

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

Thursday, May 21, 2015  
6:00 p.m.  
Washington County Quorum Court Room

2015 JUN 22 AM 9:27  
CLERK OF SUPERIOR COURT  
WASHINGTON COUNTY, OR

FILED

- 222.1 The Washington County Quorum Court met in regular session on Thursday, May 21, 2015. The meeting was called to order by Judge Marilyn Edwards.
- 222.2 D. Balls led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 222.3 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.
- 222.4 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 222.5 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 222.6 Judge Edwards stated that Item #12 on the agenda needs to be removed in regards to the ratification of the CUP granted by the Planning Board for Fritchie Farms as the neighbors in this area intend to appeal the Planning Board's decision.
- 222.7 E. Madison suggested that they leave it on the agenda to allow the people present at this meeting to talk about it and then they could just table it.
- 222.8 County Attorney Steve Zega stated that as far as he was concerned, the court can do what they want to; however, since the neighbors intend to appeal, it doesn't do the court any good to vote on it tonight. He stated that they can handle it the way E. Madison suggested or they can also comment if they wish during Public Comments; to which E. Madison pointed out that was at the very end of the meeting.
- 222.9 A. Harbison stated that she would prefer that the people speak during Public Comments as the Quorum Court should not discuss items that they can't vote on.
- 222.10 E. Madison stated that she would be willing to leave it on the agenda to be tabled, but did not want to leave their discussion until the end of all of their other business. She stated it was on their published agenda and they knew that it was going to be taken off, but the public didn't, so when they get to it,

they allow them to speak and state that they are likely to table the item pending an appeal.

- 223.1 **E. Madison made a motion to adopt the agenda as published. The motion was seconded. The motion passed unanimously by voice vote. The agenda was adopted as published.**
- 223.2 APPROVAL OF MINUTES: Judge Edwards asked for approval of the Minutes of the April 16 Regular Meeting and the April 20 Special Meeting of the Washington County Quorum Court.
- 223.3 **A motion was made and seconded to approve the minutes as presented. The motion passed unanimously by those present by voice vote. The minutes were approved as presented.**
- 223.4 PUBLIC HEARING: Judge Edwards asked that County Attorney Steve Zega address this item.
- 223.5 County Attorney Steve Zega explained that the Quorum Court will conduct a second required public hearing concerning the implementation of an Arkansas Community and Economic Development Program (ACEDP) grant for Economic Development for Tyson. He stated that the purpose of this hearing was to inform citizens of the current scope and progress of the ACEDP project; discuss any changes or impacts involving financing sources, user fees or beneficiaries that have occurred since the first public hearing conducted on November 10, 2011; accept oral and written comments regarding the project; and, discuss any potential impacts upon citizens that may/will result during the course of the project. Attorney Zega announced that County Grant Administrator Renee Biby and Cassie Elliott with Visionary Milestones, Inc. were in attendance to address the Quorum Court.
- 223.6 Cassie Elliott from Visionary Milestones, Inc. addressed the Quorum Court stating that she has worked with Renee Biby and Wayne Blankenship on this grant. She stated that they started this grant process in the summer of 2011 and then amended the grant application in April 2013 to add more jobs to be created and also more funding for Tyson. She reported that Tyson received \$834,570 from Economic Development with this grant. They also contributed \$2.5 million in sales to the project. She explained that the project scope was to do some improvements to their Mexican Original Plant which included some fencing work, some training, front entrance and break room remodels, and also meeting space remodel and upgrading restrooms. She stated in total they were required to create 88 jobs at this facility to do the Tacos line for the Doritos Locos Tacos that were made popular by Taco Bell a while back. During the process they tracked the jobs and she was happy to report

that the net new persons hired were 211 people. She stated under the process, they are to employ and keep 570 employees there for at least three years. Ms. Elliot stated since they have completed all grant requirements, the state has allowed them to quit tracking jobs and to close out the grant and this public hearing is in order to do that.

- 224.1 A. Harbison stated that if she remembers correctly, they were looking at creating around 25-30 jobs and now this has created 211 jobs and she noted that this is great for the people of Washington County.
- 224.2 In response to a question from H. Bowman, Ms. Elliott stated that this was just for the Mexican Original Plant in Fayetteville. He noted that they have done considerable construction in Springdale and he understands that there will be other jobs created from that; to which Ms. Elliott responded that she has been told that they were currently working on another project that would create jobs at Mexican Original for another line, but she hadn't heard anything from Economic Development about the Springdale location or if there would be any tracking of the new project.
- 224.3 Citizen Comments: There were no citizen comments made.
- 224.4 **With no further comments, Judge Edwards stated that the hearing of this grant project was now complete and the meeting was adjourned.**
- 224.5 **A RESOLUTION AUTHORIZING ALFORD JOE MAIN TO SOLEMNIZE THE MARRIAGE OF CHARLES ORVILLE GOODING AND ANGEL DAWN BATY ON MAY 23, 2015, IN WASHINGTON COUNTY, ARKANSAS:** R. Cochran introduced **A Resolution Authorizing Alford Joe Main To Solemnize The Marriage Of Charles Orville Gooding And Angel Dawn Baty On May 23, 2015, In Washington County, Arkansas,** and County Attorney Steve Zega read the resolution.
- 224.6 **R. Cochran made a motion to adopt the resolution. A. Harbison seconded.**
- 224.7 Citizen Comments: There were to citizen comments made.
- 224.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 224.9 **VOTING FOR:** A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. **The motion passed unanimously. The resolution was adopted.**

**RESOLUTION NO. 2015-10, BOOK NO. 3, PAGE NO. 105**

- 225.1 **A RESOLUTION EXPRESSING APPRECIATION TO THE BRIDGE INVESTIGATION TEAM:** R. Cochran introduced **A Resolution Expressing Appreciation To The Bridge Investigation Team**, and County Attorney Steve Zega read the resolution.
- 225.2 B. Pond stated that they exhausted all reasonable efforts to find someone to come in from outside to conduct this investigation and he believes this Bridge Investigation Team did as thorough a job as anybody could and he appreciates them coming forward and taking the time to do that.
- 225.3 **B. Pond made a motion to adopt the resolution. S. Lloyd seconded.**
- 225.4 Citizen Comments: There were to citizen comments made.
- 225.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.**
- 225.6 **VOTING FOR:** A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. **The motion passed unanimously. The resolution was adopted.**

**RESOLUTION NO. 2015-11, BOOK NO. 3, PAGE NO. 106**

- 225.7 **FINANCE REPORT:** R. Cochran reported that there were two resolutions and nine appropriation ordinances from the Finance and Budget Committee.
- 225.8 **A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A BUREAU OF JUSTICE ASSISTANCE GRANT ON BEHALF OF THE WASHINGTON COUNTY DRUG COURT:** R. Cochran introduced **A Resolution Authorizing The County Judge To Apply For A Bureau Of Justice Assistance Grant On Behalf Of The Washington County Drug Court**, and County Attorney Steve Zega read the resolution.
- 225.9 R. Cochran explained that this grant is for substance abuse treatment that would run a maximum of two years and will also be matched by the State. He noted that there will be no county funds expended and this is budget neutral.
- 225.10 **R. Cochran made a motion to adopt the resolution. A. Harbison seconded.**
- 225.11 Citizen Comments: There were to citizen comments made.

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

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

**RESOLUTION NO. 2015-12, BOOK NO. 3, PAGE NO. 107**

226.3 **A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO APPLY FOR A BUREAU OF JUSTICE ASSISTANCE GRANT ON BEHALF OF THE WASHINGTON COUNTY SHERIFF'S OFFICE: R. Cochran introduced **A Resolution Authorizing The County Judge To Apply For A Bureau Of Justice Assistance Grant On Behalf Of The Washington County Sheriff's Office**, and County Attorney Steve Zega read the resolution.**

226.4 R. Cochran explained that this is a resolution to apply for a matching grant from the Bureau of Justice Assistance to provide body-worn cameras to be used by their officers. He stated that there is a match required by the County and the Sheriff's budget has resources available to execute the grant should it be granted.

226.5 **R. Cochran made a motion to adopt the resolution. R. Dennis seconded.**

226.6 **Citizen Comments: There were to citizen comments made.**

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

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

**RESOLUTION NO. 2015-13, BOOK NO. 3, PAGE NO. 108**

226.9 **AN ORDINANCE APPROPRIATING THE AMOUNT OF \$98,995 FROM THE GENERAL FUND TO THE COMPUTER/IS DEPARTMENT BUDGET FOR 2015: R. Cochran introduced **An Ordinance Appropriating The Amount Of \$98,995 From The General Fund To The Computer/IS Department Budget For 2015**, and County Attorney Steve Zega read the ordinance.**

- 227.1 R. Cochran explained that this ordinance was to provide funding for replacement video equipment for the 8-9 year old system at the County Courthouse and this equipment will match other equipment that they have installed around the County at the Sheriff's and Juvenile Detention Center locations. He stated that the quality of the new system will be digital and will be a total replacement to the existing system.
- 227.2 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 227.3 **R. Cochran made a motion to amend the ordinance for this offset to come from the general funds of the Buildings and Grounds Maintenance Department Budget instead of Unappropriated Reserves. T. Lundstrum seconded.**
- 227.4 R. Cochran explained that the Buildings and Grounds budget has about \$400,000 and in the last three years they have spent about \$200,000 and he would like to see the offset come from there. He stated that they have spent well over \$1 million appropriated this year and he feels like it is time to tighten the purse somewhat and doesn't feel like this amendment will hurt the Buildings and Grounds maintenance budget and it would keep their reserves intact.
- 227.5 A. Harbison asked if R. Cochran has discussed this with Ron Wood, Buildings and Grounds Superintendent as she is unaware of what he has in his budget and what he may have that money tagged or earmarked for this year.
- 227.6 R. Cochran stated that from the budget process last year, the \$400,000 was not substantiated in anyway.
- 227.7 A. Harbison stated that she doesn't have any problem with using these funds, but believes that they should discuss it with the department head before taking funds out of their budget so as to prevent any hard feelings.
- 227.8 S. Lloyd stated she recollects that there is a June deadline to purchase the cameras.
- 227.9 Ron Wood, County Buildings and Grounds Superintendent, addressed the Quorum Court stating that this has caught him a little bit off guard, but they can make it work for a while, but doesn't believe that they can expect to get through the year with taking that much out of their budget without him having to return at a later date.

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- 228.1 In response to a question from S. Lloyd, Ron Wood stated that he did not know off the top of his head what he has in his budget currently and would have to look at it.
- 228.2 J. Firmin stated that he does not feel like if they have not spent it through the year, it is the same as if it was in the general, so they are making a determination essentially to appropriate something that wasn't in the budget before which is a discussion they need to have.
- 228.3 Ron Wood stated that with this appropriation from his budget, it will be really tight to get through the year, which is why he knows he will not be able to take this much out of it without coming back and asking for money at a later date.
- 228.4 A. Harbison stated that the comment was made that Ron Wood had a \$200,000 carryover last year and that is where R. Cochran's thinking was coming from. She apologized to Ron Wood because she believes that he should have been approached about this before the meeting tonight because she doesn't like to blindside people.
- 228.5 Ron Wood commented that it would not be unusual for him to come to work at 8:00 a.m. with no intention of spending any money and he may have to spend \$75,000 before lunch. He stated that if he is going to have money left for emergencies, he doesn't think he can feel safe taking this much out.
- 228.6 T. Lundstrum stated what he likes about R. Cochran's amendment is that they are taking money out of reserves which are low to begin with and if Ron Wood needs more money before the end of the year, he may not need that much to finish out the year. He stated that it just seems more appropriate to him to buy this equipment out of maintenance which has already been established for that purpose rather than to take it out of unappropriated reserves.
- 228.7 S. Madison concurred with R. Cochran about looking to take this out of other budgets, but is struggling about whether or not they truly looked at all the opportunities for other budgets or if this was just an easy, quick solution as she would have liked to have had more discussion about this. She questioned whether they were under some sort of deadline for buying these cameras; to which someone responded that it was sometime in June. She stated that they could take it now and replenish it at a later date from another budget, but she would not like to see this become a pattern without looking more broadly.
- 228.8 B. Pond stated that while he understands where R. Cochran is coming from, but this is \$99,000, not \$98,000 and it is very short notice. He stated that

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they set these budgets during the budget process and now without giving Ron Wood a chance at what he has and what he might have to spend, they want to cut \$99,000 out of his budget.

- 229.1 Ron Wood stated that he might make it without the \$99,000 this year, but he would like to have some reserve in his budget in case he would have to buy a piece of equipment.
- 229.2 B. Pond pointed out that they are already taking advantage of the labor of Ron Wood's people to run the wiring for the infrastructure for these new cameras.
- 229.3 J. Maxwell pointed out that they are on both sides of this equation because they get blindsided with new appropriations after they set budgets which is where this is originating from so they certainly understand that part of it and the other part is that they all understand if they are borrowing money out of this budget now to do something that is pertinent to the grounds with cameras for security, they all understand if he had to come back for something that was very relevant.
- 229.4 E. Madison stated that this is a good notion that they should think about adopting in spirit because they do get many requests throughout the year to take money from reserves and this sets a good example of saying when people bring them these expenditures, there should be some attempt to find room in the budget to use existing budgets to pay for things. She does not believe that this has been totally fair to Ron Wood and concurs with J. Firmin to some extent because she has never known Ron Wood to just spend his budget for the sake of spending it and if he had \$99,000 in reserves at the end of the year, it would roll over and replenish reserves anyway, so she is a little conflicted on whether this is saving anybody money. She stated that she does not feel like she has a good enough feel for the status of Mr. Wood's budget right now to know if she has that much to give because that is 25% of his budget and she might be more comfortable of taking half of the money from his budget. She reiterated that they should adopt this notion for future increases, but right now, she cannot support this because she doesn't have enough information.
- 229.5 Ron Wood stated that it is fine with him if they want to take these funds from his budget and they can go back and look at it later because it is very important that they get these cameras because right now they are not recording anything out of the courthouse.
- 229.6 E. Madison stated if Mr. Wood is okay with it she will support the amendment and they can revisit it later if they need to.



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- 230.1 J. Patterson stated that they can take it out now and put it back in later if they need to as they always have and he doesn't see any reason for that to change. He stated too often in the past they say that they better leave it because they may need to spend it, but need to start thinking they may not need it and act like they don't have it because they can always give it back if they want to.
- 230.2 A. Harbison stated that she would like to see the money start coming out of the budget so they don't have any excess in the budget and instead of going to reserves every time they have something come up. She stated she would support this, but she has the general feeling that if Ron Wood needs additional money before the end of the year, that they are not going to give him a hard time when he comes in and asks for it.
- 230.3 County Attorney Steve Zega addressed R. Cochran stating he wanted to understand the amendment clearly so they can draft the ordinance right after the amendment assuming it passes, asking whether he was striking the word "General Fund" and substituting it for "Building and Grounds Budget" to which Mr. Cochran said he was. Attorney Zega added that he doesn't have a specific line item from Buildings and Grounds so he will not insert one in there to which Mr. Cochran concurred.
- 230.4 Karen Beeks stated that what will need to happen is that there will need to be two Articles in this Ordinance; the first to reduce Ron Woods' budget by "x" amount of dollars and then the next Article would still appropriate it from the General Fund, because Ron Woods' money that he is reducing automatically goes into the General Fund and then they put it into the IT Budget.
- 230.5 R. Cochran addressed Ron Wood, stating that he didn't mean to blindside him at all, but one of the things that has concerned him is that they have taken such heavy hits right off the bat this year with their reserves; he was looking at this as a maintenance item for the county which is why he looked to this budget; and it had to come out of a capital area because of the type of purchase but necessarily is still in a maintenance kind of mode. He asked Mr. Wood to come back to them in August and give them a report, good, bad, or otherwise, because they may need to put it in there because he realized that they can't wait to order a boiler one month from now if the weather goes, they will need to take care of this and he assured him that the committee would honor his request. R. Cochran stated that they need to set the tone to be a little bit tighter because of what they have already had hit them this year.
- 230.6 County Attorney Steve Zega stated as per Ms. Beeks' suggestion, he made changes to the ordinance as follows: **An Ordinance Appropriating The Amount Of Reducing the Amount Of \$98,995 From Buildings & Grounds**

**Budget And Appropriating The Amount Of \$98.995 To The Computer/IS Budget For 2013.** He further read the body of the ordinance with appropriate changes made.

- 231.1 **With no further discussion, Judge Edwards called for a voice vote on the motion to amend the ordinance.**
- 231.2 **The motion passed by voice vote with 14 members voting in favor and J. Firmin voting against the motion to amend. The ordinance was amended.**
- 231.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance as amended.**
- 231.4 **VOTING FOR: A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. The motion passed unanimously. The ordinance was adopted.**

**ORDINANCE NO. 2015-31, BOOK NO. 10, PAGE NO. 182**

- 231.5 **AN ORDINANCE RECOGNIZING REVENUES IN THE AMOUNT OF \$18,421 IN THE GENERAL FUND; AND APPROPRIATING THE AMOUNT OF \$18,421 FROM THE GENERAL FUND TO THE JUVENILE DETENTION CENTER BUDGET FOR 2015: R. Cochran introduced **An Ordinance Recognizing Revenues In The Amount Of \$18,421 In The General Fund; And Appropriating The Amount Of \$18,421 From The General Fund To The Juvenile Detention Center Budget For 2015**, and County Attorney Steve Zega read the ordinance.**
- 231.6 R. Cochran explained that this is an ordinance recognizing money coming in from an insurance claim for a vehicle used by JDC which was a total loss and he expects that appropriation request next month to purchase that replacement vehicle, but for now they need to put the money back in the JDC budget.
- 231.7 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 231.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 231.9 **VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis,**

L. Ecke, and J. Firmin. **The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-32, BOOK NO. 10, PAGE NO. 183**

- 232.1 AN ORDINANCE RECOGNIZING REVENUES IN THE AMOUNT OF \$1,950 IN THE JDC GRANT FUND AND APPROPRIATING THE AMOUNT OF \$1,950 FROM THE JDC GRANT FUND TO THE JDC HOFNOD BUDGET FOR 2015: R. Cochran introduced **An Ordinance Recognizing Revenues In The Amount Of \$1,950 In The JDC Grant Fund And Appropriating The Amount Of \$1,950 From The JDC Grant Fund To The JDC HOFNOD Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 232.2 R. Cochran explained that this is an ordinance to recognize money received for the HOFNOD ("Hooked On Fishing Not Drugs") Grant.
- 232.3 **R. Cochran made a motion to adopt the ordinance. J. Firmin seconded.**
- 232.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 232.5 VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. **The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-33, BOOK NO. 10, PAGE NO. 184**

- 232.6 AN ORDINANCE ANTICIPATING REVENUE OF \$30,889 IN THE DEM GRANT FUND FOR 2015; AND APPROPRIATING \$30,889 FROM THE DEM GRANT FUND TO THE WHEELER FIRE DEPARTMENT – SCBA BUDGET FOR 2015: R. Cochran introduced **An Ordinance Anticipating Revenue Of \$30,889 In The DEM Grant Fund For 2015; And Appropriating \$30,889 From The DEM Grant Fund To The Wheeler Fire Department – SCBA Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 232.7 R. Cochran explained that this is an ordinance of anticipated revenue from a DEM Grant for the Wheeler Fire Department for small equipment.
- 232.8 **R. Cochran made a motion to adopt the ordinance. R. Dennis seconded.**
- 232.9 S. Madison asked whether the Wheeler Fire Department is a 501(C) (3) or a Fire District; as she is a little unsure why they are appropriating public money

to a fire department; to which Renee Biby, County Grant Administrator responded that this is a grant that they received through the Department of Rural Services and all grants from the this department either have to come through a city or a county and cannot be directly distributed to a Fire Station, Fire Department or Community Building. She further noted that this is a Rural Community Fire Grant that the County applied for on behalf of Wheeler Rural Fire Department. She stated that any rural fire grant that a fire department gets has to come through the county. Ms. Biby stated that they were awarded the funds today and the source of these funds is the Arkansas Department of Rural Services and they are state tax funds.

- 233.1 S. Madison asked how this issue came up without money going to 501(C)(3) and asked if they had that resolved yet; to which County Attorney Steve Zega responded that the question of public funds to 501(C)(3) or any corporation has not been resolved as far as he is aware by any court case. He stated as JP Maxwell pointed out 2-3 months ago and there are currently some stories circulating in the media, there have been several AG's opinions on this issue, the most comprehensive being AG Opinion 2011-195 where the specific issue was confined to whether or not the county was constitutionally valid in having elections to place rural fire dues on property tax bills which was the narrow question on that particular issue. However, he stated he would not be forthright with her if he didn't tell her in his opinion the reasoning in those AG opinions would apply to basically any public money going to any corporation; and as he has made it clear publically and in the press, his particular opinion is that there will not be a clear definitive answer on this until the Arkansas Supreme Court speaks on it or until the people of Arkansas pass an amendment to the Arkansas Constitution amending Article 12, Section 5 to allow for public money to go to non-profits satisfying the public purpose.
- 233.2 S. Madison stated that it almost seems that it is not that different from the grant money that went to Tysons that is a for profit corporation. She asked if it was under a little bit different coloring because they were going to have a grant for state funds set aside for this purpose; to which County Attorney Steve Zega responded that he needed to be clear about this – that the controversy surrounding this particular issue comes from the language of Article 12, Section 5 that essentially says states can't give money to corporations and can't use the credit of the state, they can't loan money to corporations for a very good reason. He went on to explain that Article 12, Section 5 was passed with the Arkansas Constitution of 1871, post reconstruction Arkansas Constitution. He stated that he is not suggesting that this makes the Arkansas Constitution any less valid, but as they understand corporations in 2015, it is not the way they understood corporations in 1871 because there was no such thing as federal income tax or 501(C)(3) in 1871. Having said all of that, he continued, if they are wrong, so are a lot of other

people and a lot of other counties in a lot of other situations. This particular ordinance talks about the money going to the Wheeler Fire Department and the question that has come before him is whether the non-profit corporations formed by this county for the benefit of the rural fire departments are separate state entities which may be a reason that the court may decide that this is not afoul of Article 12, Section 5.; however, he does not know what the court is going to say.

- 234.1 S. Madison stated that having grown up hearing that two wrongs don't make a right, he is not sure that County Attorney Steve Zega's justification helps her. She stated perhaps they need to encourage some of these fire departments to file new charters and become a number kind of organization. She stated that she will support this ordinance because she thinks it is not quite as direct a flow as the property tax bill was, but will do so cautiously.
- 234.2 J. Maxwell stated that he thinks there was at least one case where a county did have to reimburse several hundred thousand dollars or reabsorb it and go through all of the hassle of that because it did come up and those monies had to change hands back that had been collected by the county and donated to the non-profit. He doesn't think that applies to this particular case, but they can look further into that as there is a hurdle to clear to make sure they are only collecting monies for one that falls under the correct venue.
- 234.3 R. Dennis stated that he is glad that they are getting some of their tax money back from Wheeler.
- 234.4 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 234.5 **VOTING FOR:** A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. **The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-34, BOOK NO. 10, PAGE NO. 185**

- 234.6 **AN ORDINANCE ANTICIPATING REVENUE OF \$10,000 IN THE ENVIRONMENTAL AFFAIRS GRANT FUND FOR 2015; AND APPROPRIATING \$10,000 FROM THE ENVIRONMENTAL AFFAIRS GRANT FUND TO THE BMT01-15EW BUDGET FOR 2015** R. Cochran introduced **An Ordinance Anticipating Revenue Of \$10,000 In The Environmental Affairs Grant Fund For 2015; And Appropriating \$10,000 From The Environmental Affairs Grant Fund To The BMT01-15EW Budget For 2015**, and County Attorney Steve Zega read the ordinance.

- 235.1 R. Cochran explained that this is an ordinance for anticipated revenue from the Environmental Affairs Grant Fund for this year in equipment.
- 235.2 **R. Cochran made a motion to adopt the ordinance. B. Pond seconded.**
- 235.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 235.4 **VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-35, BOOK NO. 10, PAGE NO. 186**

- 235.5 **AN ORDINANCE ANTICIPATING ADDITIONAL REVENUES OF \$1,520 IN THE LAW ENFORCEMENT GRANT FUND; AND APPROPRIATING THE AMOUNT OF \$1,520 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SHERIFF-COMMUNITY FIRE PROTECTION GRANT BUDGET FOR 2015; R. Cochran introduced **An Ordinance Anticipating Additional Revenues of \$1,520 In The Law Enforcement Grant Fund; And Appropriating The Amount Of \$1,520 From The Law Enforcement Grant Fund To The Sheriff-Community Fire Protection Grant Budget For 2015,** and County Attorney Steve Zega read the ordinance.**
- 235.6 R. Cochran explained that this is an ordinance recognizing anticipated revenue from the Law Enforcement Fund into the small equipment fund for the Sheriff Community Fire Prevention Budget.
- 235.7 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 235.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 235.9 **VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-36, BOOK NO. 10, PAGE NO. 187**

- 235.10 **AN ORDINANCE RECOGNIZING REVENUES IN THE AMOUNT OF \$8,876 IN THE COUNTY LIBRARY FUND; AND APPROPRIATING THE AMOUNT**

OF \$8,876 FROM THE COUNTY LIBRARY FUND TO THE COUNTY LIBRARY BUDGET FOR 2015: R. Cochran introduced **An Ordinance Recognizing Revenues In The Amount Of \$8,876 In The County Library Fund; And Appropriating The Amount Of \$8,876 From The County Library Fund To The County Library Budget For 2015**, and County Attorney Steve Zega read the ordinance.

- 236.1 R. Cochran explained that this is an ordinance to recognize reimbursements to the Library Fund to the Dues and Memberships Line Item.
- 236.2 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 236.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 236.4 VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. **The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-37, BOOK NO. 10, PAGE NO. 188**

- 236.5 AN ORDINANCE ADJUSTING REVENUES AND APPROPRIATIONS IN THE COMMUNICATION FUND AND VARIOUS GRANT FUNDS FOR 2015: R. Cochran introduced **An Ordinance Adjusting Revenues And Appropriations In The Communications Fund And Various Grant Funds For 2015**, and County Attorney Steve Zega read the ordinance.
- 236.6 R. Cochran explained that this is an ordinance that recognizes and appropriates various grant fund money.
- 236.7 **R. Cochran made a motion to adopt the ordinance. R. Dennis seconded.**
- 236.8 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 236.9 VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. **The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-38, BOOK NO. 10, PAGE NO. 189**

- 237.1 AN ORDINANCE RECOGNIZING REVENUES OF \$12,000 IN THE 9-1-1 FUND; AND APPROPRIATING \$12,000 FROM THE 9-1-1 FUND TO THE ACT 442 OF 2013 PSAP BUDGET FOR 2015: R. Cochran introduced **An Ordinance Recognizing Revenues Of \$12,000 In The 9-1-1 Fund; And Appropriating \$12,000 From The 9-1-1 Fund To The ACT 442 of 2013 PSAP Budget For 2015**, and County Attorney Steve Zega read the ordinance.
- 237.2 R. Cochran explained that this is an ordinance to recognize revenue and appropriating money for small equipment line items for the PSAP budget.
- 237.3 **R. Cochran made a motion to adopt the ordinance. R. Dennis seconded.**
- 237.4 J. Firmin asked for someone to remind him what the PSAP Budget is to which Grant Administrator Renee Biby responded that "PSAP" stands for "Public Safety Answering Points" or the 9-1-1 System and this acts in portion to provide 9-1-1 emergency services to rural areas within the state and to any 9-1-1 Emergency System and assist in funding, and these funds have something to do with the telephone system for 9-1-1. She explained that there are different 9-1-1 call centers all over the county and John Luther would know specifically what these funds are dedicated to.
- 237.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 237.6 VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. **The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-39, BOOK NO. 10, PAGE NO. 191**

COUNTY JUDGE'S REPORT:

- 237.7 N.W.A. Regional Ambulance Authority Report - Becky Stewart, Central EMS Chief, addressed the Quorum Court and announced that Chief David Dayringer was present tonight and they would be reporting on the expanded service area of the areas that the Springdale Fire Department will no longer be serving after January 1, 2016. She referred to maps attached to the distributed report that specifically show the northeast and northwest areas of the county, including the Hwy. 412 corridor. She noted that the first map shows the area outlined where they would be talking about putting ambulances, and they will further discuss what it will cost to do that. She addressed the second map which shows what the ambulance authority will



look like once the system is put all together. Ms. Stewart noted that this area in total for 2014 had 632 calls and last year, the ambulance authority ran 16,666 ambulance calls for a combined total of most likely more than 17,298 in 2016. The map further set out the calls that the ambulance authority is currently receiving and the calls in the new area that they are looking at.

- 238.1 Ms. Stewart reported that they have over several months held multiple meetings, spoken with multiple governmental bodies, and spoken with every member of the ambulance authority and reported that the Washington County Regional Ambulance Authority Board of Directors (WCRAA) has approved the recommendation that is set out in a letter dated May 21, 2015 to the Washington County Quorum Court and Judge Marilyn Edwards wherein it states that the WCRAA Board of Directors approved the Executive's Committee's recommendation of one ambulance and an additional night crew to provide emergency ambulance service to the cities of Tontitown, Elm Springs, north Johnson, and northeastern Washington County at a level that meets the response time standards of the WCRAA while continuing the current response times provided by the Springdale Fire Department. She noted that the other three entities mentioned are relatively satisfied with the numbers that they have come up with as opposed to the numbers that they started out with. She explained that the start-up costs for 2015 for an Ambulance Station in the Northwest County area and a 12-hour night crew to an existing day crew are as follows: Ambulances at \$240,000; Operational Costs at \$8,665; Personnel at \$189,634; for total Net Cost of \$438,299. Costs for the first year beginning January 1, 2016 would be as follows: Operational Costs at \$27,216; Personnel at \$455,121; for total costs of \$482,337 and total revenue of \$224,509 leaving a net cost of \$257,828. She stated that the start-up costs of 2015 will cover wages for training the ten new employees with each additional area contributing to the total of \$189,634 based on population and per capita. Financing the ambulance and equipment starting in 2016 over a five-year period will result in an estimated payment of \$4,500 per month.
- 238.2 Ms. Stewart stated that the success of this plan hinges on Washington County Quorum Court agreeing to continue for five years the subsidy dollar amount that has historically been paid to the Springdale Fire Department of approximately \$223,000 and this is \$100,000 over the per capita amount when figured the same as others in the expanded service area. She stated that the second thing they are asking is that the 2015 start-up will need to include training ten personnel for the additional ambulances at least by the last quarter of this year, and the county's part of that they are asking for is \$99,000 and they are asking for that in 2015. Ms. Stewart stated that the next thing they are asking the court is to look at the financing of one ambulance and Washington County's portion of that cost would be \$2,369 monthly,

yearly \$28,00 and over a five-year period \$142,000. She referred to the table showing Ambulance and Equipment Loan financed and a per capita application at what each of the four entities cost would be and the County's monthly cost would be \$2,369, yearly at \$28,000, and over a five-year period \$142,000. She stated instead of coming up with the capital up front to purchase one ambulance and the equipment that goes with it which costs \$240,000 in total, they are going to finance it over a 5-year period to help with the cash flow for particularly the smaller towns.

- 239.1 A. Harbison stated that the county would need to pay an additional \$100,000 this year on top of what they already give the ambulance service and questioned when that would need to be paid; to which Ms. Stewart responded that they would like to hire these people by August, but are trying not to hire them without approval from the Quorum Court for some type of allocation. She further noted that these personnel will earn their wages by the month, so the county could make this in monthly payments.
- 239.2 S. Madison stated that since Springdale has decided to shrink the area that they cover, wouldn't they end up with extra employees and an extra ambulance; to which Chief Dayringer responded that they are pulling back into their city limits so the resources that they have now that they are providing coverage in the rural parts of the county because they need their resources in the city because the number of calls per service through them each year has increased every year like the Ambulance Authority's has, so there will be no resources available for us to use in our service area.
- 239.3 S. Madison asked if Fayetteville only covers what is in their city limits; to which Chief Dayringer responded that the Ambulance Authority covers the rest of the county other than what Springdale has been covering for many years now. He further explained that Fayetteville is part of the interlocal agreement that establishes the Ambulance Authority and they pay on a per capita basis like every other member of that interlocal agreement.
- 239.4 S. Madison stated that the big picture is then that the population of the area has grown to the extent that they need another staffed ambulance; to which Ms. Stewart added that Springdale is at the point for their city where they need to add an ambulance and staff, so the way they are doing this is by pulling the resources into the city limits from serving in the county and they are getting an injection of resources into the city by doing that. It was also pointed out that Springdale will no longer get the portion of the County's sales tax for that out in the county.
- 239.5 County Attorney Steve Zega stated that the County pays Springdale about \$250,000 now to service the northeast and northwest portions of the county

and what he understands this agreement to do is to pull that back. He stated that Springdale's portion of the 1 cent sales tax isn't going to change as a result of this agreement because these are two different sets of money.

- 240.1 S. Madison stated that the contract that the Ambulance Authority had with Springdale will now go to the Authority and County Attorney Steve Zega added that what Washington County paid to Springdale will now go under this arrangement to the EMS local ambulance authority.
- 240.2 S. Madison stated even if Springdale hadn't changed, they would still be looking at needing another ambulance; to which Ms. Stewart responded that Ambulance Authority would not be covering that area. Ms. Madison stated that somebody would have to buy another ambulance, either Springdale or Ambulance Authority. She further explained that this is largely due to growth and is not necessarily because of Springdale changing, but is due to both.
- 240.3 Ms. Stewart further explained that Springdale chose to increase their resources by changing their service area which at that point, Ambulance Authority has to increase their resources to cover that area.
- 240.4 S. Madison stated that she just wants to make sure that they are not ending up with a double dipping; to which Chief Dayringer responded that they were not.
- 240.5 Ms. Stewart continued to explain that what they have been able to do is take the cost of purchasing the ambulance and ongoing cost of hiring employees and make that feasible for the small towns and what they think that the county can do going forward from 2016 and they need to amend the interlocal agreement as well. She further stated that what the county will be paying over and above what they are currently paying is the \$99,000 for hiring and training new employees through the end of 2015 and the financing cost of the ambulance.
- 240.6 Chief Dayringer added that these costs are being shared by the potential new members of the ambulance authority, Elm Springs, Johnson and Tontitown, who are like the county increasing their head count to citizens that they were serving with the Authority.
- 240.7 S. Lloyd asked if it was the percentage of people that they will be covering in this new area the same percentage that Springdale was covering and therefore, they need that exact amount of money, or was it miles that will have to be covered or population served; to which Ms. Stewart responded that it is because of both issues. She explained that they looked at where the calls were historically and where they can best cover those calls with an

ambulance inside of 12 minutes and 20 minutes as shown on the map. She stated that they looked at where the new calls were located and what response time they needed to meet to get to those calls and where they needed to put ambulances to meet those response times and they came up with needing one ambulance and another at night crew in the rest of the system to cover those calls. She stated that they took the cost of that and came up with a formula for the funding that worked for everybody, so they are taking on additional population, as well as ground and that figures into the response time and how many ambulances they need to cover that ground and get to those calls, and this figured out to one ambulance and ten people. She further stated that one ambulance 24/7 is 6 people and a night crew is 4 people and with those additional people, they can cover the additional calls for the system.

- 241.1 Ms. Stewart addressed a previous question regarding the current ambulance system, stating before they came up with this recommendation, they looked at the current system and it needed an ambulance in the northeast area of Fayetteville, so the current system is adding in one additional ambulance starting in 2016 and funding that as members of the current system at an increase starting in 2016 and the county will see that. For the expanded service area, the additional calls and ground that they have to cover will require one ambulance and ten people and they tried to finance it so it was spread over a period of time and pull the people at the end of the year so they have a smaller amount of wages and salaries and split it out per capita because that is the way everything else is split out.
- 241.2 S. Lloyd asked if they got an APR on the financing of that ambulance; to which Ms. Stewart responded that they are trying to get a good one and traditionally they have had reasonable rates. She stated that they are looking at hiring a tax attorney to write them a letter that specifically says they qualify for governmental rates as some lending institutions require that while others don't. As an interlocal authority or a quasis governmental entity, they have had a change of retirement to governmental retirement and there are a lot of other things that they believe they will qualify for.
- 241.3 H. Bowman stated that they had a meeting here about two months ago talking about this issue and at that time, he was the only one who believed that their rates would go up very substantially, so he is really excited that they will be paying about the same as their neighbors should be paying. He asked if that additional revenue came from the three CD's that were not paying any taxes at all for EMS; to which Ms. Stewart responded that they have taken a look at the current system so the numbers of that system are funding one additional ambulance in the northeast area of Fayetteville and that will cost members of the current system to move from 2000 census to 2010 population and that will

increase the funding and also to increase the per capita funding by \$2.06 per capita which will leave the cities from \$4 to \$6.06 per capita and the county from \$15.50 to \$17.56 per capita and from the current members, that is how that ambulance in the northeast Fayetteville area is going to be covered, so some of the initial numbers that were very shocking were affected by that.

- 242.1 L. Ecke asked if someone were to call for ambulance service, how much would the bill be that they received; to which Ms. Stewart responded that the regional average ambulance bill is about \$950 to \$1,000 and that depends on the level of care and could be much less than that and could be more. She added along those lines, the ambulance authority's operating budget will be close to \$10 million in 2015 and they collect 80% of that operating cost based on fees for transport reimbursement from third party, Medicare, Medicaid, private insurance and some from private pay, but the remaining 20% is made up of 10%-11% is local government support and grants. She noted that this can be very tenuous because they are talking about grants, as well as approval of local government institutions and reimbursement.
- 242.2 A. Harbison stated that J. Patterson has worked on a local agreement that they have and she knows that many people on the court don't realize the work that has gone into developing this ambulance system. She noted at that time, Springdale didn't participate and wanted part of it, so they just paid them so much per capita to cover that area; but now that they decided they don't want to do that, they have to pick up the rural area because they are drawn back into their city limits. Otherwise, all other cities in the county are a part of a regional ambulance service. She stated that because they have dropped in population in the county, they normally suffer and in this situation, it has helped us. She suggested that some of them may want to talk to J. Patterson because they don't need to reinvent the wheel every time they start to talk about ambulance service. She stated that they have a good ambulance service and they really need to get behind this because it helps their rural citizens.
- 242.3 J. Firmin verified that the Ambulance Authority's total operating costs were around \$10 million this year, noting that this is extraordinary and he is aware that they have put a lot of time into this and have done a fantastic job. He further suggested that they get this on the agenda for June's Finance & Budget Committee so they can get these people hired. In further response to J. Firmin, Ms. Stewart stated that she believes Tontitown city limits had 114 calls for 2014.
- 242.4 J. Patterson stated that many of the JPs are new to this, but he has been involved with the ambulance authority for several years and he can state that they are just an unbelievable distance away from where they were when they

started. He stated that it is really very complex when you start getting into the nuts and bolts of it, noting when they started they were dealing with Springdale separately applying how they work their ambulance deal to what they were doing with the ambulance deal in the rest of the county. He is amazed at how they were able to work this out because he thought it was going to cost them a lot more than it did. He pointed out that this will be ongoing and changing all the time as it is not settled, but is on the right track and everybody is going to have to watch it because they will be having another census before too long.

- 243.1 B. Pond stated that Springdale Fire Department was covering the north part of Washington County rural area and they are about to take that on, and at that time, they will be covering every part of Washington County except for the Springdale city area. In response to a question about how many people are employed by Central EMS; to which Ms. Stewart responded currently they employ 86 full time people, at last count, they had 22 part time people, and are getting ready to add 18 field staff. B. Pond stated that these are dedicated people and on a time or two, he had the pleasure of seeing 2/3<sup>rd</sup> of them at one time in one room and he does appreciate what they do.
- 243.2 Ms. Stewart thanked the Quorum Court in closing and stated that they are blessed to have a very seamless and incredible network of first responders and rural fire department dispatch their folks and the paid career fire departments and the County who has supported ambulance service for over 35 years which makes it possible for them to work for Washington County. She added that this is a result of a lot of hard work from Chief Dayringer, Jimmy Beachum, and Ron Wood, who is a member of their executive committee, Ray Morgan, Owen McIvey as their new financial director and Steve Harrison, as well as the mayors in every town in Washington County.
- 243.3 R. Cochran stated that he will support the Ambulance Authority for their startup costs as well as their 5-year plan because the benefit to the citizens of Washington County is great.
- 243.4 Equalization Board Appointment for Quorum Court - Judge Edwards stated that some on this court may have known Mr. Joe Bailey who passed away. Therefore, she stated that the city has to appoint someone to represent them. She stated that the Quorum Court has representatives on the County's Equalization Board; Mildred Runkle and Luther Freeman. She stated that Mr. Freeman's term expires this year in June and Mrs. Runkle's in 2017. She reported that Court Secretary Karen Beeks has spoken with Mr. Freeman and he is interested in being reappointed if it is the desire of the Quorum Court.

- 244.1 **B. Pond made a motion to confirm Mr. Freeman's reappointment to the Equalization Board. J. Patterson seconded. The motion passed unanimously by those present by voice vote. The reappointment was confirmed.**
- 244.2 Update from Judge Edwards on Bridge Investigation Items – Judge Edwards reported with all the recent rain, the Road Department has been pretty busy as they have had a lot of damage to their roads with some cave ins and a mud slide around Cove Creek where the road was closed completely.
- 244.3 Judge Edwards commended E. Madison and Russell Hill on the excellent job they did on the bridge investigation, but when they got through there were 1400 pages of depositions which she believes the JPs each have a copy of. She stated that she is wading through that very patiently and as soon as she, along with County Attorney Steve Zega along with several people in her office get through all of that, they will have some discussion and decide what needs to be done. She reported that on the Harvey Dowell and Stonewall Bridges they have a request for qualifications and they have advertised for two weeks for a Contract Bridge Crew Supervisor and this will close on May 18 with one RFQ was received and a meeting is being scheduled to review this with the individual and discuss the project. She stated if the RFQ is accepted and a contract entered into, they will oversee the Road Department employees to complete the construction of the Stonewall Bridge. She noted that GTS will continue to do the technical testing at the site and Jim Beatty is doing the phase work inspections. She stated that once the bridge is completely, it will be certified by their Engineer Mr. Beatty.
- 244.4 Judge Edwards reported that Mr. Jim Beatty has drawn up the plans for the retrofit on the Harvey Dowell Bridge. She stated that the county will be hiring this work out and the bridge specifications on this project are nearing completion and they anticipate these to be published in Sunday's paper and the bid period will be open for three weeks which will make the deadline sometime the week of June 15<sup>th</sup>. She stated that everyone received cost data on the Harvey Dowell and Stonewall Bridges that Shawn Shrum worked up and although he could not be here, if anyone has any questions, they should feel free to talk to them on the phone or at his office.
- 244.5 Judge Edwards referred to the report from Meyers-Beatty Engineering on the County Road 62 Bridge over the Illinois River, noting that Mr. Beatty's report from his visual inspection of the bridge that day revealed no signs of distress in the spans or the substructure that would indicate problems.
- 244.6 E. Madison referred to the Hwy. 62 Bridge and lack of a curb, noting that one of the things they discussed with Mr. Beatty was the ability to go back on the

Harvey Dowell Bridge and add a curb to have that additional safety measure to keep cars from going off the bridge and not seeming concerned with the plight of Hwy. 62 Bridge. She stated that it is not necessarily a structural defect that they need fixing, but she would be curious to ask Mr. Beatty about that to which Judge Edwards stated she would speak with him about that.

- 245.1 Judge Edwards stated that they also have going a Safety Equipment Employee Concern Safety Committee, reporting that the Washington County Road Department Safety Committee was first established in 2010 but kind of fell by the wayside due to employees leaving and the county training procedures changing. She reported that this is being revamped and will include several employees from the Road Department, as well as some people from Environmental Affairs because they deal with chemicals. Judge Edwards reported that this Safety Committee will begin meeting within the next week to discuss any employee concerns such as safety, additional training needs, and a public safety equipment purchase. She noted that this committee will be employed, organized and run by several employees who have come forward and asked to serve on this committee.
- 245.2 Judge Edwards pointed out that the Washington County Road Department actually has more scheduled programs for safety training than any Road Department in the State. She stated that there is a substantial amount of new hire training and there is continued safety training occurring throughout the year.
- 245.3 Judge Edwards stated that OSHA regulations state that safety equipment needs to be determined by the job classification such as when steel toed shoes are required, hard hats, sign or fall protection, etc. She stated that they will be looking at different jobs to determine what safety equipment is required for job duties by OSHA which is something that the Employee Committee can also provide input on.
- 245.4 Judge Edwards stated that County HR Director Lindsay Huffaker would now report on some of the areas that they have worked on.
- 245.5 Lindsay Huffaker, County Human Resources Director, addressed the Quorum Court stating that she wanted to update the court on other areas other than the bridges themselves that they are trying to work on to improve the environment at the Road Department. She stated that their goal and mission going forward is training of leaders as well as employees. She stated that Judge Edwards and Dan Short had asked her to discuss first of all the promotional process at the Road Department. She stated that as many of them may be aware if they are familiar with the Employee Handbook, internal jobs within a department are intra-departmental jobs and these do not require



public advertising and don't even require internal advertising per county policy. She stated that the Road Department has decided that they will begin to post absolutely every internal job at a public location and by internal job she is not talking about just promotionary jobs like from an HEO position to an HEO2, but if they have a job that opens up in the shop and somebody is on a grater, they will advertise the same job title officially with the same grade of pay and give their employees a chance to ask to be considered for such a job before they go outside and look elsewhere to fill the position.

- 246.1 Ms. Huffaker also noted that the process for promotion or transfer will be a little different than it has been in the past. She explained that they have designed an application just for the Road Department crew for internal postings where they can complete their years of relevant experience and any training that would qualify them for the job they are going into, as well as their tenure with the county. She stated that they will be doing a different type of processes that were done in the past where traditionally they may have an application and interview, now there will be a series of qualifications taken into account, including their performance history, past performance evaluations, tenure with the county, skills tests directly associated with that position to make sure that the person moving into that position does possess the qualities they need to do the job successfully, as well as an interview. She noted that each section of the transfer promotionary process will have a weight score attached to it so when they complete the process, they will have a quantitative number tied to every individual considered. Ms. Huffaker stated that they have actually tabled posting the internal jobs at this point because there are several vacancies and they are not posting them until they complete this process just to ensure that each current Road Department employee has a fair and equal shot to be considered for open jobs.
- 246.2 Ms. Huffaker stated that this is a work in progress, reporting that they held a meeting Monday with the entire staff and Road Department employees to cover the process changes that are going to be coming and give them a heads up that these things are coming down the road. She stated that they had some very good suggestions made by the employees that they are hoping to tie into this process. When speaking to the Road Department employees on Monday, she stated that she tried to stress that anytime they have a concern, there is a sound off system where an employee can voice their complaint to another party that is not being utilized and she did remind them if they didn't feel comfortable bringing a concern to their manager, that her department has an open door and she further noted that the HR Department takes anonymous complaints all of the time. She stated that the very next day, she had several phone calls, not necessarily making complaints, but also refreshers, asking questions, and clarifying.

- 247.1 Ms. Huffaker reported that JP B. Ussery helped provide a means for them to get into Dale Carnegie and they have four supervisors currently going through leadership training with five more to start shortly. She stated that their hope and goal is when they get to the end of all of this is that all the frustration that the court has had, employees have had, and leadership has had, that they have the best Road Department in the State and will work very hard with everyone to bring that about.
- 247.2 H. Bowman asked about qualifications and whether they have a number to tenure and how much that would have in a hiring situation; to which Ms. Huffaker responded that they don't have that yet. She stated that right now they have the qualifications and are currently working on the skill test and have not put the weights on yet, but will be doing that. As soon as they have those, she will be more than happy to share all of that with the court and employees as well. She pointed out that tenure will have a fair amount of points related to it because they do want to consider those who have been with the county for a long time and have a lot of experience and skills of course first.
- 247.3 H. Bowman stated that he doesn't want to put down any of their older employees, but he believes that they absolutely need to keep knowledge of technology at a forefront and not overweigh tenure in these hiring decisions.
- 247.4 Ms. Huffaker stated that this is very much in the development phase and they are looking for feedback so if any member of the court has suggestions, they would welcome them.
- 247.5 L. Ecke stated that she reached out to Lindsy Huffaker right after they received the report from the investigative team on the bridges and asked about Safety Manuals, etc., and while Ms. Huffaker was on vacation at that time, Cassi Wood put together for her a package that contained the Safety and Health Policy, as well as the Employee Handbook that talks about grievances. She commended Ms. Huffaker's Office who did very well in getting her the information she requested.
- 247.6 Judge Edwards noted that between the packet from HR and Depositions, L. Ecke is going to be busy.
- 247.7 R. Dennis asked how many years does HR keep records on employee files, present and past, to which Ms. Huffaker responded that she has the entire life of the employment of present employees, but once they terminate, the files are kept for five years. R. Dennis asked if five years was long enough; to which Ms. Huffaker responded that by federal law five years is long enough. She stated that federal law recommends not keeping employee files too long

due to the storage issue, but they actually have elected to keep them slightly longer than the federal requirement so if an issue comes up, they can reference it.

- 248.1 R. Cochran asked if the manuals that L. Ecke has are publically accessible on the website; to which Ms. Huffaker responded that they are posted on the resource website, though she is not sure about the Safety Manual. She stated she would check into that and if they are not on the website, she can certainly make it available.
- 248.2 B. Ussery stated that they talked to employees about time cards and also, he would like to hear the results of the recent state audit; to which Ms. Huffaker responded that they did receive an investigation by the Wage and Hours Division of the Department of Labor based off of an anonymous tip. She reported that the main issue of the investigation was lunch hours and whether or not employees were being compensated accurately if they worked through lunch or their lunch hour was adjusted. Ms. Huffaker reported that the Department of Labor came in and interviewed 19 employees, most performed off-site and also interviewed the Road Department Administrative Staff and payroll people to see how it was collaborated. In reviewing the time cards, they could find multiple instances where somebody worked through lunch and were paid for their lunch or took an alternate lunch hour than a normal lunch hour and the ultimate result of the investigation was that the county was not in violation as they did have sufficient evidence to supply time cards and prove that they had paid employees correctly as they reported.
- 248.3 E. Madison asked what the Department of Labor may have recommended as far as policy changes; to which Ms. Huffaker responded that there were no policy changes recommended as they were already being implemented; however, they just recommended going through training courses with new employees. She reported that they had their first meeting at the Road Department with Supervisors a week ago and have one slated this next Friday for all employees just to cover the labor standards, how their time should be reported, and how to let their supervisor know if something is incorrect. She stated that there was one claim made by somebody that they were filling out a report before work that should have been filled out during work, but there wasn't anything to collaborate that and the Road Department staff had told them many times to fill them out during the day, so it wasn't anything that they felt the county was violating, but just recommended that all employees process all of their paper work during work hours. Ms. Huffaker stated that they had voluntarily changed a form so when they do their report logs of their hours worked and services performed each day, it will include a column where they can voluntarily state if anything changed during their work schedule that day, it will be on both their time card and on their work log.

- 249.1 E. Madison asked if there was any back pay that had to be paid out to which Ms. Huffaker responded that there was not. She further explained that JP Ussery attended their last meeting.
- 249.2 L. Ecke asked what Shawn Shrum's title was to which Ms. Huffaker responded that his title is Safety Enforcer. L. Ecke stated so if there were any safety violations, they would come to Mr. Shrum's Office. She further asked who at the Road Department communicates with Mr. Shrum on any kind of safety issues; to which Ms. Huffaker responded she wasn't familiar with that process and wouldn't want to try to guess because she doesn't know. She noted that they have a committee but haven't operated it as frequently as they ought to.
- 249.3 Ms. Huffaker stated that they have been talking with Blair Johanson and the Road Department is looking at ways to better structure some of the positions within the organization to more clearly define the roles. She pointed out that many of the crews are very static and are here one day and on a different crew the next day and they are trying to find a way without completely tying the hands of the Road Department to where they can't do their business, to allow an employee to have a better understanding of who they directly report to, which crew they are more frequently on, and what their expectations are as a member of that crew.
- 249.4 E. Madison stated when she spoke to Donnie Coleman after the investigative report, one thing that occurred to her was this HEO structure sort of being universal and doesn't really take into account that people's jobs are so different, i.e., someone riding on a brush hog all day vs. someone expected to read engineering plans to build a bridge and while she understands the practical realities, there has to be some way to reflect in the job descriptions the differences in those two positions or recognize the different skill sets and try not to establish such a rigid structure that it doesn't allow for people's skills to be reflected in pay or in responsibilities. She realizes that this may be quite a challenge for them, but if they are going to try to attract and retain the people to do the jobs they need, then there is going to have to be some way to recognize that.
- 249.5 Ms. Huffaker responded to E. Madison stating that they realize that this is a little vague right now and they talked with Blair Johanson and ironically when they asked what other cities and counties doing in this particular area, he said that they had a heavy equipment operator. In other words, most cities and counties are in the exact same boat they are in here, but that doesn't mean it is the best way to operate. She stated that very specifically they looked at graters and will immediately do something about them because their job duties are so different and this is a highly coveted position at the Road

Department and requires a very distinct skill. She further noted that they broke out Bridge Crew Lead and Bridge Crew Supervisor in more detail.

- 250.1 County Attorney Steve Zega reported that he was part of a round table discussion on whether or not the county needs a full time engineer and specifically with respect to the Road Department and other aspects such as the Rich Red Dirt Appeal and things such as sight distance planning on roads that the Planning Department utilized. He stated that basically the conclusion that everybody came to was that they might have enough work to keep an engineer busy at a three-quarters full time job which is not yet quite to the cuff where this court needs to create that position and then appropriate the money for the professional person. He stated when talking about civil engineering, even within that discipline, there are several sub-disciplines and specialties that include things like building roads and bridges, filling other services in Public Works, so they might hire an engineer who is doing something in the ballpark, but still end up having to pay a consulting engineer. Therefore, at this time, it was not an important thing for them to create the position and appropriate the money for a full time engineer at this time.
- 250.2 With regard to the bridge safety concerns, Judge Edwards stated that Washington County has had a routine bridge inspection program long before any of the current issues came to their attention. She stated that they have had the State Highway Department come in every year and try to look at different bridges at least every other year, but they have some bridges that they feel like may require more attention and would try to look at it again in six months or a year. She stated that she has confidence in the State Highway Department to inspect their county bridges. Judge Edwards noted that she has only built two bridges since she has been County Judge and those two bridges are no less structurally sound than hundreds of other bridges that they have in Washington County. She stated if they want someone to inspect close to 200 bridges in the county and tell them when they need to do to repair and make them better. She stated that those bridges were built during the time when that is how bridges were built which was way before her time on this court. She stated if they are going to inspect all the bridges for not just safety, but for just problems with the bridges, they will have to have a lot of funds to do so. Otherwise, she will continue to have the State Highway Department come in and inspect the bridges for them.
- 250.3 Judge Edwards reported that there was a pin on the Orr Bridge that they were watching and once that pin gave so much, she knew that she couldn't leave that bridge open and she closed it completely off. She stated that the same thing occurred with the Woolsey Bridge which is one of the old metal bridges that she needed to close but the State Highway Department and feds are going to help the county rebuild that bridge.

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- 251.1 In response to a question from Judge Edwards, County Attorney Steve Zega stated that the county contribution is a single digit. A. Harbison stated that she talked to Shawn Shrum recently and he told her that the county's contribution was 1%.
- 251.2 Judge Edwards reported that she has had several departments and several people that are hesitant to come before the Quorum Court, stating that they have been treated rudely and talked down to when they come before the court. She told them that she would bring it to the court's attention because these are county employees who are entitled to the same respect as this Quorum Court expects. She urged everyone to show these employees respect because they are hard working people and will do anything they can to help out.
- 251.3 E. Madison stated that her understanding of the State Highway Department inspections are that they might go as long as two years between inspections and she felt that it would be a good preventative issue for them to have in place some type of routine inspection of their own. She pointed out that the Hwy. 62 Bridge issues found by Mr. Beatty she could see by just walking under the bridge. She stated that the painting issue was something that is pretty easy to detect and she feels that if the county had some type of routine inspection program in place themselves, that they shouldn't be waiting on the State, go inspect them ourselves and find ways to improve them and prevent problems from getting as bad. She believes that the State will be looking for more serious issues and the county could do more preventative inspections to find ways to make the bridges last longer and be more durable.
- 251.4 R. Dennis concurred with E. Madison on the county performing its own routine bridge inspections by someone who knows their bridges and is tenured. He further stated that he has been asked by his constituents about the Orr Bridge and questioned whether it could be repaired instead of being torn down and replaced; to which Judge Edwards responded that the problem in her mind with the Orr Bridge was if you could open it up for just pickup trucks and cars, that would be wonderful, but she can't keep logging trucks and hay trucks off of it which creates a problem. He suggested that they restrict these vehicles from using the bridge to which Judge Edwards questioned who was going to police it. R. Dennis stated that common sense would be a good way to restrict it by placing a rail across the top so that a tall vehicle couldn't go through. Judge Edwards stated that she will certainly have someone look into these suggestions for the Orr Bridge. He reported driving on county roads a lot since this bridge issue has come about and he has learned a lot. He would like to see them go forward and make things good.

- 252.1 L. Ecke stated that attitude reflects leadership and it starts with leadership. She stated that she has not received any rebuke, chastise, etc. from anyone who she has asked to help. She stated that the Quorum Court members who are sitting here have shown leadership and respect and when they refer to her, they give her the respect that her elected position calls for. She stated that they call her Judge Edwards out of respect for her elected position. Moving forward, she would like to ask Judge Edwards to respect the JPs and when calling upon them, refer to them according to their elected positions as either Justice Ecke or JP Lisa Ecke and show due respect to them as they do to her. She is a little taken aback by the chastisement that Judge Edwards just gave this court because they have all worked together to get along and to work with one another and have never openly said anything derogatory or belittling to county employees and she takes exception to that public chastisement.
- 252.2 Judge Edwards stated that she is not arguing L. Ecke's point, but she has had staff members who came to her and she feels that she owes the two floors of this county that respect also.
- 252.3 B. Pond stated that Judge Edwards can call him "Butch." He stated with respect to the truss bridge structure mentioned by Judge Edwards, it would be a real good idea to get that into perspective. He noted that Benton County has one just across the county line at the Mill and to get a good idea to see what is needed to keep up the maintenance on one of those bridges, he suggests that they check to see what has been spent on that bridge. He stated that one thing that they have done years ago that they have now gotten away from that probably helps that structure and that is to put in a concrete floor which adds a lot of weight to the structure, but still redo it with lumber instead.
- 252.4 COMMITTEE REPORTS: E. Madison, Chairman of the County Services Committee, reported that the County Services Committee met on May 4<sup>th</sup> and heard a presentation from John Pennington, Executive Director with the Beaver Watershed Alliance who talked to them about water quality in the Beaver Watershed and particularly a topic of interest was the West Fork of the White River specifically 27 miles that has been put on a watch list as problem for erosion which erodes the quality of water in Beaver Lake that many of them drink. She noted that they heard the quarterly report from the Angela Ledgerwood, Director of the Washington County Animal Shelter and the message from there is that it is spring and with an increase in population at the shelter, that people need to adopt a new dog or cat. She reported that the committee heard a bi-monthly report from Juliet Richey, Director of the Washington County Planning Office; as well as a quarterly report from Sophia Stephenson, Director of the Washington County Environmental Affairs Office.

E. Madison reported that John Adams, IT Director reported that all fax lines have been cut over and the E-Fax Project is complete. Finally, the committee dealt with some housekeeping measures.

253.1 H. Bowman reported that the Public Works Committee did not meet this month due to lack of an agenda.

253.2 B. Pond reported that the Personnel Committee did not meet this month due to lack of an agenda.

253.3 T. Lundstrum reported that the Jail/Law Enforcement/Courts Committee, did not meet this month due to lack of an agenda.

253.4 R. Cochran, Chairman of the Finance and Budget Committee stated that the Finance and Budget Committee met on May 12<sup>th</sup> and County Treasurer Bobby Hill presented the Treasurer's Report that they have had their 13<sup>th</sup> month of increases over last year. Comptroller Cheryl Bolinger reported on their change in unappropriated reserves and the condition of various county budgets with everything appearing to be fairly well on track.

253.5 R. Cochran reported in addition to the various appropriation ordinances that were brought forth tonight, the committee heard a presentation by Bobby Hill on the revenues, milages and taxes which was a good training for their new JPs and a good review for others; and they held a good discussion on getting started on budget controls next month.

253.6 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 May 7 for Fritchie Farms. This ordinance contains an emergency clause making it effective immediately upon passage.

253.7 E. Madison explained she left this ordinance on the agenda tonight just so that the folks who were here tonight had an opportunity to speak, but she let them know if there is an appeal, there will be a special hearing held and they will have ample opportunity to talk and they would be first on the agenda there. She explained that this is in the Goshen Planning Area and is a proposal for a wedding event venue consisting of 21 acres with a plan to split the property and have a private residence and then a wedding venue. There were discussions about limits on noise and how late there would be music playing and whether there would be outdoor or amplified music. She noted that there was opposition from some of the neighbors and when she talked to



Ms. Ritchie about it last week, at that point in time they weren't sure whether there would be an appeal, but some of the landowners have notified the county that they do intend to appeal. She explained that this was going to be on the agenda tonight for just the ratification, but in light of the appeal, she would move to table it, but allow those who are there tonight to speak if they would like to, realizing that they will have another opportunity.

- 254.1 **E. Madison made a motion to table this ordinance indefinitely. R. Cochran seconded.**
- 254.2 County Planner Courtney McNair commented that they had advised the applicant that they were pulling it from the agenda tonight and she does know that he would have liked to talk about it if he had known that there would be discussion allowed. Initially, she reported that they provide any information that anybody asks for including appeal information, and if anyone present has any questions or wants to see any documentation, all they have to do is call them and they will provide that to them immediately. She noted that she had appeal forms and their zoning ordinance with her tonight if anyone needs that information.
- 254.3 E. Madison requested that they allow the lady to speak who has been waiting patiently to speak on this issue.
- 254.4 Becky Martin, resident 300' from the proposed event center on 15671 Ball Road, addressed the Quorum Court stating that they held this last week and it was unclear to any of them that there was an appeal process and she only found out about it yesterday when she obtained the necessary appeal forms. She stated that she almost feels like they are not being afforded the same concessions that Mr. Fritchie has been afforded in his quest to open this event center. She has lived on her property for 14 years and Mr. Fritchie does not live there and it is also her understanding that the property is being split to build a house on with the existing house still for sale and then the Fritchie portion that is being planned for an event center. She has been told that it will hold weddings, birthdays, special occasions, and when he was asked whether it could be rented by a fraternity or sorority for a party, he didn't answer which concerns her because she believes the events are planned to be far more widespread. Ms. Martin further noted in his letter, Mr. Fritchie stated that the event center would be open mostly on Fridays and Saturdays which leaves five additional days of the week; that he would like to contain outside music, but didn't say he was going to; and mentioned in his letter that most of the lighting would not affect all of the neighbors, so that means some of them will be affected.

- 255.1 Ms. Martin stated that B. Pond is very familiar with this property as he has worked on it quite a bit and he knows in this area, the way it is set out, sound travels completely through there and she believes that this CUP will be a disruption to their community. She stated that zoning laws and regulations are put in place to protect their property rights and when she moved there, she understood it to be a community and discussion was held about whether one or two houses could be built on an acre. She stated that this property is in a residential area, not zoned for an event center, nor zoned for the fact that Mr. Fritchie in the rest of his proposal wants to come in and apply a 10-year plan where he will put cabins out there for people to spend the night.
- 255.2 Ms. Martin noted that Mr. Fritchie talked about having parking for 85 cars and pointed out that this would bring in 200 to 300 people coming up and down that dirt road and at this time he is not planning on having a liquor license; however, people can cater in their own alcohol. She noted that if any of them have driven down Tuttle Road, right before turning onto CR330, there is a very dangerous curve and when you stop right there to turn onto CR330, the people immediately behind you can easily ram you and there are hidden drives all around the area. She is worried that this use would be a disruption to her community; is worried about her property values; is worried about the fact that people will be drinking and driving and traveling this road. Ms. Martin noted on his plan, Mr. Fritchie stated that there was a place for the fire truck to turn around, but he didn't mention that there is an older barn on the property and it is her understanding that he planned on keeping that barn and having pictures made in it and this barn is a long way from where his fire turnaround is.
- 255.3 Ms. Martin asked why there was an emergency clause on the ordinance; to which County Attorney Steve Zega explained that the typical process for an ordinance is to go through three readings and if it does not go through three readings on a single night by suspending the rules, then an emergency ordinance is done for Planning and Zoning so any particular CUP could use his permit when a CUP is non-controversial and is not going to be appealed and pass it immediately so the property owner can get on with their particular business interest. He stated in this case because it is going to be appealed, the emergency clause will not be used.
- 255.4 **With no further discussion, Judge Edwards called for a vote on the motion to table the ordinance indefinitely.**
- 255.5 VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. ABSTENTION: B. Pond. ABSENT: T. Lundstrum & J. Patterson. **The**

**motion passed with twelve members voting in favor and one member abstaining. The ordinance was tabled.**

- 256.1 AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: R. Cochran 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 May 7 for Elkhorn Springs Road Dirt Pit Expansion #2. This ordinance contains an emergency clause making it effective immediately upon passage.
- 256.2 R. Cochran stated that this Dirt Pit has been operational for some time and has expanded once before. Portions of the older areas of the Dirt Pit have been reclaimed. There has only been minimal objection to the Planning Board and passage of this ordinance does not preclude an appeal and that appeal period for this CUP is 30 days from Planning Board approval on May 7th. No new entrances were proposed for this CUP does not allow for the quarrying of rock, but only for the extraction of red dirt clay and gravel.
- 256.3 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 256.4 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.
- 256.5 J. Firmin asked R. Cochran why he was sponsoring this ordinance; to which he responded that it is in his district and E. Madison added that this was part of the housekeeping from County Services. She stated that she thought that people who had projects come from their district should have the opportunity to be the sponsor unless like in the case of Fritchie Farms, B. Pond decided not to and then it defaults to the Chairman of County Services.
- 256.6 J. Firmin asked if this went through the County Services Committee to which E. Madison responded that it did not, but rather came straight from the Planning Board.
- 256.7 County Attorney Steve Zega explained that typically the Planning and Zoning Board meets after County Services and when these relatively non-controversial ordinances come out, they have by custom before gone through the Chair of County Services and the committee did not address this. He stated that it went through the Chair and Justice Madison asked that the JPs

in whose district it might be have the first opportunity or right of first refusal to bring it to the full Quorum Court.

- 257.1 J. Firmin asked if there were any complaints about this CUP at all to which County Planner Courtney McNair responded that there were a few. She looked those responses up and reported that they had one person commented in favor, one person asked questions but never stated support either way, and six people opposed. Those opposed to the CUP lived in proximity which led Ms. Richey and staff to believe that perhaps their opposition was to general truck traffic on Hwy. 16 as opposed to the actual dirt pit expansion, but the majority was concerned about the truck traffic and intensity on Hwy. 16.
- 257.2 A. Harbison stated that this dirt pit has been in operation for a long time and they are just expanding with no increase in truck traffic. The only difference is that they will be removing dirt from a different place on the property. She pointed out that the county needs red dirt and it has to come from somewhere.
- 257.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 257.4 **VOTING FOR: A. Harbison, S. Lloyd, E. Madison, S. Madison, J. Maxwell, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, and J. Firmin. The motion passed unanimously by those present. The ordinance was adopted.**

**ORDINANCE NO. 2015-40, BOOK NO. 10, PAGE NO. 191**

- 257.5 **REPORT ON THE ANNUAL ASSOCIATION OF QUORUM COURTS MEETING:** E. Madison reported that the Arkansas Association of Quorum Courts Meeting on behalf of the Quorum Court on April 18<sup>th</sup>. She noted that there was a very standard agenda with a report from the Executive Director of AAC and they heard from Mike Rainwater, Beth Waiker and the Attorney General's office about the Freedom of Information Act. She stated that the bulk of what she wanted to tell them about tonight was just about the Legislative Update.
- 257.6 E. Madison stated the she hopes the JPs received a copy of the obituary for Jonathan Greer that Carly circulated. She stated that Jonathan was the liaison for the Quorum Courts Association and at AAC and he took his own life after the meeting which was obviously very disturbing. She noted that Mike Rainwater's cell phone number is (501) and certainly the AAC staff is a little pressed right now for help, but she knows they will help the county if they need help.

- 258.1 E. Madison stated that they didn't convene in their congressional district of how they elect board members and she was elected to return to the Board for their Congressional District and then was elected Secretary of the Board of Directors for the Arkansas Association of Quorum Courts.
- 258.2 E. Madison reported that the brief legislative update that was provided included that JPs have now been added legislation for a cost of living adjustment, so the pay raise that they have set forth will also increase just like all of the other elected officials; however, it will not be as significant for them. She noted that there is no longer a floor, so there were some changes made to the method by which they are paid.
- 258.3 E. Madison reported that there is some new JP training that the AAC offers in December before they are actually sworn in and when they are doing that, there is no way for them to be paid because they are not currently an elected official. She stated that they have changed that now with a statute that allows the JPs to make a provision for the cost to attend that training and may be something that they will have to address with an ordinance. She reported getting a lot out of that seminar and believes that it is good for people to attend and believes that they should definitely facilitate that with that minor reimbursement of expenses.
- 258.4 Another legislative update reported by E. Madison was that there have been some changes made in the jail reimbursement with the per diem rate increasing from \$28 to \$30 and then other changes were that the time frame for the county jail reimbursement for medical costs has been reduced from 30 days to 21 days so hopefully that will speed up reimbursement for medical expenses. Regarding how quickly they can get reimbursed once a prisoner is moved to a State facility has changed from having to wait until the prisoner was already transferred to being able to do that faster.
- 258.5 E. Madison stated that she will get this legislative update to Karen Beeks in order that she put it on their website. E. Madison noted that Mike Rainwater shared with them his packet that include his quick summaries of certain things and this was the most comprehensive packet he has given them and she will make sure that it is available to everyone as well.
- 258.6 In response to a question from County Attorney Steve Zega regarding the ACT provided for in the reimbursement on the training in the packet; to which E. Madison stated that it was ACT 279 of 2015.
- 258.7 H. Bowman stated with regard to these new additions that E. Madison has talked about; they need to completely update their ordinance regarding

organization of the Quorum Court. He requested that they make provisions to go ahead and address that right away before they get into the budget season.

- 259.1 OTHER BUSINESS: There was no other business to address.
- 259.2 CITIZEN COMMENTS: Lorraine O'Neal addressed the Quorum Court stating that they had problems when listening to the report on EMS Services. She asked if she is to understand that they are trying to have the city pick up the cost of their assuming these responsibilities; she did question with as many people that there are unemployed in that line of work, why would you have to spend so much money training someone. She stated that it sounded to her that this private company was asking for the county to pay for them to make money and she may have misunderstood.
- 259.3 Regarding the bridge process, Ms. O'Neal realizes that this has been a major headache for the county, but her concern wasn't so much that the bridge construction may have been faulty, but that the cost of doing the job improperly vs. properly which is her bottom line in most things. She told a story from her childhood of a rickety old bridge that was at least 300 feet long over a very deep creek made completely out of timbers with no rails on the side that flooded every year, but seemed to hold up, so her main concern over the current bridge issues relates to misuse of public funds.
- 259.4 ADJOURNMENT: The meeting adjourned at 8:38 p.m.

Respectfully submitted,



Carly Sandidge  
Quorum Court Coordinator/Reporter