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

BECKY LEWALLER CO. & PROBATE CLERK CO. & PROBATE CLERK

Tuesday, October 6, 2015 5:30 p.m. Washington County Quorum Court Room

- The Washington County Quorum Court met for a special meeting on Tuesday, October 6, 2015. The meeting was called to order by County Judge Marilyn Edwards who stated the purpose of this meeting was to continue working on matters pertaining to the 2016 budget process.
- L. Ecke led the Quorum Court in a prayer and in the Pledge of Allegiance.
- MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Gary McHenry, Joe Patterson, Butch Pond, and Bill Ussery.
- 555.4 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff George Butler, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 555.5 <u>ADOPTION OF THE AGENDA:</u> Judge Edwards asked if there were any additions or deletions to the agenda.
- A. Harbison made a motion to adopt the agenda as presented. S. Lloyd seconded. The motion passed unanimously by voice vote.
- REVIEW BUDGET REQUESTS FOR CAPITAL AND PERSONNEL AND/OR CHANGES FOR 2016: Angela Ledgerwood, Director of the Washington County Animal Shelter, addressed the Quorum Court and thanked R. Dennis for hooking the shelter up with Walmart Purina, which has agreed to hold a donation drive for the shelter at four locations.
- With respect to personnel, A. Ledgerwood stated that she is requesting three additional part-time employees in lieu of two full-time employees to help save money. She explained that the two part-time employees would cover the six days each week that the shelter is open to the public and one part-time kennel personnel to assist the limited crew that currently work on weekends. She stated she is requesting that each position be for 24 hours per week, eight hours per day three days each, covering Monday through Saturday, the days the shelter is open to the public. She pointed out that when the second Animal Control Officer was hired, who now works on weekends, there were a lot of animals coming into the shelter on weekends; it takes two people to safely perform an animal intake. The shelter currently has one intake supervisor on duty on Saturday, Sunday and Monday, leaving her at high risk for injury. In fact, Ms. Ledgerwood

reported that she already filed one workers compensation claim that could have been avoided if a second supervisor had been available to assist.

- A. Ledgerwood explained that the office personnel will assist with the increase in calls for service, which the shelter is consistently experiencing, and to handle programs such as Petfinder, which gives its animals more exposure, resulting in a shortened length of stay at the shelter. She reported that the Shelter's calls for service have increased from approximately 4050 to 4450 calls per month and additional help is needed to offset this increase. She further noted that adding additional office staff will free up her time, so instead of assisting customers, answering the phone, entering charts, etc., she will be able to spend more time searching for grants and donation opportunities, such as the \$550 Humane Society grant she recently received. She is hopeful that in the long run this will lead to a cut of additional costs.
- In response to a question from E. Madison, A. Ledgerwood stated that these three part-time employees would be starting somewhere around the grade 8 or 9 which is the \$11 to \$12 range.
- In response to a question from A. Harbison, A. Ledgerwood stated that these three additional part-time employees were included in her budget request for 2016.
- E. Madison stated that it was her understanding that the Animal League did all of the Petfinder posts initially, but were asked to stop; however, if one of the justifications for additional personnel is for the Petfinder posts, which she believes is valuable work, she would suggest that this be explored with the Animal League, because its members have experience using Petfinder.
- A. Ledgerwood stated that she personally did not ask the Animal League to stop this service and if anyone from the organization is willing to do this, then she is willing to turn the shelter's Petfinder postings over. She stated that the shelter has a very good working relationship with the Animal League, which recently provided the shelter with a new freezer. It was noted that this was a good task for people to help with as it is very time consuming to upload everything and continue to manage the postings with current adoptable pets. She noted that this would require someone from the Animal League to come into the shelter at least once a week to take pictures and collect information.
- E. Madison noted the last time A. Ledgerwood came to the court with a personnel services request, which was less than a year ago, was when she wanted a full-time person and the Court gave her a part-time person

instead. E. Madison questioned why there was a sudden jump. A. Ledgerwood responded that it is not really a matter of growth; the Shelter just needs the additional help on weekends and the additional office help to offset the influx of people coming into the shelter. This would free her time to do more grant work without the office getting behind.

- E. Madison questioned whether filling three part-time positions would be difficult, to which A. Ledgerwood responded that the Shelter did have a full-time kennel supervisor recently leave due to the hard work this job required. She noted that the Shelter's inmate program is a fantastic program; however, it is very challenging and takes a unique person to be able to train someone new on a daily basis. She explained her reasoning for hiring a part-time worker was so she can cover more time since the shelter is open six days a week that way part-time employees can work three days each. However, if she was hiring a full-time employee, then that worker would be limited to five days. Overall, she believes it is better for the shelter to have more people in the building at any given time.
- G. McHenry stated that he is new on the court and would like to know how the Shelter is currently staffed, as well as what sort of census it is running. A. Ledgerwood responded that the Shelter has nine full-time employees and one part-time employee, which include a Veterinarian and two Veterinary Technicians. She stated that the shelter runs the low cost Spay/Neuter Program as well as the spaying, neutering and veterinary care for the shelter. She stated that for the last two years the Shelter has been averaging about 2,300 animals a year; during puppy and kitten season, the Shelter averages about 180 animals, and on the off season, the shelter averages around 100 animals at any time.
- L. Ecke stated with her business she has part-time employees, which helps to almost eliminate the overtime that her business can run into during October, November and December. She stated that having part-time employees in the rotation is a good economic plan for eliminating overtime.
- R. Cochran asked about the volume of customers that the shelter experiences throughout the week; to which A. Ledgerwood responded that the Shelter is averaging through the door about 1,800 to 2,000 people in a month. She stated that Monday is probably its slowest day, but the Shelter will still have 100 people walk through the door; Saturday is probably the busiest day with several hundred people visiting the shelter. She further reported that it can be the busiest with lunch hour and after school traffic. R. Cochran asked if she had considered reducing the Shelter's open hours to where an employee's 40 hour week can be stretched over six days; to which A. Ledgerwood responded that she would be afraid to do that, noting

that the shelter opens at 10:30 a.m. and is busiest for the first hour and from 3:00 to 5:30 p.m.

- 558.1 In response to H. Bowman, A. Ledgerwood stated that the \$20,000 in her budget for cleaning supplies is what used to come out of the Buildings and Grounds' budget. He stated that she has about a \$50,000 increase which is mainly coming from the labor side of the business, and he concurs with R. Cochran that she may be able to identify times when she can shut down to help keep the labor costs down. With regard to the donation drive with Walmart Purina, he asked if she can anticipate what kind of dollar savings this may produce; to which A. Ledgerwood stated that she expects it to be very beneficial with four Walmart stores participating, but could not predict a dollar savings. She explained that the shelter will have a volunteer at the door of each entrance or eight people passing out coupons and the shelter's wish list. As people are leaving, they can deposit their donation. H. Bowman stated that he was surprised she only had \$12,000 budgeted for pet food; to which A. Ledgerwood stated during her budget preparation, she has secured with Walmart an opportunity to come to its warehouse in Bentonville once a month and pick up a pallet of dog food and a pallet of cat food, which is why she decreased her pet food budget. She reiterated the benefit of her being able to focus her time on this type of fundraising; the possibilities for saving money are endless.
- H. Bowman noted that the costs of operating the shelter have increased every year and funds available have been decreasing so he commended A. Ledgerwood for her money saving efforts and encouraged her to continue to find areas where she can keep costs down. He stated that salaries are a big part of her budget and he encouraged her to consider cutting back on the amount of hours that the shelter stayed open.
- A. Ledgerwood stated under capital items, she is requesting the money to purchase a Kangan water system, as suggested and demonstrated by JP Lisa Ecke. She stated that with the help of Chief of Staff George Butler, she researched this system and determined that it would not take the place of all of the shelter's cleaning supplies, but would replace its bleach products, window and stainless steel cleaners.
- A. Harbison asked if she has been able to figure cost savings from using the Kangan water system and producing the shelter's own bleach; to which A. Ledgerwood responded that in 2014, the shelter spent \$1,053.80 in bleach, \$469.91 in stainless steel cleaner, and \$201.20 in glass cleaner for a total of approximately \$1,600 worth of products annually. She further reported that the cost of the Kangan machine would be \$6,336 and would be paid off in three years.

- E. Madison stated that she is a little skeptical about water replacing bleach as a cleaner considering all of the viruses at an animal shelter. She stated that the cost of this machine would cover 1,658 gallons of bleach, which is a lot of bleach. She can understand using such a system in a food service business, but is worried about animal diseases and its effectiveness in that regard. She is further concerned about the proposal being to actually buy this system from a JP and that it may put L. Ecke in a bad spot because she has been told that this was forbidden.
- E. Madison asked whether there are any studies that have shown it is effective for killing the parvo virus; to which A. Ledgerwood responded that she has been unable to find documented research on the Kangan water's effectiveness on parvo virus, virulent calici virus or ringworm, so it would not take the place of all cleaning chemicals that are used at the shelter because those are the three main killers in a shelter. E. Madison stated that she is concerned about this because while cleanliness is important, the health of the animal population is more so.
- 559.3 S. Zega responded to E. Madison's concern about the county buying such a system from L. Ecke stating that he has discussed this with L. Ecke and noted that the county has purchased goods and services from JPs which is legal if the Court budgeted for it and then passed an ordinance finding unusual circumstances. He stated in this case it is under \$20,000 so it would not be a bid item, so the Judge can purchase this system with an allocation from the court and an ordinance passed by the court authorizing the county to do business with L Ecke on that particular item. S. Zega stated that he is yet to identify what exactly "unusual circumstances" refers to and related that the county did business with Earl Fraley for a while when he was on the court. The court has also done business with Joe Patterson as well and it is perfectly legal as long as the Court goes through the proper steps. He stated that he does not want to go through the ordinance process unless it was the court's pleasure to allocate the funds for the machine.
- E. Madison stated that A. Ledgerwood's original budget did not include the additional part-time employees; to which she explained that this was her error as she entered it incorrectly.
- In response to a question from S. Madison whether there are multiple vendors that sell the Kangan machine, A. Ledgerwood stated that she would assume there are but her understanding is that it is the same price no matter who you buy it from and L. Ecke is a vendor. She further asked what else besides water is required to produce this product; to which A. Ledgerwood responded that there are filters that cost roughly \$100 a year

to maintain and the canisters that are added to change the different pH levels in the water, but she would need L. Ecke to respond further.

- S. Zega explained the different complicated procedures that could be taken in order for the court to question L. Ecke at this time regarding the Kangan system.
- S. Madison stated that part of her thinks that A. Ledgerwood should have a better understanding of this system and requested permission from Judge Edwards to have L. Ecke speak for the Shelter Director on the technicalities of this machine, to which was granted.
- 560.3 L. Ecke explained that when A. Ledgerwood approached the court asking for \$10,000 for cleaning supplies that would last only five months, she was shocked and the newspaper thereafter wrote that she was against the Animal Shelter. She knew about this cutting edge green technology that she had been using at her business for three years and in her home for five years. She told A. Ledgerwood about this system for a possible way that she can save money in cleaning supplies at the shelter. L. Ecke explained that this is a registered medical device in Japan, which was developed by a group of doctors. Since those doctors have started using this technology, it is in 97% of all hospitals in Japan and is being used by people in Russia. Sylvania and the Netherlands. Veterinarians are using this reconstructive green technology in their practices because they are seeing fantastic results. She further explained that the machine restructures tap water that goes through a process where sodium salts are added and it produces an acidity of 2.5 for the acid water that is not harmful to clothing or skin. L. Ecke related that she has been in contact with Tim Crow, DVM, a leading Veterinarian and Trauma Director at the Regional Institute for Veterinary emergencies and referrals in Chattanooga, TN who shared with her what he is doing in private practice with the Animal Shelter. She related that the longevity of the Kangan machine is 20-30 years and in order to keep the price low, she uses direct sales marketing as opposed to advertising. She suggested that she give further explanation and answer questions in a committee meeting when the court is not discussing the budget.
- S. Zega stated that L. Ecke would rather not consider this tonight and since she should not be voting on the purchase of this machine for obvious reasons, he suggested splitting A. Ledgerwood's requests into personnel services and capital and table the capital request based on L. Ecke's statements.
- B. Pond made a motion to table the capital requests for the Animal Shelter until a later time. S. Madison seconded.

- In response to a question from S. Madison, A. Ledgerwood stated that she does not know of other Animal Shelters using the Kangan machine at this time. S. Madison stated that she does not understand why if L. Ecke says it kills viruses, and then the Court should be able to find any documentation that will kill the parvo virus. A. Ledgerwood explained that parvo virus is hearty, lives in the ground through freezing or 100 degree temperatures for years, and is extremely difficult to kill, as is the calici virus.
- The motion to table the capital requests for the Animal Shelter until a later date passed unanimously by voice vote. The capital request was tabled.
- 561.3 T. Lundstrum stated that his entire adult life has been involved in sanitation, manufacturing and selling detergents and chemicals for years. explained that the pH scale runs from 1 to 14 and for every increment is multiplied by 100 so a product with a pH of 8 is 100 times as alkaline as pure rain water which is neutral at 7. He stated when you get down to a pH of 2.3; this is 100,000 times more acid than water. He stated that a lot of pathogenic microorganisms will not live in a pH of 11 and some in a pH of 2-3, but when dealing with pathogenic microorganisms, these products are all controlled by the USDA, EPA, etc. and have to be tested and approved by the U.S. government before producers are able to ship it. 
  T. Lundstrum reported getting a sample of this product from State Representative Micah Neal who uses it in his restaurant in Springdale that he sent to their laboratory in Dayton, Ohio and it tested as water with a pH of 6.3. He stated that he is a big proponent of quaternary ammonium (QUATS), which is recognized by the United States Department of Agriculture (USDA) as a broad spectrum disinfectant and will kill every known microorganism except tuberculosis. He stated that it does not take a \$6,000 machine to change the pH of water, and he wants to see USDA documentation on this showing that it is a disinfectant sanitizer.
- R. Dennis noted that an account he calls on uses this Kangan system.
- H. Bowman stated that his son has been using this machine for quite a long time and he has friends that use it. He stated that it separates elements of the water into an acid base and an alkaline base, and the majority of people buy the machine to drink alkalized water to increase the pH because most of their food and drink create an acid environment and it has been shown that health will improve with an alkaline environment.
- A. Harbison stated that she believes A. Ledgerwood has given some thought to her request for three additional part time employees and that

there is enough of a pool of people out there that would be interested in these positions.

- A. Harbison made a motion to approve the three part-time employees for the Animal Shelter as requested. B. Pond seconded.
- With no further discussion, Judge Edwards called for a vote on A. Harbison's motion.
- 562.3 VOTING FOR: R. Dennis, L. Ecke, A. Harbison, E. Madison, S. Madison, J. Maxwell, G. McHenry, B. Pond, B. Ussery, and D. Balls. VOTING AGAINST: S. Lloyd, T. Lundstrum, J. Patterson, H. Bowman, and R. Cochran. The motion passed with ten members voting in favor and five members voting against the motion. The budget request was approved.
- Kyle Sylvester, Washington County Circuit Clerk, addressed the Quorum Court stating that he is requesting three new full-time personnel slots for his office. He reported that as of yesterday, his office went live on its new Contexte Court Management system as mandated by the State in order for his office to docket live or in real time. He further noted that the Administrative Offices of the Courts is mandating each county in the State to go to this system for informational and statistical sharing so statistics on the legal activity in the State of Arkansas can accurately be ran. He explained that with the new system, his office will have statistical codes that will be added to each case, which basically doubles his office's data entry.
- K. Sylvester stated currently with the docket clerks he has in criminal, domestic, juvenile and civil cases, the job that they were doing before has way more than doubled and this increased work load is the justification for his request for three new positions.
- A. Harbison stated that it looks like the estimated revenue for next year in the Recorder's Cost Fund is \$2,252,555 and his estimated cost for 2016. She stated she therefore assumes that the \$807,258 includes those positions so he basically has the money in his fund to pay for this and it is not coming out of the General Fund and K. Sylvester concurred.
- E. Madison stated that she has been using Contexte and Court Connect for some time and it is a tremendous advance for the Circuit Courts in Arkansas in making the courts accessible and the practice of law much better. She stated she watched as Pulaski County, who was the first court to go on the system, did this and it is a very tedious process. She stated that she met with K. Sylvester about this request and as a user of this

system she knows that his office will need more people to support it which again, to some extent, something that the State is pushing on the counties as it is the system that the State Administrative Office of the Courts has chosen. She explained that the lawyers and litigants still have to file documents the old fashion way so this does not reduce the work of the current staff that deals with people in person. She noted it is the Circuit Clerk's duty to support the courts and the Quorum Court is obligated to support the Circuit Courts and provide facilities and resources for them to function, and as the third largest county in the state it is a much bigger process than the other courts have had to go through. She stated as reluctant as she is to support new positions, she knows from her research and knowledge of this that it is something the Court needs to do. She stated her hope is that eventually there will be talk about phasing these people out. E. Madison stated eventually e-filing, where lawyers will be able to file documents from their offices, will be used more frequently. K. Sylvester added that his office is looking at approximately 18 months before e-filing can be implemented.

- K. Sylvester reported comparably speaking, Benton County has six circuit courts and 34 full-time staff members that are stretched to the gills compared to Washington County's seven circuit courts and 22 full-time staff members that carries more volume as far as case load, scanning and documentation.
- H. Bowman asked if the Circuit Clerk was anticipating an increase in case load during 2016; to which K. Sylvester responded that he cannot really forecast what this will be as far as the court side, but if it remains the same, the amount of data entry will more than double with what his office has as far as time consumption. He noted that his office started on the Contexte system yesterday and he anticipates that it will take his staff members 1½ to 2 months to catch up to where they were just with the data entry. The Benton County Circuit Clerk has reported when that when that office went live, it took them 3½ months to catch up. K. Sylvester noted that there will be a learning curve, but as his staff members continue to use this system and it becomes more familiar, they will become faster. He stated that a lot of it is speculation and anticipation without having actual knowledge about how this will go.
- H. Bowman stated that K. Sylvester collects fees for his services and anytime he exceeds \$1 million in his budget, it goes over into the General Fund. He asked how much he will end up contributing to the General Fund this year from his office; to which Treasurer Bobby Hill responded that he will end up contributing around \$700,000 and H. Bowman stated if he is

contributing that much to the county's cash flow, the Court should be generous to help him out with this situation.

- 564.1 With respect to H. Bowman's question about whether he is anticipating an increase in cases filed next year that would also feed into this situation, B. Hill responded that he was asked a month ago about looking at the difference of filings over a spectrum of time and a document he was given from his predecessor that looked at the differences between the year 2000 to 2009 that showed a vast increase of case load, documents being scanned, and how much the work had increased. He reported running the numbers in the court management and real estate recording system and comparing from 2009 to 2014, some numbers were higher and some were lower which he did not understand. He then ran each and every year through these systems and the numbers in 2009 did not jive with the numbers on the report, so he started asking where these numbers came from and who compiled the report because he did not have anything to compare it to, but he still does not have an answer to that and his base line was skewed. However, he did report that the numbers that he ran are pretty consistent with a small percentage of variance and increase, but with real estate markets, criminal and domestic activity, this is hard to forecast.
- L. Ecke asked what these docket clerk positions will be graded at; to which K. Sylvester responded that the positions are entry level at grade 10 with starting pay at \$12.31 an hour.
- R. Cochran made a motion to approve the Circuit Clerk's request for three new docket clerks. A. Harbison seconded.
- With no further discussion, Judge Edwards called for a vote on R. Cochran's motion to approve the Circuit Clerk's personnel request.
- VOTING FOR: R. Dennis, L. Ecke, A. Harbison, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Cochran. VOTING AGAINST: S. Lloyd. The motion passed with fourteen members voting in favor and one member voting against the motion. The budget request was approved.
- David Ruff, Washington County Collector, addressed the Quorum Court stating what began with the Courthouse parking deck, people found it inconvenient to come to the Courthouse and more convenient to go to the Springdale Revenue Office where those people can assess and renew their vehicle tags. As a result, he reported there has been a shift in the number of people going to the Springdale location and he either needs to increase

the staff in Springdale or join with Assessor Russell Hill in efforts to start a satellite office at the Fayetteville Revenue Office on Razorback Road. He stated this new location would be staffed with three employees from the Assessor's Office and two from his office; he plans to reduce his staff at the Courthouse by one and is requesting one new employee to fill the other position. D. Ruff pointed out that his office plans to advertise, but people are slow to learn about such a change and it will take 1-2 years for citizens to realize the shift in traffic to the satellite office and eventually his office can reduce that employee back out of the system. He noted that other increases in his budget are due to the opening of this office as well.

- D. Ruff stated for the benefit of new court members that his office is paid out of commissions and the Quorum Court pays roughly 8.15% of his salaries or any other expenses, so this request for \$42,323 is going to cost the County \$3,449 for that employee.
- E. Madison stated that part of what made it easy for the Court to approve the Assessor's request was because it is a commissioned office, but will also phase out one of the positions he asked for within two years. She asked when an office is commissioned if the money comes back to the General Fund if it is not spent like the Recorder's cost fund; to which D. Ruff responded that any monies not used throughout the year goes back to the taxing entities and the County would get their 8.15% back. She stated it would be great if the office could somehow have dual employees that could do it all, but as far as auditors for the Assessor and Collector, that is not possible and the already complicated jobs just continue to get more complicated.
- A. Harbison made a motion that they approve the County Collector's personnel request for one position. L. Ecke seconded.
- With no further discussion, Judge Edwards called for a vote on A. Harbison's motion to approve the Collector's personnel request.
- 565.5 VOTING FOR: R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Cochran. The motion passed unanimously. The budget request was approved.
- D. Ruff reported some good news on the Animal Shelter that the Court will be addressing at the next regular meeting. He stated that there are a lot of citizens in Washington County that own and love animals, but do not have a conduit to donate to the Animal Shelter. He reported that Saline County broke the path before, passed an ordinance and with that collected

\$100,000 last year by requesting \$5 from each of their taxing citizens. He sent a similar ordinance to County Attorney Zega and explained that Washington County does have that ability through voluntary taxes, along with voluntary fire, library, and police, to provide that conduit for people who want to support their community to donate money to the Animal Shelter. He stated considering the budget needs, he would suggest that the Court also look into the County Extension Service as a second voluntary tax, which would free up more county money. He reported that he is collecting voluntary taxes for Springdale and before he started this, the city was only collecting less than \$75,000 on its own and last year he collected \$188,000. D. Ruff further suggested that the amount of \$5 be put in for the donation to the Animal Shelter, stating that he believes this will bring in more donations than if \$20 was done.

- H. Bowman commended D. Ruff for bringing this to the Court as he had been contacted by two constituents with the same concept and he was unsure about how to approach it. He thinks this is a fabulous idea and that the court should adopt the ordinance.
- A short recess was taken at this time.
- Jay Cantrell, Chief Deputy with the Washington County Sheriff's Office, addressed the Quorum Court stating that Sheriff Helder is out-of-state for a family matter and unable to be there for this meeting. He stated that Sheriff Helder charged Major Rick Hoyt, Major Randall Denzer and himself with coming up with a budget this year that was lean, but what the department needed.
- Major Rick Hoyt with the Washington County Sheriff's Office addressed the Quorum Court, stating that the agency is formulated with Sheriff Tim Helder and Chief Deputy Jay Cantrell; and from there on, the agency is split into two sections of Enforcement and Administration, for which he serves as Major and Detention which Major Randall Denzer is over. Out of about 320 personnel in the Sheriff's Department, he has about 130 employees serving in Enforcement and Administration. Major Hoyt reported he began his work at the Sheriff's Department after serving on the Fayetteville Police Department for 28 years and leaving as Chief of Police and is now in his 11<sup>th</sup> year with Washington County working as a Major. He reported that he has had a lot of experience in administrative functions since 1996 when he was promoted to Lieutenant at Fayetteville Police Department.
- Major Hoyt stated this year for the capital outlay, his department is asking for the purchase of seven police package Chevrolet 4x4 Tahoes through a state bid of 6 that would be marked patrol vehicles at \$31,050 and 1 would

be an unmarked vehicle assigned to the Enforcement Captain with a couple of added options at \$31,450 for a total capital outlay request of \$217,750. With no capital money in the 2015 budget, his department did not get any vehicles last year; the mileage is getting high and he will have to have some new vehicles this year. He provided a list of all the vehicles that his office has assigned to patrol with mileage, pointing out that the vehicles gain from 2,000 to 4,000 miles a month when out on patrol. He stated that 4x4 Chevrolet Tahoes became available last year and the plan is to put six of them into place for six Sergeants, which are two Patrol Sergeants on three The Sergeants do not drive as much because the job entails supervision of those answering calls. He believes he will get longer service life out of the Tahoes during inclement weather and driving in hazardous areas, because those Sergeants would be available to either give their vehicles to patrol or assist in these hazardous areas that cannot be reached with a 2-wheel drive. He stated that his department currently has 25 Tahoes on patrol and have had real good luck with them since Ford quit making the Crown Victorias. He pointed out that these vehicles are mobile offices with computers, dash cameras, equipment, stop sticks, etc. He noted in the past his department has tried to change out patrol vehicles between 80,000 and 90,000 miles, but are now exceeding that point. He noted he had 8 Tahoes on order last year and he still has four that are in the process of being outfitted by the department's onsite mechanic. Those vehicles will probably be deployed before the end of this year.

- Major Hoyt stated that he has reduced his department's requests in the operational budget for 2016 by \$85,000, which includes \$30-\$40,000 in gasoline, supplies and other services, and \$10,000 reduced in part-time salaries.
- R. Cochran stated when the department moves away from the Crown Victorias and into the Tahoes, the equipment will not be compatible and Major Hoyt stated that this is in his minor equipment budget and has to come out of 2-3 budgets in 2016. He stated that it will cost his department about \$3,000 per vehicle to equip the Tahoes and this equipment will be transferable in the future.
- S. Madison asked what the trade-in value is on a Dodge Durango with over 150,000 in a police package and what does the department do with those vehicles; to which Major Hoyt responded that 3-4 of the vehicles are traded at a time into local dealers to purchase used vehicles that the department's CID personnel drive. He further noted that the dealer that does the state bid does not want trade-ins; auctioning the vehicles is very time-consuming and not worth what they are sold for. She asked who does the maintenance that the department is getting 167,000 miles out of the

vehicles; to which Major Hoyt responded the a shop in Elkins is used, but for the last year his department has been using an in-house mechanic who can change out brakes, light bulbs and windshield wipers. His department is not set up with a lift or pit to do lubrication and other heavy work. He stated that the oil changes are done at Everett Chevrolet for less than \$12 each.

- E. Madison stated that people drive vehicles past 80,000 and 100,000 miles and vehicles are more reliable these days and she questioned the rationale for setting that threshold to phase out vehicles. Major Hoyt responded that he is hopeful that the Tahoes will be serviceable for more in the range of 100,000 to 110,000 miles in patrol use; however, it is not just mileage that counts. He noted that the patrol vehicles are operated daily on county roads, many gravel, across fields and creeks, etc. and the constant vibration of driving, opening and closing doors, extra idling, high speed driving, uncooperative prisoners, etc., takes a toll on the vehicles. He stated that 100,000 miles a civilian may put on their own vehicle does not compare to a vehicle that has been in police service for the same mileage and he does not want his patrol officers to have to mistrust the vehicles when they are responding to an emergency call.
- A. Harbison thanked Major Hoyt for his efficiencies in trying to cut the other budget down as much as he can so that his department can get these vehicles.
- A. Harbison made a motion to approve the Sheriff's request for \$217,750 to purchase 7 Chevrolet 4x4 Tahoes. T. Lundstrum seconded.
- T. Lundstrum stated that the average police car by the time it has 80,000 miles on it the engine will have run 2-3 times as long as a private car has because of the idle time. He further noted when in a high speed pursuit, the officers do not want tie rods dropping down and brakes failing to operate, so it is important that they have reliable vehicles and it is a major job to regulate this many vehicles on a reasonable basis and keep them reliable and he will be supporting this budget request.
- S. Madison referred to Mike Masterson's column and that some law enforcement agencies are suspending high speed chases because of the risk for killing somebody, plus wrecking a vehicle. Major Hoyt responded that he is familiar with the columns she is talking about and his office is constantly looking at those policies. He stated that there is debate across the country on this topic, but he would hate to have a policy that says that the officers do not pursue which would open the door to lawlessness. He

stated that he had earlier referred to "high speed driving" when the officers are trying to get to a crime scene.

- J. Patterson stated that he has always supported the Sheriff's Department for the 13 years he has been on the court and has had several occasions to use them. He stated that he appreciates all that it does and will support this budget request.
- S. Lloyd stated that while she does not like to spend money, she believes the safety of the County's citizens and officers is important and she will support this budget request.
- With no further discussion, Judge Edwards called for a vote on A. Harbison's motion to approve the Sheriff's budget request to purchase 7 Chevrolet 4x4 Tahoes.
- 569.4 VOTING FOR: R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Cochran. The motion passed unanimously. The budget request was approved.
- Major Randall Denzer, of the Washington County Detention Center, addressed the Quorum Court stating that his capital request is for five police Tahoes at a state bid of \$31,050 for a total of \$155,250. He noted that he has vehicles with mileage from 80,000 to 110,000 miles, but the mileage is little different from the patrol vehicles. He stated that many prisoners leaving the jail require transport to the courts, to doctors, or to dentists. He explained when a warrant is issued his staff has to go everywhere across the state to pick up the people, as well as people who signed extradition. At one time, there was one in Oregon, California, and Arizona; there was also three in Florida. This year, 102,000 miles had been driven out-of-state alone.
- In response to a question from R. Cochran, Major Denzer responded that these vehicles go home with certified officers who are on call to pick up prisoners at any time; to report back to the jail if needed to transport a prisoner to the hospital; or to assist in rescues during an ice storm or tornado, etc.
- E. Madison stated as far as take home vehicles, the tax code recognizes law enforcement vehicles as different and they are not taxed the same way because the tax code observes that it is actually good to have law enforcement vehicles going home and out in the community. In response to her question about policy for using law enforcement vehicles to take on

vacation, Major Denzer responded that there is a county policy that prohibits using county property for personal use and that is the way this would be interpreted.

- 570.1 S. Zega stated that he does not believe there is an ordinance, but it is a personnel policy.
- In response to questions from A. Harbison, Major Denzer stated that if approved he will order these vehicles in January, but will not be delivered until the end of March.
- 570.3 A. Harbison made a motion to approve the Sheriff's capital request for \$155,250 for the five police Tahoes for the transport division. R. Cochran seconded.
- L. Ecke asked how many vehicles they currently have, to which Major Denzer responded there are 16 vehicles in the transport division and 5 of them will go out of service.
- With no further discussion, Judge Edwards called for a vote on A. Harbison's motion to approve the capital request by the Sheriff's transport division for \$155,250 to purchase five Tahoes.
- 570.6 VOTING FOR: R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Cochran. The motion passed unanimously. The budget request was approved.
- Major Denzer stated that his personnel request is to upgrade 20 Adult Detention Officer (ADO) positions to Deputy First Class (DFC) positions and one DFC position to a Corporal position at a cost of around \$57,271. He explained the primary reason is that these people working in the booking area have come under state mandated additional duties and responsibilities that have been added to ADO's by the courts. He stated that the officers have been tasked to obtain a DNA sample from every felon arrested, instead of just violent felons. Along with the increase of detainee population, the Detention Center is seeing an increase in violent and mentally ill detainees. He noted that people were booked in about 30 minutes and now with Affordable Healthcare and DNA testing, it is taking an hour. This year probably 13,000 people have been booked.
- In response to a question from E. Madison, Major Denzer stated that with these upgrades comes an addition of responsibility. He noted that this

year the Detention Center hit a high detainee record of 726 with a capacity of 710.

- 571.1 E. Madison made a motion to approve the personnel request for position upgrades at a cost of \$57,271 as requested. T. Lundstrum seconded.
- T. Lundstrum thinks collecting DNA from felons is a good idea because it is sure proof down the road if those felons are arrested for rape or other crimes. He stated that this may be the best thing that ever happened in law enforcement because a lot of people had been imprisoned for 20 or 30 years that were not guilty because of DNA.
- In response to questions from H. Bowman, Major Denzer stated that the DNA is collected by oral swab and there are detainees who resist the collection because they have been charged but not convicted of a felony. However, the law says DNA must be collected from anyone charged with a felony and there is a remedy in place so if detainees are not convicted of a felony, an offender can have it removed from the data base. If the detainees resist collection of their DNA, they are forcibly restrained in a restraint chair and additional personnel are brought in to assist.
- In response to a question from B. Pond, Major Denzer stated that this is for booking personnel and part of it goes onto the daily duties handling the detainees in the jail.
- With no further discussion, Judge Edwards called for a vote on E. Madison's motion to approve the Sheriff's personnel request upgrades at a cost of \$57,271 as presented.
- 571.6 <u>VOTING FOR:</u> R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Cochran. **The motion passed unanimously. The budget request was approved.**
- Cheryl Bolinger, Washington County Comptroller, addressed the Quorum Court stating that she referred to the duties of the Comptroller, including payroll, accounts payables, purchasing, and general ledger budgets. She explained that Purchasing had been combined with Comptroller into one budget as Financial Management and the result of this combination was a unique request of a reduction of \$7,334 from last year's approved budgets.
- 571.8 E. Madison stated that she has voiced her concerns about the combination of these two functions before and while she likes to see a budget reduction,

on the principal of the matter she cannot support this. She stated that Sarbanes Oxley is an act passed by Congress to protect investors from the possibility of fraudulent accounting activities by corporations and one of the primary components is segregation of duties that talks about the various financial functions that an organization does and why it is very important to have division between those duties. She is not suggesting that anyone in these departments would do that, but it takes away temptation and opportunity and while this body does not have the authority to tell the executive branch not to do this, by combining these two budgets into one overall category of Financial Management, it is essentially blessing what she considers to be an improper segregation of duties. Therefore, she will not support C. Bolinger's request based on principal.

- B. Pond asked about the state auditors' opinion on this, and C. Bolinger responded the auditors are fine with it, explaining that the Comptroller's office was audited with the IS Department, which passed because of the security in both departments. Although it is sort of four departments in one, she explained that no one can get into a department that is not its own and can still only do what the job descriptions are. She further noted that the department's individual computers requires fingerprint read only and cannot get in with a password, making it very secure.
- A. Harbison stated if this passes with the auditors and the County can save \$7,334, she will vote to support it.
- E. Madison stated what they need to understand is that Purchasing was previously a direct report to the Judge, as was the Comptroller, and those have all been combined into one office under the Comptroller. She stated it is not the fear that someone could log into another employee's computer because of the IS and IP protections that prevent that, but it is the residing of the functions under a single person and that responsibility that is problematic.
- J. Maxwell stated that he is familiar with Sarbanes Oxley as it pertains to his industry, but asked S. Zega to shed some light on this situation and the particulars around it. S. Zega stated that Sarbanes Oxley pertains to corporate governance and does not by its terms include government entities, so doing it this way would not violate any federal law.
- J. Maxwell stated that besides making sure that the County is not legally liable, in the public forum, the Court needs to make sure that the County does not have the appearance of impropriety. He also asked if there was not a federal law that would be broken, is there the appearance, context or precedent for this not being a good policy. S. Zega responded as E.

Madison just pointed out, before the Purchaser administratively worked for the Chief of Staff who in turn worked for the County Judge, eventually that pyramid goes up to one person anyway. Secondly, he stated with due respect to Sarbanes Oxley, which he believes is a good idea for many reasons; it does not stop people who wish to be fraudulent with public money from doing so. He noted while the Court was discussing purchasing policy a couple meetings ago, you do not have to look far from this Courthouse to find people with access to public money who wish to do bad things. He stated that Judge Edwards has the authority to combine these departments.

- J. Maxwell questioned if the worst people were in these positions in the future, what was the potential for this to be misused; to which S. Zega responded that this is probably beyond his predictive capability at this time and he does not believe he can give him an answer that would be satisfactory in terms of this particular issue.
- J. Maxwell stated compared to the way they run the county business in general, does this have a higher propensity for abuse; to which S. Zega responded that he really believes personally that it depends on the person in that office more than anything else and the various examples that have occurred in Tontitown and the University of Arkansas are factors that lend him to say he could not predict whether it would be risky or not in this particular structural change. He concurs with E. Madison that Sarbanes Oxley is a good particular law and policy for many reasons, but in this particular case it is difficult for him to say with a definitive answer.
- S. Lloyd asked for the reasoning behind combining the Comptroller and Purchasing Departments; to which C. Bolinger responded that Pulaski County has had it that way for years and the reason she is asking that the two offices be combined is because they have both been put under her jurisdiction and the County Judge instructed her to do this. She stated when she looked at the budget and spending in each department this year, she could not really see a way of cutting it much more, but after the departments are combined for a year, it might save the County some money. She reported that her department meets every Friday morning to discuss things that have happened during the week and ways of saving time and money. C. Bolinger noted that she believes this will make her office much more efficient because basically the Purchasing Department is right there with the rest of her office anyway and there is not a good reason to have two separate departmental budgets.
- R. Dennis stated that he has locks on his doors at home to keep honest people out because a crook would go right on in. He stated sometimes

you just need to have policies in place to keep honest people honest and it sounds to him that this change might not be the right way for the Court to go so he will not support the request.

- B. Ussery stated it is always good to have the controls that the County has there are laws and barriers to keep people from doing things no matter who is in charge. He concurred with S. Zega's statement that eventually everybody is going to report to somebody at the top and in this case, he thinks it makes perfect sense because those barriers are in place. He pointed out that Purchasing still has all of the processes that it has to go through for it to be approved and C. Bolinger does not make the ultimate decisions in her department. He stated that he trusts the way it is organized at this time and trusts that the auditors know what they are doing.
- C. Bolinger pointed out with these two departments being combined, no duties or securities have changed and if Purchasing and Comptroller were going to get together and try to scam the county, that could have been done anyway with two separate budgets because nothing really changes as far as the processes. She stated the only change was that instead of having two department heads right there basically doing the same thing, now there is just one department head and there will be just one budget. She noted that the security has actually tightened up because of the IS audit with the State Auditors where those processes are ensured to be as secure as they can be.
- E. Madison stated that Pulaski County has separate offices for Comptroller, Purchasing and Payroll and are not combined functions according to what Pulaski County is saying on its website.
- 574.4 E. Madison made a motion to deny the request to combine the Comptroller and Purchasing budget into one budget as Financial Management. T. Lundstrum seconded.
- C. Bolinger responded to E. Madison stating that she has spoken to the Pulaski County Comptroller and its Purchasing and Payroll are all under his department. She pointed out that on Washington County's websites, there is a website for both Purchasing and Comptroller for the reason that a buyer wanting to look at auctions or bids that the county has may not know to look under Comptroller for bids, but will look at Purchasing. That is also the reason that Pulaski County websites are shown that way.
- 574.6 E. Madison called for the question.

- A. Harbison stated that this was an administrative decision and she is confused as to why it is even coming to the court if the County Judge has authority to do this. C. Bolinger responded that she is not asking to combine the departments because they are already operating under one department. Instead, she is asking to combine the budgets that are currently under two budgets. C. Bolinger concurred with A. Harbison's statement that if the request is denied, then there will be two separate budgets under her.
- A. Harbison stated she did not think that the Court could make a negative motion; to which S. Zega responded that E. Madison's motion is in order and he explained that E. Madison's motion is to deny the unified budget.
- With no further discussion, Judge Edwards called for a vote on E. Madison's motion to deny the unified budget as requested.
- 575.4 <u>VOTING FOR:</u> R. Dennis, L. Ecke, T. Lundstrum, E. Madison, S. Madison, and J. Patterson. <u>VOTING AGAINST:</u> A. Harbison, S. Lloyd, J. Maxwell, G. McHenry, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Cochran. The motion failed with six members voting in favor and nine members voting against the motion.
- A. Harbison made a motion to approve the request to combine the Comptroller and Purchasing budgets and for a reduction of \$7,334 from last year's approved budgets. R. Cochran seconded.
- E. Madison stated she thought with all of these requests that are coming through, the Court is not considering overall budgets and have looked at specific items and this to her signifies that the Court is approving the entire budget for which has not been given any thought. She stated that regardless of if there is a reduction; the Court should still pay attention to particular line items to see where there might be increases that should not be there.
- R. Cochran stated that he took the motion as to combine the Comptroller and Purchasing budgets into one and the net effect is a reducing request, but the Court is not approving the budgets. It is approving the consolidation of the two budgets with further consideration. A. Harbison verified that this was the intent of her motion.
- S. Zega stated until the court votes on an appropriation ordinance, all of these things are preliminary and understanding E. Madison's concern that this is not necessarily either a capital or personnel request, that none of what the Court has done yet has the force of law.

- J. Patterson asked if it would increase Judge Edwards' duties substantially to go ahead and assign someone in Purchasing and one in Comptroller to report directly to her and have a separate budget rather than having C. Bolinger handle both of them; to which Judge Edwards stated it would not increase her responsibility, but is just a little bit more cooperative to have everyone included in the meetings. She did state that it would cost the county more money because anytime the Purchasing Coordinator is a full time position, the person doing that job now does not have that title and the salary would increase with the title while also increasing the budget.
- 576.2 S. Madison stated that she does not understand why this is on the agenda because all of the budgets that the Court has heard in the last couple of meetings have dealt only with capital and personnel and this does neither.
- C. Bolinger stated when she looked at the budgets; she saw this as a unique request combining two budgets into one and thought it would be interesting for the Quorum Court to know up front before looking at individual budgets that she thought was a good idea at the time.
- A. Harbison stated she does not believe that approving this request would prevent or deny C. Bolinger from bringing her budget back for inspection of line items, adding additional funding, or questioning why something is in a certain line item at a later date.
- 576.5 A. Harbison called for the question.
- J. Maxwell asked if the Court was voting to approve combining these two budgets or is that an executive decision made by Judge Edwards, to which S. Zega responded the decision to combine the two is an executive decision, but the Quorum Court within legal limits can split or combine these budgets if it wishes to do so. S. Zega stated that the executive decision has been made so that Purchasing reports directly to C. Bolinger and she has legal authority to do that and C. Bolinger is just asking the court to recognize her running one budget for her department and it is in the court's purview to approve or deny this.
- With no further discussion, Judge Edwards called for a vote on A. Harbison's motion to approve the request to combine the two budgets with the \$7,334 reduction in the budget that results from that.
- 576.8 VOTING FOR: A. Harbison, S. Lloyd, G. McHenry, B. Pond, B. Ussery, D. Balls, and R. Cochran. VOTING AGAINST: L. Ecke, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, J. Patterson, and H. Bowman. ABSTENSION: R. Dennis. The motion failed with seven members

voting in favor and seven members voting against the motion, and one member abstaining.

- 577.1 <u>DISCUSSION OF FUTURE 2016 BUDGET REQUESTS TO BE REVIEWED:</u> Judge Edwards stated that the next item on the agenda is discussion of future 2016 budget requests to be reviewed, noting that the Court has three options to consider as sent by e-mail to all JPs this week.
- S. Zega stated that the options that the Judge is laying out for reviewing the County's operating budgets are: (1) Review all budgets, requesting increases in operating categories, which means the Court would not elect to review any budgets that either stayed the same or asked for less in the 2016 budget than asked for in the 2015 budget. (2) Keep the two operating categories and fund at the same level as the current budget or the Court can suggest a percentage increase or decrease. (3) The Court can decide to review every single budget individually for 2016 whether the request is an increase, decrease or staying flat. It was noted that the 2015 budget was reviewed line item by line item and that took seven meetings. He stated that Judge Edwards would like to know the pleasure of the Court.
- 577.3 E. Madison stated when she reviews the budgets, she finds that she does not have many questions, but even for the budgets that stay flat or have slight reductions, when you pay attention to the details of those budgets, what you may see is small equipment appearing in operating budgets and not as one-time expenditures. She gave the example of a department that may have spent \$5,000 last year on a one-time purchase for equipment. that the court knew when it was approved that it was a one-time expense. This year if that department comes in with a flat budget, then the Court has actually effectively increased the operating expenses because that \$5,000 has been absorbed back into the annual expenses when the budget should have a \$5,000 reduction. She stated to some extent a budget staying flat is not necessarily what the Court always wants and there is room to do better. She stated she was surprised that if the Court was supposed to be considering unique requests in the last three meetings, the Public Defender's budget is increasing by almost \$60,000 and yet it was not among those that were considered, even though she considers that fairly unique. As she went through the budgets to see which ones she would be okay not reviewing, it was hard for her to give anybody a pass because she feels the Court needs to hear from these people. E. Madison stated that of the options as presented, she sees the only option to review every budget even though that is a little painful; otherwise, she does not know how the Court will ever see the detail and get its questions answered. She stated she has also been an opponent in the past to just flat out percentage

reductions because that is not fair to anyone or the court doing due diligence in fulfilling the duties as overseer of the budget.

- S. Madison stated that she feels it is very important for the Court to look at each whole budget and she really wishes that the Court had had this question presented before the process was started in a piece meal fashion. She gave the example of the Tax Collector, who mentioned putting a new person at the Revenue Office with the hope in a year or two phasing that person out; and if the Court does not every look at those issues again and just see that there is no change in his budget, there is nobody to remind him about the position that he was going to phase out. She noted there may have been a surprise the last year or two with the amounts that various departments were spending on food and she sees no real reason for the county offices to be buying food short of the Detention Facility and Sheriff. S. Madison stated that she thinks it is important, educational, for new members, and part of the Court's job.
- R. Cochran stated that he took the time to mark the pages in his budget book to indicate what he has a question on and maybe someone else has a question as well.
- 578.3 R. Cochran made a motion to look at each budget. S. Lloyd seconded.
- With no further discussion, Judge Edwards called for a vote on the motion to look at each budget.
- 578.5 <u>VOTING FOR:</u> R. Dennis, L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, B. Ussery, D. Balls, H. Bowman, and R. Cochran. **The motion passed unanimously.** The court will look at each budget.
- L. Ecke stated on October 22<sup>nd</sup> the Court has a tentative budget meeting scheduled and that is the Lincoln Day Dinner.
   R. Cochran stated that he believes all of the court members turned in their dates of availability to Court Secretary Carly Sandidge and if they have not, they need to do so.
- Judge Edwards noted that it will be totally impossible to get everyone's dates to coincide. R. Cochran concurred stating that there is a week in October that he will be gone.
- 578.8 CITIZENS COMMENTS: There were no citizen comments made.

ADJOURNMENT: The meeting adjourned at 8:17 p.m. 579.1

Respectfully submitted,

Carly Sandidge Quorum Court Coordinator/Reporter