

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

Monday, April 20, 2015
5:30 p.m.
Washington County Quorum Court Room

FILED
2015 MAY 26 PM 1:28
CLERK OF COURT
WASHINGTON COUNTY

- 172.1 The Washington County Quorum Court met in special session on Monday, April 20, 2015. The meeting was called to order by County Judge Marilyn Edwards.
- 172.2 T. Lundstrum led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 172.3 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, 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.
- 172.4 MEMBER ABSENT: Rick Cochran.
- 172.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 172.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 172.7 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 172.8 AN EMERGENCY ORDINANCE DIRECTING AN INVESTIGATION INTO THE CONSTRUCTION OF THE STONEWALL AND HARVEY DOWELL BRIDGES AND RELATED MATTERS: B. Pond introduced **An Emergency Ordinance Directing An Investigation Into The Construction Of The Stonewall And Harvey Dowell Bridges And Related Matters**, and County Attorney Steve Zega read the ordinance.
- 172.9 B. Pond stated that it appears to him that this Emergency Ordinance covers all of the things that they discussed and agreed on.
- 172.10 **B. Pond made a motion to adopt the ordinance. R. Dennis seconded.**
- 172.11 H. Bowman stated that he has been thinking about this process and the fact that Dan Short is directly in line of responsibility for transmitting information to

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the Road Department and then back to the County Judge and for that reason, it appears that there could be a conflict of interest with the employees that answer to Mr. Short. He stated in light of that, they should look at outside sources to perform this investigation. He also stated that he is in Kiwanis with a guy named Carl Gales, who is an engineer, and presented a handout with information about Mr. Gales. He noted that Mr. Gales graduated in 1964 in engineering and has been designing and building bridges since that time. H. Bowman described Mr. Gales as having a lot of international and state experience in this area and stated his work history and projects that he still worked on.

- 173.1 H. Bowman stated that he is asking that they include Mr. Gales as a part of the investigative committee because he will be able to bring information to them about how the decisions made by the Road Department would affect the quality of the bridges and technology to the situation that nobody else in the courtroom would be able to bring. He stated that Mr. Gales' years of experience with manufacturing, modification, and corrections would be a tremendous addition to the committee. He asked that Mr. Gales be permitted to speak to the Quorum Court at that time and answer any questions about his background and possible interest in helping the County with the investigation.
- 173.2 County Attorney Steve Zega asked the Quorum Court to keep in mind that when they go to outside consultants or professional services, they do a request for qualifications and while he is not saying that it can't be done in this case, that is the proper procedure to go through.
- 173.3 H. Bowman asked County Attorney Steve Zega to explain that process to which he responded that it is akin to bidding and essentially to give an opportunity by opening it up as a need for whatever service, and in this case would be forensic engineering or investigative engineering, whatever the case may be. This is put out through an RFQ process that they have in the county where they throw it out to the general public, ask for qualifications from people, and obviously Mr. Gales would be able to submit that and in addition to his RFQ, read them his resume and advise of his cost by the hour with that sort of thing.
- 173.4 H. Bowman stated that he told Mr. Gales that this was to be a public service and that he would not be compensated at all for this services which he agreed to.
- 173.5 A. Harbison stated that she has put a lot of thought into this and wants to amend the ordinance including all of the things that they have asked the investigation to do, but would like for a private investigator to be hired to

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perform it. She stated that she supported the choice of E. Madison and D. Short to investigate how Washington County Road Department constructs bridges, particularly the Stonewall and Harvey Dowell Bridges. She stated that the County Judge has already informed the Quorum Court that the blueprints were not always followed exactly. She noted that E. Madison's acceptance letter to the County Judge questioned D. Short's ability to be fair and impartial in the investigation. Further she reported receiving several phone calls over the weekend questioning whether E. Madison could be fair and impartial in this as she witnessed E. Madison in the presence of Jeff Williams on election night. She noted that Jeff Williams made the video showing improper construction on the bridges. Therefore, she believes as a court they made a mistake thinking that they could investigate the bridge situation with internal people.

- 174.1 A. Harbison stated that she would therefore make an amendment to the Ordinance that a private investigator be hired to investigate the bridge situation. She stated as B. Ussery properly stated when the train runs off the track, they need to do something. She is aware that the budget is tight and the investigation would probably cost around \$50,000 to \$100,000, if done properly.
- 174.2 **A. Harbison made an amendment to the motion to amend Article 1 of the Ordinance for a private investigator to be hired to investigate the bridge situation and be sent in a RFQ. D. Balls seconded.**
- 174.3 B. Pond was asked if he would accept this as a friendly amendment and he indicated that he would.
- 174.4 County Attorney asked A. Harbison which language she seeks to strike from Article 1; to which she responded that Article 1 would read, "The Quorum Court hereby directs an investigation into the construction of the Stonewall and Harvey Dowell Bridges by a **private investigator** (striking remaining language in Article 1). Further, all references in the ordinance to an investigative team would be replaced with **investigator**."
- 174.5 E. Madison stated she has no idea who thinks they saw her with Jeff Williams on Election night because she was in this room; to which A. Harbison responded she was in this room, with Jeff Williams. E. Madison pointed out that they were all in the room together.
- 174.6 Judge Edwards stated that there was to be no arguing.
- 174.7 E. Madison stated that the notion that she would be bias somehow is preposterous because in her work as an attorney, she strives very hard to get

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to the bottom and figure out the truth of things. She noted that she has already put a lot of time and thought into this investigation just over the weekend and as she has been saying all along, the goal is to find the truth. She stated if they don't trust her to be impartial, that is disappointing because that was absolutely her goal in accepting the position. She believes that a private investigator would perhaps be cost prohibitive and she was willing to give up two weeks of her legal practice, at no cost to the county.

- 175.1 **J. Firmin arrived at the meeting.**
- 175.2 J. Patterson stated that getting someone with Mr. Gales' experience that is not going to charge anything to work with D. Short and E. Madison would be about as good as it gets without spending a lot of money and he believes this would be a good way to go, though they would probably still have to open it up for bids.
- 175.3 Judge Edwards responded that she just doesn't want to violate RFQ and will be leaving it up to County Attorney Steve Zega's judgment.
- 175.4 J. Patterson stated that the problem is that most people are not going to want to do it for nothing.
- 175.5 T. Lundstrum stated that he concurs with J. Patterson and Mr. Gale's qualifications are impressive. He would in no way question the integrity and honesty of D. Short regardless of what his job is anymore than he would E. Madison's, but he would like to see Mr. Gales involved in this investigation because of his vast experience. He noted that Mr. Gales has built bridges over the Arkansas River, which is some bridge experience, and although he has a lot of confidence in D. Short and E. Madison's ability to question and interrogate, etc., he doesn't have a lot of confidence in their bridge building experience, which has already been a problem with their Road Department. He stated he doesn't want to violate any laws either, but Mr. Gales is just a citizen volunteering to help the County with this investigation and he would like to see this three member team conduct this investigation.
- 175.6 S. Madison asked if A. Harbison did research into how much an investigator might cost because they would need to know a ballpark number realizing that an RFQ might be surprising, even after they had that information.
- 175.7 Judge Edwards stated that she has not done any investigation into the cost as of yet because she wanted to see what the court wanted to do.
- 175.8 S. Madison asked if they had anyone on staff who could estimate what a private investigator would cost.

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- 176.1 Dan Short, Chief of Staff, addressed the Quorum Court stating that it was in no way representation of a standard and while he doesn't have any particular knowledge on building bridges or concrete work, just as a general private investigator, he charges \$75 an hour with a three day minimum on any case he takes with all of his expenses to be paid by the client. He stated that he has worked with people in other states who have a higher rate than that. He stated when you start talking about investigation with a specific goal and professional knowledge like engineering; he would assume it would be much higher than that.
- 176.2 S. Madison stated that she is assuming based on the math, for the two weeks that would be \$6,000 and questioned whether two weeks would be sufficient. She pointed out that they have been discussing this issue since before she came on the court back in November 2014 when they got the letter from Mr. Braswell and they still don't have any answers. She also pointed out that it is almost an established fact and widespread knowledge that the bridges weren't built according to plans and they want to know why they weren't built according to plans and who was responsible for this decision. She stated she is still baffled why they would go to the expense of hiring an engineer and then disregard his plans and wants to know why that happened. S. Madison stated that she doesn't believe it is just important that they have an engineer, but it would certainly be an asset to the investigation, as well as a possible additional impartial person to serve on this team. She doesn't see how Mr. Short can possibly be impartial when this in a sense has happened under the County Judge's Office's watch for which he is the Chief of Staff; and she also doubts seriously that the County Road employees are going to feel comfortable talking to him. So stated at this point tonight they don't know how much a private investigator would cost or how long it would take and therefore, how much longer this issue may drag out.
- 176.3 L. Ecke stated if a citizen is volunteering their time and expertise, would an RFQ be required for them volunteering; to which County Attorney Steve Zega responded that typically an RFQ is done where you are planning on spending money, so if he is committing his time to volunteering, than he would say an RFQ was not necessary. He further stated assuming that the main ordinance was passed without A. Harbison's amendment, then they would have discussion about how they now have a 3-person team as opposed to two, but this is more of a practical issue than a legal issue.
- 176.4 L. Ecke stated that she would like to know if Mr. Gales was planning on volunteering as a citizen his time and expertise and if so, being on the Budget and Finance Committee, she would be in favor of this and thinks that they should consider it and give him the due respect to listen to what he has to say.

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- 177.1 R. Dennis asked whether the amendment needed to be addressed first; to which County Attorney Steve Zega responded that it did and that was a good point of order.
- 177.2 J. Maxwell asked if H. Bowman had mentioned the engineer first before they made the motion for the amendment and he was confused as to what should come next.
- 177.3 County Attorney Steve Zega responded to J. Maxwell stating that the amendment goes to the main motion and they have to deal with that first and whatever they do with the main motion will partially drive what H. Bowman said.
- 177.4 H. Bowman stated that it is really interesting that A. Harbison makes an issue about E. Madison being objective when Judge Edwards recommended her for this job as her first choice. He stated as far as he is concerned, that speaks volumes about the expectations from E. Madison, stating that she is a hard working, diligent investigator in her personal business and for the court and to imply that she would not be fair is just unfair.
- 177.5 Judge Edwards requested that they go ahead and carry this through without getting into personalities as they have gone far enough on that.
- 177.6 A. Harbison read a portion of E. Madison's letter to the County Judge in accepting her duty as a part of this investigation as follows: "Finally I feel compelled to note that I do fear some of Justice Sue Madison's concerns about Mr. Dan Short's role in the investigation. While I have no doubt his past experience working for the Arkansas State Police makes him a skilled interviewer and investigator, we have to acknowledge that he is someone who should be interviewed in the investigation. For instance, George Braswell alleges that he met with you and Mr. Short in October of 2013 regarding the Harvey Dowell Bridge. Mr. Short should be asked about this meeting. This is just one sample. In addition, because Mr. Short is your Chief of Staff and technically in the chain of command of the Road Department, I have to wonder whether every witness will feel comfortable speaking freely in front of him. At the same time I realize some witnesses may not want to speak to me either, but I come into this situation as much or more of an outsider than Mr. Short. The Court should discuss how to handle these issues." She stated that as E. Madison brought this up herself that is why she is making the recommendation.
- 177.7 J. Firmin apologized for coming into the meeting late, but asked for clarification of the amendment.

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- 178.1 County Attorney Steve Zega addressed J. Firmin, stating that A. Harbison proposed to strike the two-person team consisting of D. Short and E. Madison and use a private investigator which would require them to send out an RFQ to find investigation services.
- 178.2 D. Balls stated the reason he seconded A. Harbison's motion has nothing to do with E. Madison's ability as he thinks she would do a great job. He has had a lot of calls from people and they are all stating that the County doesn't need to do this investigation internally. He stated if they can afford to go outside of the county for an investigator, he thinks that they should, but he is only one of fifteen JPs. While his opinion has nothing to do with anyone's ability, it is what he thinks they should do and is what his constituents have asked him to do.
- 178.3 B. Pond stated that he is kind of in favor of hiring a private investigator; however, if they do that then they will have people coming to them saying they don't like what the PI determined as he was handpicked by one of them. He was a little disappointed that they could find no government entity that would come in and help them with this. He pointed out that one suggestion was to appeal to the Association of Counties, though it is possibly out of their bailiwick. As far as people going back and forth in here, or with nasty letters or name calling back and forth from either side, accusing one side or the other of not being trustworthy. Whether it is E. Madison or D. Short, he doesn't think that it would float well having one or the other doing the investigation, but having both of them together gives it balance. B. Pond stated that he is impressed with the experienced engineer that wants to be a part of this committee as a citizen of the county and though he doesn't know this gentleman, it sounds like a good idea. He stated that expressing these opinions is all just wasting time and it is because they have people here not working together on this that they are currently at a standstill.
- 178.4 J. Maxwell stated his belief that much of what he is hearing is heading in the direction of what a lot of their constituents want and what they want as a Quorum Court is very healthy. He stated that it seems there is a little bit of a dichotomy between what the investigative person or group should look like. As mentioned by A. Harbison, one of the difficulties that continue to come up is having the Chief of Staff interview people while needing to be interviewed himself and what conflict of interest that might bring, as well as the technical expertise on bridge building. He stated it looks to him that they almost have what they need here and that would be a hybrid of the private investigator with the three mentioned; someone from the court, the Judge's preference, and then the gentleman who has been so kind as to volunteer his expertise for free is a bargain that would be nice to capitalize on. He stated that a hybrid of those three would give them all angles of expertise, as well as credibility and no conflicts of interest.

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- 179.1 Judge Edwards stated that she is tired of the bickering and tired of the people of Washington County having doubts with what they are doing and she is ready to move forward. She stated if Mr. Gales feels like he can serve on this committee without any prejudice one way or the other, she would like to hear what he has got to say.
- 179.2 **T. Lundstrum called for the question on A. Harbison's motion to amend.**
- 179.3 **With no further discussion, Judge Edwards called for a vote on A. Harbison's motion to amend the ordinance to bring in a private investigator and dissolve the committee as it stands.**
- 179.4 **VOTING FOR: A. Harbison and D. Balls. VOTING AGAINST: J. Firmin, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, H. Bowman, R. Dennis, and L. Ecke. **The motion failed with two members voting in favor and twelve members voting against the motion.****
- 179.5 Carl Gales, resident at 18772 Harmon Road, addressed the Quorum Court stating that he has a strong feeling about counties. He began his business in 1971 in Greenwood, Arkansas and one of his major projects was Ben Garen National Park during which he worked with the County Judge and all the county members. He noted that there have been times when he has twenty cities as a consulting engineering firm in Oklahoma, where his primary business is located, and he currently has five projects active there. He stated that he and H. Bowman had been talking about this issue at Kiwanis and he had read all about it in the newspaper. He noted the other day he called D. Short to offer his help as an engineer, but had not heard back from him. He thinks that the county needs some help and he sees the entire court as volunteers as they aren't doing this job for the money as there isn't enough money for the time spent. Mr. Gales stated if he can give them a little bit of his expertise he would be glad to do it. He noted that he has traveled all over the world and Arkansas and Washington County has kept his family safe during this travels, so he owes a little bit back to Arkansas and to this county.
- 179.6 R. Dennis stated that he would like to amend the ordinance placing Carl Gales as an addition to D. Short and E. Madison on the investigative team and L. Ecke seconded.
- 179.7 E. Madison stated in recognition of the time that Mr. Gales is donating, that they shouldn't include him necessarily as part of the investigative team, but perhaps as a technical advisor to the committee. She wouldn't want to obligate him to have to sit through all of the interviews that may not pertain to the actual bridge building aspect.

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- 180.1 County Attorney Steve Zega stated that he doesn't think that they can ordain him without paying him. He stated that they are not talking about a contract, but rather a volunteer service.
- 180.2 Mr. Gales stated that both he and H. Bowman do a lot of volunteer work these days because they are old.
- 180.3 County Attorney Steve Zega stated that with no objections, he will add as a friendly amendment to the end of Article 1, **County citizen Carl Gales, P.E. has volunteered his time as technical advisor to the investigative team.**
- 180.4 E. Madison stated that she is the one that raised the issue in her letter and J. Patterson had also questioned whether D. Short had a conflict of interest participating in the investigation and as she was left speechless the other night with the turn of events, she needed the night to think about it. She stated by the time she got to Friday morning, it was apparent to her that if this was a case she was investigating in her law firm for a client, she would want to interview Mr. Short and doesn't know how to reconcile that as sitting with him as a co-investigator and then suddenly turning to need to interview him. It further occurred to her that in the course of doing those interviews, there are going to be references to Mr. Short and people are going to want to talk about him as he has an office at the Road Department and spends a lot of time there. She questioned how those people would feel about talking about Mr. Short in front of him which causes her concern.
- 180.5 E. Madison stated that she has heard more from citizens of the county on this issue than on any other because people are very concerned about the propriety of an internal investigation in the first place as noted by D. Balls; and her only response was that it was a lesser of evils at this point since no one else would do it and if no one else will perform the investigation, they have to do it themselves. She stated that it was unsettling to people that an insider would be doing the investigation and she counted 12 people that said they had a problem with someone who was in the chain of command conducting the investigation. As a result of her being very outspoken on this issue, she has been contacted by people working at the Road Department, as well as friends of people working at the Road Department and has been advised that there is, for whatever reason and she isn't necessarily blaming it on Mr. Short, genuine fear at the Road Department of speaking out. She stated with those kind of fears out there, she is concerned about making sure that the witnesses feel comfortable and will be honest and open in their report to the investigative committee which is why she set some of the procedural issues such as being at a neutral location and having a court reporter to ensure the fairness to everyone involved regardless of what side they are coming from.

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- 181.1 E. Madison stated that she thought about this over the weekend and called her good friend, former JP Candy Clark to talk about it and believes that they should use Candy Clark who is willing to serve as long as it doesn't get into FOI Act issues that including another JP would. She noted that the Press has had a negative reaction to their desire to sort of keep this out of the realm of the FOI Act, but she will say that it is unfair to employees to have them sit in a room and be part of an investigation involving their jobs with the press present. She stated that the process will become open after all is said and done.
- 181.2 **E. Madison made a motion to amend the ordinance to replace D. Short with former JP Candy Clark. S. Madison seconded.**
- 181.3 A. Harbison stated that this changes the whole ballgame completely and is not fair and why she still thinks it needs to go outside because Candy Clark is too connected with the integral works of the county and it wouldn't be fair to her. She stated they want the investigation and want the facts; they don't want people turning the facts to the way they think the facts are and E. Madison as a certain way she wants this investigation to come out. She stated if this investigation is done correctly, it won't satisfy half the people on this court. A. Harbison stated that she can approve E. Madison, D. Short and Mr. Gales if that would be a good combination.
- 181.4 J. Firmin stated that he thinks they are getting a little bit wound up about something that probably isn't quite as significant if they choose to find out why a bridge was built wrong. He stated that Judge Edwards was very generous in proposing this and feels that while it is not perfect, he thinks that D. Short and E. Madison will ably serve on it. He stated that obviously if they find out something criminal than it will change the direction that they go on the investigation. He urged the County Judge to move this along.
- 181.5 S. Madison stated that she has known Candy Clark since 1994 and she is a purposeful, precise, efficient kind of person who will not take nonsense from anyone. She believes that she would make an excellent addition to this team and she believes that it would be done quickly if she were on board.
- 181.6 B. Ussery stated that he too has an issue with D. Short and noted that they can all agree that there is already an integrity problem in the Road Department with people really afraid to talk to the people right above them. He stated people will be reluctant to say in front of Mr. Short exactly what happened, especially if they screwed something up or lied to somebody. He suggested that they bring in someone from a surrounding county to replace Mr. Short who maybe works for the police department to investigate this for us who they could work out a deal with. He believes that this would be

completely unbiased and this is the best way to get an honest, fair assessment of what is going on so they can take care of it and go on down the road.

- 182.1 A. Harbison stated that they need to get this problem solved and they need an unbiased committee to do this which is why she suggested a private investigator. While she doesn't question Candy Clark's integrity, she doesn't feel that she needs to be on this committee. She stated she believes the reason that Judge Edwards put D. Short and E. Madison on this committee together was that it would be balanced in that he is an investigator and she is an attorney and now with technical advice from an engineer, she thinks that they should stick with that. Since they are doing it internally, there are going to be conflicts because our constituents really don't understand. She stated that she has confidence in D. Short and she would hope that E. Madison will be fair and stick to the facts and provide them with an accurate report. She stated that since her motion failed, she is willing to stick with this, but is not willing to amend it to put someone in place of D. Short.
- 182.2 J. Maxwell stated that he still believes that job number one is to put this together with the least amount of contention possible so that the answers have integrity and almost as important, have credibility with the county. He stated since E. Madison has already been vetted by Judge Edwards and is acceptable to this court; that Mr. Gales is acceptable to offer his expertise on the technical side; he would reiterate A. Harbison's suggestion to have a private investigator who is not connected to anything outside of the county and relieves all of the contention so people will answer openly and honestly. He sees this as a great solution to resolving this without lots of infighting and still holds credibility when they bring the answers to the table.
- 182.3 L. Ecke asked if there was someone else not associated with the Road Department, but in the Courthouse if Mr. Short wasn't approved by this court to be involved in this investigation; to which Judge Edwards responded that she does not know of anyone else right now. L. Ecke stated that she concurs with T. Lundstrum on D. Short's credibility, honesty and integrity as an investigator and for that they are thankful, but she also concurs with B. Ussery on having an employee face their boss is very intimidating. She stated she wished there was someone else in the County that could be the second choice without having to hire someone else and agrees with J. Patterson that this would be the best solution.
- 182.4 S. Lloyd stated that she agrees that with D. Short's skills as an investigator, she would like to see him stay on and asked if they have established that he would have to be in the room at all times. She questioned whether it would be a possibility that with a Court Reporter present, the employee could

request that D. Short be excused during their questioning with only E. Madison questioning them; and it was noted that Article 2 of the Ordinance requires that both members of the investigative team shall be present while witnesses are interviewed.

- 183.1 E. Madison stated that she offered Candy Clark because she couldn't come up with anyone else, but she is open to somebody else. She was able to speak to Candy Clark who has a lot of respect among her colleagues and she indicated that she would be willing to do this. She stated that she is hearing a lot of people's concerns over this issue and wants them to get together to find resolution and be united on how they want to move this forward. She believes there are a lot of concerns about having someone that may be a subject of the investigation is a part of the investigation as there is not really a way around that. E. Madison stated that because her integrity is very important to her, she is not sure that she could actually conduct the investigation alongside D. Short because she in some ways would feel like the investigation was not fair to the witnesses involved. She stated she is not going into this with any kind of predetermined notion of how she wants it to come out at all, but she wants to find the truth just like everyone else. She believes in order to get to that truth they need to have two people conducting the questioning that don't cause problems for what goes on in the room which is why she had asked that a Court Reporter be present so that there be no question about their work. She stated she is in a unique spot as being chosen to investigate, noting the pressure that this places on her that she is willing to take that on. She noted if she found such a problem as a lawyer, she would not conduct an investigation in this way in her practice, nor will she be a part of an investigation in her Quorum Court work where she believes that it may be potentially conflicted from the beginning.
- 183.2 A. Harbison asked if she heard E. Madison say if D. Short is on the committee, that she will not do the investigation; to which E. Madison responded that she believes that she would remove herself.
- 183.3 A. Harbison asked J. Maxwell if his suggestion was that a Private Investigator be hired to work with D. Short and E. Madison; to which he responded that this would bring three facets to the investigation; one technical as they discussed, one from their body who was outside of the Road Department and not part of his process as E. Madison; and a private investigator who would have the investigative skills to go along with that and be unbiased.
- 183.4 A. Harbison stated if they are going to go with a PI, then she believes they need to take everyone off that has anything to do with the county as this is an issue with the public that they are investigating themselves internally.

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- 184.1 R. Dennis stated that they were all elected by their constituents and half of them trust him because they voted for him and the other half probably don't and this is probably the same with the other JPs. He pointed out that when all of the issues with the bridge investigation are in the newspapers and television with sound bites, the constituents don't know what to believe. He stated that it is difficult to be interviewed by anyone or the press, but when you are under oath it is even more difficult, but all of their testimony will be for everyone to read, so it doesn't matter if D. Short is conducting the interview or E. Madison, because of the FOI Act anyone can read anything that was said anyway. He stated the reason they picked one JP because with the laws the way that they are, they couldn't have more unless the media goes with them and then that adds another pressure point for the people to talk about.
- 184.2 R. Dennis stated that three days after he received Mr. Braswell's letter, he started taking pictures of the Stonewall Bridge and talked to every level in the Bridge Department with the exception of one retired gentleman and every one of them was willing to talk to him and told him exactly what they did, stood up like men and stated that they did it wrong. He believes that they are making a lot bigger deal of this than what it is because he believes if they are sworn in and told they are signing an affidavit to tell the truth, these employees are going to tell the truth no matter who is interviewing them because the truth is really already out there. He stated that these are not criminals, just guys working on a bridge who made a mistake, and their only cover-up was asking their supervisor if they were right or wrong with what they did and the supervisor told them that it would be okay, so right there is the end of the story. However, they don't want to accept that and want to go on and investigate which he thinks is the right thing to do. He noted that the Fire Chief suggested that they have the bridge workers write everything down, go back and read it and see where it matches up and where it doesn't and you would have your story. He stated that he is good with both E. Madison and D. Short and is ready to vote yes and start interviewing.
- 184.3 B. Pond addressed E. Madison's motion to replace D. Short with Candy Clark, stating that unless she withdraws this motion, it is his responsibility to say something even though he can predict that he will be called a liar. He stated that there is a conflict of interest with E. Madison and Candy Clark as an investigative team because they are set out to undermine Judge Edwards whether there was a mistake made by employees or not. He stated directly after money was appropriated for the Animal Shelter, one afternoon in this courtroom after a committee meeting, E. Madison and Candy Clark approached him asking for his help, stating that they needed to do what they could to get rid of Marilyn Edwards as County Judge because she is a liberal. He reported that they didn't get an audible response from him because he would then be breaking the FOI Act. He stated that E. Madison may not

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remember this or can totally deny it, but it did happen and he felt it was his responsibility at this time to report the incident.

- 185.1 L. Ecke stated as to the location of the interviews that are going to be conducted, she recommended using this Quorum Courtroom because they have both audio and video of the interviews available to them and she believes if they are conducting county business, it needs to be done in this courtroom.
- 185.2 T. Lundstrum stated that E. Madison's proposal creates a problem for him because he thinks a lot of Candy Clark's abilities. For those who are new on this court and didn't know Candy Clark, he stated that she is tough as nails and shut them all up from time-to-time as Chairman of the Finance Committee; she is a championship debater and knows how to deal with words. This presents him with a quandary because he thinks Candy Clark would do an excellent job, but he wants to stick with where they started out because like Judge Edwards, he is tired of fooling with it and wants to get on with the investigation, get it done and put it to bed, get the bridges built right and be done with it for a change. He addressed his fellow JPs stating that they will never satisfy 100% of their constituents or everybody in this body.
- 185.3 E. Madison referred to B. Pond's comments, stating that she has never said that remark or used the word "liberal" and is appalled that she would be accused of such a thing. She stated that she is getting dirt tonight and doesn't want to put her friend Candy Clark through a vote where she fails on the body that she just sat on. She stated that she would withdraw her motion, but cannot support the main motion with D. Short participating in the investigation.
- 185.4 **E. Madison withdrew her motion.**
- 185.5 Dan Short, Chief of Staff, addressed the Quorum Court stating that he realizes how difficult this decision is for this Quorum Court. He stated that they recognized initially that the best end result would come from an impartial investigation from people totally disconnected from the county because if they had done their own investigation, they felt that there would always be people who would say that they had slanted the investigation one way or another. He stated that he along with Judge Edwards want the truth, the facts and they are not afraid of what that truth and those facts are, but they want that out on the table so they can get on past this and get on with county government.
- 185.6 Mr. Short stated he understands E. Madison's comments that if he is going to be interviewed according to her wishes as part of the investigation, he doesn't see how he can be part of the investigative team. He stated that typically

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protocol for an investigation is no more than two people and he believes that a 2-person team is sufficient because if you start flooding a room with 3 or 4 people trying to do an investigation and talk with one person, it would be very intimidating to that person. He noted that they have Mr. Gales who has come forward and offered his expertise as an engineer and his time free of charge to help the county with this investigation; and he would recommend that Mr. Gales be accepted as one-half of that team. He stated that they have other elected officials in this county who are here because they were elected by all fifteen districts in the county. Mr. Short stated that Russell Hill would be an acceptable and very good second half to that investigative team, but doesn't know if he has the time for that or not.

- 186.1 In closing, Mr. Short stated that he is not afraid of what will come out of the investigation, but just wants to see the investigation completed. He noted that they have a fairly limited number of people to interview from the bridge crew and most of the information needed will come from those folks. He suggested that they start with Mr. Gales and then look for someone who everyone thought could be impartial and that would be his team.
- 186.2 T. Lundstrum stated that he would have no problems with Russell Hill either, but asked Mr. Short what he would think about Kyle Sylvester as well who has had a number of years in police work and interrogative experience; to which Mr. Short responded that he has the utmost confidence in Mr. Sylvester's integrity.
- 186.3 H. Bowman stated that he really admires and respects what D. Short just did because it is obvious that there could be some intimidation by people responding to him and believes that taking himself off the table was a classy, intelligent thing to do.
- 186.4 J. Patterson stated that they have wasted a lot of time, need to quit backstabbing and need to start thinking positive to get it figured out. He noted that he can not remember many times in his 13 years on this court that he has walked out of this room happy after they finalized the budget, and not everyone was happy, but they moved on and did everything they could to make this one of the best counties in the State of Arkansas. He stated that they need to quit the back fighting, focus on the positives, and get this figured out. He stated that they need to get 2-3 people who will do a good job and they have them right in this room, get past it that nobody will be happy with all three. He stated "when it is all said and done, there will be more said than done" and "if you don't lie, you don't have to remember what you said."
- 186.5 Judge Edwards asked Russell Hill if he would be willing to serve on this investigative team and he indicated that he would.

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- 187.1 S. Madison stated that her understanding of what R. Dennis reported was that he had done his own mini-investigation of his own at the Road Department and inquired as to whether he kept a record of that and if it could be made available to these investigators; to which R. Dennis responded that he didn't keep real accurate records, but could recall what they had said and would be okay to share that.
- 187.2 A. Harbison stated that T. Lundstrum has police training in investigation and she would suggest that he be part of the investigative team as well as R. Dennis as he has already done an investigation, has pictures, is fair and doesn't have any bias; to which Judge Edwards responded that it would create an FOI Act violation. A. Harbison responded that she would like to see T. Lundstrum be made a part of the investigative team.
- 187.3 **L. Ecke made a motion to adopt the ordinance with a friendly amendment to add technical advisor Carl Gales and replace Dan Short with Russell Hill. S. Lloyd seconded.**
- 187.4 County Attorney Steve Zega explained that they were voting on the main motion to adopt Ordinance #5.1 as amended.
- 187.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance as amended.**
- 187.6 **VOTING FOR: 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. Dennis, and L. Ecke. The motion passed unanimously by those present. The ordinance was adopted as amended.**
- 187.7 ***Secretarial note: This ordinance was expunged later in the meeting and additional amendments made. See Paragraph 189.5***
- 187.8 Judge Edwards extended the court's appreciation to D. Short, Carl Gales, and Russell Hill for being patient and such gentlemen through this process.
- 187.9 **AN ORDINANCE APPROPRIATING THE AMOUNT OF \$3,000 FROM THE GENERAL FUND TO THE GENERAL SERVICES BUDGET FOR 2015 TO FUND THE INVESTIGATION OF COUNTY BRIDGES: J. Firmin introduced An Ordinance Appropriating The Amount Of \$3,000 From The General Fund To The General Services Budget For 2015 To Fund The Investigation Of County Bridges, and County Attorney Steve Zega read the ordinance**
- 187.10 J. Firmin explained that he brought this ordinance since E. Madison indicated

in her letter that she may need some funds to perform the bridge investigation and he thought this would be an opportunity to move forward quickly without having to do this at a later date.

- 188.1 **J. Firmin made a motion to adopt this ordinance. T. Lundstrum seconded.**
- 188.2 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 188.3 **VOTING FOR: 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. Dennis, and L. Ecke. The motion passed unanimously by those present. The ordinance was adopted as amended.**

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- 188.4 Judge Edwards noted that they had some further business in that L. Ecke brought up the possibility of having the investigation done in the Quorum Courtroom and if that is the court's choice, Karen Beeks in her office would work with them to make sure that the room was available.
- 188.5 L. Ecke reiterated the reason she mentioned using this room, stating that while it is not the fifth floor of the Courthouse, it is county business and they would have available audio and video recording available to them which would keep them from having to hire a court reporter. She further noted that there would be no charge for them to use the Quorum Courtroom and would just have to schedule the time for interviews with Court Secretary Karen Beaks. She believes that those being interviewed would feel secure in doing what is right in this place and not somewhere off premise and would be no charge to their budget.
- 188.6 D. Short stated that he appreciates the recommendation as far as saving money for the county; however, when you do an investigation, there are a couple of things that get in the way; one taking notes or messing with a recorder to try to capture that. He stated that E. Madison made a recommendation to get a court reporter which he thinks is a great idea because they have someone then who is professionally trained to capture everything that is said. Further, in doing that they also make a transcription which can take a whole lot of time off an investigator's work and gives them a finished product that will not be questioned. D. Short stated that he would recommend that they strongly consider having a court reporter do that because it takes a lot of time off of the investigative team.

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- 189.1 County Attorney Steve Zega stated that he isn't sure what they have in mind, but this would ordinarily be another thing that they would get an RFQ for, so you need to get them on board quickly. He asked E. Madison if she had someone in mind; to which she responded she did not and had only considered that Professional Reporters has a conference room across the street in the Bank Building as most court reporters have a conference space available. She stated that she was trying to think of someone close that they could use for both purposes who wouldn't charge separately for the conference. She stated that she has been very mindful of trying to find a conference room without an expense, but believes that they need to allow for the possibility of an expense. She noted that she has conference rooms in her building that is right behind the Courthouse, but she didn't want to suggest her office as someone may think that work would be unfair. She stated that he can work with Mr. Hill to find a location and concurs with Attorney Zega that they would need on RFQ for the court reporter.
- 189.2 County Attorney Steve Zega stated that it wouldn't affect the Ordinance, but believes that they better get an RFQ for the court reporter and will get this done as quickly as the law allows.
- 189.3 In response to a question whether they need to get an amendment to not start the two-week time frame provided for in the ordinance until after the RFQ and court reporter is obtained; County Attorney Steve Zega explained that the ordinance gives the team authority to come back and ask for an extension if they need it and he doesn't think that they necessarily need to build that in today. He expects if they have to wind up doing an RFQ process, the team will need more than two weeks to complete the investigation.
- 189.4 County Attorney Steve Zega stated that another point made was that they forgot to hold a "Public Comment" before #5.1 passed, so he suggested that J. Maxwell entertain a motion to reopen #5.1 and amend the ordinance not to begin the two week period until after the court reporter is engaged and RFQ is completed and then to reopen for public comment. In response to a statement made by S. Madison, Attorney Zega stated that they are reconsidering it to add the language that J. Maxwell suggested and they could do it by unanimous consent otherwise as well. He further explained that they have to reopen the vote because there was no public comment. After further discussion, he concurred that a Motion to Expunge would work as well.
- 189.5 **S. Madison made a motion to expunge Ordinance #5.1 in order to reopen for public comment. A. Harbison seconded. The motion passed unanimously by those present by voice vote. The ordinance was expunged.**

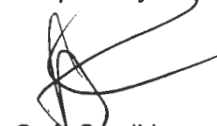
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- 190.1 **J. Maxwell made a motion to amend the ordinance wherein the two-weeks doesn't begin until the RFQ process is completed and a court reporter has been retained. J. Patterson seconded. The motion passed unanimously by voice vote by those present. The ordinance was amended.**
- 190.2 D. Short noted that typically they advertise the RFQ's two weeks running and if they want to shorten that amount of time by vote of the committee, this would be the time to do that and that would allow them to make two advertisements in one week.
- 190.3 In response to questions regarding the professional services, Attorney Zega stated that there is an RFQ process and he would be a little hesitant to shorten it as they are akin to bidding processes and if they shorten them, they give themselves room for a challenge.
- 190.4 Judge Edwards stated that her feeling is that they need to do the RFQ's legally and then set the date.
- 190.5 E. Madison noted that her calendar was clear for the next two weeks, but it is not so good in May and she has a trip in early May, so the delays may create a problem.
- 190.6 County Attorney Steve Zega stated that the ordinance, although they expunged the vote, has a back-up for E. Madison of T. Lundstrum. In response to a question from T. Lundstrum that if they can get a court reporter for under \$5,000, could this be done without a bid; to which S. Zega stated that he didn't know but would check into that and if that is true, then they could start the investigation right away.
- 190.7 T. Lundstrum stated that Judge Edwards should have some kind of way that they can spend up to \$5,000 just on her own decision without someone bidding on it and thinks that would be something worth checking in to.
- 190.8 Judge Edwards stated that if this were to happen, Karen Beeks would contact members of the court and they can get it started.
- 190.9 In response to a question if the video and audio are running in the Quorum Courtroom, whether the court reporter could transcribe it at some later date; to which County Attorney Steve Zega responded that it would not be an official court proceeding, but he believes they can. He actually has questions about swearing people in as his understanding is the court reporter is there for the sake of accuracy and convenience.

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- 191.1 J. Maxwell suggested that they let the video cameras run and on a reasonable time frame handle the RFQ process after the videos are done and transcribe it in a more congenial fashion and County Attorney Steve Zega stated that he thought that was a good point.
- 191.2 E. Madison stated that she will work with Mr. Hill to find a location where the two of them can record the proceedings and have a back-up and then the court reporter can come along and get that later.
- 191.3 County Attorney Steve Zega stated that the court did expunge Ordinance #5.1, but they did not have Public Comments which is what needs to happen now.
- 191.4 Citizen Comments: There were no comments made.
- 191.5 **J. Firmin made a motion to adopt this ordinance. T. Lundstrum seconded.**
- 191.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 191.7 **VOTING FOR: 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. Dennis, and L. Ecke. The motion passed unanimously by those present. The ordinance was adopted as amended.**
- ORDINANCE NO. 2015-29, BOOK NO. 10, PAGE NO. 178**
- 191.8 OTHER BUSINESS There was no other business to discuss.
- 191.9 ADJOURNMENT: The meeting adjourned at 7:05 p.m.

Respectfully submitted,



Carly Sandidge
Quorum Court Coordinator/Reporter