

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

Tuesday, May 5, 2015
5:30 p.m.
Washington County Quorum Court Room

FILED
2015 JUN 22 AM 8:27
CLERK OF SUPERIOR COURT
WASHINGTON COUNTY, OREGON

- 192.1 The Washington County Quorum Court met in special session on Tuesday, May 5, 2015. The meeting was called to order by Judge Marilyn Edwards.
- 192.2 Judge Edwards thanked everyone who took the time to participate at this Special Meeting.
- 192.3 R. Cochran led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 192.4 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.
- 192.5 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff Dan Short, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 192.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 192.7 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote. The agenda was adopted as presented.**
- 192.8 REPORT ON THE RESULTS FROM THE BRIDGE INVESTIGATION: Judge Edwards asked whether there was a written report to hand out to everyone present; and E. Madison responded that they were not able to print it because of the size of the report; however, Court Secretary Karen Beeks has a copy on PDF that will be made available to everyone if she hasn't already. Further, she noted that there is a copy that can be posted on the County's website, as well as one that can be mailed out.
- 192.9 Judge Edwards asked how everyone felt about not having a written report in front of them.
- 192.10 E. Madison stated that they will be showing a Power Point Presentation tonight as it is more of a visual presentation than it is a written report.
- 192.11 **L. Ecke made a motion that they proceed with the presentation without a written report. R. Dennis seconded.**
- 192.12 **With no further discussion, Judge Edwards called for a vote L. Ecke's motion.**

Minutes of the Special Meeting of the
Washington County Quorum Court
May 5, 2015
Page 2

- 193.1 **VOTING FOR:** J. Firmin, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, and L. Ecke. **VOTING AGAINST:** A. Harbison. **The motion passed with 14 members voting in favor and 1 member voting against the motion.**
- 193.2 Judge Edwards stated that they would move forward with the investigative report from the investigative team of E. Madison, Russell Hill, and Carl Gales.
- 193.3 Russell Hill addressed the Quorum Court explaining that each slide of the presentation is numbered and in order to save time and make the presentation in a timely manner, he would like to go through all of the slides and present everything before having discussion and he would recommend that anyone having a question could write down the slide number to refer back to. He stated that he is hopeful as they proceed through the presentation, that some of those questions will be answered along the way.
- 193.4 E. Madison started the presentation noting that the first slide gives an overview of their investigation which began on Wednesday, April 22 and they concluded their interviews on Monday, May 4. She noted over 7 days they interviewed 16 current and former county employees and attempted to interview an additional 6 current and former employees who either refused or could not be reached. She reported that they met with the structural engineer who prepared the plans for both the Harvey Dowell and Stonewall Bridges; reviewed construction photos, work logs, engineering plans, and gathered additional documents along the way. E. Madison stated that they toured the bridges consulting the plans as they went along and many of those photos are incorporated into the presentation.
- 193.5 E. Madison stated that they specifically talked to members of the bridge and tile crews, who were the crews who did a significant amount of the work on these bridges. With respect to the bridge crew, she noted that they were able to meet with the former supervisor who is now retired, the former lead man who resigned during the investigation and one crew member with four bridge crew members being unwilling to be interviewed and two resigning during the investigation. She stated with respect to the tile crew, they were able to interview the current supervisor, who was the former lead, the current lead and two crew members, but were unable to interview the former supervisor who is actually a current supervisor of the county in another role because he was out on a leave of absence.
- 193.6 E. Madison gave a brief overview of the bridges, noting that the Harvey Dowell Bridge is located east of Fayetteville, north of Huntsville Road and is the old Harvey Dowell Bridge built in 1926 and last had a weight limit of 7 tons

and was deemed structurally deficient. It goes out to the white fork of the White River and is located in JP Pond's District. She noted that demolition of the old bridge began in January 2013 after some months of permitting and getting plans together and the new bridge opened in December of 2013 and the weight limit was reduced to 3 tons in March of 2015 as a result of the issues raised.

- 194.1 E. Madison referred to the Stonewall Bridge, noting that it is near Prairie Grove and is the old Stonewall Bridge, but not quite as old as the Harvey Dowell Bridge, and when in use had better weight limits of 9, 10 and 11 tons depending on the code. Construction is currently in process on the Stonewall Bridge that flows over the Muddy Fork Creek which is a tributary of the Illinois River west of Prairie Grove and is located in JP Maxwell's District. Demolition of the old bridge began in September 2014 and the bridge remains incomplete.
- 194.2 E. Madison referred to an overview of the Engineer drawing, noting that the construction for both the Harvey Dowell and Stonewall Bridges is very similar with two abutments (walls) at the ends with wings on the sides and two center supporting tiers and beam spans in between.
- 194.3 E. Madison reported that the County has had a bridge crew for a long time, but in recent years before the Harvey Dowell Bridge of 2013, the bridge crews worked primarily in performing bridge maintenance or installing what they called "pre-fab" bridges or what the State Highway Department calls "box culverts" and in fact doesn't even consider them to be bridges. So the bridge crew did not actually work on construction of bridges until 2013.
- 194.4 E. Madison noted in their investigation, they came across the CR62 Bridge off of Hwy. 62 on CR 62, also known as Bethel Black Top Road west of Farmington over the Illinois River and located in JP Cochran's District. This was the last similar bridge built by the County that has the supporting piers and abutment walls built in 2007 under former County Judge Jerry Hunton. She noted that this is believed to be the only other county bridge that was constructed with the use of engineering plans. She noted that they were able to talk to people who actually worked on that bridge who were some of the same crew and because of that, there are similarities in the construction.
- 194.5 E. Madison reported during their investigation they learned that deficiencies in the box culvert north of Hwy. 412 west of Elm Springs on Osage Creek Road should cause it to be condemned immediately because concrete and water erosions have caused part of the road to cave in from witnesses who had photos on their phone showing the collapse. They indicated that they had been complaining about it for quite sometime without success and the

temporary fixes made did not hold and were washed away. She noted that the day they learned of this problem, they promptly notified the County Judge's Office and the bridge was replaced the following day and pictures were shown of the repair work.

- 195.1 E. Madison next addressed the question that was the bulk of their report, whether the Road Department built the Stonewall and Harvey Dowell Bridges to engineering specifications and the answer to that was no. The Engineer, Jim Beatty was not consulted on the deviations from the plans and these deviations were not documented in anyway. She noted that the first concern is with the footings, pointing out that the plans state the footings should be found in a minimum of one foot into the material designated as chert on one bridge and limestone on the other which required excavation down to the rock and then one foot down to achieve a solid base. She reported that in most instances, crews did not reach this step, but would drill into the rock instead and set in #11 rebar which was not epoxied or otherwise anchored into place. The plans went onto state that prior to pouring concrete, the allowable bearing pressure shall be verified by a geotechnical engineer, and they believe no such testing was performed until March 2015 or not on the Harvey Dowell Bridge at all and doing better now with their geotechnical engineer on Stonewall Bridge currently.
- 195.2 E. Madison noted that crews spot a considerable amount of water and mud while digging for footings on walls and piers and in one instance on Stonewall Bridge, they actually encountered a spring and were fighting to keep the water pumped out. She stated that it was reported to them that concrete was poured into that watery mud enough so that people were concerned about the concrete not providing a stable foundation. In some instances when surfaces were not level, rocks were brought into prop the steel mat and this is actually contrary to the Highway Department standards, although that is something that they have difficulty getting crews to do and therefore, is not common for the Road Department. She noted that the specs in the engineering plan incorporate the Highway Department's very extensive specifications for building roads and structures, so having a set of the plans by themselves was not sufficient and require further specs by book or online for the Highway Department standards and that is where the issue with rocks came up.
- 195.3 E. Madison reported that another issue that they heard about was the bending of steel, explaining that the plans will call for bent steel or rebar with bent L-bars at the base and hook bars to create a stable footing and up on the cap of the pier, there are wrap-arounds with bends at all of the turns. She noted that there are many examples of application where steel is tied together with curbing rebar. She noted per Highway Department standards, rebar is to be bent cold unless otherwise permitted by the Engineer and no bars partially

embedded in concrete are to be bent in the field. She noted that heat will reduce the strength of the steel and the plans actually give the stats on how to bend all of the steel. She noted in many instances when a construction job is being performed with steel specs, the contractor will send out the plans to the metal fabricator or steel provider and they will actually assemble all of the steel as called for in the plans, cut to the right lengths, bend it and wrap in bundles to be delivered to the jobsite as they are actually working on the progress of the bridge. However, the County buys their steel in bulk in standard lengths and does all of the bending themselves. It was noted in some applications including particularly in the footers, the bent rebar was replaced with straight rebar and in other applications, it was bent with a torch or heat on sight and some done at the shop, and although their machine used to bend some of the really thick rebar wasn't working correctly; in December 2014 a proper bender was acquired.

- 196.1 E. Madison next addressed the issue of overlap and how much there should be in tying together the steel noting that the specifications called for a minimum of 5'10" coming out of the ground to overlap. She noted that the crews understood that two to three feet was always sufficient for lap length, so many instances where the plan called for overlap, there was inadequate lap done. She reported that the plans also called for with the piers a continuous steel bar from the footer base all the way to the top and the crews reported not using continuous steel because they had difficulty actually physically keeping it up there. One incident was reported where a piece of rebar fell and knocked someone on the head and so there was concern over the safety even of using the upright rebar at that height, so instead they would lap bars together. She further reported in some instances the crews did not place the steel before the concrete was poured and added to the concrete after the fact which wasn't tied in and in some cases, the steel was not added until after the concrete was set requiring drilling holes which was a common practice as the crews understood that to be acceptable.
- 196.2 E. Madison reported that crews were generally unfamiliar with the use of epoxy to epoxy bars into holes and this was not used until sometime in the late fall of 2014 after questions started surfacing. She stated that Jim Beatty remembered some use of epoxy perhaps on the 62 Bridge when he was consulted about this, and he was consulted pretty regularly on this bridge which was the first time they used plans. She noted that crews did use epoxy on the east abutment wall or the Prairie Grove side of the Stonewall Bridge.
- 196.3 E. Madison noted that crews reported other concrete issues. They were pouring concrete off the chutes from the concrete trucks at heights ranging from 3' to 4' or 5' to 6' and up to 20', and this concrete falling at considerable heights over steel, which messes up the composition, and causes

segregation, which would normally require stirring for an even mix. She reported that there is a concrete pumper truck that can be used or a tremie which enables the crews to actually get down to the base away from the rebar and spray the concrete in at a lower height; however, these pumper trucks were used infrequently at the Harvey Dowell and as a result of advice from the geotechnical engineer, they had been used in recent applications at the Stonewall Bridge. She explained that this creates an effect called "honeycombing" due to the lack of vibration according to the American Concrete Institute, they define "honeycombing" as the void left in concrete between course aggregate due to inadequate consolidation and this will accelerate deterioration of the concrete due to the freeze thaw when moisture and grit work its way into the concrete, after which it heats and cools and expands and contracts and this is mixed in with their support structures. E. Madison pointed out honeycombing on the Harvey Dowell Bridge decking compared to the new east pier of the Stonewall Bridge that they have been building under the supervision of the geotechnical engineer which is a smooth concrete and the goal that they are going for when talking about these concrete applications. She referred to several instances of honeycombing on the two bridges in question, as well as pointing out that problems occur between two different pours of concrete if they don't use applications to keep the concrete wet so that the next concrete applied will mix better that can create a seam and potential weak structure in the abutment. E. Madison referred to a pier at the Harvey Dowell Bridge where it appears a form may have slipped.

- 197.1 E. Madison reported that the bridge crews generally used a plywood form which is an acceptable method to use. She pointed out because of the use of plywood, they couldn't form everything all the way up, and this creates many different pours drying and moving the forms up as they go and this can create the cold joint issue. It was noted that this is a common occurrence, but they have to prepare the concrete by cleaning it and score it to actually make sure that they are creating a surface that they are able to adhere to. She noted that some plans will actually call for adhesive material, but these plans did not and they could not find any instances where concrete was truly prepared between those pours for adherence.
- 197.2 E. Madison reviewed pictures showing the high water levels were at these bridges with considerable sized logs up into the steel at the 62 Bridge, showing how much these structures are having to withstand. She pointed out a seam in the north abutment wall at Harvey Dowell Bridge where there is rust caused by water getting through the seam and the iron is rusting and causing a leak in the wall. She noted that several cracks were visible in the concrete at Harvey Dowell Bridge, a crack in the south abutment wall, a crack in one of the caps of the piers, and some cracking in the northeast abutment

all at Harvey Dowell Bridge. Further cracking was observed at the 62 Bridge in an identical fashion suggesting that the steel was not reinforced properly.

- 198.1 E. Madison stated that the plans called for the exposed corners to be chamfered out to prevent chipping and there wasn't very much of this observed at the completed Harvey Dowell Bridge which had sharp edges.
- 198.2 In reviewing work logs, it was observed that concrete was poured some days in cold temperatures as they started constructing the Harvey Dowell Bridge in February of 2013, later in the year 2013 and also some cold days at the Stonewall Bridge late last year. She stated while it is not necessarily improper to pour concrete in these cold temperatures, but AHTD specifications call for very careful techniques when pouring concrete in that kind of weather and extra attention and care to ensure that the concrete cures properly.
- 198.3 E. Madison stated that there were some material quality issues and no concrete test cylinders were performed on any of the concrete until late in the process at Stonewall Bridge which is done by the geotechnician to test the quality and strength to ensure that the design mix is appropriate for the application and to ensure that they are getting the concrete that they pay for. She stated that they don't really have issues in this area with concrete folks providing bad concrete, but this testing is still something that should be done. She noted that there was no material certifications in terms of the material used and one notable issue was that the county is buying in many instances used steel beams from the State's torn down bridges, but Carl Gales indicated in those instances, these used beams should be tested and certified. She noted that there were beams left out at the Stonewall Bridge site along with a considerable amount of rebar, noting that crews were concerned about leaving rebar at the sites because it has been stolen, so it seemed odd that these beams were left laying at the site with a lot of rebar which is also wearing on the iron.
- 198.4 E. Madison reported that with respect to Highway Department standards with respect to steel, when using steel, it should be clean, free from dirt, rust, scale, paint, oil, etc. and they are very specific as to how it should be stored. She stated that they heard cases of steel that was being used at the jobsite being rolled over by equipment and an instance where a tree fell onto some steel that was already in concrete and so it didn't sound like the appropriate level of care was given to the steel given the importance of adherence, showing pictures of steel that had been left out at the Stonewall Bridge site.
- 198.5 E. Madison addressed pictures showing angles on south and north wing walls that were very similar in terms of the angles and pretty close to the plans.

She addressed a picture of the south abutment, noting that it is visible if you are onsite that it doesn't follow the plans, but they are not sure why that deviation occurred, though the water does flow the way that it could possibly be interfering with the sharp turn on the southwest corner. She referred to a picture of the actual wall itself from the ground with the almost 90 degree turn on the southwest side and much more gentle 30 degree slope on the other side.

- 199.1 E. Madison reported that spacing of the beams at the Harvey Dowell Bridge has been challenging for the crews with plans showing on the left hand side with two beams joining at the pier and on the right hand side, a beam sitting on the abutment and a gap between the beam and the wall. The space under the bridge will expand and contract in hot and cold. She described pictures of the actual joints sitting on top of the pier compared to the south abutment wall where it is touching the concrete; as well as the north abutment wall where there is a little sliver of light and not a lot of room between the beam and the wall.
- 199.2 E. Madison reported that AHDT inspected the Harvey Dowell Bridge before it opened in December 2013 and did note the issue with the steel that was repaired and has since gone back to the way it was or not repaired completely appropriately. She stated that this has been an issue with this bridge, partly stemming from the fact that the steel that they are purchasing has not been fabricated specifically for the plans that the steel beams are required from the State. She referred to a beam that didn't quite fit and a torch was used to modify so that it would fit on top of the pier. She reported that all beams are then bolted into the concrete structure at either the abutment or the pier and in talking to Jim Beatty about how he envisioned it, the idea is when you pour the concrete wall or pier, you leave a sleeve in the concrete where the beam can then be set in and bolted to the actual sleeve. She reported that sleeves were not used and they did not prepare for the bolts until after the fact when crews attempted to drill holes in the piers or abutments to affix the bolts and encountered steel when drilling, making the drilling difficult and at some points impossible. E. Madison noted that they received a somewhat conflicting report on this with some crew members stating that they thought 2-3 bolts were actually left out and others told them that they got them in as far as they would go, not all the way in, but not left out.
- 199.3 E. Madison noted that painting the steel prevents water and rust erosion and the crews typically paint the steel at the shop on bad weather days and then take it out to the site and it appeared that the painting was not quite finished at Harvey Dowell and it was visible under the bridge where this occurred and this same incomplete painting was also apparent at the 62 Bridge.

Minutes of the Special Meeting of the
Washington County Quorum Court
May 5, 2015
Page 9

- 200.1 E. Madison next addressed the decking, noting that the plans state that the bridge deck is to be given a tined finish with a metal rake putting grooves into the concrete surface which increases safety by allowing for water to get out of the way for better traction and once this tine surface is applied, they apply some linseed oil to improve the surface. She noted that there was no tined finish on the roadway surfaces at these bridges.
- 200.2 E. Madison noted that the plans called for a curved concrete wall at the road deck's edge and there was no curve installed on the Harvey Dowell Bridge and there is actually nothing at the road's edge to catch a tire and prevent someone from going off the bridge and the crews used a guardrail instead, which is a plan deviation. She reported that the crews did not feel that they had the ability to do these kind of curves and felt like they needed expensive forms to be able to do that; however, Carl Gales reported that there was a point in time when they didn't have forms and had to make them out of wood, so carpenters would be able to make these forms if necessary. She explained that they have vertical beams welded onto the supporting beams, poured the concrete around those, and then used galvanized guardrails; however, the lack of a lip is a concern. She referred to a picture of proper use of this application on Hwy. 16 with a goal that when a tire hits the curb, the vehicle will be diverted back onto the roadway. With the use of a guardrail and lack of a curb, someone would go off of the bridge and since the vertical supports for the guardrail are tied into the bridge's support beams, they would take a part of the bridge with them when they went off the bridge. She referred to a green rebar which is epoxy coated; however, Jim Beatty did not include the use of epoxy coated rebar in either of the bridge plans even though it is a best practice. E. Madison noted one consequence of leaving off the curb is that the road is not quite wide enough and actually extends out 2-3 feet for the curb and when they left off the curb, they omitted the road width so the road is 4-5 feet narrower than it should be according to the engineering plans and of course is not quite as safe. She further pointed out on the north abutment wall, there is extra room in the abutment and the same is visible with the piers which stick out past the roadway because while the pier is the correct size, the road is not, and the same application was done at the 62 Bridge.
- 200.3 E. Madison stated that they received reports that the decking rebar spacing not being to plan and the crew noted that there was a shortage of rebar chairs to raise the rebar to the correct level and they ended up using 12" centers on the rebar rather than the 9" which caused wider spacing of the road deck at the Harvey Dowell Bridge than the plans called for.
- 200.4 E. Madison stated that several people reported to them that when the west wall was poured at Stonewall Bridge, that there was no forms used for the

footer which sounds improper, but not necessarily because in building construction they use the earthen walls as a form all the time. While it is not necessarily improper and not quite as pretty, it required a considerable amount more of concrete, an additional 60 yards, because they are filling up all that space rather than filling up a wood form.

- 201.1 E. Madison stated that concludes the deviations from the plans that they were able to uncover and the remaining portion of the question was why these deviations were made. In defense of the bridge crew and workers who performed this work, they really did not know any better because there was a lack of knowledge and training on how to read engineering plans and on the significance of following the plans. She noted that these folks took great pride in the work they did even given the workmanship. She noted that the AHDT standards, which are voluminous, were incorporated into the plans were not consulted and only one person may have had a copy. With respect to the engineering plans, there was even confusion as to who had copies of the plans. She reported that the bridge crews were used to doing things the way they had always done them. There had been methods that were passed down over the years and they did uncover to some extent the mentality that the county can build a bridge however they want to. She stated that workers would ask if they were doing things right and there did seem to be a reluctance to deviate from the way that things had always been done because people believed that they were adequate methods.
- 201.2 E. Madison stated that other crews and workers assisted the bridge crew, the tile crew in particular, and there seemed to be kind of a break down in supervision on the jobsite with crews working independently. She stated that Carl Gales remarked with respect to the two abutments at Harvey Dowell Bridge, that it was like two completely different crews constructed the walls with the north wall built to plan and the south wall looking like a different crew built it. She stated that they had the issue of the crews working independently of one another and no single person being in charge. There may have been independent supervisors who may or may not have had the plans, working on either side of the bridge.
- 201.3 The question of whether the Road Department had the proper tools and equipment to build bridges of this magnitude as it had been from 2007 to 2013 since they built a bridge of this magnitude and they encountered lack of a vender and not knowing for example to call a concrete pump truck to make sure that the concrete quality was good.
- 201.4 E. Madison noted that they received several reports at the Harvey Dowell Bridge of witnesses describing days where the jobsite felt chaotic and not organized with too many workers not knowing what they were supposed to be

doing, a lot of standing around of not only the bridge and tile crews, but also road grater and brush hog operators, as well as some use of inmates for the heavy work of carrying rebar. She noted that there were pictures of inmates on the Harvey Dowell decking when they were tying the steel, but it is not clear what they were doing. She stated that many witnesses described feeling rushed on the Harvey Dowell Bridge and sensed some sort of an artificial deadline, but they could not come up with any type of deadline, but report one night when they worked really late and had lights out which made the work even more challenging.

- 202.1 E. Madison stated to the question of who was responsible for the deviations, this varies as they are not exactly sure who was in charge of the routine construction. Some people reported that the bridge supervisor and lead man were directing their work and others said they took directions from the superintendent who was onsite almost every day and the superintendent said that the bridge supervisor was in charge. When the tile crew was working, they were talking to their own supervisor about what they were doing. She believes that it was a shared responsibility for the deviations because no one really understood the significance of the deviations.
- 202.2 With respect to who knew that the plans were not being followed, E. Madison stated that nobody was hiding the fact that the plans were not being followed because those crew members who talked to them were very upfront about the areas where the plans were not followed; work logs obtained as well as just a visual inspection of the work will tell them that the work was not being performed to plan. She stated that there are instances in work logs that were turned in at the end of every week where it says, "drill for upright rebar" and where they talk about bending steel. She noted that the Road Superintendent and to some extent the Assistant Superintendent were also on site and workers talked about consulting with them and receiving direction on deviations from plans and there was a common belief that they were aware of these deviations, though it is unclear whether they all understand the significance of the deviations.
- 202.3 E. Madison addressed the question whether anyone notified the County Judge's Office that the plans were not being followed stating that this did happen though it is hard for them to pin down when this happened. However, the Judge's Office was informed by the time that the Quorum Court found out which was Thanksgiving of 2014. She stated that key dates that they were able to piece together in terms of when knowledge started surfacing about the possible problems with the bridge construction was that they could really only go back as far as October 2014 because the Braswell lawsuit was interfering with their ability to go back further. She reported that they were able to meet with Mr. Braswell with his lawyer present; however, there was resistance to

talking about his formal complaints because of their bearing on the lawsuit. In early 2014, the now infamous video was taken and immediately thereafter, someone contacts the Arkansas Highway Department claiming that the County is cutting corners in bridge construction. This prompts one of the Highway Department's Engineers to contact the Assistant Road Superintendent and tell him about this call. Shain Bergan at Channel 5 contacted the Road Superintendent asking about the bridges and possibly contacted others. She stated the point is that in early October, people began asking questions that were at least going to the highest level at the Road Department. E. Madison reported that there was an anonymous complaint that worked its way to the Arkansas Department of Labor about a problem with an earthen wall, all happening in the first half of October. The State was investigating that, but it was difficult to uncover anything significant when they spoke to the Investigator, though the timing is important in terms of the questions being asked.

- 203.1 E. Madison stated that the response to this information surfacing was that the Assistant Road Superintendent went to the Stonewall Bridge site and talked to the crews about the call from AHDT and he informed the crews that the County can build a bridge however it wanted and in some respects that was a statement that the State doesn't oversee the County's bridge construction. The Assistant Road Superintendent did say that the crews were supposed to be following the plans. She noted that some changes are made at that point in the construction process such as they start to use epoxy and purchase a proper steel handler. The County Judge's Office did become aware of the call from the Highway Department, but it was unclear when that was actually communicated to the Judge's Office because there was a lack of recollection of when things happened. Thanksgiving 2014 is when the Braswell letter is sent to the Quorum Court and County Judge where he outlines his concerns and virtually all of the claims made by Mr. Braswell turned out to be accurate. The Braswell suit was filed on December 19, 2014 and there is more information in that complaint about these defects and some people went to the complaint to actually figure out some of the issues with the bridges and the Quorum Court was told that there was some sort of investigation going on. However, after the Highway Department contacted the Road Department, there wasn't any investigation or after Mr. Braswell's letter or lawsuit.
- 203.2 E. Madison noted that they were advised that October was a very busy time for the Judge's Office with a difficult budget and an election that was more difficult than normal; and then by November and December, attribution of the complaints to just being politics. The Road Superintendent and Assistant Road Superintendent were assuring folks that the bridges were safe; however, the difficulties was that there had been no interviews conducted of the crews to determine actually how the construction had been taking place.

During the past two years, there have been no investigations concerning the Road Department and this investigation is the first into any of the allegations concerning the bridges or the work environment of the Road Department.

- 204.1 E. Madison reported that there was a meeting held on March 18th or 19th after the video was produced and the Braswell lawsuit where the County met with the Engineer Jim Beatty and based on the video, it was his recommendation that the Stonewall piers be torn down and that the weight limit on Harvey Dowell Bridge be lowered to 3 tons. The Engineer has worked up some rework plans to try to reinforce existing structures at both sites, so there are repair efforts underway.
- 204.2 E. Madison stated that they were asked to investigate two issues concerning the Road Department work environment; the first whether the Road Department work environment creates a culture permissible to deviate from written instructions like engineering plans and it is clear from their investigation that this is the culture. She noted that it goes a little deeper than that in that witnesses were unaware of any written policies or procedures specific to the Road Department outside of the generally applicable County Handbook for employees that must be followed. She stated that this created a lot of uncertainty as they don't really know what the rules are. Witnesses told them that engineering plans on many occasions were referred to as guidelines which again gives the impression that the County is able to do whatever they want and is exempt from regulations and there is a mentality of not asking questions about how the County does things. E. Madison noted some examples that they uncovered about this culture was with the Smoking and Tobacco Ordinance which has been in place for sometime and recently revised by the Quorum Court is in some witnesses' views openly violated at the Road Department. Dump trucks are overloaded in excessive weight limits. The promotion job application interview process is a mystery to people who do not understand how promotions occur or how to apply for them or the qualifications needed leaving people feeling very excluded and frustrated. E. Madison stated that she knows these complaints have been raised at the level of the County Judge's Office and they are looking into them.
- 204.3 E. Madison stated that they heard numerous concerns about safety despite the fact that there are regular safety meetings held at the Road Department and despite the fact that the Road Department is regarded by the Department of Labor as having one of the top safety programs of area road departments. Safety is surprisingly not very much a priority; personal protective equipment is worn infrequently; hard hats are only worn occasionally; safety glasses rarely worn; and steel toed boots rarely worn; and safety harnesses occasionally worn. She referred to a photo of work being done on the Harvey Dowell deck with a crane in operation and when employees were asked when

Minutes of the Special Meeting of the
Washington County Quorum Court
May 5, 2015
Page 14

they felt like they needed to wear a hard hat, they were told when the crane was operating and only two workers in the picture were wearing a hard hat while the crane was being operated.

- 205.1 E. Madison reported that there was a complaint filed with the Arkansas Department of Labor in October 2014 concerning a vertical earthen wall that had not been benched or sloped due to a nearby gas line at the Stonewall Bridge site. Employees were very concerned about working near the wall because they were afraid it would collapse. After the complaint, the gas line was located, a tree was removed, and the wall was sloped, so the situation was cured; however, it only came about because people started asking questions.
- 205.2 E. Madison stated that they heard concerns about improper traffic control and flagging and as best they could tell, there is not a designated safety officer for the county where people can take concerns or that a safety officer oversees safety onsite. It was reported that safety harnesses were used incorrectly on occasion. As they have to have someone to hook their safety harness to, workers reported that they would have to actually walk out on the structure and drill or torch a hole in the steel to have somewhere to hook onto and of course until that point, they are not hooked in at all. Pictures were viewed wherein they were attaching these structures to the steel so that there was something for workers to hook onto and continuously stay attached for fall protection. At the Harvey Dowell deck when not complete, there was one worker who had on a safety harness that didn't appear to be tied in and it was also noted that this employee was wearing Nike shoes instead of the steel toes boots that are prescribed.
- 205.3 E. Madison stated that the final question was about the culture of the Road Department and whether there is a culture where workers are afraid to raise legitimate concerns through their chain of command and in fairness, this answer was both yes and no. She stated that there are very much two sides to the Road Department; those folks that like management, are very comfortable with management and have no problem complaining; and then there is another side where there is a group that certainly fears that complaining will get you into trouble. An example was given where there was a complaint regarding a policy violation where the complaining employee was called in to a meeting of several supervisors and the employee about whom he had complained and references were made to "snitching" at the meeting. Workers feel like they have witnessed retaliation against their fellow workers and a couple stated if you complain you get the "crap jobs". There were concerns voiced regarding favoritism and out-of-work friendships affecting the workplace and workers reported feeling bullied and threatened by management and that there is an attitude of "my way or the highway." There

was reference about employees being broken and how long it would take the Road Department to break you. It was also noted that these are not high wage earners and people who really rely on their incomes, so people are very hesitant to complain to those being their financial circumstances. There were concerns voiced about there being a lack of an open-door policy at the County Judge's Office, whether complaining at that level would do any good, and whether they would be retaliated against. In fairness, she pointed out some people have no problem going to the Judge's Office and the complaint about the snitching meeting did make its way to the Judge's Office and was addressed., but there are certainly a group of people who do not feel comfortable going to that level. They couldn't really figure out what the origin of that is and she thinks more than anything, they just feel that it won't do any good.

- 206.1 Regarding the current work environment, E. Madison noted that these employees are much stressed right now and some of them who reported no problems previously have talked about how they just really can't handle it right now. The lawsuits and media have been very stressful for them and there has been virtually no communication with those employees about the issues that have come out in recent months and these employees take great pride in their work even if it wasn't done great and when they read in the news that their work is being torn down, there is a lot of resentment about that and they feel that it is a comment on their work and they really haven't been given a chance to explain their side of things.
- 206.2 In closing, E. Madison stated that they do think that there is further investigation warranted into the Road Department work environment that was simply outside the scope of their investigation. At least a couple employees said that they really needed to talk to all 80 employees out there is they are going to figure out the true work environment, which they didn't have time to do with many complaints they were hearing simply exceeded the scope of their investigation. They do feel that with any of the employees they talked to, they got an accurate picture of these two sides to the Road Department and they heard things over and over again. The concerns that they heard that they think warrant further follow-up again is the job posting, promotional interview process, racial and discriminatory remarks, profanity and abusive language, favoritism and clicks, work ethic and efficiency with both time and resources, compliance and safety in general.
- 206.3 Judge Edwards thanked the investigative team for their time and efforts in this in depth investigation. She stated that she would now open up the floor to anyone who wanted to ask these folks questions about their investigation.

- 207.1 A. Harbison thanked the team for their time and effort in conducting this investigation. She stated that they know if they are going to build bridges that they have to have an engineer, so some good has come out of this. She stated that the honeycombing is a problem in the pores and it is very evident in bridges built before Judge Edwards came in, that the Road Department are building bridges like they have always built bridges, but this is not good enough due to the safety issues. She stated with the money that they put into their bridges, they need to last longer than what they are going to last. She suggested that they look at the Harvey Dowell Bridge and see what needs to be done to make it safe and to improve it's the length of its life. A. Harbison stated that they need to move on and have a positive attitude and she believes that this will also help the Road Department. She noted that they do good work, but there are certain ways that things need to be done and they will make sure that they are done that way in the future.
- 207.2 L. Ecke stated that her question stems from a question asked by Judge Edwards last month and she would like to know from Judge Edwards being the head of the Roads Department whether they had weekly department meetings on the bridges and if not, were they bi-monthly or monthly briefings of what was going on at each project during that time.
- 207.3 In response to L. Ecke's question, Judge Edwards stated that she was not going to get into questions and answers tonight as she needs to review this information, but in answer to this question, they did not have weekly meetings, but rather she met with the superintendents and supervisors at random.
- 207.4 L. Ecke stated that she is trying to put this together as a puzzle the chain of command and why these things were allowed to progress without any checks and balances along the way. She stated that it seems to her that nobody knows what is going on and the County Judge should because she is the head of the Road Department.
- 207.5 Judge Edwards stated that she has 15 different departments and she relies on her superintendents and her people that she hired to perform those jobs. In response to a question from L. Ecke about who exactly was responsible to report to Judge Edwards from the Road Department; to which Judge Edwards responded first they have Shawn Shrum and Donnie Coleman and they have meetings with their seven supervisors and then Shawn and Donnie have random meetings with her to keep her abreast of what is going on.
- 207.6 T. Lundstrum stated that this was an excellent investigation and report, but his concern is that it doesn't solve anything at this point except to give them information and he will be interested in seeing how Judge Edwards deals with

this. He further stated he is unsure of what impact those who resigned from the Road Department during the investigation will have on the Road and Bridge Departments.

- 208.1 E. Madison stated that they are already hearing that they are certainly lacking a bridge crew to complete the work at Stonewall and they are trying to figure out how to move on as they are without a supervisor and without a lead man. She stated that there may be three people left that will not go back to work on these bridges.
- 208.2 T. Lundstrum stated that the County Judge is going to have to make some decisions and the Quorum Court will have to get involved in the financial aspect of this as time goes by, so they don't have all the answers to this entire question yet. He stated that they do know that they need to change this mentality that exists to end up with the kind of work they have. He stated that while he can understand what the Judge is saying, even when they have a number of supervisors, unfortunately they are all human and sometimes supervisors do things that are not completely honest which is where management is so critical in evaluating these issues to see what exactly is going on. He recalled walking across the 62 Bridge with Judge Hunton who was very proud of that bridge which apparently has problems as well, so they didn't have it together then either under his supervision. He thanked the investigative team for the considerable amount of work they put into this investigation.
- 208.3 S. Madison stated that she doesn't recall E. Madison taking engineering class as an elective and one little criticism she has is that the page numbers are a little small to see, but she believes at about number 45, she was talking about honeycombing at the Stonewall Bridge. She asked if it were the new piers that had honeycombing; to which E. Madison responded that she was referring to the eastside wall which was constructed post October 2014 when they were making an effort to follow the plans a little bit better, but there were still defects coming through in the work. She stated that the new work being done on the new piers appears to be good because the geotechnical engineer has been inspecting those and they are requiring them to leave open a side of the form so that they can come in and truly inspect all of the work. E. Madison further stated that they received reports that there are sort of acknowledged challenges with the west abutment and the east abutment that came later were done by the plans, but when you look at it, it doesn't appear to be quite right.
- 208.4 S. Madison asked on the day that they went out and looked at the newly poured piers at Stonewall Bridge, she observed a lot of mud and noticed places where there were no silt screens or they were collapsed into the creek.

She asked one of the workers whether they put up silt screens and he said that they do it if they can which she doesn't understand and questions whether there is some disregard for following DEQ's best management practices that they looked at.

- 209.1 E. Madison responded to S. Madison, stating that they didn't uncover that specifically, but there was a lot of reference in the work logs to work on those fences. She stated that the current status of those fences are that they are intact right now and she thinks as a result of some questions raised, there are now signs prohibiting equipment from being in the water. She stated that she believes there was a time when the DEQ permit lapsed out there and the Assistant Superintendent took full responsibility for that noting that part of the challenge is that there are many permits that the county has to obtain to begin this process and most of the permits will run through the whole course of the project and the DEQ permit expired and they were not aware that they had to renew it.
- 209.2 S. Madison stated that she just wants to know whether there is an attitude that they may or may not follow DEQ's standards. She noted that they just heard from the Beaver Watershed people yesterday and their number one concern is sedimentation going into the lake that affects their drinking water and if they had this regard in their construction sites for sediment in the creek that should be a concern of Beaver Lake.
- 209.3 E. Madison stated that other than talking to the Assistant Superintendent about the lapse in the DEQ permit, they didn't really get into DEQ issues because she is not sure anyone other than the existing superintendent is that attentive to DEQ issues which are his job to do the weekly DEQ inspections that have to be reported. She stated in a sort of related issue she made mention to the notion that some feel that the county is exempt from having to follow regulations and she would place DEQ regulations in that category. She stated that there was something about dump truck license plates have an "X" on them which means they are exempt and there is confusion over what that means; are they exempt from just having a weigh, but they still have to comply with weight limits or does it mean that they are completely exempt from weight limits.
- 209.4 E. Madison reported when she went out to the Osage Creek Bridge or the box culvert near Elm Springs, one of the issues was a lot of erosion and they were fixing it by adding dirt and shot rock which of course was all washing away. When they installed the culvert, they chipped away at the edge and if that is not somehow sealed up, they are going to have more erosion as the water comes through. Further, there was a tree that was holding in the bank on one side and there was significant damage done to it by equipment while they

were out there that she though could harm the tree which is right there in a bank.

- 210.1 S. Madison addressed the area of racial slurs in the department and asked whether she thought there was adequate representation of female employees in the Road Department other than in the office; to which E. Madison responded on the employee list that they saw, the only current female employees are in the office. There was a list of past employees on which there were a couple other female employees that are no longer with the county. S. Madison stated that at some meeting she asked the number of female applicants for equipment jobs and there was only one that wasn't interviewed and she believes that needs to be an area of concern for the Road Department because there is no reason why a woman can't run a road grader or be a flagger or multiple other jobs at the Road Department.
- 210.2 S. Madison stated after they got the Braswell letter, on December 19th she wrote Judge Edwards because she hadn't heard a response to Mr. Braswell and she wanted to know what the county was doing to follow-up on his letter. She reported the answer she received ten days later was that Judge Edwards had met with the Road Department and the Engineer, she was advised that the bridges were safe and the investigation at that point was ongoing. She inquired as to what that ongoing investigation entailed at that point; to which E. Madison responded the only thing that they were able to uncover was that the Judge's Office spoke to the Superintendent and Assistant Superintendent about the construction and was assured that it was being done per plan and other than that, employees were not interviewed in any respect. She further does not believe that the bridge supervisor or lead man were actually consulted until the March meeting where they were included in a meeting with the Engineer Jim Beatty. S. Madison stated therefore the ongoing investigation as of December 29th was actually finished; to which E. Madison responded that she does not know that there was actually an investigation because the employees reported not having been interviewed by anyone until they were questioned by this investigative team.
- 210.3 J. Maxwell stated with the people who were unable or unwilling to respond to their investigation, asked whether they gave a reason or response to the request or where they able to characterize or ascertain from what they said as to why they chose not to participate.
- 210.4 E. Madison responded to J. Maxwell stating that one of the employees was on a leave of absence and unavailable to them during this time period, so she wouldn't put that in the category of not being cooperative. She noted on the first day of their investigation, they started calling employees to try to schedule interviews beginning with the bridge crew and she was able to

speak to two of the crew who were a little reluctant to talk to her, didn't want to be interviewed, and were going to have to get back to her. She explained that if there was an issue with them needing to get off work, they would take care of that and there were several others who they left messages for and one person who they had a bad phone number for. Because of the reluctance of the bridge crew to talk to them, she reached out to the County Attorney and to Lindsay Huffaker in HR to find out what exactly had been communicated to the workers down there about the investigation and was told that there had been no communication, indicating that the workers had heard about the investigation through the news and were not sure what was going on. Thereafter, Judge Edwards and County Attorney Steve Zega went to the Road Department along with herself and Russell Hill and had a meeting with the hourly workers on the crew in Donnie Coleman's office and talked to them about the scope of the investigation and were able to provide them with a copy of the ordinance and the directive that the employees were supposed to cooperate in good faith. She stated that it was a little hard to pinpoint exactly why the employees didn't want to talk to them, but she believes part of it was because they feel that their work has been disparaged unfairly because no one has talked to them about their work and they didn't know why a pier was torn down that they felt they did good work on. She reported that ultimately only one of those people that they met with that day would talk to them and they never really got an explanation for why they wouldn't. Further, one of the employees quit his job that day. E. Madison further noted that she assured them that they weren't the target of the investigation; that they were after the truth; that no one would be retaliated against, etc.

- 211.1 J. Maxwell asked if Judge Edwards had any plans in place or changes that she can foresee with the Road Department which she could share with the Quorum Court.
- 211.2 Judge Edwards responded to J. Maxwell that she wanted to sit down with the report in front of her and look at everything very carefully. She stated that most who know her know that she can't make snap decisions because she gets sued if she does and she gets sued if she doesn't, so she has to be very cautious and careful about any decisions she makes and she will weigh each one of them very carefully.
- 211.3 B. Pond complimented the investigative team on their thoroughness and how informative their report on the investigation has been. He further stated that he appreciates that they were very fair to the employees. With regard to the structural design, changes and improvements that need to be made, he believes the information gathered will be very helpful to the County Judge and Road Department. He stated that he was at the epoxy test on the Stonewall Bridge when it was rainy and muddy, noting that the silt fences were present

as they had to take them down in order to move a piece of equipment into place to perform this test. He noted that the workers were very busy doing what they needed to do for the test and he assisted them with moving the silt fence up to the side of the creek, and he believes they had permission to move the equipment in the water when they had to.

- 212.1 E. Madison stated that was the short term authorization permit that had lapsed which is what authorizes them to do that and they may have been unaware of it, but at that point in time technically they were not permitted to cross the creek.
- 212.2 B. Pond responded to E. Madison that they were permitted to cross the creek until the permit expired that they didn't know had expired. He stated that he has dealt with ADEQ on permits many times and they were able to get the permit renewed. He stated that he has to hand this to them because that might be up to a \$250,000 track machine that they had to move across in order to do that test. He further explained that this equipment cannot be moved around on pavement or across bridges and he doesn't believe the county could afford to have one on each side, so they did need to move it across the creek. He stated he doesn't want to get into technicalities on permits expiring and try to place blame whenever they can when the ADEQ doesn't even do that because they came out and saw the situation because they had been called in order to renew the permit. B. Pond stated that he did want to stand up for the Road Department about being careful about what they do in trying to keep the streams clean because during that short period of time while that permit unknowingly was expired, it didn't make more mud because that permit was expired for a few days than it would have if the permit had still been good. He stated that they might want to stick them with a fine paying taxpayer money out to the state, but he just doesn't see how that is going to help the situation.
- 212.3 J. Patterson stated he appreciates the work done on this investigation, but if he is going to talk about bridges, he will speak to Carl Gales. He stated that being in the trailer business; he has constructed trailers and truck bottoms for over 50 years, so he is interested in the bridges. He stated that there are two things that he sees as problems; the honeycomb depending on the varying degrees and the rust coming out of the concrete would indicate where the pours have not bonded or the rebar is too close to the edge or something along those lines. He stated the information that came out of this about the employees was all a necessary part of the investigation. He asked what Mr. Gales's opinion would be if the perfect bridge in Washington County was a 10, how he would rate these bridges in question with regard to their longevity.

- 213.1 Mr. Gales responded to J. Patterson's question, stating that the longevity of the Harvey Dowell Bridge in its present state was very low. He reported that they had a very lengthy meeting with the engineer who he has known for many years and is familiar with his work, has addressed these issues. He reported that the engineer has a complete design to fix the Harvey Dowell and Stonewall Bridges to the standards for H2O loading and will give a certification letter when that work is completely done that this bridge was built to be satisfactory for what the county paid him to design. He noted that these corrections will be costly, but the engineer is addressing them which are a tremendous start to where they go to get a finished product of an H2O loading bridge that their school buses, fire trucks, and other equipment can go across. With regard to the honeycombing, he stated this is a common thing that can happen with the best pores in the world and there is a very explicit procedure for fixing it that is provided in the specifications that will be followed by certifications. He stated that there is going to be a lot expected from the citizens of Washington County on its bridges that they inadvertently brought on themselves, but they will deal with it, it will be right when they finish and they will be better for it.
- 213.2 Dan Short thanked the team for their investigation, he believes they did an outstanding job, and he has learned a great deal tonight. He stated that he understands the way the Harvey Dowell Bridge was completed, due to some defects and deviations of the plan, that the lifespan of the bridge may be shortened. He asked Mr. Gales how much danger there was currently for catastrophic failure of that bridge as it currently stands.
- 213.3 Mr. Gales responded to Mr. Short, stating that they discussed that with Mr. Beatty, the County's engineer and with his concerns, he rated this bridge at 3 tons presently as the maximum allowed weight that he visualized this bridge being safe. He stated that this wasn't set by the County, but rather the engineer looked at the deficiencies, became aware of them, and his opinion as of today is that there should be a 3 ton limit on Harvey Dowell Bridge and he respects his opinion 100%.
- 213.4 B. Ussery thanked the team for the thorough job they did on this investigation. He stated a couple of concerns he has pertain to safety as in his business he has to go through safety training every year and because of the business that he is in it frightens him to have a wall coming down on somebody. He stated that the rules are there to protect them and these employees need to be wearing safety shoes and hats. He stated that 90% of problem solving is knowing what the problem is and now that they know clearly what the problems are, they can certainly address them.

- 214.1 S. Lloyd stated that this report contained a lot of information to digest and asked when they could expect to have a copy of the report; to which Court Secretary Karen Beeks responded that the 116 page report is being emailed. She further stated that they are now in the solution phase and asked whether Mr. Gales or anyone else was going to give them some written recommendations that they can review.; to which E. Madison responded that they discussed that, but didn't feel that they were asked to do that and also believe that they all come at it with slightly different perspectives and expertise. E. Madison stated that she feels that she knows enough now about the bridge construction that she doesn't believe that they need to pay for an expensive x-ray. In talking to Engineer Jim Beatty about the fixes he is proposing, they are basically going to take the pier and wrap it with reinforced concrete and move on and put the money that they would put toward an expensive x-ray toward the fix instead.
- 214.2 Carl Gales stated that both he and Jim Beatty are professional engineers and he respects his professionalism and his being on top of the project. He reported asking Mr. Beatty whether he was called on the Harvey Dowell Bridge during the time that he submitted the plans and did they have any questions, to which he responded that they did not. Therefore, he wasn't aware until he was called in and then he became aware of the problems, was hired by the County Judge to provide a set of plans for the fix and the committee is all in possession of a set of those plans. He noted that this is the gentleman that they hired for his expertise and he feels very confident with him.
- 214.3 Judge Edwards stated that she hired Mr. Beatty to do the engineer designs and was of the understanding that the bridge was being built by the engineer designs. She stated that she became aware that there were some deviations that were not with either her approval or Mr. Beatty's approval. She stated that she will be presenting two proposals to the Quorum Court with respect to this issue; one is to hire a full-fledged engineering firm to build the bridge that will cost the county no less than \$1.5 million. She stated that they can come in now with the improvements discussed as they have RFQ's out right now to advertise for an engineer to work with the County, along with Jim Beatty and with GTS, and she is unaware of that cost at present. She stated that she will be keeping the Quorum Court informed along the way because she will be coming back to them for more money to address this situation.
- 214.4 J. Maxwell asked if the Harvey Dowell Bridge came in over or under budget with these deficiencies; to which E. Madison responded that they asked some about the expense because the cost of the bridges is easily estimated to be around \$400,000 and that does not include labor costs and often does not include equipment costs that would normally be wrapped up into the full cost

Minutes of the Special Meeting of the
Washington County Quorum Court
May 5, 2015
Page 24

of the construction. She stated that she is not aware that there was ever a specific budget for the project because the Road Department worked within their budget. She further reported that Mr. Gales explained that they really don't know if it was a cost savings to the county to build it in-house as opposed to bidding it out because they didn't bid it out. E. Madison responded to Judge Edwards and suggested that they may want to see how much the bid is before they make the decision because it may not be \$1.5 million.

- 215.1 Judge Edwards responded to E. Madison that it would have been brand new; to which E. Madison stated that she doesn't know if they know that because there were some plans to bid it for federal and state funding for Harvey Dowell that were in excess of \$1 million, but she doesn't know what that was based on.
- 215.2 E. Madison addressed S. Lloyd's previous question, stating that the county has to do a lot of internal review to figure out not just how they want to do it, but whether they have the crew with the appropriate skill set and the resources to do this. She added that they certainly need somebody with some extensive bridge building knowledge to come in and supervise the project. She doesn't believe that it will be a simple decision to do it outside or inside because inside to her will require not only ensuring that they have the people and tools in place, but also will have to address some of the cultural issues as well.
- 215.3 Judge Edwards stated that she will make sure and research this.
- 215.4 H. Bowman stated that the team did a phenomenal job in their investigation. He asked if Mr. Gales had an estimate on the repair of the Harvey Dowell Bridge; to which he responded that he didn't put a cost factor on it, nor did he ask Mr. Beatty if he put an estimate on the rework, or whether he had submitted an original engineer's estimate for the project. Mr. Gales stated that he would suggest that they request engineer's estimates from Mr. Beatty so they could see what realm they are talking about.
- 215.5 H. Bowman asked Mr. Gales if he would give a guestimate for this bridge work; to which he responded that he would not.
- 215.6 H. Bowman asked Mr. Gales about safety issues related to the width of the bridge and whether this could be retrofitted to expand the width of the bridge without a great deal of difficulty; to which Mr. Gales responded that it would be difficult because of the fact that they left it off and a cantilever portion of the bridge sets out there, normally the foot walls and curves are the more expensive items of the bridge and the work is more difficult. He stated that

they would have to put those back on the bridge and expose some rebar or come up with an additional design in the decking to hold that which is one of the areas that Mr. Beatty can address in his redesign. He added that he respects Mr. Beatty as a professional and does not want to jeopardize his position in this.

- 216.1 H. Bowman stated that he cannot imagine hiring an engineer to do a drawing of a bridge and totally disregard that drawing. Further, he stated that there are apparently absolutely no quality control procedures in place.
- 216.2 Mr. Gales responded to H. Bowman that there were no quality control procedures in place until sometime this year, but Harvey Dowell Bridge was built totally without any quality control.
- 216.3 H. Bowman stated that there are all kinds of quality control procedures out there that must be followed to do a quality job and as tough as this may be, this all comes home to roost at the County Judge's house and the buck stops here; to which Judge Edwards thanked him for reminding her.
- 216.4 R. Cochran stated that Judge Edwards mentioned that none of this was apparent to her or she was not aware of any of the construction methods other than what the engineer decided to build a bridge was being done and he believes that to be the case.
- 216.5 R. Cochran asked County Attorney Steve Zega whether a prudent man would build this bridge against the design; to which he responded that there are two answers to that question that both lead to the same place. He stated that one answer is common sense that you pay for plans to have them followed; and the legal answer is that standards for these things evolve all the time and if this were being done privately, they would be entitled to rely on the engineer's plans and the engineer in turn would be entitled to rely on the people who were building it. In other words, no it would not be prudent to build deviated from the plans and there is litigation out there on that particular issue. He further stated that dropping the other shoe, what liability does the county have for not building the bridge according to the engineer's plan to which he noted that the county has tort immunity, but that does not absolve anyone in the county from or for the safety of citizens or anyone driving across that bridge. Therefore, he stated he wants to be very clear that the legal issue is very different from the moral and policy issue, and the county has very limited exposure in this particular area because of tort immunity.
- 216.6 R. Cochran asked about the superintendent of bridge building who did not follow the plans and did not tell the supervisor that he was changing the plans; to which County Attorney Steve Zega responded that tort immunity

extends to agents, employees and officers of the county when they are acting in their official capacity. Personal liability for that is also in his opinion limited in terms of legal liability, but no confusing that issue with the moral responsibility to build the bridges in the safest possible manner and standard.

- 217.1 R. Cochran stated that they really don't have any recourse to recoup the lost money on the bridges because there has been and will be considerable money expended to repair one bridge and basically rebuild another. He stated that there are damages in his mind because if he is the supervisor and his crew goes out and does something unbeknown to him that he is supposed to know what they do and the person directing the effort of building this bridge and reports back to him that it is being built properly and everything is fine, he feels like something has to give there.
- 217.2 County Attorney Steve Zega responded to R. Cochran that in his opinion the county does not have a case against its own employees for a variety of reasons.
- 217.3 R. Cochran thanked the committee for their hard work in this investigation and spent a lot of time to present it very well.
- 217.4 Dan Short stated that he conferred with Shawn Shrum about something he had told him earlier, reporting that about two years ago, he talked with the Highway Department and they advised him at that time that the cost per running foot for a bridge was about \$6,500.
- 217.5 J. Firmin stated that the committee did a very good job that raises a lot of questions and concerns. He wants them to move forward and thanked Judge Edwards for her willingness to allow this to take place in this fashion as it helps the citizens of Washington County and is a real honest way of facing the matter.
- 217.6 In response to a question from J. Firmin whether they could take the bridge out to bid and then not accept the bid, County Attorney Steve Zega stated that this can be done. He went onto explain if you let for bids on a bridge, it would also be the County Judge that decided what the lowest acceptable qualified bid was and she is under to obligation to take the bid by statute and the Quorum Court is not under obligation to appropriate the money for it necessarily. He stated the other side of it is the practical aspect that typically they would appropriate first and the County Judge would submit the bids after that and if it came in under the ceiling of their appropriation and a bid that the County Judge in consultation with folks at the Road Department agreed it was an acceptable bid that would get them what they wanted at the end, the

County Judge would have the ability to accept that bid and let the contract without further input from the court.

- 218.1 J. Firmin stated that being in the contracting business he is a little concerned because you go through a whole process of getting an estimate together with the knowledge that they might try to do it in-house. He stated realizing that the engineer can make a bid for an estimate based on his drawings seems really smart to him. He stated that at the very beginning of a project, the fact that they haven't estimated the cost of the bridge vs. taking it professionally, it is not negligent but just seems like common sense and he would like to see them start there. He stated that they should be able to go back to past labor figures and determine this; however, if they can't figure it out then they definitely don't need to start building more bridges.
- 218.2 L. Ecke stated that she called Lindsay and spoke with Cassi and asked if the Road Department had a safety manual that the crews follow and was told she would talk with Shawn Shrum. In that conversation she doesn't know if she heard correctly and asked whether the County is exempt from following OSHA regulations to which Steve Zega stated that they were not. She asked in the event of an accident whether OSHA would investigate to which Cassi indicated that they would investigate, but the County was exempt.
- 218.3 County Attorney Steve Zega reiterated that the County was not exempt from following OSHA regulations.
- 218.4 L. Ecke noted that she has to submit a safety manual to any vendor that she does business with, and asked whether the Road Department had a safety manual and if not, do they need to write one; to which County Attorney Steve Zega responded that if there is no safety manual, they should obtain one because he is sure that there is OSHA compliant manuals out there.
- 218.5 L. Ecke asked about the inmates when they are brought out to a jobsite whether they are given safety equipment as well because she is sure that Sheriff Helder would like to know that they are being taken care of with safety precautions.
- 218.6 L. Ecke asked when these bridges were budgeted; to which Judge Edwards responded that they are appropriated that every year when they do the road budget. She further asked if they know how much was appropriated from the Road Department budget to each bridge and did they have actuals on exactly what was spent; to which Judge Edwards explained that these items are not broken down, they put it in the road budget, but stated that Shawn Shrum could probably answer that question.

- 219.1 Shawn Shrum responded to L. Ecke that he does have a breakdown on each bridge as to what was allocated because it sounds like there were shortcuts being made and especially on purchasing quality equipment.
- 219.2 L. Ecke stated that she thinks all of them would like to see what was spent on the bridge and why these shortcuts were made and why proper equipment wasn't used.
- 219.3 L. Ecke stated that she sits on the Budget and Finance Committee and on a very tight budget, she would be asked to go ahead and release some more funds to fix this bridge which they want to do and even though she is always the one that talks about unity and getting along, but she is very concerned right now about how this money is being spent when they don't have it to spend it. Therefore, she stated that she wants to know how much was budgeted for each bridge, how much was actually spent, where are the receipts, and why were there shortcuts in materials and equipment. She stated that it sounds like they didn't have enough money to build the bridge and if they didn't, then why did they start to begin with if they didn't consider the cost. She stated she realizes that these are questions that will need to be answered at some point.
- 219.4 A. Harbison stated that she wanted to remind everyone on the Quorum Court what their duties are as JPs. She stated that their duties are to appropriate money and they need to know where there are deficiencies while they are appropriating money, they don't run departments and need to give Judge Edwards the time and consideration to review this report and make recommendations to take care of this problem. She stated as head of the Road Department, she is sure she will do some things that some may not agree with, but debating all of these issues at this time is counterproductive. Once Judge Edwards has done this, then the Quorum Court needs to decide if they are going to have money to appropriate to fix these bridges. A. Harbison stated she believes as JPs they sometimes overstep what their duties are and while they need to be informed, they don't make those decisions, and if they don't like the decisions being made, then they don't appropriate the money.
- 219.5 E. Madison stated that while they talk about not giving recommendations, she does have some final thoughts. She sees this as an organizational failure and doesn't know that after she knows all of the facts and steps back and look at the big picture, if she could see any one person to blame. She has specified that there is no target in this investigation, but that they are simply after the truth. She reported that they heard a lot of "I assumed" things and when looking at the big picture, it looks like they started to build a bridge in 2012 and they hadn't done a project of that magnitude in several years and

nobody asked the question of “can we?” She said it was said that they had a bridge supervisor who had been serving in that role for 28 years; and they had people who worked on the 2007 Hwy 62 bridge, but people assumed and questions were not asked. She referred to a phenomenon called “group think” where there is an organizational tendency to achieve a goal without asking questions because it is assumed that everything is fine, everybody knows what they are doing, and everybody is following the plans.

220.1 E. Madison stated that she is having a hard time with the desire to sort of fault employees because she talked to them and they were terrified to meet with the investigative team, although she believes they left feeling a little bit better about the process. She stated that these people’s jobs are on the line and she advised them that the team did not have the authority to discipline or terminate anybody and she doesn’t even want to come close to having to make a decision like that. She does believe that there needs to be an overhaul at the Road Department, but she doesn’t want to be the one to have to design that overhaul. The crew that she talked to need their jobs and care about the county and thought they were doing good work, and she saw an organizational failure of people not asking the right questions at all levels, not a lot of accountability or checking in, and even assumptions because they had been building bridges for a long time when in reality, from 2007 to 2013, they didn’t build a bridge, but installed box culverts. A crew was sent to these sites that they called a “bridge crew” and told them here are some plans – but didn’t ask if they could read them or understood the significance of them and expected them to do a task. She stated that they all need to be mindful now of the fact that they sent these crews to do a task that maybe they set them up to fail. She reiterated that there isn’t one person or one issue responsible for this because it is an organizational failure that she is hopeful that they can put a system in place where they ask these questions. She further noted that of course they saved money on this bridge because they made the bridge deck 4 feet narrower than it was supposed to be which a lot of money is cut off the bridge. She stated that she feels very comfortable saying that there was no intentional wrong doing and in fact, many of the steps that they undertook, took them longer so they didn’t even save time but lengthened the process. She knows that they are going to move forward, but she hopes that they learned from their mistakes and are better for it.

220.2 T. Lundstrum stated that he disagrees with A. Harbison’s previous comments because while the County Judge is in charge of the Road Department, they are the legislative body of the county government and co-equal to the executive branch of this county government. He stated that it will be very hard for him to appropriate money to a Road Department with the management skills that he is seeing at this time and there is an impact on how things are done through appropriations. He referred to a picture showing

a bridge full of workers with no hard hats and appropriate safety equipment that is a management issue because someone in a management position is supposed to be there to see that this doesn't happen. He stated that this is really inexcusable and he wants to see that kind of thing corrected because the problem is at the management level, some who have may already quit. He stated that before he could appropriate money for this kind of activity, he wants to see improved management skills.

- 221.1 Russell Hill stated that he would like to recommend that they somehow recognize Carl Gales and his professional services as a citizen of Washington County for volunteering his time and expertise to this process because it was invaluable.
- 221.2 Carl Gales stated that his reward will be when an engineer signs off that our children can cross these bridges safely.
- 221.3 Carl Gales was given a round of applause by the Quorum Court.
- 221.4 CITIZEN COMMENTS: Lance Johnson, resident and taxpayer of Washington County, addressed the Quorum Court stating that he will soon have been building concrete structures for 50 years. He reported that he came here to build the Water Treatment Plant in 1991 and they poured 35,000 yards of reinforced concrete and Alan Fortenberry can attest to how they did. He stated regarding this bridge issue, he has seen things that disturbed him, but what disturbs him as a taxpayer is that the County should not in any way be in the bridge building business unless they have had people on their crews who build bridges all day, every day and can hire the people who know how to build bridges. He suggested that the County just needs to get out of that business.
- 221.5 ADJOURNMENT: The meeting adjourned at 7:50 p.m.

Respectfully submitted,



Carly Sandidge
Quorum Court Coordinator/Reporter