and determined that it should be accessible and printable.

- 89.1 H. Bowman stated that he had made some comments after their last meeting about the Committee of the Whole and since then has done some research. He stated he believes the Washington County JPs were elected with the primary responsibility of each of them to do their part in managing county finances and limiting the number of participants on the committee does not allow this to happen. He stated they all know that state law allows the County Judge to allow or disallow the Committee of the Whole. He pointed out that last year the Committee of the Whole got a big job done and now Judge Edwards says no to the Committee of the Whole and has that right. At the first meeting of the Quorum Court in January, their County Attorney told them that heavy lifting is done in committees; and on February 10, R. Cochran, Chairman of the Finance and Budget Committee said that this committee is the heavy lifting committee and he agrees with this. Because of the heavy lifting of the committee of a whole last year, they removed \$4 million in the 2015 budget resulting in the Quorum Court's budget going over by \$95,000.
- 89.2 H. Bowman stated since Judge Edwards made the decision to limit members on the Finance and Budget Committee, he has contacted the Association of Counties and found a ruling from the Arkansas State Attorney General that the Quorum Court has the authority to decide what committees they work with. He addressed a handout which addresses Arkansas State Attorney General Opinion No. 2003-180 that indicates there have been a number of questions over the years that still remain based on the relationship between the Quorum Court and their responsibilities and the County Judge and their responsibilities. He called attention to "In my opinion, the determination of which committees are to be formed is the responsibility of the quorum court rather than of the county judge. I base this conclusion on several provisions of law."
- 89.3 H. Bowman stated he believes this is a major issue for their court and feels very strongly in them all participating in the budgeting process. He questioned whether the JPs want to sit out and let someone else do their part of the heavy lifting for the Quorum Court. He stated that their constituents voted for them to come to this court and represent them, to make decisions on budget and finance for this county. When they sit on the sidelines in the voting process in committee, while they can state their opinion, they are not

able to vote, and he does not believe this is appropriate. H. Bowman appealed to Judge Edwards to allow the Committee of the Whole for Finance and Budget because he believes that R. Cochran will do a great job as Chairman of the committee, but questioned everyone else on the committee. He believes that any problems they face will be better resolved with everyone's help, but as it stands 8 of the 15 will be left out of the activity of this committee.

- 90.1 H. Bowman asked if Judge Edwards would allow this to happen to which she responded not now because she still had a lot of consideration to do.
- 90.2 E. Madison stated that she has struggled with this issue because she worked really hard on the budget last year and she was approached at the end of last year to see if she would be interested in serving as Budget Chair and in working to possibly prepare for that role, she has really thought about that process and ways to try to make it more efficient. She stated that she thought hard about the committees she wanted to serve on and sent a letter to Judge Edwards in December setting out her committee preferences. She expressed that it was very important and thought legally the Committee of the Whole should stand which of course she wanted to serve on as well as to continue the work as Chair of Public Works because they were in the middle of some things that they didn't get finished. E. Madison noted that she received no response and was removed from two of the committees, and questions how is that making her an effective legislator because with no explanation she was removed from two committees that she believed she was doing the most effective work.
- 90.3 E. Madison noted that R. Cochran had suggested in the past that their committee meetings should be televised like their Quorum Court meetings were, but ultimately this failed because they were worried about the cost. However, she stated they say a lot in those committee meetings that they don't say in this meeting that is televised and the public is missing out on what they are talking about in the committee meetings. She questioned the necessity for committees at all because they do so much more in the Quorum Court meeting that is televised and should be the time that they voice their opinions. E. Madison stated that they act as a Committee of the Whole in so many respects as pointed out by R. Dennis, they all come to the meetings whether they are on the committees or not and they all talk. She noted that at the beginning of their term in 2013, Judge Edwards actually proposed that they do away with all committees and have a single Committee of the Whole. She stated she struggles with what the perfect solution it, but knows that the current solution is not a good one because it has made her ineffective for her constituents. She urged this body to give very serious consideration to how

they want to handle their committees, whether they are effective and serving any purpose. She believes that she raised questions that somebody didn't want asked and the result was that she was taken off those committees. She thanked H. Bowman for bringing this issue to the forefront.

- 91.1 J. Firmin stated that in his first term, they had the same type of system that they have this year, so for two years every Finance Committee they sat through and commented on the appropriations went fine, so he doesn't care which ever way works. He pointed out that there are some different feelings on this court because R. Cochran historically sat out of the Finance Committee when it was a Committee of the Whole as he felt that it was the County Judge's decision to appoint; and questioned now that R. Cochran is the Chair of this committee does that mean that he would not sit on the committee any longer if they change things around. J. Firmin stated that he felt they did a really poor job on their budget last year and definitely the worst one he ever sat through as it took too long and brought up some interesting information that he didn't feel was germane to getting the budget passed. He stated that this political wrangling whether to have a full committee or not is not what he believes is important, but he believes that they should do a better and more efficient job just as individuals because as representatives of this court, if there is an issue that they don't like, they can take it to the full Quorum Court. J. Firmin stated that he is disappointed that they are doing the same thing that they did last year, spending time over-managing and politicizing things and trying to find out who has the power instead of just sitting down and talking about how they can provide a more efficient budget next year, noting that they can't pass the budget at the Quorum Court level if they don't like it.
- 91.2 S. Madison stated when asked by school groups what she did in the General Assembly, she would tell them that the legislative branch spends the money and makes the laws for the state which is what they are doing for the county. She stated that the spending of money is extremely important and she doesn't care how long it takes to work on the budget because that is her job. She stated by the time something comes out of a committee, it has been thoroughly digested, pieces have been inserted or taken out, and not to be able to vote on the final package of something that is as important as the spending of this county's money is not right.
- 91.3 S. Madison stated that they passed that ordinance on February 20, 2013 that set up to find the committees of the county and said the finance and budget will be a committee of the whole. She noted that the house bill that passed did not have an emergency clause and did not go into effect until August, well after their ordinance had passed. She noted that County Attorney Steve

Zega says this is a new court with new committees, but that ordinance did not have a sunset clause or expiration date. She stated that it was a Supreme Court decision that she looked at before that said the legislature is presumed to be speaking into the future, not into the past, unless they specifically say they are speaking into the past. S. Madison stated that she has asked the Attorney General to answer two questions relative to this new committee situation that seems to be at odds with the ordinance that was passed. She believes that spending money and making laws is why they are here and that the public has much more concern about how their money is spent than the laws they may fine tune on occasion, so she couldn't agree more with H. Bowman.

- 92.1 T. Lundstrum stated that he personally likes the committee of the whole on finance as he likes to be able to vote and his biggest problem with what their State Legislature did is he believes the law they passed violated the Doctrine of Separation of Powers. He noted that Judge Edwards as County Judge runs the Road Department as her duty and JPs are elected as the legislative body of county government. He stated in every other level of government in cities or other counties, state or federal the legislative body appoints their own chairs and does their own committee work because of separation of powers. He stated to some extent, this has been denied to them and he personally believes that this will be reversed in the next year, but in the meantime, it is what it is.
- 92.2 T. Lundstrum asked H. Bowman if the paragraph he read earlier actually came from the Attorney General; to which H. Bowman responded that the actual letter was from the Association of Counties and was a report that came out in 2003 under Governor Beebe.
- 92.3 T. Lundstrum stated that he would like to have it reinstated where the JPs or legislative body decides on their own committees like they want, although he doesn't have any problem with the County Judge deciding who will serve on a committee.
- 92.4 B. Pond stated that he is willing to serve whichever way the County Judge or Quorum Court determines and they all need to do a good job. For the sake of people watching this who might not realize from their discussion, he wanted to make it clear that none of them serve on any kind of committee that can pass something without it going to the Full Quorum Court where all 15 members of this court if present can vote, so every district is being equally represented when the final vote comes down.
- 92.5 A. Harbison says that everyone on the Quorum Court gets a vote to approve, deny, or amend and she doesn't see what the fuss is about committees and

- having a Budget and Finance Committee. She stated that they have done this in the past and everyone has their input and it is more efficient to do it at the committee level than it is with the full Quorum Court.
- 93.1 J. Patterson stated that he has voted on twelve budgets and believes that the last one was the best they have ever done, noting there was a lot of infighting and outfighting but a lot of thinking. He stated that there were several items that changed his mind back and forth and they had plenty of time to do it. He would not vote on a budget that was just run through in 3 readings.
- 93.2 E. Madison stated that the folks that are on the Finance and Budget Committee are saying that they all have a voice and it doesn't really matter, but they don't all have a vote in committee. She stated whether they all have a vote clearly matters to the Judge because she decided to take eight of them off of the committee. She noted when it is presented to them for a vote in the full Quorum Court, it will be one budget and the ability to amend it at that point is very limited; in her experience they can vote it up or down at that point in time. She stated if they all have a voice, then they should all have a vote and they should put into real effect what is there in practical effect. She further stated that some of them are on more committees than others so clearly some of them have more of a voice than others.
- 93.3 L. Ecke stated that currently she is in agreement with H. Bowman, J. Patterson, and E. Madison. She stated it was said in 2013, the County Judge said that there would be no Quorum Court as a Whole and asked what she based her decision on.
- 93.4 Judge Edwards responded to L. Ecke stating that she can do like Sebastian County and create a Quorum Court with no committees and they will all be on the same committee and she can serve as their chair. She noted last year the Budget Committee met 2-3 times a week starting in July and in the very end, Chairman Candy Clark pulled away and presented the budget by herself without having a whole lot of input from anybody.
- 93.5 L. Ecke stated that her opinion is if they all work together they can more effectively have one united body and come up with one mind, one purpose, which is keeping the public's money always to the forefront of what they are doing and what they are allowing to be spent.
- 93.6 A. Harbison stated that she sees this all as counterproductive because the Judge has made her decision and has a piece of legislation that she is following and until they get an Attorney General's opinion that says the

ordinance that was passed is legal, then they will do the budget like it has been done and if that is changed, then things will have to change.

- 94.1 L. Ecke stated that she wants them all to work together because the majority of them have experience in their districts while she is learning and it is so valuable for her to hear from everybody.
- 94.2 R. Cochran stated that he hates that they are spending so much time on this because until they hear an Attorney General's decision that they should do it a different way, he wants everybody to understand as Chair of the Finance and Budget Committee, he solicits all of their information, points of interest, or whatever they have to offer. He stated that he has been on a Committee of the Whole, been outside the committee in attendance and submitted ideas that allowed them to consider and several of those have become an amendment in accordance. He urged them to all come together for the 200,000 plus people in Washington County and do the best job they know how to do collectively as when it comes to the third Thursday of each month, that is where they make law and make it happen.
- 94.3 H. Bowman stated that he has heard comments about how difficult the budget process was last year, but he has not heard anyone talking about taking \$4 million out of the budget because everyone knows when they start cutting corners and they have to pull money out, it gets tough. He stated that is exactly where they have been and that is why it was so difficult this past year – not because they had 15 people making contributions, but because there was \$4 million coming out of somebody's hide that they had to figure out how to do.
- 94.4 **H. Bowman made a motion that they dissolve the Finance and Budget Committee so they will all have a vote in the proceedings of the committee. E. Madison seconded.**
- 94.5 A. Harbison stated that this motion is out of order because they have a law saying that the County Judge can appoint committees and that she has the right to do that.
- 94.6 E. Madison stated that the Attorney General's Opinion on this is very clear because she studied them at the beginning of last term when she proposed the current committee structure in January 2013. She stated that this body has the power to decide what committees they have and don't have, so the motion is entirely proper. In addition, she stated that it is their County Attorney's position that the ordinance that they passed in 2013 no longer exists so technically following that, they have no committees right now.

- 95.1 **Judge Edwards stated that she would not recognize H. Bowman's motion.**
- 95.2 County Attorney Steve Zega stated that there are a couple of issues with the Attorney General's Opinion that H. Bowman is using. He stated that they are not talking about retroactive vs. not retroactive, but rather are talking about State law vs. County ordinance and in his opinion, State law trumps. He stated as far as whether the court maintains the ability to organize itself into committees, in his opinion they do which is not only based on the statute, but also by Amendment 55. He stated that the question then becomes if you abolish the Finance and Budget Committee, what they will do with appropriation ordinances and resolutions is a matter of course. He stated while he doesn't believe it is a parliamentary question, this issue wasn't on the agenda to dissolve the Finance and Budget Committee and H. Bowman didn't move to amend the agenda to add the item.
- 95.3 E. Madison stated that they make motions all the time that are not on the agenda; to which County Attorney Steve Zega concurred, but questioned if this was a matter of substance as this apparently is, why it did not come forth as a motion to amend the agenda.
- 95.4 H. Bowman responded to Attorney Zega stating that he has been working on the details of putting all this information together up until that afternoon.
- 95.5 **A. Harbison made a motion to send this back to whichever committee it needs to go to. R. Cochran seconded.**
- 95.6 A. Harbison reiterated her previous statement that the County Judge has made her decision and has a piece of legislation that she is following until they get an Attorney General's opinion that says otherwise. She stated that the State law overrules County ordinances and until they have an opinion from the Attorney General whether that State law overrules this, then they can't make a decision. She stated that they also have County Attorney Steve Zega and should be listening to what he is saying whether they agree with it or not at this time.
- 95.7 S. Madison asked for assistance in looking in "this book" for grounds of a chair to not recognize a motion.
- 95.8 County Attorney Steve Zega responded to S. Madison's question stating that he is still dealing with four other things now so let him take care of the matters at hand. He went on to say that the 1st point is upon what grounds could the County Judge refuse to recognize a motion and the answer was that she

could do that as chair and as the committee you can put it to a vote as to whether or not that is correct.

96.1 **A 10-minute recess was taken at this time.**

96.2 County Attorney Steve Zega announced that Judge Edwards was going to recognize H. Bowman's motion.

96.3 With respect to A. Harbison's motion, County Attorney Steve Zega asked where she was proposing to send it; to which A. Harbison stated that she would send it back to the Finance and Budget Committee to research the difference between the law that was passed and what they were given here and which one is correct.

96.4 County Attorney Steve Zega asked for H. Bowman to clarify his motion to which he responded that if Judge Edwards refuses to allow a Committee of the Whole where they can all serve, then he made the motion to do away with the Finance and Budget Committee, requiring all of them to be involved in the process of deciding what is going to happen with all budget and finance issues.

96.5 S. Madison asked what happened with her question about Judge Edwards' refusal to recognize H. Bowman's motion; to which Judge Edwards responded that they are going to vote on A. Harbison's motion and if that doesn't pass, then she will recognize H. Bowman's motion.

96.6 S. Madison noted that H. Bowman made his motion before A. Harbison's motion; to which County Attorney Steve Zega explained that there is a motion to refer it to committee is in order.

96.7 E. Madison addressed A. Harbison's motion stating that she is familiar with the duties and responsibilities of the Finance and Budget Committee and she is not aware that conducting legal research on a statutory issue is part of that. Further, they are sending it to the very committee that H. Bowman is asking that they dissolve which is very illogical.

96.8 J. Firmin stated that he sits on the Budget and Finance Committee and he would not feel comfortable doing legal research on a statutory issue. Furthermore, how would the process work if they don't have a Finance and Budget Committee?

96.9 H. Bowman stated that they deal with issues that come before this court on a regular basis that have no previous assignment and they all know that they will deal with budget and finance issues on a regular basis, so they will decide

issues as a Quorum Court and as far as he sees it, it will eliminate one step of the process.

- 97.1 A. Harbison stated that maybe the issue should be referred to County Attorney Steve Zega instead of to the Finance and Budget Committee to do the legal research and inform the committee as to what that was so they can make a recommendation back to the court or report directly back to the Quorum Court on his findings.
- 97.2 L. Ecke asked if H. Bowman intended to change the structure for Chair R. Cochran and Vice-chair B. Ussery of the Finance and Budget Committee to remain the same, but that all members of the court would have a vote.
- 97.3 H. Bowman responded to L. Ecke stating that his first preference would be that they retain the current committee and add the remaining eight JPs to that committee as a committee of the whole. Upon refusal of the County Judge to do that, then his motion was to do away with Finance and Budget Committee and therefore, they all will be dealing with the issues that come before this committee.
- 97.4 County Attorney Steve Zega stated that the motion on the floor currently is A. Harbison's motion to refer the main motion to the Finance and Budget Committee and R. Cochran seconded that motion; and failing that, they will then vote on the main motion which is to dissolve Finance and Budget Committee because the Judge did not consent to a Committee of the Whole. He stated that he wants to make sure that H. Bowman and E. Madison agree with his interpretation of what is on the floor as the main motion.
- 97.5 E. Madison stated that with respect to how this would work if the Finance and Budget Committee was dissolved, she would assume that they would just deal with everything in the Quorum Court with the County Judge as their presiding officer instead of the chair. She stated that the Association of Counties concern over the issue of whether to have a Committee of the Whole is actually a committee comprised of a majority of the membership and if they sit as a committee of the whole or a committee of majority, they are effectively functioning as the Quorum Court without a presiding officer and effectuate the exact intent as the statute that gave the Judge the veto power over the Committee of the Whole by allowing the full Quorum Court to consider every budget and finance issue with the Judge as the presiding officer. She stated that they would probably need to have a second Quorum Court meeting a month in lieu of a Finance and Budget Committee meeting, so in practical affect, it wouldn't have much difference.

- 98.1 B. Pond addressed A. Harbison, asking her whether she would consider amending her motion to refer the item to a subcommittee of the whole; to which A. Harbison responded she doesn't believe that a subcommittee would help the issue. She asked if she could amend her motion to which County Attorney Steve Zega responded that she could withdraw her motion which she doesn't want to do. She stated that she really would like to send it to the County Attorney to interpret both laws and report back to the Quorum Court his legal opinion.
- 98.2 County Attorney Steve Zega stated that he has read the Attorney General's Opinion and he will reduce what he is about to tell them in writing if they so choose. He stated his opinion was that the Quorum Court has the power as a legislative body to determine what committees they will form which is clear from the statute. He stated it is also clear to him that the Quorum Court has the power to dissolve committees if they so choose. He stated that it is the County Judge's power and prerogative the way the law is written to appoint members to the committees that exist. He doesn't think that anything the legislature did in the last session changes those two fundamental issues. Attorney Zega continued stating that as to the legality, he believes that it is perfectly legal for the court to dissolve the budget committee if that is their sentence. If they want to reconstitute a committee, it would then be on the Judge to appoint the members to that committee and under the new law, no committee of more than a quorum, 8 in this case, could exist or consist without her consent. He believes that all of those things are perfectly compatible with one another and there is no reason to consider whether the committee can exist in light of the 2013 statute.
- 98.3 A. Harbison stated if they dissolve the committee what they would be gaining to which Attorney Zega responded that is not a legal question, but rather is a policy question which he does not answer. A. Harbison asked if a committee is not appointed and it is left Finance and Budget, are all 15 JPs on that committee; to which Attorney Zega responded that they don't have a committee and in this case, the Quorum Court addresses all issues.
- 98.4 S. Madison stated if H. Bowman's motion passes doing away with the Finance and Budget Committee, the duties that had been assigned to that committee would automatically flow to the full court; to which County Attorney Steve Zega concurred. She inquired whether there were any State statutes that would have any application to that; to which Attorney Zega responded yes, that there will no longer be a committee. Further, in this event, then Judge Edwards would be the presiding officer and not Chair R. Cochran.
- 98.5 B. Ussery stated there are two issues; first that they have all said the Finance Committee does the heavy lifting, so he is a little puzzled as to why they want

- to dissolve that committee; what would they gain because that is where all the work is done. He noted that they certainly don't have time on the Quorum Court to do all the other things that they have to do and then discuss finance because many times the Finance Committee meetings are the longest ones. Secondly, by having it the way it is currently whether they like it or not, that is the way it is at the moment and every one of them has the opportunity to speak and if something happens and people on the committee vote against something that you feel strongly about, you can certainly bring that before the Quorum Court and it can be discussed at that time.
- 99.1 A. Harbison stated if they go to the Quorum Court level with the finance and budget, then the only time the Finance and Budget Committee can meet is when the County Judge calls a meeting; to which County Attorney Steve Zega responded that the majority of the JP's can call a special meeting, but the County Judge would preside.
- 99.2 H. Bowman stated that they are making this really complicated. He stated in the event that they don't have a Finance and Budget Committee, the Quorum Court would have another meeting just like the Finance and Budget Committee meeting and go through the process with all JPs. He stated that all he wants is for each one of them to be able to fulfill the duties that their constituents voted for them to do that they are able to cast a ballot at the time that the committee meeting is taking place. He stated that many things get pushed aside or brushed under the rug or forgotten about when there is disagreement in committee meetings and it comes before the Quorum Court. He pointed out that they come in for their Quorum Court meetings and basically rubber stamp everything that the committees have brought to them and it is only when somebody has a real issue that they come back and ask for rehashing of it. H. Bowman stated he would be thrilled if the County Judge would go ahead and let them have a Budget of the Whole Committee like they have been and everyone gets a chance to vote, but in the alternative, he believes this is the only other recourse they have and the County Attorney has said that they are well within their means to do what they are talking about doing here. He recalls when the Budget Committee of the Whole met in the past and final numbers were brought to the Quorum Court, he recalls hearing that it was the first time they had ever seen a unanimous vote for the budget at the finalization and there is a lot to be said for all of them agreeing with the process.
- 99.3 **T. Lundstrum called for the question.**
- 99.4 R. Cochran noted that he understands it is out of order, but A. Harbison's motion was to refer it to legal counsel and then bring it back and that has happened.

- 100.1 **R. Cochran withdrew his second to A. Harbison's motion.**
- 100.2 A. Harbison stated that she wanted to make a motion to add the remaining JPs to the Budget and Finance Committee with R. Cochran remaining Chair and B. Ussery as Vice-Chair; to which County Attorney Steve Zega responded that such a motion would be out of order because there is a main motion on the floor and that can't happen unless the County Judge says so by State law.
- 100.3 In response to B. Ussery's suggestion that they make a friendly amendment to H. Bowman's motion that they want to vote on whether they want every JP to be on the Finance and Budget Committee; County Attorney Steve Zega stated that this is essentially what A. Harbison just tried to do and he believes it is out of order.
- 100.4 **H. Bowman called for the question.**
- 100.5 County Attorney Steve Zega advised that Judge Edwards can take a voice vote on closing debate.
- 100.6 **The request to close the debate passed unanimously a by voice vote. The debate was closed.**
- 100.7 **With no further discussion, Judge Edwards called for a vote on the motion to dissolve the Finance and Budget Committee.**
- 100.8 **VOTING FOR: L. Ecke, T. Lundstrum, E. Madison, S. Madison, J. Patterson, and H. Bowman. VOTING AGAINST: R. Cochran, R. Dennis, J. Firmin, A. Harbison, J. Maxwell, B. Pond, B. Ussery, and D. Balls. The motion failed with six members voting in favor and eight members voting against the motion.**
- 100.9 **OTHER BUSINESS:** E. Madison stated that she had to leave to attend a hearing in Texarkana before they had discussion in Finance and Budget Committee last week about the Assessor's 663 fund and the minutes of the meeting did not reflect that any error was discovered, but the paper reflected that it was in November. She reported that she had a call by someone very concerned about when it was discovered and why it wasn't raised during their budget process last year.
- 100.10 R. Cochran responded to E. Madison stating that he does not know the exact date, but he understood that it was before the end of the year and as far as he knows, it was not revealed to the committee until 2015.

- 101.1 E. Madison stated that she will need to do some more digging because someone told her that it had been talked about as early as July of 2014 which was very concerning to her because that is when they started the budget process.
- 101.2 E. Madison stated the she has traded voice mail with Jan Germany, the infamous IRS tax specialist, stating that she understood Ms. Germany had given Washington County some tax advice and she responded stating that she had not given them any tax advice, but told them what the law was. She stated that she has given her a form that she can fill out to basically make sure that her mileage is a business expense and she is pursuing that. She commented that it is not a waste of anybody's time to make sure that none of them in this county pay a dollar more to the Federal Government than they have to.
- 101.3 Quorum Court Coordinator/Reporter Carly Sandidge addressed the court and asked if anyone else was having issues accessing the agenda online from the web page and no one else was having these issues.
- 101.4 T. Lundstrum thanked everyone for their prayers and thoughts when he was in the hospital last week.
- 101.5 CITIZEN COMMENTS: Christine Keller, resident of Lincoln in western Washington County in J. Maxwell's District, addressed the Quorum Court stating that she missed the part where she could speak about the fire dues that were on the agenda. She stated that she has been very concerned about special elections for a long time, not only because of the cost but because they normally only have 2% to 8% voter turnout and it is normally the firemen, their friends and family that turn out and everyone else doesn't know about it. She further reported that they had this same special election in Lincoln and the ballot indicated that it was a voluntary tax, but her tax bill did not show it as voluntary. She further mentioned a friend in Prairie Grove who has farm land without a structure and his taxes have been showing up for months still showing up delinquent even though it is supposed to be a voluntary tax. She noted that some people in rural parts of the county choose not to pay the fire dues and should have that right to choose not to and not have it levied against their property. She further asked if the people that will be voting on it are the ones who will be paying for it.
- 101.6 Judge Edwards suggested that Ms. Keller contact the Tax Collector about this and Ms. Keller indicated that e-mails have been sent with no response.
- 101.7 County Attorney Steve Zega stated that he can answer some of Ms. Keller's questions and would be glad to talk to her after the meeting.

- 102.1 Tony Balenseff, resident of Springdale, addressed the Quorum Court stating with regard to collecting these fire dues stating that he looked into the 501C3 organizations and there could be a big issue about them keeping their tax free status and conflict with them collecting these dues. He requested that someone look into this because they don't want to give any more tax dollars to the Federal Government, but instead should keep it here in Washington County.
- 102.2 B. Pond stated that the Tax Collector will be collecting for the Volunteer Fire Departments and this is a volunteer tax.
- 102.3 J. Maxwell reported constituents telling him that they elected not to pay this volunteer tax and are showing as delinquent in their taxes, questioning whether there could be a break down in the system or just a misinterpretation.
- 102.4 R. Cochran suggested that they have the Tax Collector meet with them at the next Finance and Budget meeting to clarify this because that is not what he heard from the Collector today, but rather that they are not delinquent on their taxes, they are delinquent on their fire dues and he could actually assess a lien on property.
- 102.5 County Attorney Steve Zega stated that this is what he was going to speak to Ms. Keller about after the meeting, but since R. Cochran mentioned it, he has read that statute as well and the statute does talk about liens and levees and foreclosing on the liens if they don't pay fire department dues. He reported speaking with John Luther about this who noted that they have never done that, but if someone was trying to foreclose on his property, he can understand why it does not sound voluntary. He stated that they are not taxes, but rather fire department dues and there is a difference.
- 102.6 R. Cochran stated that if this in fact turns out to be a dues or fee and not a tax, he suggested that as a court they create an ordinance stipulating how that is to be presented to the taxpayer.
- 102.7 J. Maxwell stated that not just a lien against property which would be a major concern should it come to that, but there is also the negative of having your name published as being delinquent as not everyone would make the distinction between taxes and fire dues. He suggested that before people decide not to pay these fire dues, they should check to see if they are protected because if they were to have a fire the liability that they could then face may be enormous.

- 103.1 T. Lundstrum stated that he was on the Board of Directors of the Tontitown Fire Department and their fire dues were \$300 or they had a \$100 lifetime membership with \$40 a year fee.
- 103.2 J. Maxwell stated that he has checked with several insurance companies and was advised that the Fire Department will come to a fire regardless if a fee was paid as part of the statute and if there is a deductible on your homeowner's insurance, when that is paid the insurance company paid the fill and his deductible didn't change, so he was not in anymore of a financial risk if they are not a member of the fire department.
- 103.3 R. Cochran reported when he was a member of the Wedington Fire District their dues at \$65 was only half of what he saved by joining their association and getting a homeowner rate reduction.
- 103.4 ADJOURNMENT: The meeting adjourned at 8:37 p.m.

Respectfully submitted,

Carly Sandidge
Quorum Court Coordinator/Reporter

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE RECOGNIZING AND APPROPRIATING
FUNDS OF \$9,896 IN THE GAME AND FISH EDUCATION
FUND FOR 2015.**

WHEREAS, under A.C.A. §15-41-209 fine moneys deposited as special revenues in the Game Protection Fund may be expended in the form of grants for established school education programs; and,

WHEREAS, pursuant to A.C.A. §15-41-209, the Department of Education has received fine moneys from the Game Protection Fund and has disbursed the sum of \$9,895.06 to the Washington County Treasurer for 2015; and,

WHEREAS, the School Districts of Fayetteville, Greenland, Lincoln, and Springdale have applied for said funds.

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

ARTICLE 1. There is hereby recognized additional revenues of \$9,896 in the Arkansas Game & Fish-Act 799 of 2003 Revenue Line Item of the Game & Fish Education Fund (3013-7009) for 2015.

ARTICLE 2. There is hereby appropriated the amount of \$9,896 from the Game & Fish Education Fund to the Special Projects Line Item of the Game and Fish Education Budget (30130613-3103) for 2015.

ARTICLE 3. The County Treasurer is hereby directed to distribute said funds to the following School Districts in Washington Country to be used solely for the purposes set out herein:

<u>Fayetteville</u>			
Butterfield Trail Elementary School		\$ 1,450.00	
Fayetteville High School		1,000.00	
Washington County Juvenile Detention Center		<u>1,950.00</u>	
			\$ 4,400.00
<u>Greenland</u>			
Greenland Schools – East Lab			500.00

<u>Lincoln</u>		
Lincoln Middle School		2,000.00
<u>Springdale</u>		
JB Hunt Elementary School	\$ 475.00	
Central Junior High School	920.06	
Parson Hills Elementary School	800.00	
Southwest Junior High School	<u>800.00</u>	
		<u>2,995.06</u>
TOTAL FUNDS DISTRIBUTED:		<u>\$ 9,895.06</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING THE TOTAL
AMOUNT OF \$556,785 FROM UNAPPROPRIATED
RESERVES TO VARIOUS PERSONAL SERVICES LINE
ITEMS FOR 2014; AND APPROPRIATING THE TOTAL
AMOUNT OF \$2,161,856 FROM UNAPPROPRIATED
RESERVES TO VARIOUS BUDGET LINE ITEMS FOR
2014.**

ARTICLE 1. There is hereby appropriated the total amount of \$556,785 from unappropriated reserves to various personal services budget line items as outlined in Attachment "A" and summarized by Fund as follows for 2014:

1000 General	\$ 333,154
2000 Road	44,655
3006 Recorder's Costs	14,843
3008 County Library	10,798
3017 Jail Operations & Maintenance	147,667
3020 Emergency 9-1-1	4,203
3401 HIV Clinic	<u>1,465</u>
TOTAL APPROPRIATIONS:	<u>\$ 556,785</u>

ARTICLE 2. There is hereby appropriated the total amount of \$2,161,856 from unappropriated reserves to various budget line items as outlined in Attachment "B" and summarized by Fund as follows for 2014:

1000 General	\$ 1,766,442
1002 Employee Insurance	45,891
1800 Flexible Spending	40,380
3008 County Library	195
3017 Jail Operations & Maintenance	216,035
3023 Fire Equipment & Training	<u>92,913</u>
TOTAL APPROPRIATIONS:	<u>\$ 2,161,856</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

Fund	Position Department	Amount
1000 County General Fund	0100002 County Judge	1001 SALARIES, FULL-TIME 451.00
1000 County General Fund	0100003 County Judge	1001 SALARIES, FULL-TIME 1,355.00
1000 County General Fund	0100004 County Judge	1001 SALARIES, FULL-TIME 8.00
1000 County General Fund	0100005 County Judge	1001 SALARIES, FULL-TIME 2.00
1000 County General Fund	0101002 County Clerk	1001 SALARIES, FULL-TIME 836.00
1000 County General Fund	0101003 County Clerk	1001 SALARIES, FULL-TIME 459.00
1000 County General Fund	0101004 County Clerk	1001 SALARIES, FULL-TIME 574.00
1000 County General Fund	0101006 County Clerk	1001 SALARIES, FULL-TIME 2.00
1000 County General Fund	0102002 Circuit Clerk	1001 SALARIES, FULL-TIME 580.00
1000 County General Fund	0102004 Circuit Clerk	1001 SALARIES, FULL-TIME 997.00
1000 County General Fund	0102005 Circuit Clerk	1001 SALARIES, FULL-TIME 447.00
1000 County General Fund	0102011 Circuit Clerk	1001 SALARIES, FULL-TIME 580.00
1000 County General Fund	0102013 Circuit Clerk	1001 SALARIES, FULL-TIME 580.00
1000 County General Fund	0102014 Circuit Clerk	1001 SALARIES, FULL-TIME 451.00
1000 County General Fund	0103002 Treasurer	1001 SALARIES, FULL-TIME 5,793.00
1000 County General Fund	0103004 Treasurer	1001 SALARIES, FULL-TIME 452.00
1000 County General Fund	0104002 Tax Collector	1001 SALARIES, FULL-TIME 897.00
1000 County General Fund	0104003 Tax Collector	1001 SALARIES, FULL-TIME 820.00
1000 County General Fund	0104004 Tax Collector	1001 SALARIES, FULL-TIME 575.00
1000 County General Fund	0104005 Tax Collector	1001 SALARIES, FULL-TIME 630.00
1000 County General Fund	0104006 Tax Collector	1001 SALARIES, FULL-TIME 852.00
1000 County General Fund	0104050 Tax Collector	1001 SALARIES, FULL-TIME 830.00
1000 County General Fund	0104071 Tax Collector	1001 SALARIES, FULL-TIME 8,876.00
1000 County General Fund	0104080 Tax Collector	1001 SALARIES, FULL-TIME 336.00
1000 County General Fund	0104081 Tax Collector	1001 SALARIES, FULL-TIME 578.00
1000 County General Fund	0104082 Tax Collector	1001 SALARIES, FULL-TIME 447.00
1000 County General Fund	0104090 Tax Collector	1001 SALARIES, FULL-TIME 4.00
1000 County General Fund	0104091 Tax Collector	1001 SALARIES, FULL-TIME 459.00
1000 County General Fund	0104092 Tax Collector	1001 SALARIES, FULL-TIME 7.00
1000 County General Fund	0105003 Assessor	1001 SALARIES, FULL-TIME 829.00
1000 County General Fund	0105004 Assessor	1001 SALARIES, FULL-TIME 829.00
1000 County General Fund	0105007 Assessor	1001 SALARIES, FULL-TIME 826.00
1000 County General Fund	0105008 Assessor	1001 SALARIES, FULL-TIME 825.00
1000 County General Fund	0105020 Assessor	1001 SALARIES, FULL-TIME 452.00
1000 County General Fund	0105021 Assessor	1001 SALARIES, FULL-TIME 824.00
1000 County General Fund	0105030 Assessor	1001 SALARIES, FULL-TIME 453.00
1000 County General Fund	0105040 Assessor	1001 SALARIES, FULL-TIME 578.00
1000 County General Fund	0105041 Assessor	1001 SALARIES, FULL-TIME 583.00
1000 County General Fund	0105042 Assessor	1001 SALARIES, FULL-TIME 407.00
1000 County General Fund	0105044 Assessor	1001 SALARIES, FULL-TIME 577.00
1000 County General Fund	0105045 Assessor	1001 SALARIES, FULL-TIME 450.00
1000 County General Fund	0105046 Assessor	1001 SALARIES, FULL-TIME 462.00
1000 County General Fund	0105050 Assessor	1001 SALARIES, FULL-TIME 576.00
1000 County General Fund	0105055 Assessor	1001 SALARIES, FULL-TIME 2,400.00
1000 County General Fund	0105057 Assessor	1001 SALARIES, FULL-TIME 7.00
1000 County General Fund	0105058 Assessor	1001 SALARIES, FULL-TIME 461.00
1000 County General Fund	0108001 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 581.00
1000 County General Fund	0108002 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 453.00
1000 County General Fund	0108003 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 832.00
1000 County General Fund	0108004 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 4.00
1000 County General Fund	0108005 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 447.00
1000 County General Fund	0108011 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 3,526.00
1000 County General Fund	0108102 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 460.00
1000 County General Fund	0108103 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 588.00
1000 County General Fund	0108104 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 4.00
1000 County General Fund	0108105 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 837.00
1000 County General Fund	0108107 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 588.00
1000 County General Fund	0108108 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 460.00
1000 County General Fund	0108109 Buildings & Ground Maintenance	1001 SALARIES, FULL-TIME 588.00
1000 County General Fund	0110001 County Planning	1001 SALARIES, FULL-TIME 414.00
1000 County General Fund	0110002 County Planning	1001 SALARIES, FULL-TIME 442.00
1000 County General Fund	0110005 County Planning	1001 SALARIES, FULL-TIME 584.00
1000 County General Fund	0113001 Financial Management	1001 SALARIES, FULL-TIME 829.00
1000 County General Fund	0113002 Financial Management	1001 SALARIES, FULL-TIME 454.00

1000 County General Fund	0113005 Financial Management	1001 SALARIES, FULL-TIME	10.00
1000 County General Fund	0115001 Comptuer/IS Department	1001 SALARIES, FULL-TIME	829.00
1000 County General Fund	0115003 Comptuer/IS Department	1001 SALARIES, FULL-TIME	1.00
1000 County General Fund	0119001 Archiving/Records Management	1001 SALARIES, FULL-TIME	828.00
1000 County General Fund	0119002 Archiving/Records Management	1001 SALARIES, FULL-TIME	835.00
1000 County General Fund	0120001 Grants Administrator	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0120002 Grants Administrator	1001 SALARIES, FULL-TIME	446.00
1000 County General Fund	0121001 Human Resources	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0122001 County Attorney	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0308005 Animal Shelter	1001 SALARIES, FULL-TIME	103.00
1000 County General Fund	0308006 Animal Shelter	1001 SALARIES, FULL-TIME	952.00
1000 County General Fund	0308008 Animal Shelter	1001 SALARIES, FULL-TIME	197.00
1000 County General Fund	0308009 Animal Shelter	1001 SALARIES, FULL-TIME	432.00
1000 County General Fund	0400002 Sheriff	1001 SALARIES, FULL-TIME	414.00
1000 County General Fund	0400003 Sheriff	1001 SALARIES, FULL-TIME	414.00
1000 County General Fund	0400004 Sheriff	1001 SALARIES, FULL-TIME	829.00
1000 County General Fund	0400005 Sheriff	1001 SALARIES, FULL-TIME	828.00
1000 County General Fund	0400006 Sheriff	1001 SALARIES, FULL-TIME	828.00
1000 County General Fund	0400018 Sheriff	1001 SALARIES, FULL-TIME	994.00
1000 County General Fund	0400020 Sheriff	1001 SALARIES, FULL-TIME	838.00
1000 County General Fund	0400021 Sheriff	1001 SALARIES, FULL-TIME	826.00
1000 County General Fund	0400022 Sheriff	1001 SALARIES, FULL-TIME	832.00
1000 County General Fund	0400023 Sheriff	1001 SALARIES, FULL-TIME	584.00
1000 County General Fund	0400024 Sheriff	1001 SALARIES, FULL-TIME	828.00
1000 County General Fund	0400025 Sheriff	1001 SALARIES, FULL-TIME	736.00
1000 County General Fund	0400026 Sheriff	1001 SALARIES, FULL-TIME	573.00
1000 County General Fund	0400028 Sheriff	1001 SALARIES, FULL-TIME	575.00
1000 County General Fund	0400037 Sheriff	1001 SALARIES, FULL-TIME	831.00
1000 County General Fund	0400039 Sheriff	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0400040 Sheriff	1001 SALARIES, FULL-TIME	583.00
1000 County General Fund	0400041 Sheriff	1001 SALARIES, FULL-TIME	415.00
1000 County General Fund	0400042 Sheriff	1001 SALARIES, FULL-TIME	576.00
1000 County General Fund	0400043 Sheriff	1001 SALARIES, FULL-TIME	456.00
1000 County General Fund	0400047 Sheriff	1001 SALARIES, FULL-TIME	454.00
1000 County General Fund	0400090 Sheriff	1001 SALARIES, FULL-TIME	828.00
1000 County General Fund	0400091 Sheriff	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0400092 Sheriff	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0400099 Sheriff	1001 SALARIES, FULL-TIME	443.00
1000 County General Fund	0400104 Sheriff	1001 SALARIES, FULL-TIME	4,655.00
1000 County General Fund	0400180 Sheriff	1001 SALARIES, FULL-TIME	454.00
1000 County General Fund	0400185 Sheriff	1001 SALARIES, FULL-TIME	6,494.00
1000 County General Fund	0400200 Sheriff	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0400202 Sheriff	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0400207 Sheriff	1001 SALARIES, FULL-TIME	574.00
1000 County General Fund	0400208 Sheriff	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0400212 Sheriff	1001 SALARIES, FULL-TIME	2.00
1000 County General Fund	0400213 Sheriff	1001 SALARIES, FULL-TIME	450.00
1000 County General Fund	0400214 Sheriff	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0400217 Sheriff	1001 SALARIES, FULL-TIME	2.00
1000 County General Fund	0400224 Sheriff	1001 SALARIES, FULL-TIME	446.00
1000 County General Fund	0400225 Sheriff	1001 SALARIES, FULL-TIME	903.00
1000 County General Fund	0400300 Sheriff	1001 SALARIES, FULL-TIME	831.00
1000 County General Fund	0400301 Sheriff	1001 SALARIES, FULL-TIME	406.00
1000 County General Fund	0400302 Sheriff	1001 SALARIES, FULL-TIME	60.00
1000 County General Fund	0400306 Sheriff	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0400308 Sheriff	1001 SALARIES, FULL-TIME	834.00
1000 County General Fund	0400309 Sheriff	1001 SALARIES, FULL-TIME	828.00
1000 County General Fund	0400310 Sheriff	1001 SALARIES, FULL-TIME	418.00
1000 County General Fund	0400311 Sheriff	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0400312 Sheriff	1001 SALARIES, FULL-TIME	572.00
1000 County General Fund	0400313 Sheriff	1001 SALARIES, FULL-TIME	155.00
1000 County General Fund	0400314 Sheriff	1001 SALARIES, FULL-TIME	407.00
1000 County General Fund	0400315 Sheriff	1001 SALARIES, FULL-TIME	994.00
1000 County General Fund	0400316 Sheriff	1001 SALARIES, FULL-TIME	448.00
1000 County General Fund	0400317 Sheriff	1001 SALARIES, FULL-TIME	587.00
1000 County General Fund	0400318 Sheriff	1001 SALARIES, FULL-TIME	414.00
1000 County General Fund	0400319 Sheriff	1001 SALARIES, FULL-TIME	832.00
1000 County General Fund	0400320 Sheriff	1001 SALARIES, FULL-TIME	837.00
1000 County General Fund	0400321 Sheriff	1001 SALARIES, FULL-TIME	837.00
1000 County General Fund	0400322 Sheriff	1001 SALARIES, FULL-TIME	580.00

1000 County General Fund	0400323 Sheriff	1001 SALARIES, FULL-TIME	839.00
1000 County General Fund	0400324 Sheriff	1001 SALARIES, FULL-TIME	454.00
1000 County General Fund	0400325 Sheriff	1001 SALARIES, FULL-TIME	583.00
1000 County General Fund	0400326 Sheriff	1001 SALARIES, FULL-TIME	454.00
1000 County General Fund	0400327 Sheriff	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0400328 Sheriff	1001 SALARIES, FULL-TIME	810.00
1000 County General Fund	0400329 Sheriff	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0400330 Sheriff	1001 SALARIES, FULL-TIME	272.00
1000 County General Fund	0400333 Sheriff	1001 SALARIES, FULL-TIME	416.00
1000 County General Fund	0400334 Sheriff	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0400336 Sheriff	1001 SALARIES, FULL-TIME	577.00
1000 County General Fund	0403001 Circuit Court III	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0403002 Circuit Court III	1001 SALARIES, FULL-TIME	457.00
1000 County General Fund	0403004 Circuit Court III	1001 SALARIES, FULL-TIME	451.00
1000 County General Fund	0403005 Circuit Court III	1001 SALARIES, FULL-TIME	453.00
1000 County General Fund	0403006 Circuit Court III	1001 SALARIES, FULL-TIME	445.00
1000 County General Fund	0403009 Circuit Court III	1001 SALARIES, FULL-TIME	454.00
1000 County General Fund	0403020 Circuit Court III	1001 SALARIES, FULL-TIME	450.00
1000 County General Fund	0403021 Circuit Court III	1001 SALARIES, FULL-TIME	442.00
1000 County General Fund	0403022 Circuit Court III	1001 SALARIES, FULL-TIME	42.00
1000 County General Fund	0416002 Prosecuting Attorney	1001 SALARIES, FULL-TIME	418.00
1000 County General Fund	0416003 Prosecuting Attorney	1001 SALARIES, FULL-TIME	572.00
1000 County General Fund	0416004 Prosecuting Attorney	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0416005 Prosecuting Attorney	1001 SALARIES, FULL-TIME	5.00
1000 County General Fund	0416006 Prosecuting Attorney	1001 SALARIES, FULL-TIME	988.00
1000 County General Fund	0416009 Prosecuting Attorney	1001 SALARIES, FULL-TIME	450.00
1000 County General Fund	0416011 Prosecuting Attorney	1001 SALARIES, FULL-TIME	583.00
1000 County General Fund	0417004 Public Defender	1001 SALARIES, FULL-TIME	974.00
1000 County General Fund	0444001 Juvenile Detention Center	1001 SALARIES, FULL-TIME	995.00
1000 County General Fund	0444002 Juvenile Detention Center	1001 SALARIES, FULL-TIME	588.00
1000 County General Fund	0444003 Juvenile Detention Center	1001 SALARIES, FULL-TIME	451.00
1000 County General Fund	0444005 Juvenile Detention Center	1001 SALARIES, FULL-TIME	580.00
1000 County General Fund	0444006 Juvenile Detention Center	1001 SALARIES, FULL-TIME	532.00
1000 County General Fund	0444020 Juvenile Detention Center	1001 SALARIES, FULL-TIME	462.00
1000 County General Fund	0444021 Juvenile Detention Center	1001 SALARIES, FULL-TIME	1.00
1000 County General Fund	0444024 Juvenile Detention Center	1001 SALARIES, FULL-TIME	427.00
1000 County General Fund	0444035 Juvenile Detention Center	1001 SALARIES, FULL-TIME	6,627.00
1000 County General Fund	0500001 Department of Emergency Management	1001 SALARIES, FULL-TIME	314.00
1000 County General Fund	0500002 Department of Emergency Management	1001 SALARIES, FULL-TIME	415.00
1000 County General Fund	0702001 Environmental Affairs	1001 SALARIES, FULL-TIME	632.00
1000 County General Fund	0702004 Environmental Affairs	1001 SALARIES, FULL-TIME	452.00
1000 County General Fund	0702005 Environmental Affairs	1001 SALARIES, FULL-TIME	447.00
1000 County General Fund	0800001 Veteran's Services	1001 SALARIES, FULL-TIME	414.00
1000 County General Fund	0800002 Veteran's Services	1001 SALARIES, FULL-TIME	435.00
1000 County General Fund	0100 County Judge	1005 OVERTIME/OTHER PREMIUM COMPENS	23.00
1000 County General Fund	0100 County Judge	1008 NONCONTRIBUTORY RETIREMENT	114.00
1000 County General Fund	0102 Circuit Clerk	1008 NONCONTRIBUTORY RETIREMENT	1,689.00
1000 County General Fund	0103 Treasurer	1001 SALARIES, FULL-TIME	9,523.00
1000 County General Fund	0103 Treasurer	1008 NONCONTRIBUTORY RETIREMENT	234.00
1000 County General Fund	0104 Tax Collector	1001 SALARIES, FULL-TIME	25,110.00
1000 County General Fund	0105 Assessor	1001 SALARIES, FULL-TIME	41,054.00
1000 County General Fund	0107 Quorum Court	1002 SALARIES, PART-TIME	69,436.00
1000 County General Fund	0107 Quorum Court	1006 SOCIAL SECURITY MATCHING	5,312.00
1000 County General Fund	0108 Buildings & Ground Maintenance	1005 OVERTIME/OTHER PREMIUM COMPENS	8.00
1000 County General Fund	0109 Election	1001 SALARIES, FULL-TIME	386.00
1000 County General Fund	0109 Election	1002 SALARIES, PART-TIME	13,837.00
1000 County General Fund	0109 Election	1005 OVERTIME/OTHER PREMIUM COMPENS	779.00
1000 County General Fund	0109 Election	1006 SOCIAL SECURITY MATCHING	1,760.00
1000 County General Fund	0109 Election	1008 NONCONTRIBUTORY RETIREMENT	2,564.00
1000 County General Fund	0110 County Planning	1005 OVERTIME/OTHER PREMIUM COMPENS	23.00
1000 County General Fund	0113 Financial Management	1008 NONCONTRIBUTORY RETIREMENT	160.00
1000 County General Fund	0115 Computer/IS Department	1008 NONCONTRIBUTORY RETIREMENT	657.00
1000 County General Fund	0115 Computer/IS Department	1009 HEALTH INSURANCE MATCHING	4,932.00
1000 County General Fund	0115 Computer/IS Department	1016 LIFE INSURANCE	264.00
1000 County General Fund	0118 General Services	1008 NONCONTRIBUTORY RETIREMENT	4.00
1000 County General Fund	0118 General Services	1009 HEALTH INSURANCE MATCHING	22.00
1000 County General Fund	0120 Grants Administrator	1008 NONCONTRIBUTORY RETIREMENT	152.00
1000 County General Fund	0122 County Attorney	1008 NONCONTRIBUTORY RETIREMENT	84.00
1000 County General Fund	0308 Animal Shelter	1005 OVERTIME/OTHER PREMIUM COMPENS	349.00
1000 County General Fund	0400 Sheriff	1002 SALARIES, PART-TIME	200.00

1000 County General Fund	0400 Sheriff	1005 OVERTIME/OTHER PREMIUM COMPENS	12,537.00
1000 County General Fund	0419 Coroner	1002 SALARIES, PART-TIME	3,735.00
1000 County General Fund	0419 Coroner	1005 OVERTIME/OTHER PREMIUM COMPENS	405.00
1000 County General Fund	0702 Environment Affairs	1006 SOCIAL SECURITY MATCHING	3,065.00
1000 County General Fund	0702 Environment Affairs	1008 NONCONTRIBUTORY RETIREMENT	4,567.00
1000 County General Fund	0800 Veterans Service	1008 NONCONTRIBUTORY RETIREMENT	126.00

333,154.00

2000 Road Fund	0200001 Road	1001 SALARIES, FULL-TIME	828.00
2000 Road Fund	0200002 Road	1001 SALARIES, FULL-TIME	632.00
2000 Road Fund	0200003 Road	1001 SALARIES, FULL-TIME	829.00
2000 Road Fund	0200004 Road	1001 SALARIES, FULL-TIME	580.00
2000 Road Fund	0200006 Road	1001 SALARIES, FULL-TIME	3,581.00
2000 Road Fund	0200007 Road	1001 SALARIES, FULL-TIME	829.00
2000 Road Fund	0200008 Road	1001 SALARIES, FULL-TIME	830.00
2000 Road Fund	0200009 Road	1001 SALARIES, FULL-TIME	452.00
2000 Road Fund	0200010 Road	1001 SALARIES, FULL-TIME	1,243.00
2000 Road Fund	0200030 Road	1001 SALARIES, FULL-TIME	454.00
2000 Road Fund	0200040 Road	1001 SALARIES, FULL-TIME	598.00
2000 Road Fund	0200041 Road	1001 SALARIES, FULL-TIME	7.00
2000 Road Fund	0200044 Road	1001 SALARIES, FULL-TIME	619.00
2000 Road Fund	0200045 Road	1001 SALARIES, FULL-TIME	588.00
2000 Road Fund	0200050 Road	1001 SALARIES, FULL-TIME	1,233.00
2000 Road Fund	0200051 Road	1001 SALARIES, FULL-TIME	452.00
2000 Road Fund	0200060 Road	1001 SALARIES, FULL-TIME	572.00
2000 Road Fund	0200100 Road	1001 SALARIES, FULL-TIME	838.00
2000 Road Fund	0200101 Road	1001 SALARIES, FULL-TIME	594.00
2000 Road Fund	0200103 Road	1001 SALARIES, FULL-TIME	1,000.00
2000 Road Fund	0200104 Road	1001 SALARIES, FULL-TIME	457.00
2000 Road Fund	0200105 Road	1001 SALARIES, FULL-TIME	822.00
2000 Road Fund	0200150 Road	1001 SALARIES, FULL-TIME	1,234.00
2000 Road Fund	0200151 Road	1001 SALARIES, FULL-TIME	637.00
2000 Road Fund	0200152 Road	1001 SALARIES, FULL-TIME	1,296.00
2000 Road Fund	0200154 Road	1001 SALARIES, FULL-TIME	4,006.00
2000 Road Fund	0200201 Road	1001 SALARIES, FULL-TIME	3.00
2000 Road Fund	0200204 Road	1001 SALARIES, FULL-TIME	3.00
2000 Road Fund	0200206 Road	1001 SALARIES, FULL-TIME	451.00
2000 Road Fund	0200207 Road	1001 SALARIES, FULL-TIME	447.00
2000 Road Fund	0200208 Road	1001 SALARIES, FULL-TIME	447.00
2000 Road Fund	0200209 Road	1001 SALARIES, FULL-TIME	829.00
2000 Road Fund	0200211 Road	1001 SALARIES, FULL-TIME	447.00
2000 Road Fund	0200212 Road	1001 SALARIES, FULL-TIME	3.00
2000 Road Fund	0200213 Road	1001 SALARIES, FULL-TIME	445.00
2000 Road Fund	0200214 Road	1001 SALARIES, FULL-TIME	451.00
2000 Road Fund	0200216 Road	1001 SALARIES, FULL-TIME	451.00
2000 Road Fund	0200219 Road	1001 SALARIES, FULL-TIME	447.00
2000 Road Fund	0200220 Road	1001 SALARIES, FULL-TIME	827.00
2000 Road Fund	0200221 Road	1001 SALARIES, FULL-TIME	421.00
2000 Road Fund	0200222 Road	1001 SALARIES, FULL-TIME	447.00
2000 Road Fund	0200223 Road	1001 SALARIES, FULL-TIME	1,018.00
2000 Road Fund	0200227 Road	1001 SALARIES, FULL-TIME	465.00
2000 Road Fund	0200229 Road	1001 SALARIES, FULL-TIME	447.00
2000 Road Fund	0200230 Road	1001 SALARIES, FULL-TIME	987.00
2000 Road Fund	0200234 Road	1001 SALARIES, FULL-TIME	574.00
2000 Road Fund	0200236 Road	1001 SALARIES, FULL-TIME	574.00
2000 Road Fund	0200241 Road	1001 SALARIES, FULL-TIME	577.00
2000 Road Fund	0200 Road	1005 OVERTIME/OTHER PREMIUM COMPENS	8,683.00

44,655.00

3006 Recorder's Costs Fund	0128002 Recorder's Costs	1001 SALARIES, FULL-TIME	250.00
3006 Recorder's Costs Fund	0128004 Recorder's Costs	1001 SALARIES, FULL-TIME	1,247.00
3006 Recorder's Costs Fund	0128005 Recorder's Costs	1001 SALARIES, FULL-TIME	450.00
3006 Recorder's Costs Fund	0128006 Recorder's Costs	1001 SALARIES, FULL-TIME	455.00
3006 Recorder's Costs Fund	0128 Recorder's Costs	1001 SALARIES, FULL-TIME	9,127.00
3006 Recorder's Costs Fund	0128 Recorder's Costs	1002 SALARIES, PART-TIME	330.00
3006 Recorder's Costs Fund	0128 Recorder's Costs	1006 SOCIAL SECURITY MATCHING	1,012.00
3006 Recorder's Costs Fund	0128 Recorder's Costs	1008 NONCONTRIBUTORY RETIREMENT	1,972.00

14,843.00

3008 County Library Fund	0600001 County Library	1001 SALARIES, FULL-TIME	995.00
--------------------------	------------------------	--------------------------	--------

3008 County Library Fund	0600003 County Library	1001 SALARIES, FULL-TIME	993.00
3008 County Library Fund	0600 County Library	1001 SALARIES, FULL-TIME	8,810.00
			10,798.00
3017 Jail Fund	0127001 Jail-Maintenance	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0127002 Jail-Maintenance	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418002 Jail	1001 SALARIES, FULL-TIME	415.00
3017 Jail Fund	0418005 Jail	1001 SALARIES, FULL-TIME	828.00
3017 Jail Fund	0418006 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418007 Jail	1001 SALARIES, FULL-TIME	829.00
3017 Jail Fund	0418008 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418009 Jail	1001 SALARIES, FULL-TIME	828.00
3017 Jail Fund	0418017 Jail	1001 SALARIES, FULL-TIME	829.00
3017 Jail Fund	0418018 Jail	1001 SALARIES, FULL-TIME	1,243.00
3017 Jail Fund	0418020 Jail	1001 SALARIES, FULL-TIME	839.00
3017 Jail Fund	0418021 Jail	1001 SALARIES, FULL-TIME	828.00
3017 Jail Fund	0418022 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418023 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418024 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418025 Jail	1001 SALARIES, FULL-TIME	451.00
3017 Jail Fund	0418026 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418027 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418028 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418029 Jail	1001 SALARIES, FULL-TIME	574.00
3017 Jail Fund	0418030 Jail	1001 SALARIES, FULL-TIME	7,094.00
3017 Jail Fund	0418032 Jail	1001 SALARIES, FULL-TIME	315.00
3017 Jail Fund	0418033 Jail	1001 SALARIES, FULL-TIME	451.00
3017 Jail Fund	0418034 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418035 Jail	1001 SALARIES, FULL-TIME	720.00
3017 Jail Fund	0418036 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418037 Jail	1001 SALARIES, FULL-TIME	580.00
3017 Jail Fund	0418038 Jail	1001 SALARIES, FULL-TIME	632.00
3017 Jail Fund	0418108 Jail	1001 SALARIES, FULL-TIME	827.00
3017 Jail Fund	0418109 Jail	1001 SALARIES, FULL-TIME	414.00
3017 Jail Fund	0418110 Jail	1001 SALARIES, FULL-TIME	460.00
3017 Jail Fund	0418111 Jail	1001 SALARIES, FULL-TIME	10.00
3017 Jail Fund	0418113 Jail	1001 SALARIES, FULL-TIME	83.00
3017 Jail Fund	0418114 Jail	1001 SALARIES, FULL-TIME	589.00
3017 Jail Fund	0418115 Jail	1001 SALARIES, FULL-TIME	633.00
3017 Jail Fund	0418116 Jail	1001 SALARIES, FULL-TIME	446.00
3017 Jail Fund	0418117 Jail	1001 SALARIES, FULL-TIME	451.00
3017 Jail Fund	0418118 Jail	1001 SALARIES, FULL-TIME	452.00
3017 Jail Fund	0418202 Jail	1001 SALARIES, FULL-TIME	1,089.00
3017 Jail Fund	0418204 Jail	1001 SALARIES, FULL-TIME	594.00
3017 Jail Fund	0418206 Jail	1001 SALARIES, FULL-TIME	1,073.00
3017 Jail Fund	0418208 Jail	1001 SALARIES, FULL-TIME	1,535.00
3017 Jail Fund	0418209 Jail	1001 SALARIES, FULL-TIME	1,114.00
3017 Jail Fund	0418210 Jail	1001 SALARIES, FULL-TIME	1,350.00
3017 Jail Fund	0418212 Jail	1001 SALARIES, FULL-TIME	1,036.00
3017 Jail Fund	0418214 Jail	1001 SALARIES, FULL-TIME	291.00
3017 Jail Fund	0418217 Jail	1001 SALARIES, FULL-TIME	250.00
3017 Jail Fund	0418223 Jail	1001 SALARIES, FULL-TIME	292.00
3017 Jail Fund	0418226 Jail	1001 SALARIES, FULL-TIME	232.00
3017 Jail Fund	0418228 Jail	1001 SALARIES, FULL-TIME	308.00
3017 Jail Fund	0418229 Jail	1001 SALARIES, FULL-TIME	272.00
3017 Jail Fund	0418231 Jail	1001 SALARIES, FULL-TIME	256.00
3017 Jail Fund	0418234 Jail	1001 SALARIES, FULL-TIME	256.00
3017 Jail Fund	0418236 Jail	1001 SALARIES, FULL-TIME	1,056.00
3017 Jail Fund	0418237 Jail	1001 SALARIES, FULL-TIME	415.00
3017 Jail Fund	0418240 Jail	1001 SALARIES, FULL-TIME	1,071.00
3017 Jail Fund	0418241 Jail	1001 SALARIES, FULL-TIME	492.00
3017 Jail Fund	0418242 Jail	1001 SALARIES, FULL-TIME	452.00
3017 Jail Fund	0418246 Jail	1001 SALARIES, FULL-TIME	1,092.00
3017 Jail Fund	0418248 Jail	1001 SALARIES, FULL-TIME	831.00
3017 Jail Fund	0418249 Jail	1001 SALARIES, FULL-TIME	241.00
3017 Jail Fund	0418254 Jail	1001 SALARIES, FULL-TIME	469.00
3017 Jail Fund	0418255 Jail	1001 SALARIES, FULL-TIME	318.00
3017 Jail Fund	0418256 Jail	1001 SALARIES, FULL-TIME	1,226.00
3017 Jail Fund	0418300 Jail	1001 SALARIES, FULL-TIME	308.00
3017 Jail Fund	0418301 Jail	1001 SALARIES, FULL-TIME	420.00

3017 Jail Fund	0418303 Jail	1001 SALARIES, FULL-TIME	1,156.00
3017 Jail Fund	0418304 Jail	1001 SALARIES, FULL-TIME	385.00
3017 Jail Fund	0418305 Jail	1001 SALARIES, FULL-TIME	601.00
3017 Jail Fund	0418308 Jail	1001 SALARIES, FULL-TIME	443.00
3017 Jail Fund	0418310 Jail	1001 SALARIES, FULL-TIME	187.00
3017 Jail Fund	0418311 Jail	1001 SALARIES, FULL-TIME	274.00
3017 Jail Fund	0418314 Jail	1001 SALARIES, FULL-TIME	618.00
3017 Jail Fund	0418315 Jail	1001 SALARIES, FULL-TIME	696.00
3017 Jail Fund	0418316 Jail	1001 SALARIES, FULL-TIME	576.00
3017 Jail Fund	0418317 Jail	1001 SALARIES, FULL-TIME	287.00
3017 Jail Fund	0418318 Jail	1001 SALARIES, FULL-TIME	130.00
3017 Jail Fund	0418319 Jail	1001 SALARIES, FULL-TIME	396.00
3017 Jail Fund	0418320 Jail	1001 SALARIES, FULL-TIME	182.00
3017 Jail Fund	0418321 Jail	1001 SALARIES, FULL-TIME	2,630.00
3017 Jail Fund	0418326 Jail	1001 SALARIES, FULL-TIME	353.00
3017 Jail Fund	0418327 Jail	1001 SALARIES, FULL-TIME	336.00
3017 Jail Fund	0418329 Jail	1001 SALARIES, FULL-TIME	315.00
3017 Jail Fund	0418330 Jail	1001 SALARIES, FULL-TIME	400.00
3017 Jail Fund	0418331 Jail	1001 SALARIES, FULL-TIME	223.00
3017 Jail Fund	0418334 Jail	1001 SALARIES, FULL-TIME	705.00
3017 Jail Fund	0418335 Jail	1001 SALARIES, FULL-TIME	431.00
3017 Jail Fund	0418407 Jail	1001 SALARIES, FULL-TIME	570.00
3017 Jail Fund	0418410 Jail	1001 SALARIES, FULL-TIME	563.00
3017 Jail Fund	0418422 Jail	1001 SALARIES, FULL-TIME	538.00
3017 Jail Fund	0418435 Jail	1001 SALARIES, FULL-TIME	559.00
3017 Jail Fund	0418495 Jail	1001 SALARIES, FULL-TIME	570.00
3017 Jail Fund	0418497 Jail	1001 SALARIES, FULL-TIME	567.00
3017 Jail Fund	0418498 Jail	1001 SALARIES, FULL-TIME	552.00
3017 Jail Fund	0127 Jail-Maintenance	1006 SOCIAL SECURITY MATCHING	776.00
3017 Jail Fund	0127 Jail-Maintenance	1008 NONCONTRIBUTORY RETIREMENT	2,320.00
3017 Jail Fund	0418 Jail	1005 OVERTIME/OTHER PREMIUM COMPENS	36,295.00
3017 Jail Fund	0418 Jail	1008 NONCONTRIBUTORY RETIREMENT	9,726.00
3017 Jail Fund	0418 Jail	1017 HOLIDAY INCENTIVE	36,187.00
			<hr/>
			147,667.00
3020 Emergency 911 Fund	0501001 Emergency 911	1001 SALARIES, FULL-TIME	316.00
3020 Emergency 911 Fund	0501002 Emergency 911	1001 SALARIES, FULL-TIME	572.00
3020 Emergency 911 Fund	0501 Emergency 911	1001 SALARIES, FULL-TIME	3,182.00
3020 Emergency 911 Fund	0501 Emergency 911	1008 NONCONTRIBUTORY RETIREMENT	133.00
			<hr/>
			4,203.00
3401 HIV Clinic Fund	0305001 HIV Clinic	SALARIES, FULL-TIME	1,004.00
3401 HIV Clinic Fund	0305002 HIV Clinic	SALARIES, FULL-TIME	461.00
			<hr/>
			1,465.00

Summary

1000 County General Fund	333,154.00
2000 Road Fund	44,655.00
3006 Recorder's Costs Fund	14,843.00
3008 County Library Fund	10,798.00
3017 Jail Fund	147,667.00
3020 Emergency 911 Fund	4,203.00
3401 HIV Clinic Fund	1,465.00
<hr/>	
	556,785.00

Fund	Department	Line Item		Balance
		Number	Description	
1000 - General Fund	0420 - Constables	3009	OTHER PROFESSIONAL SERVICES	83.00
1000 - General Fund	0502 - Fire Departments	3009	OTHER PROFESSIONAL SERVICES	1,044.00
1000 - General Fund	0406 - Circuit Court VI	3092	JURORS & WITNESSES	5,315.00
1000 - General Fund	8888 - Interfund Transfers	9999	TRANSFERS OUT	1,760,000.00
				1,766,442.00
1002 - Employee Insurance Fund	0125 - Employee Insurance	3170	HEALTH INSURANCE	45,891.00
				45,891.00
1800 - Flexible Spending Fund	0126 - Flexible Spending	3177	DISABILITY	19,303.00
1800 - Flexible Spending Fund	0126 - Flexible Spending	3182	GROUP TERM LIFE	21,077.00
				40,380.00
3008 - County Library Fund	0611 - Co Lib-Winslow Branch	2001	GENERAL SUPPLIES	195.00
				195.00
3017 - Jail Operations & Maintenance	0418 - County Jail	2005	FOOD	54,076.00
3017 - Jail Operations & Maintenance	0418 - County Jail	3006	MEDICAL/DENTAL/HOSPITAL	153,137.00
3017 - Jail Operations & Maintenance	8888 - Interfund Transfers	9999	TRANSFERS OUT	8,822.00
				216,035.00
3023 - Fire Equipment & Training	0502 - Fire Departments	3013	ACT 833 Fire Protection	92,913.00
				92,913.00
Summary				
1000 - General Fund				1,766,442.00
1002 - Employee Insurance Fund				45,891.00
1800 - Flexible Spending Fund				40,380.00
3008 - County Library Fund				195.00
3017 - Jail Operations & Maintenance				216,035.00
3023 - Fire Equipment & Training				92,913.00
				2,161,856.00

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE ADJUSTING CARRYOVER
REVENUES IN VARIOUS FUNDS FOR 2015.**

ARTICLE 1: There are hereby reduced carryover revenues in the various County Funds as follows for 2015:

General	Carryover (1000-6999)	\$	917,991
Employee Insurance	Carryover (1002-6999)		175,033
Environmental Affairs Grant	Carryover (1902-6999)		1,319
Law Enforcement Grant	Carryover (1904-6999)		13,967
Animal Shelter Grant	Carryover (1905-6999)		397
Recorder's Cost	Carryover (3006-6999)		9,371
Communication Facility/Equipment	Carryover (3014-6999)		128,023
Jail Operations & Maintenance	Carryover (3017-6999)		117,407
HIV Clinic	Carryover (3401-6999)		19,522

ARTICLE 2: There are hereby recognized additional carryover revenues in the various County Funds as follows for 2015:

Flex Spending	Carryover (1800-6999)	\$	17,853
JDC Grant	Carryover (1900-6999)		4,482
Road	Carryover (2000-6999)		341,724
Treasurer's Automation	Carryover (3000-6999)		4,598
Collector's Automation	Carryover (3001-6999)		10,816
Circuit Court Automation	Carryover (3002-6999)		19,320
Assessor Amendment 79	Carryover (3004-6999)		54
County Clerk's Cost	Carryover (3005-6999)		29,224
County Library	Carryover (3008-6999)		285,771
County Clerk Operating	Carryover (3010-6999)		2,806
Child Support Cost	Carryover (3012-6999)		1,701
Boating Safety	Carryover (3019-6999)		3,083
Emergency 9-1-1	Carryover (3020-6999)		107,055
Adult Drug Court	Carryover (3028-6999)		11,365
Circuit Court Juvenile Division	Carryover (3031-6999)		3,878
Juvenile Court Representation	Carryover (3032-6999)		190
Circuit Clerk Commissioner Fee	Carryover (3039-6999)		2,647
Law Library	Carryover (3402-6999)		18,082
Drug Enforcement-State	Carryover (3404-6999)		5,803
Drug Enforcement-Federal	Carryover (3405-6999)		36,238
Drug Court Program	Carryover (3406-6999)		8,315
Court Costs and Fines	Carryover (5800-6999)		32,241

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING THE
AMOUNT OF \$31,656 FROM THE
GENERAL FUND TO THE SHERIFF-WORK
RELEASE BUDGET FOR 2015.**

ARTICLE 1. There is hereby appropriated the amount of \$31,656 from the General Fund to the following line items in the Sheriff-Work Release Budget for 2015:

<u>Sheriff-Work Release:</u>	
General Supplies (10000428-2001)	\$ 5,000
Small Equipment (10000428-2002)	7,488
Janitorial Supplies (10000428-2003)	100
Food (10000428-2005)	100
Clothing/Uniforms (10000428-2006)	2,000
Fuel, Oil & Lubricants (10000428-2007)	2,000
Tires & Tubes (10000428-2008)	4,500
Building Materials & Supplies (10000428-2020)	50
Paints & Metals (10000428-2021)	50
Plumbing & Electrical (10000428-2022)	300
Parts & Repairs (10000428-2023)	5,000
Small Tools (10000428-2029)	1,800
Other Professional Services (10000428-3009)	2,000
Rent – Machinery & Equipment (10000428-3071)	1,000
Dues & Memberships (10000428-3090)	<u>268</u>
 TOTAL APPROPRIATION:	 <u>\$ 31,656</u>

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING THE
AMOUNT OF \$1,980 FROM THE GENERAL
FUND TO THE PLANNING BUDGET FOR
2015.**

ARTICLE 1. There is hereby appropriated the amount of \$1,980 from the General Fund to the Small Equipment Line Item of the Planning Budget (10000100-2002) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING THE
AMOUNT OF \$25,393 FROM THE ROAD
FUND TO THE ROAD BUDGET FOR 2015.**

ARTICLE 1. There is hereby appropriated the amount of \$25,393 from the Road Fund to the Machinery/Equipment Line Item of the Road Budget (20000200-4004) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

AN ORDINANCE ANTICIPATING AND
APPROPRIATING THE AMOUNT OF \$15,000 IN
THE LAW ENFORCEMENT GRANT FUND FOR
2015.

ARTICLE 1. There is hereby anticipated additional revenue
of \$15,000 in the State Grant Revenue Line Item of the Law Enforcement Grants Fund
(1904-7010) for 2015.

ARTICLE 2. There is hereby appropriated the amount of
\$15,000 from the Law Enforcement Grant Fund to the Vehicles Line Item of the 4th
Judicial DDTF-Sup Budget (19040409-4005) for 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran _____

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

RESOLUTION NO. 2015-_____

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

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GLOBAL FIRE PREVENTION GRANT APPLICATION.

WHEREAS, it is the desire of the County Judge, County Sheriff, and County Fire Marshal to apply to the FM Global Fire Prevention Grant Program; and,

WHEREAS, said grant can be used for arson prevention/investigation and education/training programs; and,

WHEREAS, said grant application is for \$2,944 and requires no match by the County.

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

ARTICLE 1. It hereby authorizes and approves the submission of the grant applications as stated above.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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

RESOLUTION NO. 2015-_____

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

A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION GRANT ON BEHALF OF THE WASHINGTON COUNTY DRUG COURT.

WHEREAS, the Quorum Court has determined that the Washington County Drug Court meets eligibility requirements necessary to apply for a grant under the Department of Health and Human Services Substance Abuse and Mental Health Services Administration; and,

WHEREAS, the Washington County Drug Court has presented the need for additional substance abuse treatment; and,

WHEREAS, the Quorum Court recognizes the need for said grant in the amount up to \$325,000 for a maximum of 3 years with no match required by the County.

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

ARTICLE 1. The County Judge is hereby authorized to submit a grant application to the Department of Health and Human Services Substance Abuse and Mental Health Services Administration to execute the proposed project described herein.

ARTICLE 2. The County Judge is further authorized to administer the grant funds for the same project.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Rick Cochran

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

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

**AN ORDINANCE APPROPRIATING THE AMOUNT OF
\$1,000,034 FROM THE GENERAL FUND TO THE
2015 GENERAL SERVICES BUDGET FOR THE
REPAYMENT OF ACT 663 MONIES OWED TO THE
ARKANSAS DEPARTMENT OF FINANCE AND
ADMINISTRATION.**

WHEREAS, County officials have discovered that Washington
County, Arkansas did not make payments totaling \$1,000,034 to the Arkansas Department
of Finance and Administration, Administration of Justice Fund for the years 2008 through
2014, inclusive; and

WHEREAS, the Department of Finance and Administration has
made a formal offer to the County to repay the entire principal amount due within twelve
(12) months of March 16, 2015; and,

WHEREAS, it is the desire of the Quorum Court to both
discharge this obligation and to mitigate its impact upon the County.

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

ARTICLE 1. There is hereby appropriated the amount of
\$1,000,034 from Unappropriated Reserves in the General Fund to the Other Professional
Services Line Item of the General Services Budget (10000118-3009) for 2015.

ARTICLE 2. The Washington County Treasurer is hereby
directed and authorized to disburse these sums in two (2) equal installments to the
Arkansas Department of Finance and Administration, the first payment of \$500,017 being
payable in May 2015 and the second and final payment of \$500,017 being payable in
December 2015.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

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



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF ACCOUNTING
1509 West Seventh Street, Suite 403
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-1675
Fax: (501) 683-0823
<http://www.state.ar.us/dfa>

March 16, 2015

Steve Zega
Washington County Attorney
Washington County Courthouse
280 North College, Suite 501
Fayetteville, AR 72701

Re: Delinquent Filing Fees

Dear Mr. Zega:

Thank you for meeting with Representative Neal, Marjorie Greenberg of Governor Hutchinson's Office, Jake Bleed of the Administrative Services Section of the Department of Finance and Administration (DFA) and me on March 11, 2015 to discuss the \$1,000,034 due from Washington County to the DFA State Administration of Justice Fund. The amount due resulted from filing fees collected by Washington County as required by Act 663 of 2007 from 2008 until September 2014. Washington County collected the fees as required by the Act however the fees were miscoded as miscellaneous fees and deposited into the General Fund of the County until the error was found in September 2014. Washington County self-reported the error to the Administrative Services Section of DFA however no payment of the tax due has been made to date.

Subsequent to the self-reporting several conversations have occurred between the parties without any resolution as to the amount of fees to be paid or the timeframe for the payment. As we discussed last Wednesday, Arkansas Code § 16-10-309 does not provide an avenue for DFA to reduce the fees collected, therefore \$1,000,034 is the amount due. DFA again offers a twelve month payment plan to Washington County due to the fact that Washington County self-reported the error.

A would appreciate a written response to the offer of the twelve month payment plan as soon possible so this matter can be concluded. If you have any questions or concerns I would be ppy to discuss them with you. I may be reached at 501-682-1515.

Sincerely,



Paul S. Louthian, CPA
Administrator, Office of Accounting

c: Larry W. Walther
Director



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEMORANDUM

TO: Members of the Washington County Quorum Court
FROM: County Judge Marilyn Edwards *Marilyn Edwards*
DATE: March 13, 2015
RE: Law Library Board Appointment

At the request of the Washington County Bar Association, I am recommending that Zoe Naylor be appointed to the County Law Library Board to fill the position previously held by Susan Fox who resigned February 1, 2015. Mrs. Naylor is a law partner with the Balla & Naylor Law Firm in Fayetteville. This appointment will expire in 2017.

/kb

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

February 27, 2015

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
COUNTY SERVICES COMMITTEE

March 2, 2015
5:30 PM

Washington County Quorum Court Room

Members Present: Daniel Balls, Robert Denis, John Firmin, Eva Madison, and Sue Madison

Members Absent: Tom Lundstrum and the JP to be appointed by the Governor for District # 2

Others Present: Harvey Bowman, Rick Cochran, Ann Harbison, Steve Zega, Joel Maxwell, Joe Patterson, Butch Pond, Bill Ussery, Renee Biby, Sophia Stephenson, and Juliet Richey and members of the press.

Chair Eva Madison called the meeting to order at 5:30 p.m. and the agenda was adopted as presented.

Report from Washington County Planning Office: Director Juliet Richey updated the Committee on the actions of the Planning Board. There were 25 lot split exemptions that were done administratively. The Planning & Zoning Board heard one Preliminary Plat request for a 13 lot single-family subdivision off Gulley Road that included 44 acres and 13 lots. The upcoming agenda has a final Plat off of Gulley Road, which included 12 residential lots on 15 acres and then a replat of a subdivision near Lake Sequoyah. She believes that there will be eight or nine projects coming in April and in May there will be a substantial number of projects. Ms. Richie mentioned that she received an email earlier that day from a concerned citizen who lives near the property that has the potential for wind-farm development; which she briefly spoke about at the last County Services meeting. She stated the citizen's request that Ms. Richie distribute his email to the Quorum Court; in which she stated that she did not know anything more than what she knew a month ago including the fact that the wind farm project has been on hold. She informed the court that she is still keeping tabs on the issue and will let the court know when she hears anything about it again.

Presentation from the Illinois River Watershed Partnership: Dr. Delia Haak, Director of the Illinois River Watershed Partnership gave a PowerPoint presentation on the accomplishments of the Partnership for the past year. She stated that the Partnership works with seven counties which span two states and the Cherokee Nation. 60% of the watershed in Arkansas is in Washington County. The Partnership was formed in 2005. This was a group of individuals that came together to address issues that span more than political boundaries or geopolitical boundaries. There are 30 members on the Board. She stated that \$500,000 from the pooled resources, which include the partnership itself, ANRC, and the Walton Family Foundation, to address point and non-point sources. The partnership helps supply monitoring for 18 sites with the U.S. Geological Survey (USGS), as well as support and give information about land conservation. They also have programs that work with the Natural Resources Conservation Service (NRCS) to help landowners protect their riparian buffers next to creeks or streams. Low-impact development is also a large tool that can be used for storm water runoff like a rain garden, which is an inverse garden that pulls the storm water and holds it until it soaks into the ground and reduces the amount of pollutants going into the streams from parking lots and other areas. Another area of focus is on helping landowners learn how to use native plants to resist drought. Ms. Haak mentioned how septic systems are a big issue in all of the counties in the Partnership so there is a septic system pumping rebate where people can get \$50 back after they show the Watershed their septic system pumping. They also offer a \$50 rebate for completing a training seminar with the Health Department. In 2014 there was about \$746,000 in value of education participation. Public dollars were used to leverage private dollars from local services and corporate sponsors. \$41,000 of the \$1.4 million came from counties and cities. The support given by local government attracts others that see it as a balanced approach to watershed conservation and education. The Partnership is working with Oklahoma State University on a project in Westville, Oklahoma for a phosphorous removal structure by using a steel slag that binds to phosphorous like a magnet after it runs through it; the phosphorous can be removed and reused. This project was made possible by a grant from NRCS. Over 6,000 students participated in the Clean Water Ranger program last year where it reached the 30,000 student milestone and received an award from ADEQ. In 2012, the Walton Family Foundation issued a challenge grant that allowed the partnership to purchase 30 acres in Cave Springs, where the endangered Ozark cave fish and the gray bat have been found.

S. Madison asked whether the storm water has been slowing down over the last ten years or if it is a losing battle. Dr. Haak replied that it is not and many cities have implemented ordinances that say that the runoff cannot be greater post-development than it was pre-development. Low-impact development and green infrastructure are very important.

R. Dennis stated he sees a tremendous amount of growth outside of cities and is concerned with septic systems. He asked who is responsible and how are collective decisions made; to which Dr. Haak replied that the Quorum Court approves the STEP systems. There is a bill for water nutrient trading. If there is a subdivision that owns their own system that is probably a point source, but all the things that don't have permits can

be part of a trading system to improve the stream banks downstream by repairing the riparian buffer zones. There can be trading done to improve the overall load reduction. A holistic approach is necessary to keep the watershed in good condition. The Partnership is very supportive of voluntary actions. She suggested incentives noting that a lot of cities have large rain garden goals. Rain gardens may be small in a particular area but have a large impact if there are large amounts of them. Dr. Haak further stated that the wastewater treatment plants are doing innovative things in Region 6, by having less than 1% phosphorous. There is 80-90% of chicken litter being trucked out of the watershed. The water quality here is good.

H. Bowman stated he is encouraged to hear about this. He hopes that the regulatory industry will not get so carried away that it loses site of some very usable things, like poultry manure on farms.

Report on Community Sewer Systems: Assistant Grant Administrator Renee Biby addressed the Committee. She stated that there are seven community sewer systems that exist in the County. Six of those systems are STEP systems. To go back and retrofit the STEP systems with SCADA and backup generators would be costly. New Water Systems gave a rough estimate of approximately \$11,000 per system. These systems are not county-owned, but they are owned by the POA or Improvement District that were established when the subdivisions were built.

E. Madison asked if Legacy Estates would have the opportunity to require it now since it hasn't been completed. J. Richey replied that while the County can't regulate the subdivision since it has been Final Platted the State will have to approve a new Permit for the system. ADEQ's standards have increased since 2006.

S. Madison asked how many systems that currently exist have the generator or SCADA systems. R. Biby replied that she did not know at this time.

E. Madison asked what is the worst case scenario and what the County would have to pay if there was a disaster. R. Biby replied that Washington County would not have to pay. ADEQ is the regulatory authority, if there is a catastrophe ADEQ would look to the property owner, the permittee of the system.

County Attorney Steve Zega stated that there is no legal obligation for the County to do it, but then the question becomes who does pay for it. Is ADEQ going to clean it up or is the county going to clean it up because we are the closest? He guesses that someone is going to say County clean it up and then maybe we'll get reimbursed. He stated that years ago when he was on the Quorum Court that is the scenario that he had envisioned.

R. Biby replied that she believes that the State has a fund that was set up during the last legislative session. Each system puts in operating expenses and then assesses permit fees. Although she believes that fund is relatively new, she understood that it was being put into place so that in case of disaster as mentioned above there would be a financial

mechanism to clean up. Ms. Biby continued that after Final Plat is approved the County has essentially given up regulatory authority in favor of ADEQ regulating these systems.

S. Madison asked when a prospective homebuyer comes to a house served with a community sewer system, are they made aware and are they made aware that there is not power back up. J. Richey replied that she thought it was possible that it could be in the standard real estate disclosure. However, she is not a real estate expert and does not know.

S. Madison asked if any of these subdivisions were in an area that would threaten the watershed. J. Richey replied yes. These are all regulated systems. It is not raw sewage just flowing through the ground. They are regulated at different levels. Septic systems in general do a pretty good job. The health Department regulates all of the systems that are put in. The community systems are regulated even more than septic systems. They are operated by licensed wastewater operators. That is required by the State.

S. Madison commented that she was concerned that the County could be left with a big bill here, and she hates to think that the County could be stuck with exposure with a calamity happening while it has been acting in good faith.

J. Maxwell stated that it doesn't seem that it would be a huge cost per owner. He asked if it could be planned out for the future and could be slowly built in out of the POA's surpluses over a period of two or three years. R. Biby replied that it is possible. However, she is not familiar enough with the financial situation of each POA.

County Attorney Steve Zega stated that he would review ADEQ regulations and would put it together in a memo.

R. Cochran stated that in Arkansas there are standardized forms for real estate contracts, and he believes that only cash buyers who do not go through the disclosures would be susceptible to not being made aware that they are serviced by a community sewer system.

B. Pond commented that none of these systems have point source permits. They are all no discharge permits. Failure of this system would be similar to a failing septic system. ADEQ is very thorough and sticks to its guns. They have engineers and they have funding to monitor these systems. He believes that as it is these things can still be monitored and can contact ADEQ, where now ADEQ is liable.

E. Madison asked Ms. Biby to confirm how many of the existing systems have backup generators or SCADA technology. Ms. Biby asked if a memo could be done rather than a full report. E. Madison asked Ms. Biby to give a recommendation once that information is discovered. Ms. Harbison asked for further information on the fund that ADEQ has to clean up these systems if they fail. Mr. Zega replied that would be included in his Memo regarding ADEQ regulations.

Update on E-Fax Project: Chair Eva Madison explained that the County has been in the process of converting to E-Fax, the funding for the project was expedited in the hopes of getting those costs off of the budget. She stated that number one it is a budgetary concern, but also that it may require lobbying someone at AT&T.

R. Cochran summed up the memo provided by the IT Director to state that AT&T is not cooperating with cutting over service. AT&T is stalling. The only thing that he can think of is the regulating body at the state.

E. Madison stated that this is costing the County \$8,000 per month for fax lines, just waiting on AT&T.

H. Bowman asked County Attorney Steve Zega to draft a letter to the State FCC.

J. Maxwell asked if it would be appropriate to ask that it be retro to when the notice was sent to AT&T.

Other Business: E. Madison commented that the smoking ordinance was passed late in 2014. There was discussion on whether employees could still dip. It covers all tobacco and covers E-Cigarettes. It is clearly her intention as the sponsor of the ordinance to include chewing tobacco and E-Cigarettes.

With no other business and no public comment, the meeting adjourned at 7:06 p.m.

Rb/Cs

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

March 6, 2015

MEETING REPORT OF THE
WASHINGTON COUNTY QUORUM COURT
PERSONNEL COMMITTEE

March 9, 2015
5:30 PM

Jdc Classroom, 885 W Clydesdale, Fayetteville

Members Present: Daniel Balls, Harvey Bowman, Lisa Ecke, Ann Harbison, Joe Patterson, Butch Pond, and Bill Ussery.

Others Present: Robert Dennis, Sue Madison, Eva Madison, Tom Lundstrum, John Firmin, Joel Maxwell, Rick Cochran, Norma Frisby, Rick Hoyt, Jay Cantrell, Tim Helder, Randall Denzer, Blair Johansen, Renee Biby, Steve Zega, and members of the press.

The meeting was called to order at 5:30 p.m. by Chairman Butch Pond. The prayer and pledge of allegiance was led by Lisa Ecke and the agenda was adopted as presented.

Report from Blair Johanson, Salary Consultant for Washington County: Salary Consultant, Blair Johanson, reported that JESAP voted to increase the hiring rate above the minimum for two positions due to highly qualified individuals being hired. The salary for these two positions will be set at the half way point of the minimum and midpoint salary range.

E. Madison asked Quorum Court staff to include the JESAP agenda in the Personnel committee agenda.

Discussion of An Ordinance Amending Washington County Code Section 2-18-Compensation: S. Madison stated that the attached ordinance was not intended to be on the meeting's agenda because it was still a work in progress; however, she agreed to sponsor it if the committee decided that's what it wanted to do. She explained the origin of this ordinance, which started when former County Attorney George Butler was leaving and found authorization for JPs to be paid mileage expenses. Based on that, she assumed that JPs would begin to be paid mileage reimbursements; however,

County Attorney Steve Zega found an existing ordinance that stipulates that there is no authorization to pay JPs for any mileage other than for Quorum Court meetings. She met with Comptroller Cheryl Bolinger, who gave her a lot of insight on mileage reimbursement procedures that cover county employees and officials who use personal or county vehicles for necessary travel required by the job.

S. Madison stated that she has done extensive research and distributed 5 handouts that to all of the Quorum Court members, which included excerpts from the Arkansas State Code, Washington County Ordinance 2-18, and Benton County Ordinance 2004-17 as well as copies of Mileage records for County Judge Marilyn Edwards. She stated that the county attorney advised her that if they were to pass an ordinance allowing the JPs to be reimbursed for mileage expenses, it would not take effect until 90 days after the ordinance passes. She hopes to have a better defined ordinance for the next personnel meeting; however, it is not something that the court has to do. She expressed that there are expenses that will incur as JPs and doesn't want elected positions to become elitist positions that only wealthy people can agree to undertake.

E. Madison explained that Quorum Court Coordinator / Reporter Carly Sandidge provided her with a copy of Washington County's Accountable Plan, which is the business policy that sets forth what needs to be given in order to get reimbursed when you have a business expense. She stated that the accountable plan, which was signed by the County Judge, states that " (1) Any person now or hereafter employed by Washington County, Arkansas shall be reimbursed for any ordinary and necessary business and professional expenses incurred only if the expenses are adequately substantiated as required by the Comptroller." She mentioned that this is where JP Sue Madison's comment about the travel that had to be required by the job is coming from. She continued reading the plan stating "(2) under no circumstances will Washington County, Arkansas reimburse employees for business or professional expenses incurred that are not properly substantiated. (3) Elected officials and employees understand that this requirement is necessary to prevent our expense reimbursement plan from being classified as a "non-accountable" plan. (4) All expenses must be substantiated within forty-five (45) days from the date incurred. (5) Per Diem allowances do not have to be substantiated." She mentioned that she was not sure what "per diems" were and thought that the plan applied to JPs since they are elected officials; however, it seems that the county ordinance did not, so it is something to fix.

E. Madison commented that she had been in touch with Jan Germany, Arkansas's IRS Contact, and her supervisor, Susan Serrano. She stated Ms. Serrano's confirmation that the IRS or a specialist acting outside of an audit is not permitted to give tax advice therefore Ms. Germany would not be in a position to advise the county on how to tax reimbursements. Ms. Madison further stated that she was not sure if JPs can be paid for mileage as income and comply with the compensation of township officers statute, which seems to set forth that they can be paid a Per Diem, reimbursed for expenses,

and provided health insurance which they are not. She further stated that if they are provided income above and beyond their per diem, then she is very concerned that it violates section 14-14-1205 of the State Code.

A. Harbison asked Chairman B. Pond what he would like to do with the ordinance; to which he asked for input from the County Attorney.

County Attorney Steve Zega informed the Committee that at the request of S. Madison this issue was to be for discussion only and have no action taken, but suggested the ordinance be revised and brought back to the committee.

B. Pond stated that the committee will have a further discussion about the ordinance at the next Personnel meeting.

T. Lundstrum also expressed concern with the prior years' liabilities in how mileage was treated, but noted that he would not be in favor of increasing reimbursements for the Quorum Court at this time.

Other Business: Any other business to be discussed by the Committee will be brought up at this time.

With no other business and no public comment, the meeting was adjourned at 5:54 p.m.

rb/cs

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

March 6, 2015

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

Monday, March 9, 2015
(Immediately following Personnel)
JDC Classroom, 885 W Clydesdale, Fayetteville

Members Present: John Firmin, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, and Joe Patterson

Members Absent: The JP to be appointed by the Governor for District # 2.

Others Present: Robert Dennis, Bill Ussery, Butch Pond, Ann Harbison, Lisa Ecke, Rick Cochran, Harvey Bowman, Daniel Balls, Norma Frisby, Rick Hoyt, Jay Cantrell, Tim Helder, Randall Denzer, Renee Biby, Steve Zega, and members of the press.

The meeting was called to order at 5:54 p.m. by Chairman Tom Lundstrum. The agenda was adopted as amended.

Report from the Juvenile Detention Facility: JDC Director Jeane Mack reported that the numbers have remained low. On the peak day there were 16 kids detained within JDC.

Report from the Sheriff's Office on Enforcement and Adult Detention: Chief Deputy Jay Cantrell reported that there was nothing significant to report for enforcement. There were a couple of minor accidents involving the Sheriff's office vehicles during the winter events however, there were no injuries.

Major Randall Denzer reported that there was nothing significant to report for the Jail at this time either.

E. Madison noted that the State has offered to pay Texas \$36 for housing state inmates and yet only pays the county \$28 per day.

Report from Circuit Court Juvenile Judge Stacey Zimmerman: Judge Zimmerman played a brief video for the Committee showing a defendant in Juvenile Court rushing from the Courtroom, attempting to escape through the front door. She noted that the area is very small and there was a small child there that could have been injured. The video depicted several officers detaining the defendant and leading him away while the people in the waiting area watched.

Other Business: T. Lundstrum asked what the Committee's opinion was of saying the Pledge of Allegiance and Prayer at the beginning of the meeting. E. Madison replied that since this is a meeting held after a meeting she felt it was a little redundant.

Adjournment and Tour of the Juvenile Justice Complex. With no public comment, the meeting adjourned at 6:10 p.m. and Judge Zimmerman conducted a tour of the Juvenile Justice Complex.

rb/cs

MARILYN EDWARDS
County Judge



280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

March 6, 2015

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

March 10, 2015
5:30 PM

Washington County Quorum Court Room

Members Present: Rick Cochran, Bill Ussery, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, and Butch Pond

Others Present: Daniel Balls, Harvey Bowman, Steve Zega, Tom Lundstrum, Sue Madison, Joel Maxwell, Joe Patterson, Renee Biby, Marilyn Edwards, Jerry Bolinger, Ashley Farber, Cheryl Bolinger, Bobby Hill, Russell Hill, Coleman Strembo, Shawn Shrum, Randall Denzer, Jay Cantrell, Tim Helder, and members of the press.

Chairman Rick Cochran called the meeting to order at 5:32 p.m. The prayer and pledge was led by JP Lisa Ecke and the agenda was adopted as presented.

Financial Report. County Treasurer Bobby Hill reported that the revenues for this month, which were collected in December, were very good. The General Fund expenditures outpaced the revenues, which is not uncommon for this time of year, and had an ending balance of \$14,955,893.73. The Road Fund had an ending balance of \$809,420.15 and the Jail Fund, which received a \$200,000 payment from the state for holding state inmates, ended the month at \$758,871.05. The County Share of the 1% sales tax increased 7.59% over this month last year. The Jail Sales Tax increased 9.5% over this month last year and the ½ cent Road Tax increased 9.65% over this month last year. Bobby Hill also informed the Committee that the final assessment abstract has come in and the expected increase in property tax collections for this year is \$100,000 for the General Fund over what was projected during budget discussions. However, he did note that Elm Springs recently annexed over 200 properties that were previously in the County and that will decrease the County's portion of the sales tax from 18.51% to 18.39%.

Comptroller Cheryl Bolinger reviewed the financial reports. She reported that there were no ordinances adopted in February that affected the Unappropriated Reserves.

An Ordinance Recognizing And Appropriating Funds Of \$9,896 In The Game And Fish Education Fund For 2015: Act 799 of 2003 and Act 893 of 2005 (A.C.A. §6-16-1101) established a fund to be distributed to schools and conservation districts that have programs that qualify for fish and wildlife conservation education. These revenues are generated from fines, fees and costs arising out of convictions of persons violating State laws protecting game, fish and wildlife. Washington County has received \$9,895.06.

Assistant Grant Administrator Renee Biby reported that this was the money received from the State Game and Fish Commission for fines, fees and costs. This will be the last year the County administers these funds, as a new Act has now been passed to allow the Department of Rural Services to administer these for the Counties.

J. Firmin asked how it was decided what amounts were to be given to each school. R. Biby replied that over \$15,000 was requested, that the Grant Administrator Wayne Blankenship and herself were recommending that the Quorum Court approve the awards as presented based on tangible equipment rather than field trips.

A. Harbison made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. B. Pond seconded. The motion was approved unanimously.

An Ordinance Appropriating The Total Amount Of \$556,785 From Unappropriated Reserves To Various Personal Services Line Items For 2014; And Appropriating The Total Amount Of \$2,161,856 From Unappropriated Reserves To Various Budget Line Items For 2014: Cheryl Bolinger informed the Committee that this is a breakdown of looking at all of the positions. The majority of this is the result of the longevity checks. Some of the positions were reduced in previous housekeeping sweeps, then someone filled the position and it had to be added back. The collector's office had someone on maternity leave that was being paid and then someone had to fill in while the leave was taking place. 6.3 reflects the adjustments that need to be made for the end of the year, there has not been appropriations for these line items. The Jail fund looks like it went over \$216,000; however, they didn't exceed their budget and were just over in line items.

A. Harbison asked if the \$556,785 came out of 2015 or 2014 unappropriated reserves. C. Bolinger replied that it wouldn't affect the 2015 unappropriated reserve number.

A. Harbison made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. J. Firmin seconded. The motion was approved unanimously.

An Ordinance Adjusting Carryover Revenues In Various Funds For 2015: C. Bolinger stated that this is the carryover. Invoices are paid from the 2014 budget through January, 2015. The Treasurer's office doesn't do it by the modified accrual method. The transfers are made in February. The actual cash balance that the Treasurer had at the end of the previous year, then the previous year expenditures are reduced and then look at the revenue projections for carryover and the adjustment is made. The top section was over

projected; the bottom numbers were under projected. This will reflect on the unappropriated reserves report for April. It is around \$693,000 reduction to unappropriated reserves.

A. Harbison made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. B. Ussery seconded. The motion was approved unanimously.

An Ordinance Appropriating The Amount Of \$31,656 From The General Fund To The Sheriff-Work Release Budget For 2015: C. Bolinger reported that this was left off in the quarterly ordinance that was done last month. There will also be an ordinance next month that will include the first quarter of this year. This basically finishes off 2014. This money can only be used for work release.

J. Firmin made a motion to forward the Ordinance to the full Quorum Court with a do pass recommendation. B. Pond seconded. The motion was approved unanimously.

Request for an Appropriation of \$1,980 from the General Fund to the Planning Budget for 2015: R. Cochran stated that Planning Director Juliet Richey called him earlier in the day about this request. The Planning Office ordered and received file cabinets last year and there was money for this purpose in their 2014 budget, however; due to billing errors this will now need to be paid as a 2015 bill. It is budget neutral.

B. Pond made a motion to forward the request to the full Quorum Court with a do pass recommendation. J. Firmin seconded. The motion was approved unanimously.

Request for an Appropriation of \$25,393 from the Road Fund to the Road Budget for 2015: Assistant Road Superintendent Shawn Shrum presented the request. The straw blower will help getting the grass to grow better for the storm water permits. This will help keep erosion down. The second item is a chip spreader. The Road Department uses ½" chips for inclement weather. The Road Department currently has four of these; this will help the Department get things done more quickly and efficiently during inclement weather events.

A. Harbison asked if this was in the Road Budget for this year. S. Shrum replied that there is no capital in the Road budget other than the \$50,000 for state aid jobs.

R. Cochran noted that this will come out of the unappropriated reserves.

J. Firmin asked why Mr. Shrum wasn't focusing on the trailer first that needed to be replaced last year and was already taken out of the budget. S. Shrum replied that they were significantly more expensive.

L. Ecke asked how the straw was currently being laid out. S. Shrum replied that it is being done by hand and using the straw blower will be a much more efficient way to do it.

L. Ecke asked if the Road Department currently had a body spreader. S. Shrum replied that the Department currently has four of them, and then there are two older machines that have a lot of breakdowns. The aging affects the timing of getting everything done in

inclement weather. L. Ecke asked how long it can wait before you will immediately need one. S. Shrum replied that there is a lead time on getting them in; it takes approximately three months. He also needs time to make a few adjustments to the machines to where they fit their trucks and be ready for next winter. L. Ecke stated that she wanted to understand if the item is an "I need," "I want," "I would like to have," and "can it wait" item; to which S. Shrum replied that he would not be requesting it if he didn't feel like they needed it. He stated that if he had the money in his budget he would have already purchased the equipment.

R. Cochran commented that the straw blower may save money in labor costs in the long term. Shawn Shrum replied that it would also save on seed, which is very expensive.

J. Maxwell asked how he will be able to use the new spreader with the older trucks; to which S. Shrum replied that the Department has a newer dump truck that they can remove the tailgate from and slide the spreader in.

B. Pond made a motion to forward the request to the full Quorum Court with a do pass recommendation. A. Harbison seconded. The motion was approved unanimously.

Update on Act 663 Money Owed to the State of Arkansas: County Attorney Steve Zega reported that there was a meeting with the County Judge, the Finance Chair, the Circuit Clerk, and the Treasurer to address this issue after the first Finance Committee meeting. Mr. Zega had spoken with Mr. Bleed at the Department of Finance and Administration, Mr. Bleed stated that they wanted all of the money and wanted it all in the calendar year. At the meeting with the County Judge, Finance Chair, Treasurer, and Circuit Clerk, it was the consensus that the legislators representing this area needed to be contacted and involved. The entire Washington County delegation was contacted. Representative Neal has taken the lead and has reached out to people at DFA above Mr. Bleed. The goals are to reduce the amount of indebtedness and to get it paid out in a way the County can handle. Mr. Zega will be going to Little Rock in the morning to further discuss this with Representative Neal.

J. Firmin asked if Washington County was the only county in this situation; to which Mr. Zega replied he did not believe we were, however, it has not been confirmed. Judge Edwards has also reached out to Legislative Audit.

J. Maxwell asked how did this make it through the audit and not get caught, and then what liability does the auditing body have for allowing this to go through as well as shared liability for allowing this to occur.

Mr. Zega replied that every year Legislative Audit looks at our finances, however, they do not go through the entire budget, expenditure or revenue stream with a fine tooth comb. One of the points that were made in reaching out to the Representatives is that the County self-reported after it went through seven years of legislative audit without being caught. Mr. Zega's experience for liability of Legislative Audit comes from the Amendment 59 lawsuit, which came from the Assessment Coordinator's Division and the Court disagreed with them, the County and the taxing entities were forced to pay 15

million dollars. The Assessment Coordinator's Division assumed no liability and he believes it will be met with very limited success.

B. Pond asked why the State did not contact Washington County and ask where the money was. Mr. Zega replied he has theories, but cannot answer the question with facts.

B. Pond asked what would have happened if we would not have told the state that we owed back pay and instead just started paying forward. Mr. Zega replied that he suspects that they would have found out eventually.

L. Ecke asked if the state has given a time line yet; to which Mr. Zega replied that the only timeline he has received was that they wanted it within one year, and that was one month ago. Mr. Zega added that he did not believe the negotiations started out well with Mr. Bleed at DFA, and that is the main reason that it was thought best to contact the Legislators.

H. Bowman asked if it would be better to join with some of the other counties that have this same problem. Mr. Zega replied that he has been advised by Representative Neal that that may not be the best way to bring this forward with the State.

After discussion on further negotiating this amount and planning ahead for payment, there was no action taken.

Update on the March 3rd meeting of the Washington County Regional Ambulance Authority: Chair Rick Cochran informed the Committee that one ambulance was approved for January, 2016. The initial startup cost for that ambulance will be around \$600,000 and a sustained cost of \$349,000. That does not include property cost. The Ambulance Authority voted for a \$2.06 per capital charge based on the 2010 census. The difference on the 2000 census and 2010 census will be within 200 people for the County. There are 6,400 citizens in Johnson, Tontitown, and Elm Springs, all of which need to come up with sizeable funds to cover them. The Chair proposed a ¼ cent sales tax instead of a per capital charge. The idea of a sales tax would be something ongoing to fund as population grows. However, that wasn't voted for. The operation expense, the fees for service pay for 90% and the County and the Cities portion fund about 10%. The smaller cities would be paying \$8.00 per person. The County will go from \$15.50 to \$17.96 per capita.

T. Lundstrum commented that Judge Edwards stated at the meeting that if the Quorum Court would allow her she would continue to pay the \$231,000 that is currently paid to Springdale to the Ambulance Authority. The ambulance authority is recommending that Tontitown pay \$265,000; Elm Springs is \$162,000 and half of Johnson is \$160,000 so the issue is the County somehow is going to have to furnish that. The ¼ cent sales tax was discussed. In 2014 the Jail took in 8 million with a ¼ cent sales tax so that is a lot more than they need. Elm Springs and Tontitown have the space, but it is figured \$350,000 per ambulance. Most of that service is going to be going to other places. There are some private ambulance services that those towns are also looking at.

J. Maxwell asked if the per capita numbers is a fair and equitable rate or if it is inflated. Joe Patterson replied that the County pays about 3 ½ times what the cities paid. The census was based off 2000, and the County dropped 5% population, there are only about 400 people more in the County than there was in 2000.

H. Bowman commented that he can't see the County stepping up and paying for those small towns when everyone else has been paying.

A. Harbison stated that she doesn't think the County should be obligated for the \$231,000 that has been going to Springdale if those towns decide to go with a private company. She believes it is something that needs to be worked on because the County can't fund it.

Other Business: A. Harbison commented that there was another problem that came up with overcrowding, the Juvenile Judge asked for the possibility of enlarging the lobby. There is a bond issue that is paid by fines and fees with the Sheriff's office, and she asked if those bonds could be redone to enlarge the juvenile justice building.

J. Patterson stated that the bonds were refinanced just a couple of years ago.

County Attorney Zega replied he will investigate it.

R. Dennis commented that everyone comes to all the meetings, which everybody wants to vote, but he understood the biggest obstacle was to cut down on how much money was spent. He asked if everybody does come to the finance committee that they could vote and not be paid. County Attorney Zega replied that in Benton County if the members come to Committees that they aren't members of they don't get paid, however, in Washington County if a JP comes to a meeting they get paid whether or not they are on the Committee.

H. Bowman noted that it is important to participate fully before voting on the Quorum Court. He is strongly supportive of the Committee of the Whole because of the fine print.

B. Ussery stated that whether they are on the Committee or not there is equal opportunity to ask questions.

R. Cochran commented that the full Quorum Court will have an opportunity to vote on all of the ordinances at the meeting. He thanked everyone for showing up. He believes that his job as a JP is the same whether he is a voting member of a committee or not. Joe Patterson also commented that he likes the opportunity to vote, but he knows that it will be voted on by the Quorum Court.

R. Dennis also commented that he believes support for the Juvenile Justice Center is also very important.

H. Bowman asked about the vacancy appointment from the Governor's office. County Attorney Zega replied that he has not seen any communication from the Governor's office as of yet.

With no other business and no public comment the meeting adjourned at 7:00 p.m.

rb/cs

ORDINANCE NO. 2015-_____

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

**AN EMERGENCY ORDINANCE DESIGNATING
THE RURAL FIRE DEPARTMENTS OPERATING
WITHIN WASHINGTON COUNTY, ARKANSAS,
AND DESIGNATING THE GEOGRAPHICAL AREAS
WHICH THOSE FIRE DEPARTMENTS SERVE.**

WHEREAS, pursuant to Arkansas Code Annotated §14-20-108(b)(1), the Quorum Court has the authority to designate rural fire departments and to designate those departments as rural fire departments in order that they may operate as such in accordance with A.C.A. §14-20-108(a); and,

WHEREAS, there is an emergency justifying the designation of such immediately.

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

ARTICLE 1. The following rural fire departments operate within Washington County, Arkansas, and are designated as such by the Quorum Court:

- (a) Cincinnati Rural Fire Department
- (b) Lincoln Rural Fire Department
- (c) Morrow Rural Fire Department
- (d) Prairie Grove Rural Fire Department
- (e) Evansville Rural Fire Department
- (f) Tontitown Rural Fire Department
- (g) Wheeler Rural Fire Department
- (h) Wedington Rural Fire Department
- (i) Farmington Rural Fire Department
- (j) West Fork Rural Fire Department
- (k) Strickler Rural Fire Department
- (l) Boston Mountain Rural Fire Department
- (m) Nob Hill Rural Fire Department
- (n) Goshen Rural Fire Department
- (o) Elkins Rural Fire Department
- (p) Whitehouse Rural Fire Department
- (q) Sunset Rural Fire Department
- (r) Highfill Rural Fire Department

ARTICLE 2. The geographical areas served by each of the above listed and enumerated rural fire departments is depicted on the map attached to this ordinance as Exhibit "A" and incorporated by reference as if set out fully described word for word.

ARTICLE 3. Nothing in this Ordinance shall prohibit or be construed to prohibit these rural fire departments from entering into Interlocal Agreements or coming to the mutual aid of one another or fire departments outside the County as needed and authorized by law.

ARTICLE 4. Emergency Clause. It is hereby determined that it is in the best interest of the public for this Ordinance to become effective immediately and that the general health, safety, and welfare of the citizens of Washington County effected by such for the reasons set out above, therefore, an emergency is declared to exist and this Ordinance shall be effective from the date of its passage.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

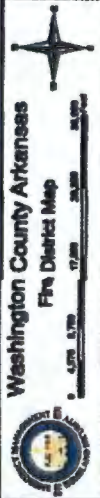
Sponsor: _____ Ann Harbison _____

Date of Passage: _____

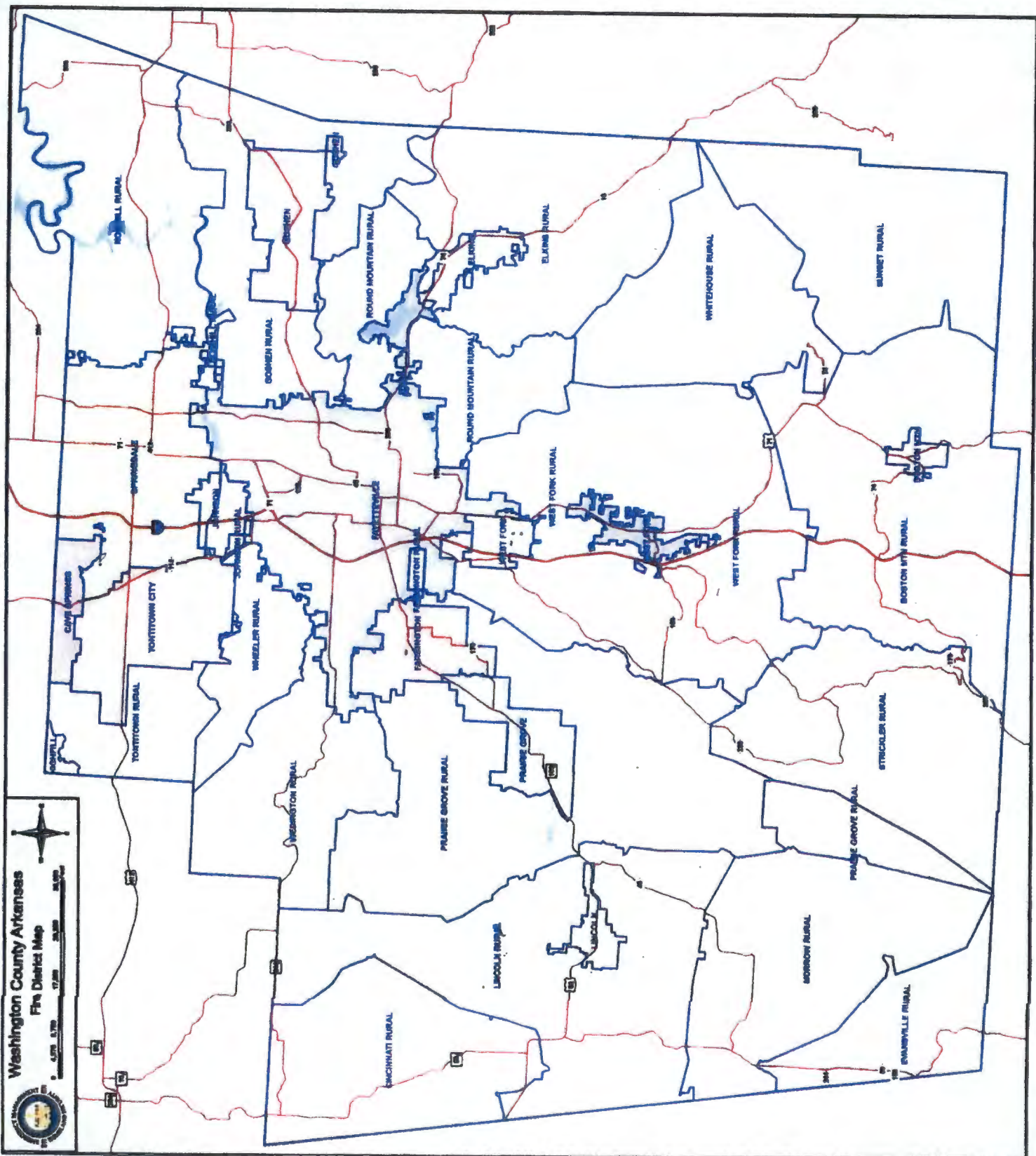
Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

Washington County Arkansas
Five District Map



Scale: 0 0.5 1 1.5 2 Miles
0 0.5 1 1.5 2 Kilometers



ORDINANCE NO. 2015-_____

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

**AN ORDINANCE CALLING A SPECIAL ELECTION
ON THE QUESTION OF THE LEVY OF THE
ANNUAL DUES OF THE WEST FORK RURAL FIRE
DEPARTMENT AND PRESCRIBING OTHER
MATTERS PERTAINING THERETO.**

WHEREAS, the West Fork Rural Fire Department, ("Department"), has requested that the Quorum Court of Washington County, Arkansas, (the "County") call a special election for the levy of dues in the amount not to exceed Fifty dollars (\$50.00) annually on each residence and each business having an occupiable structure for which Department provides fire protection in the area served by Department; and,

WHEREAS, the request has been signed by the fire chief and all other required officers of the Board and has been duly filed with the County Clerk; and,

WHEREAS, pursuant to A.C.A. § 14-20-108, the Quorum Court is required to call the election which shall be at the expense of Department; and,

WHEREAS, if the levy of the dues are approved, the dues shall be listed annually on the property tax statements and collected by the Washington County Collector in the same time and manner as real property taxes and personal property taxes in accordance with A.C.A. § 14-20-108; and,

WHEREAS, the County has a contractual relationship with Department to provide fire protection and the payment of dues will help lessen the financial burden on the County; and,

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the West Fork Rural Fire Department dues on each residence or business having an occupiable structure in the area for which Department provides fire protection.

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

ARTICLE 1. That there be, and there is hereby called, a special election to be held on June 9, 2015, at which election there shall be submitted to the electors of the County living in the unincorporated area in which Department provides fire protection, the question of the levy of annual Fire Department dues on each residence or business having an occupiable structure within such area.

ARTICLE 2. That the question of the West Fork Rural Fire Department dues shall be placed on the ballot for the election in substantially the following form:

Whether or not the dues, in an amount not to exceed Fifty dollars (\$50.00) per year, of the West Fork Rural Fire Department shall be levied against each residence and each occupiable business structure in the area so served to be listed on real property tax statements and collected by the Washington County Tax Collector in the same manner as ad valorem taxes are collected beginning with the 2014 property taxes due and payable in 2015.

FOR the levy not to exceed Fifty dollars (\$50.00) as annual dues for the West Fork Rural Fire Department on each residence and each business having an occupiable structure in the West Fork Rural Fire Department Service District.

AGAINST the levy not to exceed Fifty dollars (\$50.00) as annual dues for the West Fork Rural Fire Department on each residence and each business having an occupiable structure in the West Fork Rural Fire Department Service District.

ARTICLE 3. That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for county elections and only qualified voters in the affected unincorporated area of the County shall have the right to vote at the election.

ARTICLE 4. A copy of this Ordinance shall be given to the Washington County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

ARTICLE 5. The County Clerk and the Election Commission, for and on behalf of the county, be and they are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided.

ARTICLE 6. The costs of the election shall be borne by Department.

ARTICLE 7. Department shall annually submit a sufficient list to the Collector reflecting dues owed so that he may properly bill such.

ARTICLE 8. The Department of Emergency Services, the County Clerk, and the County Assessor shall assist in the preparation of a map and other information needed to effectuate said election.

ARTICLE 9. The Collector shall remit said dues collected on a monthly or quarterly basis to the West Fork Rural Fire Department; furthermore, the Collector is authorized to promulgate additional rules and regulations as he deems necessary to assist him in the collection of said dues; including a reasonable fee to be charged to the West Fork Rural Fire Department, all subject to the approval of the Quorum Court.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Ann Harbison

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____