

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

Thursday, April 16, 2015
6:00 p.m.
Washington County Quorum Court Room

FILED
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CLERK OF SUPERIOR COURT
WASHINGTON COUNTY, OREGON

- 136.1 The Washington County Quorum Court met in regular session on Thursday, April 16, 2015. The meeting was called to order by County Judge Marilyn Edwards.
- 136.2 L. Ecke led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 136.3 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Joe Patterson, Butch Pond, and Bill Ussery.
- 136.4 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 136.5 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 136.6 **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.**
- 136.7 APPROVAL OF MINUTES: Judge Edwards asked for approval of the Minutes of the March 19 Regular Meeting of the Washington County Quorum Court.
- 136.8 **A motion was made and seconded to approve the minutes as presented. The motion passed with thirteen members voting to approve the minutes and two members abstaining from the vote. The minutes were approved as presented.**
- 136.9 It was noted that E. Madison and S. Madison abstained from voting to approve the Minutes as they were not in attendance.
- 136.10 FINANCE REPORT: R. Cochran reported that they had a short agenda tonight with four appropriation ordinances from the Finance and Budget Committee.

- 137.1 AN ORDINANCE REDUCING THE AMOUNT OF \$43,451 FROM FULL-TIME SALARY LINE ITEMS IN VARIOUS COUNTY BUDGETS AND RESTORING THOSE FUNDS TO UNAPPROPRIATED RESERVES; APPROPRIATING THE AMOUNT OF \$51,998 FROM UNAPPROPRIATED RESERVES TO VARIOUS BUDGETS FOR 2015; AND SUSPENDING BUDGET CONTROLS AND ANY APPLICABLE JESAP POLICY TO CHANGE THE TITLE OF A PERSONNEL POSITION IN THE ROAD DEPARTMENT BUDGET FOR 2015: R. Cochran introduced **An Ordinance Reducing The Amount Of \$43,451 From Full-Time Salary Line Items In Various County Budgets And Restoring Those Funds To Unappropriated Reserves; Appropriating The Amount Of \$51,998 From Unappropriated Reserves To Various Budgets For 2015; And Suspending Budget Controls And Any Applicable JESAP Policy To Change The Title Of A Personnel Position In The Road Department Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 137.2 R. Cochran explained that this ordinance is a quarterly ordinance which moves money in and out of unappropriated reserves and back into appropriate them. He noted that Attachments A and B set out details showing where the money is coming from and going to and with the suspended Budget Controls and JESAP policies, committee voted unanimously to forward the ordinance to the Full Quorum Court with a do pass recommendation.
- 137.3 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**
- 137.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 137.5 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, J. Maxwell, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: S. Lloyd, T. Lundstrum, E. Madison, S. Madison, and J. Patterson. **The motion passed with ten members voting in favor and five members voting against the motion. The ordinance was adopted.**
- ORDINANCE NO. 2015-23, BOOK NO. 10, PAGE NO. 167**
- 137.6 AN ORDINANCE APPROPRIATING THE AMOUNT OF \$13,623 FROM THE GENERAL FUND TO THE SHERIFF-WORK RELEASE BUDGET; AND RECOGNIZING AND APPROPRIATING REVENUES IN THE DRUG ENFORCEMENT-STATE AND DRUG ENFORCEMENT-FEDERAL FUNDS FOR 2015: R. Cochran introduced **An Ordinance Appropriating The**

Amount Of \$13,623 From The General Fund To The Sheriff-Work Release Budget; And Recognizing And Appropriating Revenues In The Drug Enforcement-State And Drug Enforcement-Federal Funds For 2015, and County Attorney Steve Zega read the ordinance.

- 138.1 R. Cochran explained that this is a quarterly ordinance that they do after the money has been brought in and they know how much it is so they can appropriate money to the Work Release budget.
- 138.2 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 138.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 138.4 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: E. Madison and S. Madison. **The motion passed with thirteen members voting in favor and two members voting against the motion. The ordinance was adopted.**

ORDINANCE NO. 2015-24, BOOK NO. 10, PAGE NO. 170

- 138.5 AN ORDINANCE CREATING AN ADDITIONAL PERSONNEL POSITION IN THE PUBLIC DEFENDER BUDGET; REDUCING PERSONAL SERVICES LINE ITEMS IN THE PUBLIC DEFENDER BUDGET BY \$24,445; AND APPROPRIATING THE AMOUNT OF \$39,015 FROM THE GENERAL FUND TO THE PUBLIC DEFENDER BUDGET FOR 2015; R. Cochran introduced **An Ordinance Creating An Additional Personnel Position In The Public Defender Budget; Reducing Personal Services Line Items In The Public Defender Budget By \$24,445; And Appropriating The Amount Of \$39,015 From The General Fund To The Public Defender Budget For 2015,** and County Attorney Steve Zega read the ordinance.
- 138.6 R. Cochran explained that this ordinance is request to move from a part-time to a full-time position of Deputy Public Defender. He noted that they received many letters from Judges and Attorneys in favor of this request due to the increased work load over the past few years. He stated since the committee's vote was not unanimous to forward the ordinance to the Full Quorum Court with a do-pass recommendation, while he supports the ordinance on its merit, he will not offer the motion to adopt at this time to give further opportunity for discussion.

- 139.1 **B. Pond made a motion to adopt the ordinance. J. Firmin seconded.**
- 139.2 E. Madison stated that she is very much undecided on this ordinance and would like to hear people's thoughts on it, noting that she has been contacted by folks in the Public Defender's Office and by one constituent in favor of the ordinance. She stated that while she has absolutely no doubt that this position needs to be full-time, those of them who heard from the Judges and people involved in this process know that it probably needed to be full-time a long time before now. She noted that her struggle is that the Public Defender's Office is a state function and not a county function and for the most part the Public Defender's Office is funded by the state.
- 139.3 E. Madison stated that she particularly finds herself conflicted currently because they finished the Legislative Session where virtually every other state official was given a pretty sizable raise by the new Independent Commission; all of their Judges received raises; their Legislators received sizable raises; and they now have Prosecutors asking for raises. She noted that it seems like the Public Defenders are being left out of this and she is frustrated that the state is leaving it to the county, so she is truly undecided on how to vote. She knows that there are people present tonight interested in this very issue and she believes that they owe it to them to have a debate on this and to help convince her one way or another.
- 139.4 J. Patterson stated that he would like to see another part-time position as they are actually gaining 10 hours to the tune of \$27,000 and two temps would be \$75,000 or for \$11,000, they gain 30 hours a week which is 1500 hours a year. However, he stated if you just move one up to full-time and don't do anything else, you get 500 hours at a cost of about \$27,000. He stated that he will be unable to support the permanent full-time position. He concurred with E. Madison that the state should take care of this as they have many issues besides this and their money is down to a little under \$4 million in reserves when they want it to be a minimum of about \$10 million. He noted he can remember when they had \$18.3 million in reserves. He stated that they need to bite the bullet and think about this and he would make a motion to that effect.
- 139.5 County Attorney Steve Zega stated in his opinion that is not the nature of an amendment to this ordinance and would require an entirely different ordinance be drawn up.
- 139.6 A. Harbison stated that she senses it is not an option to hire another part-time employee which would be her preference as it would save them money.

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However, she has promised her vote to pass the ordinance and will stick with her commitment.

- 140.1 B. Pond stated when they discussed this in committee, it was reported to them that they were having difficulty finding an attorney that would work part-time in this situation. He wouldn't mind having two part-time positions either, but that just doesn't look like a possibility at this time. He verified that they pay part-time people by the hour and they are moving this individual onto a salaried position, asking generally how many hours do they work when on salary.
- 140.2 County Attorney Steve Zega responded to B. Pond stating that more than 40 hours is a fair statement of the work load, which he knows from talking with folks in the Public Defender's Office and from personal experience as the Prairie Grove City Prosecutor.
- 140.3 B. Pond stated that he wishes the state would come forward and do something for them in this situation, but he knows that they won't. He noted that the Public Defenders represent a lot of indigent people and if they have more time to spend and do as good of a job as they possibly can, there has to be a better alternative than to just sending people to our jails. He stated that he kind of looks at it like they either pay it now or pay it later, and it is going to come out of general if the jail continues to grow more crowded.
- 140.4 R. Cochran stated that additional staff, whether it is another person or more hours, would benefit the defendants in these cases from possibly having to spend time in jail. He noted if they don't have their case prepared and ready to go when they meet the Judge, they may find themselves in jail until their court appearance if they have no way to bond out. He doesn't know what the savings is there, but there is money being spent to house prisoners and when they do that for an additional number of hours would tend to negate some of their expenses at the jail, so in some degree that offsets some of the cost to the position.
- 140.5 J. Firmin stated that it is a constitutional mandate that they provide representation to defendants who can't afford to have private representation. He sees this as a critical issue and if they can afford this amount of money, for this kind of level of service to the people of the county who can't really speak for themselves, he would be ashamed to vote against the ordinance.
- 140.6 R. Dennis stated that he recalls that out of the 12-14 that they had, the county pays for 2-3 and while he agrees that the state should do more, doesn't believe that they will. He stated that there are a lot of reasons that some may

want part-time; however, a reason that they want full-time is that they can get a better quality person in the position. He noted being one of those guys who thinks that if you don't get yourself in trouble and you won't need a public defender; however, as soon as he says that, this grandson will be looking for one and if he does, he wants him to have a good one. He stated that he would rather see a full-time person and will support this ordinance.

- 141.1 E. Madison stated that she had mentioned in the Finance Committee meeting the conversion of the Districts Courts where the state was paying for the judges and clerks and they split the cost of it with the cities. She questioned whether this has been funded for conversion; to which Judge Storey responded that it has not. She stated as an over worked lawyer, there is no such thing as a part-time law practice and even those who try to do it, find themselves committing to full-time, so she doesn't see it as a very realistic solution.
- 141.2 S. Madison stated that she is still not happy with the fact that their Finance Committee is not a Committee Of The Whole and for that reason she has been voting against everything that comes out of the Finance Committee because she believes it was inappropriately constituted and they still don't have an Attorney General's Opinion on that. She concurs with R. Dennis about the difference between a part-time employee and a full-time employee and believes that having two part-time employees would become an almost abusive situation of loyal, hardworking people and believes that they have more respect for their County employees than to do that to them. She stated if they are going to have someone, she wants them to be fully invested in the job with all benefits that come with the job. She stated having said she feels this way; she will temper her vote to an abstention on this ordinance.
- 141.3 A. Harbison stated that her objection to this has to do with the money since they are short on money and need to watch what they spend from now to the end of the year. She stated that when people are appointed a Public Defender, they are represented for that one case and when they leave, they don't have an attorney. She would like to see the whole situation overhauled because she doesn't believe that because people don't have money that they are throw away people. She stated that it is not the Pubic Defenders' fault, but rather the situation and how this has evolved and she wants to see some drastic change in how people are defended and taken care of. She pointed out that those people out there that feel they are throw away people and don't make an effort, don't vote as they don't think their vote counts. She stated that all of these social problems are why she would like to vote against this; however, it is needed, so she will support the ordinance. She concurred with S. Madison that two part-time people will end up working full-time.

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- 142.1 H. Bowman addressed the statement that the current part-time person was not a very beneficial contributor to the Public Defender's Office and questioned whether it was possible to find a second part-time employee; Denny Hyslip, Washington County Public Defender, responded that you get what you pay for with a part-time employee. He stated they would have their own private law practice that they will obviously devote a lot more time to it. Leana Houston addressed H. Bowman's question stating that there are very few that apply for a part-time position. She recalls interviewing an applicant years ago and when he saw the calendar for court, he said no thank you. She stated as far as the 40 hours work, an attorney on a salary is considered an exempt employee and are not limited to 40 hours and may end up working 60 hours some weeks which is not time billed; whereas those paid hourly that require more time, the County is billed for. As an exempt employee a full-time employee who has to do extra work, the county is not billed extra. She stated that part of the problem currently is that they have to do more work than the 30 hours and that is not in the budget.
- 142.2 H. Bowman stated that with everything he has heard about this, he desperately wants to support the ordinance; however, they are under a great deal of pressure with their budget and he is stressed about which way to vote.
- 142.3 Ms. Houston stated that this is their last resort, noting that the Public Defenders Commission in Little Rock asked for 46 new positions for the state and only received 3. She referred to a letter from the Public Defender's Commission stating that they will not receive any more positions or any more money. She stated if they don't get help they will have problems keeping up with their ethical responsibilities required. She noted that the American Bar Association suggests that a public defender handle 300 cases a year and Washington County is way over that at this time.
- 142.4 D. Balls concurs with J. Firmin that this is a constitutional right and they may not like it, but the state left them hanging and they have to take care of this, so he will be voting for the ordinance tonight and urged his fellow JPs to do the same.
- 142.5 T. Lundstrum stated that the thing that bothers him about these issues is increasing the size and cost of government. He stated that he has been on this court for about 8 years and has seen about \$20 million spent and believes that a large portion was spent unnecessarily and if they had the money in reserves that they should have, they wouldn't have a problem with this at all because in terms of the budget, the money they are asking for is nickels and dimes. He noted that he has heard some on this court say that they need 1/8 of a cent sales tax which is practically nothing; however, it is

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not the 1/8 of a cent that is the problem, it is the 9.75 percent that they have to add that 1/8 of a cent to. He noted the reason he voted for the first item on this was because they were raising the cost of government by \$7,000 a year on a job designation. He concurs that they want to see their employees make good money and be happy in their job, but the State is not spending anymore money on the same issue. He believes this is a tough situation and he sympathizes with them; however, he also sympathizes with the taxpayer having to pay for these things as well, pointing out that a little bit here and a little bit there adds up to thousands and thousands of dollars and at the end of the year is a big issue.

- 143.1 S. Lloyd concurred with T. Lundstrum stating that while she sympathizes with the need for this, she wishes to speak for the taxpayer. She stated she would love to be able to give everyone what they wanted, but there comes a time and place where they have to say they don't have the money to do these things. She stated that she frankly feels that she is overworked, so does that mean that she gets a raise as well. She stated that she is still on the fence, but has to speak for the taxpayer because yesterday was April 15th.
- 143.2 B. Ussery verified that if they have these public defenders, there is a good chance that people will spend a lot more time in jail. He stated therefore that it wouldn't take many days in jail at all to make that money back and then some on top of all of the constitutional rights to be defended. He believes that this will wash itself or come out ahead by having fewer people in jail that they have to feed and take care of. He stated that they do have an obligation to make the right choice here.
- 143.3 H. Bowman asked for County Public Defender Denny Hyslip to validate that having this extra time will keep people out of jail or spending less time in jail than they currently are.
- 143.4 Public Defender Denny Hyslip responded to H. Bowman stating that he simply thinks that they would because the attorneys would have more time to work a case, talk to witnesses, talk to the Prosecutor and to talk to the client, rather than having to get cases continued over and over again. He further stated that a defendant will spend more time in jail until a Public Defender has time to work with them unless they can make bond. He further reported that time spent in jail is less in misdemeanor than felony cases, but many of them spend months and months in jail.
- 143.5 In response to a question from H. Bowman, Sheriff Helder stated that the daily cost per prisoner is \$64 currently.

- 144.1 H. Bowman stated that he is still torn on how to vote on this ordinance, but it appears that they will save some real money by keeping these people out of jail ahead of time.
- 144.2 E. Madison pointed out that just because someone is charged doesn't mean they are guilty and sometimes those who need a lawyer the most are those who are indigent and innocent. For that reason, she has decided to support the ordinance.
- 144.3 R. Cochran stated that another factor to this pointed out in their committee meeting is that they are not doing everything that they are required to do by law and fall short by having an employee at 30 hours a week doing a public defender's job. He isn't sure what the ramifications would be, but the law states that they provide these people with a certain level of service that they are not currently meeting. He believes that this is a good solution to the problem that they have and he will support the ordinance.
- 144.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 144.5 **VOTING FOR: J. Firmin, A. Harbison, E. Madison, J. Maxwell, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: L. Ecke, S. Lloyd, T. Lundstrum, and J. Patterson. ABSTENTION: S. Madison. The motion passed with ten members voting in favor, four members voting against, and one abstention. The ordinance was adopted.**

ORDINANCE NO. 2015-25, BOOK NO. 10, PAGE NO. 172

- 144.6 **AN ORDINANCE CREATING AN ADDITIONAL PERSONNEL POSITION IN THE COUNTY LIBRARY BUDGET; REDUCING PERSONAL SERVICES LINE ITEMS IN THE COUNTY LIBRARY BUDGET BY \$12,393; AND APPROPRIATING THE AMOUNT OF \$22,035 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2015:**
R. Cochran introduced **An Ordinance Creating An Additional Personnel Position In The County Library Budget; Reducing Personal Services Line Items In the County Library Budget By \$12,393; And Appropriating The Amount Of \$22,035 From The County Library Fund To The County Library Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 144.7 R. Cochran explained that this is a request from the Library Board Director for a full-time Librarian Administrative Assistant that is funded by its own revenue

source and will not affect any county revenue source. He noted that the committee voted unanimously to forward the ordinance to the Full Quorum Court with a do pass recommendation.

- 145.1 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**
- 145.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 145.3 **VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. VOTING AGAINST: E. Madison. ABSTENTION: S. Madison. **The motion passed with thirteen members voting in favor, one member voting against the motion, and one abstention. The ordinance was adopted.****

ORDINANCE NO. 2015-26, BOOK NO. 10, PAGE NO. 173

- 145.4 **COUNTY JUDGE'S REPORT:** Judge Edwards announced that Judge Zimmerman was there to give a presentation on the Juvenile Court Complex.
- 145.5 **Circuit Judge Stacy Zimmerman** - Judge Zimmerman addressed the Quorum Court stating that last month they had a meeting at the Juvenile Court Complex to show the Quorum Court the layout of this court and one of the biggest issues that they have going on currently is with security and the size of their lobby. She referred to a packet handout that shows the types of cases heard in Juvenile Court; not only does she hear cases involving kids that have been arrested for committing a crime, but she also has cases with children going into foster care with over 300 children currently in Washington and Madison County in this program. Judge Zimmerman noted that they currently have a 300 sq. ft. lobby where the families are waiting for their case to be called into court and it is a very small power keg situation. She stated that in cases where parents are incarcerated, they are brought through the lobby in shackles with families and children in the lobby.
- 145.6 Judge Zimmerman stated that following their meeting at the Juvenile Court Complex last month to see their layout, she wanted everybody to brainstorm about ways that they could make their situation there a little safer for the families that they serve. She noted that they have about 1200 people that come through their front doors every month that includes families, young children, teachers, principals, and members of the community and when people come through that lobby they are often times upset, maybe with children being put into foster care due to abuse or neglect, or may be a victim

of a crime. She stated when they have witnesses such as children that are victims in these cases; they have a 10' x 12' office that they modified where they have the children so they don't see the person who has abused them.

- 146.1 Judge Zimmerman stated that she brainstormed with her staff, spoke to Sheriff Helder who made some suggestions that she sketched out to make a proposal. She explained that they could make their old courtroom into a new lobby to give them more space with an extension out the back towards the Animal Shelter and a small extension out the front so they can have an actual metal detector with conveyor belt so that people are actually screened thoroughly before they come into court, not only for the safety of their staff and employees of Washington County, but most importantly the families and people that they serve. She noted that the building was built in 2000 and this addition would be an approximate 5100 sq. ft. addition counting the back and front areas.
- 146.2 Judge Zimmerman stated that she knows the Quorum Court has a lot on their plate currently and that resources are scarce, but she just wanted to bring this to the court's attention with an overview of a possible solution. She noted that all comments made regarding the request for the full-time Public Defender position are very applicable in this case. She stated that she would like to start thinking about this because it impacts 1200 or so people who come through their doors every month that are citizens of Washington County. She stated that abused and neglected children don't really have a voice and they try to make it as safe of an atmosphere for them to come to court, and by law in dependent neglect cases, children have the right to be present because they are talking about decisions that are affecting their lives. She noted that they additionally have cases where juveniles come to court with 1-2 parents and grandparents, and is unlike the adult system where you only have a defendant adult coming to court. She stated that they want the families to be involved in these cases.
- 146.3 Judge Zimmerman referred to the proposed expansion drawing, stating that on the first page in yellow is the actual addition out towards the back which is about 68' x 78' including the holding cell. She stated that the little holding area would be where the adult defendants or adults coming over from jail or prison would be housed so they are not coming through the public lobby area. She stated on the second page in yellow represents the small addition out the front to give them time and space to have a metal detector. She noted that their JDC is open on weekends to the public for families to visit the juveniles in detention and this area is always open for the weekends.

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- 147.1 A. Harbison stated that she has asked County Attorney Steve Zega to look into their bond issue that is paid by fines and fees and where they are on that because it seems to her that this would be the only possible money that they have and could use for this expansion.
- 147.2 H. Bowman asked if there was an idea of what the cost for this would be; to which Judge Zimmerman responded that she did some internet surfing about commercial building costs which varies from \$89 to \$130 a square foot. She stated that she spoke with Sheriff Helder about the holding cell area for adults coming in the back which would need to be more reinforced concrete and would cost a little more, but generally speaking \$114 per square foot is the average she has found for a courthouse expansion. She further reiterated that they are talking about 5100 sq. ft., not including the awning out the front.
- 147.3 R. Cochran referred to the offices that they presently have in the existing building, stating that he knows they are tight on space and would like to see what they are doing with a child's playroom because the little 8' x 8' area is not big enough. He asked if the two office/storage areas in the new expansion proposal are enough to cover them for long term.
- 147.4 Judge Zimmerman responded to R. Cochran stating that she believes it is enough space to cover them for long term because of the three 10' x 8' consult offices where attorneys can visit with their clients. She noted in court today she had a registered sex offender sitting in the lobby with a deputy along with the families, so having those consulting rooms where they can put a person to wait to get them out of the area is more important than having a bunch of offices that they don't need. She noted that her office and the Trial Court Assistant's office are the same size, just replicated and the two office/storage spaces are the only offices they added.
- 147.5 R. Cochran inquired about another area that they could possibly use to increase their expansion; to which Judge Zimmerman responded that they have a huge generator located in that area and the JDC electrical box, so these areas were not used.
- 147.6 R. Cochran explained his reason for pointing this out was anytime you build a square, you can get more bang for your buck, so they might want to consider coming out farther down towards the bottom to gain a little extra space. He stated that he understands the problems that they are having and believes that they just need to work on how they can make this happen.
- 147.7 Judge Zimmerman stated that this is just a starting point and they can work with it and think about ways to make it more efficient.

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- 148.1 R. Cochran thanked Judge Zimmerman for thinking ahead on this project and noted if they can't get it done this year then they can include it in their budget next year.
- 148.2 L. Ecke questioned whether there would be a way to do this expansion in phases, prioritize the areas needed, that may be easier on their budget; to which Judge Zimmerman stated that she had not even thought about that at this point, but the major emphasis would be making more space for their lobby and enlarging their child waiting room. She further stated that this would be an acceptable option.
- 148.3 In response to a question from S. Madison, Judge Zimmerman stated that she travels twice a month to hold court in Madison County and those are separate cases and Madison County does not contribute at all to the maintenance or upkeep on the Washington County Juvenile Court Complex. She explained that the roof on the main Courthouse is leaking, so currently they hold court in the District Court of Madison County. She further explained as far as the JDC side, Madison County pays money when a Madison County juvenile is detained.
- 148.4 E. Madison stated that she would like to have an architect look at this expansion which may require an appropriation so not something that they could do tonight.
- 148.5 Judge Zimmerman reported that County Attorney Steve Zega advised her that they have \$42,000 in their juvenile court fee fund and under the statute; they can use that for juvenile services. She stated that they talked about using that to hire an architect to come up with some drafts for this expansion.
- 148.6 E. Madison stated that in her experience architects do things with space that none of them have ever thought of.
- 148.7 **Washington County Spring Clean-up** - Judge Edwards reported that the Washington County Spring Clean-up is scheduled for May 13 through 16 from 9:00 a.m. to 3:00 p.m. and provided a flyer with more information on the event. She urged the court to help get the word out because this event has become very successful and a true asset for keeping their community clean.
- 148.8 **Report on Valley View Septic Situation** - Renee Biby, Washington County Grants Administrator/Pubic Utilities Coordinator, addressed the Quorum Court stating that she had been asked by Judge Edwards to give a report concerning the Valley View Subdivision and the wastewater treatment facility. She reported that they were notified by ADEQ in an emergency order

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issued on April 1st that there were problems out there so on April 8th the County Judge, Chief of Staff, County Attorney, Ms. Biby, Prairie Grove Mayor Sonny Hudson, Larry Oelrich, Public Works Director for the City of Prairie Grove, members of the Health Department, and ADEQ met onsite to determine what was being done to mitigate the situation. She reported that they noted some overflow to their lagoon system and since that time, ADEQ is performing an ongoing investigation and it is contemplated that ADEQ will be filing civil law suits soon. She explained that the treatment area is inside the Prairie Grove city limits and a lot of the homes are in Farmington city limits.

- 149.1 In response to a question from B. Pond, Ms. Biby stated that it is not currently overflowing and has decreased by 3 feet, but they just don't know where the fluid has gone.
- 149.2 In response to a question from S. Madison, Ms. Biby stated that the golf course has remained open this entire time and when they visited the site the overflow was going between the 11th and 12th green and the Health Department stated if this continued, they would close down those two holes on the golf course, but that never happened.
- 149.3 S. Madison asked what would keep families' dogs from walking through this and tracking it home, stating that she is astonished that this situation was left there.
- 149.4 County Attorney Steve Zega stated that he had a dentist appointment in Lincoln and stopped on his way back on the 7th and not only was the golf course open, but it was full. He stated that the day after that is when they had covered it in dirt and lime which the Health Department said was the remediation for it and as far as he could tell, there was nothing else done and if you could stand the smell, in order to fully appreciate the situation, it is a visual experience they should see.
- 149.5 S. Madison stated that there are evaporation ponds where sewage is retained for a period of time and asked what kind of fencing was around this pond; to which Ms. Biby responded that it is just a 3-tiered wood board fence and there is nothing to keep small kids from wandering into the area.
- 149.6 R. Dennis stated that it is worse than what S. Madison is imagining. He reported that he lives out there and he has spoken about his concerns on the sewer and growth in Western Washington County. He stated his understanding is that this is a private district that they had no authority over and there were some tough questions asked at the meeting that was just put

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off, but the authority is not ours yet until it spills over far enough. He stated that there are a lot of rumors about where the evaporation goes to, but this is not evaporation. He reported that the pumps that pump it down have never been started before and the Board of Directors and owner are family appointed by a previous Judge.

- 150.1 S. Madison asked if Washington County was the original permitting agency that approved this set-up; to which Ms. Biby responded that they have never played a role in approving this, but rather the ADEQ that approved it in April of 2000 and it was in an unincorporated area of the county at that time and the county did not have any ordinances or regulations at that time concerning these type of systems.
- 150.2 S. Madison asked if they are sure that the residents in this area are fully aware of where their dogs, cats and bicycles may be going; to which Ms. Biby responded that they are fully aware that it is a private sewer system and they pay each month for that system.
- 150.3 R. Dennis responded to S. Madison that the residents in this area are fully aware of the situation.
- 150.4 County Attorney Steve Zega reported that Richardson Road is the east/west road on the north side of this development and on a day when the wind is blowing from the south across two fairways and houses, the smell is very obvious. He reported that the county has a pretty long history with this particular improvement district, noting that County Attorney George Butler sued them in 2007 and there was a settlement in that lawsuit that caused it to be dismissed. He stated that there are actually two state agencies that get involved in these issues; the ADEQ and the Department of Health who has 3-4 basic designs for these systems that are approved. He understands that this is the only one exactly like this in the State of Arkansas.
- 150.5 S. Madison asked if the ADEQ was contemplating any fines; to which Ms. Biby responded that they are being fined each day right now that they are in violation and when they file a civil complaint in Circuit Court there will be additional fines. S. Madison asked if the fines will be held against the homeowners; to which Ms. Biby said that the Improvement District is being fined which is comprised of five people.
- 150.6 J. Maxwell asked at what point does this become something that we need to be concerned about; to which Ms. Biby responded at the point that it becomes a county issue is when they can prove that it is flowing directly into the Illinois

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River and into unincorporated areas of the county which in turn affects the water quality from the Illinois River.

- 151.1 J. Maxwell asked what parameters they have to prove before they get to that point; to which County Attorney Steve Zega responded that the pond actually sits on a hill and there is an unnamed tributary creek that flows into the Illinois less than ¼ mile away. He stated that there would have to be some pretty substantial evidence to prove it in the sense that you have to go to court with an expert to talk about the difference between e-coli counts above and below that entrance and then the tributary creek above and below where the pond is and this is what he would do if he were trying to prove that case. Attorney Zega reported that there were some other circumstantial things that he has heard that he would prefer not to get into right now in terms of details, but based on what he understands to have been the records of water use that came through Washington Water Authority vs. the known capacity of this pond and where did the rest of it go.
- 151.2 J. Maxwell asked at what point do they come into play and go past just a conversation; to which County Attorney Steve Zega stated at the point that they had probable cause or a reasonable belief that this was going outside the city limits of Prairie Grove into the unincorporated areas of the county. He stated at this time, he does not have that hook.
- 151.3 J. Patterson stated when they quit playing golf that will be the time that they will get serious about it.
- 151.4 E. Madison asked what the resolution was of the 2007 lawsuit; to which County Attorney Steve Zega responded that the order dismissed it with prejudice and there was a settlement attachment to it. He stated that there was another hook that he thought about which is whether he could get them for contempt.
- 151.5 E. Madison added or for violation of a settlement agreement.
- 151.6 Ms. Biby added that the lawsuit had the requirement to file an audit each year and the county has repealed that requirement since that time.
- 151.7 R. Cochran asked if they should go ahead and take some water quality samples; to which County Attorney Zega responded that the Health Department reports and findings are pretty alarming in terms of e-coli counts. He would say that it is probably not a bad idea, but he is not sure of the next step as far as formulation with water testing, who do they hire and how do they go through checking qualifications and he hasn't really put his mind

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around that particular question yet, but he personally doesn't think it is a bad idea. Attorney Zega added if the court decides to make that decision, the return on investment on something like that in terms of dollars that might come back is unlikely, so there may be a false benefit analysis that they need to engage in on that kind of question.

- 152.1 A. Harbison stated that the Illinois Watershed Partnership should be aware of all of this and let them take care of it because this court doesn't need to start testing water quality in the county as they have other organizations to do that and they need to let the state's experts in water quality take care of this. However, if they don't do it then that may cause another issue.
- 152.2 B. Pond concurs with A. Harbison that the first place to start is with the Illinois Watershed organization as they will be the ones most interested in this situation as far as who to bring in to do water testing and that sort of thing.
- 152.3 S. Lloyd referred to page two of the report, didn't the ADEQ already take samples; to which Ms. Biby responded that they had and the numbers are all there to see.
- 152.4 Judge Edwards stated that she does not know what the county's involvement is here, but just felt like this was a subject that each one of the JPs needed to be aware of because of its importance which is why they brought it to them tonight. She is aware that there are a lot of questions and not all the answers, but she stated her appreciation for the interest shown as she can think of nothing more valuable to them than their water in this area.
- 152.5 **Statement on Bridge Matter** - Judge Edwards stated at the last Quorum Court meeting she brought out the video on the bridges which was very difficult for her to do and tonight wished to make the following statement: "I want the safety of the people of Washington County as my number one priority. That is why I revealed the video and took action on it when I thought that it was certain that the media and my political opposition would do exactly what they are doing now. I knew I would face criticism and knew that I would face bad publicity and editorials in the newspaper. That criticism was less of a concern to me than fixing the problem. The allegations of a cover-up were wrong as there has never been any cover-up. I took action on the Stonewall Bridge to correct the problem at the advice of my Engineer, Mr. Jim Beatty, and I don't understand why it was wrong for me to follow the engineer's advice and then when I followed his advice, I am still wrong. The Harvey Dowell Bridge is still up, sitting right there for anyone who wants to look with x-rays, radar, or to the naked eye. I have asked the Prosecuting Attorney Matthew Durrett to investigate promptly after I can confirm the problems of

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Stonewall and Harvey Dowell and Ms. Madison, who was unsatisfied with the request, asked the Attorney General to investigate. I have asked Matt to suspend the request pending the AG's decision. Now both the Prosecutor and AG have let us know that they are not going to do the investigation. I still want an answer and an investigation. I want some input from all of you. Unlike certain members of this court and the press, I don't have the luxury of jumping into conclusions. I have been sued twice in the last four months; once for firing someone and once for not firing someone. I need the results of the investigation to base my decision on so I propose a joint investigation between my office and a member of the Quorum Court of their choosing even if they have some outside entity who is willing to come in and do an investigation. I have been working with the Highway Department and Senator Uvalde Lindsey and I have been working with a legislative audit and are hoping that they will give me some help. Even if they do give me help, I still want an investigation coming from this body and someone in the County Judge's Office."

153.1 Judge Edwards stated "I want Mr. Short to be my office investigator as a retired police officer with 28 years of experience in investigating in everything from traffic tickets to mass murder. Dan has the training and experience necessary to get to the bottom of this issue. Eva has been one of my biggest vocal critics on this issue and I would like to invite Eva, if she has the time to represent the court and if she could possibly tell me tonight, I would like an answer from her. If she doesn't feel that she can do that, then I would like the court to choose someone else from this court that could participate in this investigation. I would like the court's representative and Dan to work together literally. I want them present together at every interview. I want each of them reading every document and examining every piece of evidence."

153.2 Judge Edwards also stated that "I would request for a finished report to be on my desk no later than two weeks from tomorrow. If the court wants a special meeting to discuss the report, I will call a special meeting to inform each and every one of you and the public what is going on. If this is not satisfactory to the court, I propose that they hire a private investigator. The court would have to appropriate the money and I would above all be responsible to engage the contractor. I would welcome the court's input on this decision. If that is not satisfactory to the court, I am open to suggestions; whatever they feel like could be done. The safety of the citizens of Washington County is my number one priority. As a County Judge, that safety is my responsibility which is why I acted. I also have a responsibility to find the facts and how and why this happened and to treat everyone involved with dignity, respect, and fair hearing. I need help and am asking for your help. I am hoping that we can get assistance from the state, but is still waiting on that answer, but

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anything they can do to get this investigation going – I would like to get it started now. I don't feel like the county has anything to hide. There are no cover-ups. I just want this safety taken care of and am willing to help and do whatever is necessary. Thank you very much.

- 154.1 Judge Edwards stated that the court may now want to have a discussion on how they want to handle the investigation and is open for suggestions.
- 154.2 T. Lundstrum stated that he appreciates what Judge Edwards is saying and believes that her statements may help to restore some public confidence which is very important at this point in time. He stated that he has all the confidence in the world in Mr. Short's ability to investigate as he has been a licensed private investigator and a Highway Patrolman. He stated that he himself was a licensed private investigator for a few years and he knows a little bit about Mr. Short's background in that area as they have discussed it. He stated that he will also feel comfortable with whomever the court chooses.
- 154.3 In response to a question from T. Lundstrum whether the State Highway Department will be looking at all the bridges, Judge Edwards stated that they have not given her an answer to that as of yet and Senator Lindsey is trying to help them with that.
- 154.4 T. Lundstrum stated that he is a little concerned about how good of an inspection will be from the State because when he was Mayor of Elm Springs, the State would come out to inspect their bridges which amounted to walking over them to see if there were any cracks or crevices. He is also concerned about how many years back this problem goes and asked if they were going to be doing any x-raying to which Judge Edwards responded if they have the equipment, they will do it for us at no charge, but if they don't have the equipment, someone else will have to come in and do it. Judge Edwards stated that she feels like Harvey Dowell is a good bridge, but she did not want to take the chance after talking with the engineer if there was any question, so she dropped the weight limit to 3 ton.
- 154.5 T. Lundstrum asked if she had spoken to Judge Hunton about his experience during the ten years that he was here; to which Judge Edwards stated she had not, but some of the people built bridges under Judge Hunton and some under Judge Johnson, so it is some of the same people. T. Lundstrum stated that he appreciates the direction in which Judge Edwards is taking this matter.
- 154.6 S. Madison stated that she thinks that it is completely inappropriate for a member of this Quorum Court to be investigating this issue. For one thing, JP is a part-time position and they all have other obligations and to suddenly

have two weeks to launch a major investigation is totally unrealistic and they shouldn't be expected to do that. Further, she believes that Mr. Short has a conflict of interest in that he works for Judge Edwards. She stated that they should find an independent person with some expertise to look at this issue. S. Madison stated that she brought Judge Edwards a letter back in December after she along with other JP elects and incumbent JPs received Mr. Braswell's letter inquiring about what had happened to investigate the issue and the answer she received was dismissive; she wouldn't reply because of a lawsuit that is about retaliation. She stated she doesn't know why it took this long and a video to suddenly have a need for an investigation when they had the opportunity to start on sometime ago.

- 155.1 B. Pond stated that he appreciates the idea of what Judge Edwards is trying to put together here and he knows that some of them are short for time as this is just a part-time job. He stated that Judge Edwards's suggestion for E. Madison is very good, but if she doesn't have time, he would ask whether T. Lundstrum has time to take part in that investigation with Dan Short because he has the experience.
- 155.2 Judge Edwards stated that she is open for any suggestions.
- 155.3 S. Lloyd stated if E. Madison doesn't want to do this, wouldn't behoove them to ask someone who has some kind of experience.
- 155.4 L. Ecke asked if B. Ussery could speak on this because he had explained to her what was going on with the Stonewall Bridge and seems to be the one who has an understanding, the background, knowledge and can look at it from a professional point of view.
- 155.5 B. Ussery stated that the time commitment might be an issue, but if that is the pleasure of the court, he will do what needs to be done.
- 155.6 B. Pond stated that B. Ussery would be excellent to join Dan Short in this investigation because we are talking about something he does for a living; however, he would be more comfortable doing an ordinance to contract for his labor.
- 155.7 S. Lloyd asked if two weeks was long enough for an investigation; to which Judge Edwards responded that two weeks was just a suggestion and she would be agreeable to whatever time those doing the investigation needed.
- 155.8 H. Bowman asked whether this person needed to have knowledge about concrete and rebar or will their expertise be more involved in asking

appropriate questions to get to the truth of the situation. He stated that it has been his impression that an investigation involves digging out the details and that is a matter of taking testimony of people that were involved in the process, not out there running fancy equipment to x-ray piers, etc., but to find out what, when and where. He stated as far as he is concerned, if E. Madison doesn't have time to do this, T. Lundstrum has background in this area that would be very helpful to that situation.

- 156.1 E. Madison stated that she is at a loss for words. She has a lot of unknowns at this point. In checking her work calendar to see if she could possibly abandon her law practice for a couple of weeks, this may be possible but her associate is about to have a baby. She stated that she needs a better feel for the scope of the investigation that they would be tasked with doing because she is not a bridge expert and will not be able to test the safety of a bridge, but her assumption is that they would leave that to ADT. She stated that there are several facets to it; if Legislative audit conducts the county investigation, that would be separate and if ADT inspects the safety of the bridges that would be separate. The remainder would be the civil aspect of it that we had hoped the Attorney General or Prosecuting Attorney would be able to do which is to serve the inner workings of the county and she believes that she could handle that aspect, but can't handle engineering plans. E. Madison stated that she talked to a lot of people today after the AG's letter came and also spoke with the Prosecuting Attorney as she knew he was leaning towards saying no, about the potential for a grand jury but the challenge is that without an allegation of criminal activity or crime, there is no role for a Prosecuting Attorney or grand jury to play. She stated that it is a civil investigation and short of hiring an outside investigator which could be costly, if she understands what is being asked, she would be willing to do that, but would want to have the support of the court to be their designee. She further stated that she would rather not give an answer tonight and would prefer to have until the next morning to give her time to sort it through.
- 156.2 Judge Edwards stated she was fine with waiting until the next morning for E. Madison's decision, but in the case that she does not decide to do this, she wants the court to decide on a replacement for E. Madison tonight.
- 156.3 J. Maxwell stated that he is grateful that this is being brought out because he understands from Mr. Braswell that these issues have been festering since 2013. In light of that, he sees one of the problems is letting this roll has certainly given it legs and caused a lot of momentum that is not helpful for anyone. He reported receiving a call from a very angry constituent who expressed concerns that if they were going to do an investigation that it should be done by a group, entity, or person that is worthwhile to present to

the public and has their trust. He stated that the concern has been from several people that if they investigate this internally, they may be very thorough, but it may not have traction with the public and create a sense of mistrust that is certainly there, whether appropriate or not. J. Maxwell stated that his recommendation would be to have this done outside of the parties involved from administration or Road Department so that when the findings are presented to the public, that it truly brings rest and resolution to it rather than just fostering more distrust because it was internally driven.

- 157.1 Judge Edwards asked J. Maxwell if he knew of such a person and he responded that he did not, but as it has taken this long to get here, that is a question that it would be worth their time to take due process to find the appropriate person. He stated that he has asked multiple judges, legal entities, and tried to do the research and the problem is that there doesn't seem to be an obvious mechanism of oversight or investigation into something like this. He noted if there is criminality to it, financial misuse or abuse, there are certainly entities that come into play but with this type of civil institution, there is not a clear cut entity that would be easily identified as being the people to go to that would bring the ability to investigate, the ability to ask the right questions, and also bring the lack of bias, preformed conclusions or any kind of perception to the public that they are not getting a true, fair and unbiased opinion.
- 157.2 H. Bowman stated that it is important that they consider that the people who will be testifying in this would be subject to perjury charges if there is any misrepresentation involved. He stated if they don't have consequences attached to any untruth that might be involved in testimony then as far as he is concerned there will be very limited efficiency in questioning.
- 157.3 T. Lundstrum stated that he has a lot of sympathy with what J. Maxwell said because perceptions that they create in people's minds, either knowingly or unknowingly, can be very bad for them. He noted that they have some excellent investigators at the Sheriff's Department and questioned whether they should be considered as well.
- 157.4 County Attorney Steve Zega addressed H. Bowman, stating that in the absence of an official court proceeding, you cannot put people under oath and perjury won't attach. He stated that they could be asked to make an affidavit or swear to their testimony if they are employees of the county, but if it turns out to be false in anyway, then it is only false swearing which is a lesser criminal penalty than for perjury. He explained that perjury is a false official statement under oath in an official proceeding. He further reported mentioning this at the Sheriff's Department this week and was told that it was not going to happen.

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- 158.1 T. Lundstrum addressed Attorney Zega stating that some of these things have changed; for example with an audit, if there are problems with cash that was saved by not putting rebar where it was supposed to be and spent somewhere else, then it is criminal.
- 158.2 County Attorney Steve Zega stated that that is another suggestion he would have for the scope because if someone gets to a point saying that someone told him instead of buying a load of concrete, they lined their pockets with the money, that is the time that they suspend the investigation and ask for a criminal investigation because it has turned into a potential actual crime. He stated this is why he thinks the AG, County Prosecutor and Sheriff have said no. He stated whatever they decide to do and whenever they decide to do it, they need to realize that this is a very unusual situation because most bigger government entities such as the Department of Defense, Army Units all have IG's for this exact kind of situation and in his now 15 year association with Washington County, this is the first exact situation of this kind, so he thinks it needs to be very ad hoc or flexible. He stated that J. Maxwell made some good points, but for them all to decide is a matter of policy, which way they want this to go.
- 158.3 T. Lundstrum stated that Judge Edwards has stated what she wants to do, Dan Short works for her and E. Madison is a member of this court, so do they need a motion to give her the authority to work with Dan Short in that investigative roll.
- 158.4 Judge Edwards stated is the court isn't comfortable with that arrangement then tell her what they are comfortable with.
- 158.5 T. Lundstrum stated that he is not uncomfortable with it, but just wants to know what they can do to make it official; to which County Attorney Steve Zega responded that such a motion would be appropriate.
- 158.6 T. Lundstrum suggested a motion that the Quorum Court choose someone and authorize them to join Dan Short in an investigation of the bridge problem.
- 158.7 **T. Lundstrum made a motion that Dan Short and Eva Madison conduct an investigation of the bridge problem. R. Dennis seconded.**
- 158.8 L. Ecke stated that we were all elected to our districts because they have their constituents' confidence to make the right decision on their behalf. She stated that instead of just having one person, she would be comfortable having a group of 3 or 4 representing the court to give a more balanced

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picture of the county's representation so no one could come back and say the investigation was bias because it was done internally.

- 159.1 County Attorney Steve Zega responded to L. Ecke that they can't do that as it would create a Freedom of Information Act issue.
- 159.2 A. Harbison stated that she would like to amend the motion so that if Eva Madison doesn't want to do it, that Tom Lundstrum is the next choice, and Bill Ussery is the next choice after Tom. She stated that she doesn't believe that the public will take this as they are investigating themselves because the Quorum Court is separate from the Judge's Office and some hard questions have been asked in the past and she believes that any one of those chosen can get to the bottom of what happened. She stated if they hire someone from outside, they are spending money that they could be saving and she believes that they will come up with the same results.
- 159.3 B. Pond stated that he did not want T. Lundstrum to make the motion because he did want him to be the JP that would be next in line if E. Madison sees that she doesn't have time to do this. He further suggested that Steve Whitmill join them as he is a very good investigator if Sheriff Helder can do without him for a little while.
- 159.4 Steve Whitmill responded to B. Pond that this brings up the law enforcement issue as discussed earlier.
- 159.5 R. Cochran stated that he knows the FOI Act prevents them from having more than two JPs together at a time, so he suggests that they form a legal committee of three to do the investigation and they would be paid for committee work as they do it and Dan Short can come to all the meetings. He thinks this would be a good representation and they could wrap it up in a reasonable amount of time.
- 159.6 County Attorney Steve Zega stated that they would need to first consider the question that is before them now.
- 159.7 J. Firmin stated that he feels E. Madison would be very good at this if she has the time to do it in the aspect of interviewing as this is what she does for a living. He stated he has a little concern if they were to take the investigation outside this group and fund it, people can still say it is a sham since the county funded and believes there is no way that they can satisfy everyone. He stated that there have been some good comments about the fact that they are all independent and there is no question in his mind that E. Madison and T. Lundstrum are independent thinkers.

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- 160.1 J. Firmin further believes that they should have some type of ordinance where it is funded in case as they go along in the investigation, they were to hire some professionals along side Dan and Eva. He stated that he has made some calls and there are forensic bridge investigators that for insurance purposes will give a report about what happened and why it is wrong. He explained the reason he thinks this might be prudent is if they were to ask a question and to find out that someone did or didn't do something appropriate, They first need to understand how the bridge was made and what was wrong with it so that they can ask the appropriate questions.
- 160.2 E. Madison addressed putting people under oath or how to get people to tell the truth, stating that lawyers get witnesses to sign sworn statements all the time, but the ramifications of falsifying a statement comes when it is submitted to a court. She stated that they could ask witnesses to sign sworn statements and simply have them notarized, but she is unsure what the consequence of that is.
- 160.3 County Attorney Steve Zega stated that he is calling an affidavit what E. Madison is calling a sworn statement. He stated that the consequence of making a false affidavit is false swearing which is a misdemeanor. He stated that the flip side of that is that he thinks most of the people they would interview would be County Judge's employees and while they wouldn't have subpoena power, Judge Edwards could make it a condition of employment that they talk to the investigators. As far as outside entities, such as Jim Beatty, who is somebody that they need to talk to in this investigation, they wouldn't have any compulsory power over him, but as a County Contractor, he is pretty sure he would talk to them.
- 160.4 T. Lundstrum stated that he is really uncomfortable with having a committee as suggested by R. Cochran and bringing people before a committee to question. He believes Dan Short would know how to ask questions that would produce an answer and often times someone will talk about someone else under those circumstances where they won't otherwise which is the direction this investigation needs to go with individuals from the Road Department.
- 160.5 J. Patterson asked how many bridges they were talking about going back twenty years; to which Judge Edwards responded in 1995; Shawn Shrum provided a list on which there were 34 or 35 bridges listed. She stated that the only bridges that she has been involved in are the last two.
- 160.6 J. Patterson stated that they know that they are going to investigate Stonebridge and Harvey Dowell Bridges, starting with the newest to oldest,

and if they are not finding anything after investigating several, questioned whether they would just continue the investigation no matter what it costs. He doesn't believe that they will find anything back too far.

- 161.1 Judge Edwards pointed out that if a bridge is over 20 feet, the State Highway Department gives them a rating on it every two years. She stated she thinks most of the bridges that they will find from 1995; the State Highway Department has already come in and put a weight limit on those bridges depending on the wear and tear.
- 161.2 J. Patterson suggested that Wyman Bridge should be one of the first they check, but believes if they don't find any problems pretty soon, they need to quit.
- 161.3 J. Maxwell stated that J. Firmin made a good point that if they hire someone it may look like just an extension of us, but he believes there is a distinction between the Quorum Court which as far as he knows has had no involvement in any of the implementation of this, that perhaps the responsibility to help bring this to light. He stated if they as a court continue to spend several thousands of dollars to repair or loss of use, destruction, etc., they are already in this for several thousand dollars already. He believes that there may be a distinction there that the public would be much more accepting of something that was done by this Quorum Court as opposed to something done by the Road Administration or any administration affecting that.
- 161.4 B. Ussery stated that he thinks they are on the right track and even though he may know a little bit about the construction of bridges, he thinks there is a bigger issue here and construction is a very small piece of this. He believes the reason for the investigation is to find out where they ran off the tracks so they can repair that. He thinks this is almost a consequence of some decisions that people made and that is the bigger issue. He stated that they all have different talents and abilities and he is grateful for that and believes they are on the right track.
- 161.5 Judge Edwards stated her appreciation for the comments made and believes they have been quite helpful.
- 161.6 **A. Harbison made an amendment to the motion to add T. Lundstrum and B. Ussery as alternates to E. Madison. B. Pond seconded.**
- 161.7 **T. Lundstrum stated that he accepts that as a friendly amendment to his motion.**

- 162.1 County Attorney Steve Zega stated that the main motion now is: **The investigation will be conducted by Dan Short from the County Judge's Office and one of the following three in order: Eva Madison, Tom Lundstrum and B. Ussery.**
- 162.2 Dan Short, Chief of Staff, addressed the Quorum Court stating that he would like to respond to something that E. Madison said earlier; she spoke to the scope of the investigation and was point on when she said that. He stated if they step off into disagreement to investigate this, he would like the court give them a scope as far as what they want the investigative team to determine. He stated in a criminal investigation you typically know what the scope of the investigation, i.e., in a homicide or armed robbery, you want to determine who did it, how they did it, and why they did it, and provide the evidence to convict those people. He stated in this type of situation personally he thinks most of the folks want to know why the Washington County Road Department built an inferior bridge; why they took steps that were not sanctioned in normal construction processes. He can envision an investigation that would be conducted simultaneously in three different directions; Legislative Audit doing a broad waste and abuse through the paperwork and crunching numbers; the Highway Department taking a look at the bridges themselves; and then the investigative team interviewing the people who had hands on to create the situation in the first place. He stated during this investigation, his goal would be who, what, where, when, how and why, why being most important in most investigations. He believes that two weeks for the two-person investigative team would be sufficient to sit down with the people who he thinks have already been identified that worked on the two bridges during 2013 and 2014. He believes if they have the undivided attention of those people and can schedule them into a period, they could have the answers that they need.
- 162.3 County Attorney Steve Zega noted that they would need to get permission from Mr. Braswell's attorney to interview him, even though he still works for the Road Department, because they couldn't force him given his current status to be a participant in this investigation. He further stated if they all accept Dan Short's suggestion regarding the scope of this investigation, the appropriate form for that is a resolution which he doesn't have ready tonight. He suggested that, assuming T. Lundstrum's motion passes, he can put together a resolution outlining the scope of this investigation and the County Judge can call a one-item agenda special meeting for them to discuss and vote on; and assuming they pass it, go home. He stated that is his suggestion to the court in terms of defining the four corners of the investigation in the form of a resolution.
- 162.4 **With no further discussion, Judge Edwards called for a vote on the T. Lundstrum's motion.**

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- 163.1 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Dennis. VOTING AGAINST: R. Cochran, S. Madison, and J. Maxwell. ABSTENSION: E. Madison. **The motion passed with eleven members voting in favor, three members voting against the motion, and one abstention.**
- 163.2 After discussion regarding when to hold the one-resolution special meeting, it was decided that the Special Meeting would be held on Monday, April 20, 2015 at 5:30 p.m.
- 163.3 **Judge Edwards asked for a voice vote on the Special Meeting for Monday, April 20, 2015. The motion passed unanimously by voice vote.**
- 163.4 COMMITTEE REPORTS: E. Madison, Chairman of the County Services Committee, reported that this committee did not meet this month.
- 163.5 E. Madison reported as the County's representative to the Association of Quorum Courts that their annual meeting is scheduled for Saturday, April 18th in Little Rock. She encouraged anyone with questions or input that they would like her to take to this meeting with their audits with the Association of Counties to please let her know.
- 163.6 In response to a statement by E. Madison about not being paid her expenses to attend this meeting, County Attorney Steve Zega stated that he thinks she can be reimbursed for her target mileage. L. Ecke thanked E. Madison for taking on this responsibility for the County.
- 163.7 H. Bowman reported that the Public Works Committee met on March 30th and heard a report from the County Building Superintendent Ron Wood on the Washington County buildings and grounds maintenance and everything seems to be in great shape. He noted that he spent a day with Ron Wood touring the facilities and was very impressed. He further reported spending a day with Shawn Shrum, Assistant Road Superintendent, looking at the road situation and he gave the committee a report on the same. He noted that everything was on course there.
- 163.8 H. Bowman stated that the committee had discussion about the Stonewall and Harvey Dowell Bridges and did go out to look at both bridges which was very informative and he is looking forward to this investigation. H. Bowman noted that they asked George Braswell, an employee of the Washington County Road Department, to attend the meeting and give a statement about his observations and he did so, followed by Jeff Williams who came and

talked to them about his involvement and the video. He stated that they had substantial conversation within the committee about that process later realizing that they are not making decisions about whether it is their responsibility to make decisions for the Road Department, but they need to be informed for future reference. Judge Edwards attended the meeting and made a statement as well.

- 164.1 B. Pond reported that the Personnel Committee met on April 6 and heard the routine report from Blair Johanson, Salary Consultant for Washington County. He stated that they had a request from Public Defender Denny Hyslip to change a part-time attorney to full-time attorney position which they passed this evening. He reported that they had a request from the County Library Board Director Glenda Audrain for a full-time Interlibrary Loan Librarian/Administrative Assistant Position for 2015 and they further voted unanimously to pass the request on to Finance Committee with a do-pass recommendation.
- 164.2 T. Lundstrum, Chairman of the Jail/Law Enforcement/Courts Committee, reported that this committee met on April 6th for a short meeting. Committee only had one item on their agenda; an Interlocal Agreement with the Cities of Springdale and Tontitown and Washington County regarding the operational expenses of the Springdale District Court. The committee voted unanimously to forward the resolution to the full Quorum Court with a do-pass recommendation.
- 164.3 R. Cochran, Chairman of the Finance and Budget Committee stated that the Finance and Budget Committee met on April 7th and County Treasurer Bobby Hill reviewed their sales tax revenue with an 11.5% increase declaring March as the 12th consecutive month of growth as well as being the best March that they have had since 2010. He also reminded them that in the past three years, their change in reserves has dropped by \$12 million. The committee discussed the ordinances passed earlier. He noted that they had planned to have a discussion on the condition of the Road Budget in light of the extra expense they recently had, but nobody from the Road Department was able to attend, so the topic will be included on next month's agenda and they expect to have some answers at that time. R. Cochran further stated that they had an off-agenda discussion about the bridge situation.
- 164.4 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: E. Madison introduced **An Emergency Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, and County Attorney Steve Zega read the ordinance. The Planning Board granted a Conditional Use

Permit on April 2 for EMS (Electronic Manufacturing Solutions) Expansion. This ordinance contains an emergency clause making it effective immediately upon passage.

- 165.1 E. Madison explained that this was passed by the Planning and Zoning Board at their April meeting; so it was not passed by the time they would have met for it to come through committee. She stated that this is a small scale manufacturing facility near Dutch Mills that has been in existence and are seeking to do an expansion. She noted that the facility itself is pretty isolated and there were no objections at the Planning and Zoning Board and after they approved it, they received one comment from a neighbor about some drainage. She stated that she discussed this with Planning Staff Juliet Richey and Courtney McNair and it seems that the drainage problem is perhaps an existing problem and not something that the expansion would harm, but nevertheless, they had an Engineer look at it and do not think that it is enough of a concern to worry. She noted that it is related to debris of gravel washing which happens and there is no way to prevent it. She noted that Ms. McNair, County Planner, was present to answer any questions on behalf of the Planning Staff.
- 165.2 **E. Madison made a motion to adopt the ordinance. B. Pond seconded.**
- 165.3 E. Madison stated that one thing she learned procedurally is if by chance this person who objected did want to appeal the ruling and she has heard that this is likely, their ratification of the Planning Board decision would not affect those appeal rights.
- 165.4 Citizen Comments: There were no citizen comments made.
- 165.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 165.6 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2015-27, BOOK NO. 10, PAGE NO. 174

- 165.7 A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF SPRINGDALE, ARKANSAS, CITY OF TONTITOWN, ARKANSAS, AND WASHINGTON COUNTY, ARKANSAS, REGARDING THE

OPERATIONAL EXPENSES OF THE SPRINGDALE DISTRICT COURT: T. Lundstrum introduced **A Resolution Approving An Interlocal Agreement With The City Of Springdale, Arkansas, City Of Tontitown, Arkansas, And Washington County, Arkansas, Regarding The Operational Expenses Of The Springdale District Court**, and County Attorney Steve Zega read the resolution. The resolution is being recommended by the Jail/Law Enforcement/Courts Committee.

166.1 T. Lundstrum made a motion to adopt the resolution. R. Dennis seconded.

166.2 Citizen Comments: There were no citizen comments made.

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

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

RESOLUTION NO. 2015-09, BOOK NO. 3, PAGE NO. 103

166.5 AN ORDINANCE ESTABLISHING VOTE CENTERS IN WASHINGTON COUNTY FOR ALL SCHOOL ELECTIONS IN 2015: E. Madison introduced **An Ordinance Establishing Vote Centers In Washington County For All School Elections In 2015**, and County Attorney Steve Zega read the ordinance. This ordinance was placed on the agenda by JP Eva Madison.

166.6 E. Madison stated that this is something that she is very excited about reporting that Commissioner Deitchler came to her a few weeks ago stating that their Election Commission wanted to try something novel with how they conduct their School Board Elections this year as a test. She explained that there is new legislation in the state that allows an Election Commission to essentially do away with precinct voting wherein you can go to any Vote Center, much like early voting was conducted in their last election for early voting, but this would actually be on election day. She stated that the Secretary of State created some regulations that were a little difficult to navigate to get this done, so it wasn't an easy process for the Election Commission to do this. She noted that there is a volume of information at #11.2 in the packets that is what the Election Commission will actually have to submit to the Secretary of State's Office to get authorization to do this and obtaining the Quorum Court's approval is one step in that process.

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- 167.1 E. Madison stated that she is an old fashioned voter and likes a paper ballot; however, the reality is that people want to vote the way their lives are – electronically, which is the way that voting is trending and that is one thing that you have to be able to embrace in this process because the only way it can work is for there to be all electronic voting. She explained that they estimate how many people are going to vote at a precinct and then have that number of paper ballots ready, but you can't have the ballots for every location at every place, so the only way this works is to do it electronically. She noted that she has over the years come to trust the electronic system much more because there is a paper backup, so they have had to certify the security of that system and our capability to handle that. E. Madison stated that she believes they need to at least try this for the School Board Elections and let the Election Commissioners who worked so hard to get this in place see how it goes and if it is something that they can do on a larger scale as she believes it is the voting of the future because people don't want to be constrained with a precinct, they want to be able to go anywhere to vote, and should be able to, as well as encourage more voting. She stated that Jennifer Price, Washington County Election Coordinator was present to answer any questions.
- 167.2 Jennifer Price, Washington County Election Coordinator, addressed the Quorum Court stating that they are not asking for any additional money to do this. She stated that because it is a School Board Election, they will be able to offer paper ballots at the polling places as well because they have a limited amount of races and no contested races which is one reason they wanted to try this with a School Board Election first. She reported that one of their goals was met in 2013 when they purchased the tablets so they had secure electronic communication between the polling places so that a voter couldn't vote at one polling place and drive to another one and vote there. She further noted that they have spent considerable time certifying that at all locations that they would have open for the School Board Election.
- 167.3 S. Lloyd asked if all Election Commissioners were in agreement with this pilot test to which Ms. Price responded that they were all in agreement and they have worked closely with the County Clerk's Office and are excited to be able to offer this. She stated that one of the concerns they have always had with School Board Elections, because they consolidate polling places, different school elections may not have them because they don't have contested races and voters are always a little confused about where to vote. She noted that this makes it simple for them to say if there is a polling place open on Election Day; any voter can go to that polling place and vote.

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- 168.1 R. Cochran stated if he understands this right, they will have to have a paper ballot for each school at each location which Ms. Price confirmed. She further stated that they won't actually be printing more ballots because at polling places such as Prairie Grove, Farmington, and Elkins, they won't have voters from Fayetteville coming there to vote and they would offer a limited number of paper ballots at those polling places. She further stated for instance in Springdale which has an at-large race, they will have to order a number of paper ballots so it is advantageous for Springdale voters to get to go to any polling place and then have a small number of those for voters in Fayetteville. She noted that the voter turnout for a School Board Election is usually less than 5% so they are talking about ordering less than 5000 paper ballots.
- 168.2 **E. Madison made a motion to suspend the rules and place the ordinance on second reading by title only. R. Cochran seconded. The motion passed unanimously.**
- 168.3 County Attorney Steve Zega read **An Ordinance Establishing Vote Centers In Washington County For All School Elections In 2015** by title only.
- 168.4 **E. Madison made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Cochran seconded. The motion passed unanimously.**
- 168.5 County Attorney Steve Zega read **An Ordinance Establishing Vote Centers In Washington County For All School Elections In 2015** by title only.
- 168.6 **E. Madison made a motion to adopt the ordinance. R. Cochran seconded.**
- 168.7 Citizen Comments: There were no citizen comments made.
- 168.8 Judge Edwards stated that she is really excited about this pilot test as she handled voter registration for 26 years and is so glad to see them moving into the modern age. She thanked Ms. Price and the Election Commission for their hard work and excellent job.
- 168.9 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 168.10 VOTING FOR: L. Ecke, J. Firmin, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, and R. Dennis. **The motion passed unanimously. The ordinance was adopted.**

ORDINANCE NO. 2015-28, BOOK NO. 10, PAGE NO. 177

- 169.1 R. Dennis reported that he recently attended a breakfast at the Evansville Fire Department that they hold every Friday and they are in need of a help to put a ramp in because they are unable to get their voters into the Fire Department building where they vote. He asked Jennifer Price on how they can help them with a handicap ramp.
- 169.2 Ms. Price stated that they will look into that because they have some portable ramps that they could look into taking to Evansville and she will contact the Evansville Supervisor and work on that before they have their next election out there.
- 169.3 OTHER BUSINESS: H. Bowman stated that he began looking at what 1 mill of additional tax would cost them as individuals and as a business, as well as what the implications would be for income. He found out that he didn't know anything and wound up having a meeting with the Assessor, Collector and Treasurer and they talked about all of these different taxes, what they have the authority to do and what they don't have the authority to do about income. He reported that he also met with Tyson Foods and Georges to talk to them about their attitude about what 1 mill would do to their costs and he was asked many questions which is why he ended up meeting with the Assessor, Collector, and Treasurer. H. Bowman stated as they talked about this, it became obvious that these people were excited about the possibility of coming and sharing the details that they discussed with everybody on the court, so with the court's permission and approval, he would like to go ahead and have them come to their next Public Works Committee meeting and give a presentation about the taxes, how much revenue they generate and what they do and don't have the authority to do. He noted that this would be more of an educational process.
- 169.4 S. Madison stated since County Services Committee did not meet last month, she wasn't in favor of having two stacked meetings the night that they take on such a long agenda and asked if he would consider meeting on two separate days; to which H. Bowman stated that he concurred and would talk to these people and try to set that up.
- 169.5 H. Bowman stated that he was completely unaware until this year in February when he found out that they have operational ordinances for the Quorum Court; however, they are outdated. He would like for them to find the time to completely update those ordinances and look at the way they operate. Currently, he doesn't believe there are any provisions in those ordinances for a new Quorum Court coming on and who is responsible for being sure that

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the organizational operations are handled properly. He believes it would be totally appropriate to update these ordinances and keep them current with details about how each new Quorum Court is operated.

- 170.1 County Attorney Steve Zega responded to H. Bowman stating that traditionally those ordinances evolve through the County Services Committee and he would suggest bringing this to E. Madison as an agenda item and if they want him to work up the particular issues in an operational ordinance, he would be happy to visit with him about that regarding specific changes to the language.
- 170.2 H. Bowman stated that this is just something that he is concerned about and believes that this would be a valuable vision to their Quorum Court. He noted that they have Roberts Rules of Order that they are supposed to operate by and there are situations where they need further guidelines on how to operate the Quorum Court properly.
- 170.3 J. Patterson congratulated the Mayors and those in County government involved in the ambulance service as he was concerned about moving Springdale and changing their policy, but everyone has done a really good job and everything was settled, it came out fair and he is thankful that they had something go good once in a while.
- 170.4 T. Lundstrum stated that he has talked to the Mayor of Elm Springs and he thinks that this will also depend on them continuing to do what they were doing for Springdale and he would really encourage the Quorum Court to support this because otherwise, the whole thing could cave in on them and cost them a lot more money than it will now. He pointed out that they have to have ambulance service in Elm Springs, Johnson and Tontitown and that runs all the way to the county line out there. He stated that they have been sending that money to Springdale for a couple of years anyway, so it wouldn't be any new revenue being spent if they just go ahead and support the ambulance service like they have been doing it in the past.
- 170.5 B. Pond stated that because of the population increase, that the amount of money that they have been paying Springdale might be a little bit more; to which Judge Edwards responded that Ron Woods has been serving on that committee and CEMS Chief Becky Stewart would be able to tell him that. She stated that they asked her the other night and she said that she could not commit to the Quorum Court appropriating the money and she believes that Ms. Stewart is coming to do a presentation at the next meeting.

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- 171.1 Dan Short, County Chief of Staff, stated that they asked for a single amount of money to be dedicated of \$223,000 and then there would be a five year period when they would have to have a little bit more for startup costs for equipment. He thinks that will bring it up to \$251,000.
- 171.2 R. Cochran stated that the population by changing to the 2010 census and the expansion of the cities going out, he thinks that there is only 200 additional people in unincorporated county, so the population change is almost zero.
- 171.3 CITIZEN COMMENTS: Donald Thomas addressed the Quorum Court stating that he has some concerns about the Quorum Court investigating themselves in the bridge matter. He worked for over 40 years and if he ever made a mistake on the job, he didn't get to investigate himself, rather someone else did. He believes that the court will get some public resistance to this and he came here with the intention of asking for a Grand Jury, but has been told that is not legal. He reported that he worked for the Highway Department for over 20 years and they have a lot of registered professional engineers that are retired and he is sure that some of them would be glad to look into this matter and would conduct a very impartial investigation. Mr. Thomas stated that he has spoken to most of the JPs and about eight of them were in agreement with him, one was questionable, and five were against the idea. He believes that E. Madison and S. Madison have done tremendous work, putting their careers on the line to investigate into this and he appreciates that. He is aware that they have already made up their minds what they want to do and have passed an ordinance, but he wanted to express his concerns because he thinks the court is overlooking the possibility that he has suggested.
- 171.4 E. Madison stated that she did talk to the Prosecuting Attorney today about the possibility of a Grand Jury and thinks that the difficulty he had was that there is not really anything to bring to a Grand Jury, so she wanted him to know that he is not being ignored and that this option has been explored. She stated that she has met with some engineers since this process started and she wouldn't rule out consulting with an engineer or other professionals along the way to help them. She pointed out that they won't be inspecting the safety of the bridges or investigating that aspect of it, but she does know that having some knowledge of rebar and being able to ask the right questions is of some use in this investigation. She noted if she gets into an area where she doesn't know the answer, she will find it from the right person.
- 171.5 ADJOURNMENT: The meeting adjourned at 8:45 p.m.

Respectfully submitted,



Carly Sandidge
Quorum Court Coordinator/Reporter