

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

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

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CLERK OF THE COURT
WASHINGTON COUNTY, ARKANSAS

- 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.

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- 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 E. 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.

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- 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 no 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

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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. Lindsi 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.

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- 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 the 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.

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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

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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

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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 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

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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

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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 Circuit Clerk'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.

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- 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 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.

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- 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 bill 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,



Cary Sandidge
Quorum Court Coordinator/Reporter