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CLERK OF SUPERIOR COURT  
WASHINGTON COUNTY

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

Monday, August 31, 2015  
5:30 p.m.  
Washington County Quorum Court Room

- 438.1 The Washington County Quorum Court met for a special meeting on Monday, August 31, 2015. The meeting was called to order by Judge Marilyn Edwards.
- 438.2 Judge Edwards announced that this special meeting was to consider the Animal Shelter appropriation ordinance which was on third reading.
- 438.3 T. Lundstrum led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 438.4 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Joe Patterson, Butch Pond, and Bill Ussery.
- 438.5 OTHERS PRESENT: County Judge Marilyn Edwards, Chief of Staff George Butler, Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 438.6 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 438.7 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by voice vote.**
- 438.8 AN ORDINANCE REDUCING THE CIRCUIT CLERK'S BUDGET IN THE GENERAL FUND BY \$20,000; APPROPRIATING THE AMOUNT OF \$20,000 FROM THE GENERAL FUND TO THE ANIMAL SHELTER BUDGET; AND APPROPRIATING THE AMOUNT OF \$20,000 FROM THE CIRCUIT CLERK COMMISSION FEE FUND TO THE CIRCUIT CLERK'S BUDGET IN SAID FUND FOR 2015: R. Cochran introduced **An Ordinance Reducing The Circuit Clerk's Budget In The General Fund By \$20,000; Appropriating The Amount Of \$20,000 From The General Fund To The Animal Shelter Budget; And Appropriating The Amount Of \$20,000 From The Circuit Clerk's Commission Fee Fund To The Circuit Clerk's Budget In Said Fund For 2015,** and County Attorney Steve Zega read the ordinance which was on third reading.

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- 439.1 **R. Cochran made a motion to adopt the ordinance. A. Harbison seconded.**
- 439.2 H. Bowman stated that it is well-known that he has been opposed to this additional appropriation and as a result of his concern, he has done some research. He requested information from the Association of Arkansas Counties as to how many counties in the State of Arkansas have an animal shelter. He further reported that Washington and Baxter Counties are the only two counties in the state that own and operate an animal shelter. H. Bowman noted that the Baxter County Animal Shelter has a budget of \$92,000 per year and Baxter County Judge Mickey Pendergrass told him that the shelter currently has pens for 10 dogs and 8 cats; all feral cats are euthanized on arrival, and dogs are kept for 5 days for possible return to the owner, but does not take any surrenders. H. Bowman was advised that the local Humane Society takes the surrenders, but has a voluntary tax to help support the shelter and is now solely working off of voluntary contributions.
- 439.3 H. Bowman stated that Washington County has a "Cadillac" shelter, unlike any others in the state. Additionally, the Quorum Court is providing well over \$600,000 a year to maintain the Animal Shelter, but some members are being attacked for not caring about animals. He questioned whether anyone understands the financial concerns of their county budget as he has not heard one single word from critics about their budget and how the Court is going to keep Washington County from becoming one of those counties with employees whose paychecks may not clear the bank. H. Bowman quoted Plato stating, "Necessity is the mother of invention" - a need or problem encourages creative efforts to meet the needs or solve a problem and Washington County is in need of some creative efforts. He noted that the Court must gain control of the County's spending as last year \$4.5 million more was spent than collected in taxes.
- 439.4 H. Bowman stated that he had a solution, noting that he had a personal check made out for \$1,000 to the Animal League and asked that the 19 compassionate people who have been making critical calls and writing him aggressive letters to also write a check for \$1,000. He urged the Court to do what Baxter County is doing so then the County's problem is solved without putting more pressure on the budget.
- 439.5 E. Madison stated she regrets that this debate has become a question of whether or not Washington County should have an Animal Shelter because this Court already made that decision several years ago when the City of Fayetteville cancelled the County's contract. When she was a member of the Humane Society Board, she dreamed of having a county

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animal shelter because of the services it could provide for all citizens in the county. She stated it is not just about how well the County is treating animals; it is really a public safety and health issue. The County citizens are all better off by having the shelter staff deal with animals that are diseased and can hurt people. She stated that there are strong supporters of the Animal Shelter on the Quorum Court noting the reason why there are not many animal shelters in cities and counties around the state, because Arkansas is behind in that area. Other states have them because they are needed. She further stated that non-profit organizations are wonderful supporters and partners in the process, but the Quorum Court cannot leave it to the non-profits alone.

440.1 T. Lundstrum stated that he also has been a little disappointed in the way that this has been approached and looked at. He has been accused as being a dog hater; however, he and his wife own a beautiful King Charles spaniel whose picture is on the wall at the Animal Shelter. T. Lundstrum stated that even Pulaski County does not have an animal shelter, but instead contracts with North Little Rock. He stated that he would have liked to see the County continue to contract with the City of Fayetteville, questioning whether any real negotiations were done between it and the County. He pointed out that the cost of running the Animal Shelter continues to rise. The Court budgeted \$616,000 for the shelter; the Sheriff's Department spent about \$200,000 for collecting and delivering the animals to the shelter; a salary for a deputy, who is present at the shelter to watch the Work Release people, is included; along with \$40,000 for janitorial supplies that Buildings & Grounds was paying out of its budget. T. Lundstrum stated that the budget is now around \$850,000 a year. By dividing that amount by the number of animals that have gone through the shelter, you will get the cost per animal.

440.2 T. Lundstrum stated when the Quorum Court started this debate years ago, he supported the animal shelter because it was asking for a 7,000 sq. ft. building at \$1,050,000; but that grew to a 9,000 sq. ft. building for \$2.2 million. He stated that part of his problem with this has been that there seems to be no end to the amount of money that the Court is willing to spend for the Shelter. He noted if the County could have contracted with the City of Fayetteville for \$500,000 a year, the shelter would be saving county taxpayers about \$300,000 a year which is worth saving. T. Lundstrum concurs with H. Bowman that the County's budget just keeps going down and he fears that Washington County Insurance Consultant Nelson Driver will come in and ask for another \$300,000 or \$400,000 for insurance because the County does not have the amount of money that the insurance company wants it to have. The Court does not know the total cost of the bridges, whether the County will win the lawsuits that it is

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involved in and how much they will cost. These unknowns could eat up the vast majority of the County's reserves very quickly. He stated that he could put as many people in the audience that are against the Animal Shelter as are present who are in favor of it, noting that just about everyone in his district is opposed to the Animal Shelter. T. Lundstrum stated that he wanted the newspapers to have a better idea of what his thought process was for his vote.

- 441.1 S. Madison stated that she will support this ordinance and differs from H. Bowman and T. Lundstrum on this issue. She does not believe that it is appropriate to try to run government on donations as the Animal Shelter is a government function and this part of the state, especially Washington County, has always been a leader and this is a sign of a progressive society that it takes care of its animals. She noted before Washington County had an Animal Shelter, it depended on the relationship with Fayetteville. During that time, the County received complaints from cattle owners about feral dogs chasing their cattle, animals getting into chicken houses, diseased animals running around the county, people taking matters into their own hands and shooting stray dogs and cats which is not an appropriate way to deal with the problem. She stated that the Washington County Shelter is committed to making sure that animals are disease-free, spayed, and neutered, which is how it takes control of this issue.
- 441.2 S. Madison stated that she too is concerned about their budget, dwindling reserves, failure to grow the reserves, and creeping expense of county government. She noted her continued concern about the great number of very expensive trucks and other vehicles that go home with employees every night which costs a lot of money. She stated that the Circuit Clerk has come up with a very creative way to solve this short-term problem and the Court needs to pass this ordinance. She stated that the Animal Shelter is a testament to the forward-thinking of their community.
- 441.3 A. Harbison stated that the other Court members need to keep focused on what they are voting on which is a short-fall in the Animal Shelter's Budget to get through the end of the year as the Court is not going to determine whether it keeps the shelter or not. She pointed out that the JPs who were voting against this ordinance, also voted for the Animal Shelter at \$2.2 million. She does not understand how those JPs could now vote not to fund it. She noted that Washington County had two children killed by dogs and that is where the process started 20 years ago. She concurred that it is an expensive service that the County provides, but the Circuit Clerk has volunteered extra funds that he has in his budget to give to the Animal Shelter. She noted that the Quorum Court cut \$4 million out of the

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budget last year and does not see how it can do this again and still maintain services because the majority of the county's services are now on bare bones. She stated that the Court needs to look at the priorities and this is a priority to the safety of the County.

- 442.1 B. Pond stated that he recalls Animal Shelter Director Angela Ledgerwood presenting a budget during the budget process last year and the Court did not approve the amount that she requested. At the time, when the Court gave her a less amount of money, there were some Court members who told her if she ran low to return and they would add to her budget. B. Pond stated that the Quorum Court is losing the trust of the various departments in the County. He does not believe that the Court can keep cutting budgets this way while telling Department Heads and Elected Officials that they can come back for an infusion and then not do that nor can the Court allot an amount of money and then take it away. He questioned how county departments can operate and maintain if the Department Heads do not know if they will have that money to operate on through the year.
- 442.2 L. Ecke stated at the end of their last meeting, she made a statement that this is budget neutral and does not cost the county any money and everyone applauded Circuit Clerk Kyle Sylvester for being the hero but now some Court members are denying him the medal that he deserves. She stated the Quorum Court needs to do what the citizens of Washington County asked them to do and what is right by passing this ordinance.
- 442.3 H. Bowman stated that the Court is seeing a manipulation of funds that Circuit Clerk Kyle Sylvester has in his office and are for the use of his office only. He believes that K. Sylvester will eventually be taking money out of the General Fund to replace this money that he is giving away. H. Bowman stated each year as K. Sylvester accumulates excessive cash, it goes into the General Fund. He noted that even though the County had a 5% increase in income stream, it has spent more money than it has taken in in revenue. Last year, it was \$4.5 million more than what was taken in. He questioned where the Court draws the line and decides that the County has spent more money than it can afford to continue spending.
- 442.4 J. Maxwell stated on the surface of this he does not have a problem with Circuit Clerk Kyle Sylvester being generous with some of his funds to fill in a gap and a need and commends him for being willing to do this. However, he does want to understand the extent of that charity and whether K. Sylvester anticipates coming to the Court in the upcoming year and asking for funds for anything different that this \$20,000 would be a

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missing gap for and that this Court eventually would have to make up the difference for out of their general reserves.

- 443.1 Circuit Clerk Kyle Sylvester addressed J. Maxwell's question stating that he does not forecast any need in the 2015 Budget cycle for that particular fund. During the 2016 year, he will be asking for some additional help in his office and the way he has it set in his budget is to come out of the Recorder's Cost Fund which includes the fees that come from real estate filings and are used to help offset the administrative costs of the office. He stated the particular money that is the subject of this ordinance would be taken out of his General Budget and put back into the General Fund to be distributed to the Animal Shelter. He will then use the money in the Commissioner Fee Fund, which is money from foreclosure sales, to offset the administrative costs of the office. He stated that he does not forecast anything out of that particular fund for this year or in 2016 that would cause an issue.
- 443.2 In response to a question from H. Bowman, Circuit Clerk Kyle Sylvester explained that a fee is paid anytime real estate is recorded that goes into the Recorder's Cost Fund. Several years ago, there was no cap on how big that fund could get and there was a point in time when there was in excess of \$4 million to be used for the Circuit Clerks' Office. The Arkansas Legislature saw fit to put a cap on that of \$1 million and any excess is rolled over into County General, which this year has averaged to \$86,000 a month. K. Sylvester further stated that the Commissioner's Fee Fund is specifically used at the discretion of the Circuit Clerk to offset the administrative costs of his office and he is reducing his General Fund budget and will be using his Commissioner Fee Fund to pay for those items if this ordinance is approved.
- 443.3 B. Pond stated during his years on this Court he does not recall any time that a Circuit Clerk has ever come before the Quorum Court and volunteered to turn over money from that office to be used for something else in the County when the Quorum Court turned it down. He stated in the future, he would not mind seeing K. Sylvester kick some of these funds over to roads and bridges.
- 443.4 K. Sylvester explained the way he looks at this is that the Animal Shelter currently has this funding problem and, whether it was the Sheriff's Department, the Assessor's Office, etc., he will help them if he is able.
- 443.5 R. Cochran stated that he has been a supporter of the Animal Shelter from the beginning and evaluating what was possible since Fayetteville effectively turned the County out. He noted that there was just too much

volume to handle through volunteer agencies and he was the one that pointed out that the size of the Animal Shelter was not going to be large enough to handle the volume so the building was restructured to be a little larger which did cost the County additional money. R. Cochran stated that the cost to run the Shelter at \$800,000 a year divided out by 200,000 people in the County is a little under \$4 per person to have safety in the County, or figure it per animal sheltered though he prefers to look at it on the safety issue. He reiterated that Director Angela Ledgerwood was blindsided by a reduced budget that she did not know about and did the best that she could to try to make her budget stretch through the year, but came up short \$35,500. He noted that it took three meetings for the JPs to appropriate \$10,500 and now they are on the third meeting to give the other \$20,000.

444.1 **R. Cochran called for the question. A. Harbison seconded.**

444.2 County Attorney Steve Zega stated that he has come to the conclusion that the Court probably needs to be having public comments on appropriation ordinances anyway, but in the interest of setting parameters tonight because it is not on the agenda, he would suggest a motion to suspend the rules and allow for 15 minutes of public comment.

444.3 **R. Cochran made a motion to suspend the rules and allow for public comments at this time. B. Pond seconded. The motion passed unanimously by voice vote.**

444.4 Citizen Comments: Mike Emery, resident of Fayetteville and former employee of the Animal Shelter, addressed the Quorum Court stating that this issue could have and should have been settled several weeks ago. Instead, what occurred during the past weeks was a shameful display for the citizens of Washington County to see; a complete and utter disregard for the wishes of the citizens, disregard for the services provided to the citizens by the Shelter, and disregard for the Shelter's dedicated, hardworking staff. The actions of a select few have delayed the simple act of funding and cost the County thousands of dollars in needless meetings and expenses associated with it. Contrary to the comments he heard this evening, the public has stepped forward financially to show support for the Shelter. He thanked H. Bowman for the \$1,000 donation today, but stated that not everyone has \$1,000 to spend and believes that the volunteer work at the shelter far exceeds the value of \$1,000 a person. M. Emery stated that comparing Washington and Baxter Counties is like comparing apples to oranges; the Counties obviously have different budgets and priorities. He believes Circuit Clerk Sylvester should be commended for his creative efforts and teamwork in coming forward with his offer to help

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the Shelter which was offered at no additional cost to the County with any ill effects to the efficiency of his office. He thanked the members of the Court who have been supportive from the beginning stating that the citizens of the County will not forget this. In closing, he commended the staff members of the Animal Shelter for their difficult work that they accomplish on a daily basis.

- 445.1 Judy Bond, 16-year resident of Washington County, addressed the Quorum Court stating that she has lived in communities that had animal shelters that were deplorable. She addressed keeping a dog or cat only five days that has been picked up off the street, if the owners are on vacation for 7-10 days, their pet gets put down. She stated that the County's residents need better education and that is what the Washington County Animal Shelter is trying to do with microchipping, spaying, and neutering animals. As she lives on a limited income, she cannot write a check today for \$1,000, but she currently has 8 dogs at her house and only one belongs to her with the rest belonging to a rescue organization. She stated that she buys the food, heartworm medication (Frontline), collars and leashes, and cleans up after the animals every day. J. Bond stated that those dogs will stay with her until they are shipped east. She urged the Court to pass this ordinance.
- 445.2 Kathleen Lehman, resident of Washington County, addressed the Quorum Court thanking those members of the Court who are supporting the Shelter. She stated that being fairly new to the county, she was not aware of the Animal Shelter until this issue arose and now is very aware as she has been visiting and dropping over donations over the past few months. She stated that this is a shelter that Washington County can be proud of and it is nice to live in a county that cares for its animals in a way that reflects on who the County is as a society.
- 445.3 Gil Bloyd, resident of the county, addressed the Quorum Court stating that he has been the Volunteer Coordinator at the Shelter from inception and recognized those volunteers present who have made a big difference in the County for their animals. He stated that he is still active at the shelter by doing adoption counseling every weekend, noting that the Shelter has a great success rate at getting animals adopted.
- 445.4 Sara Bartlett, owner of a farm near Wheeler, addressed the Quorum Court stating that she and her husband Coy have owned this farm for 40 years and every year the couple takes in stray dogs, cats and horses. She stated that Sheriff Helder calls them whenever there is a stray horse. She stated that before this animal shelter issue, she had never attended a Quorum Court meeting and has never been so appalled by what she has



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observed. She stated that she is a volunteer with the Springdale Animal Services, with the Washington County Animal League, and has worked with animal rescue all her life. She addressed T. Lundstrum's comment that Elm Springs does not want an animal shelter, stating that she canvassed most of the town twice when she was rehoming a dog from Elm Springs and every person thanked her for representing the Washington County Animal Shelter and Washington County Animal League for fostering that dog and trying to find a home. She stated that this shelter is so needed and is a great service that everyone should support, further thanking S. Madison and R. Cochran for their efforts in this regard.

- 446.1 Sharon Glover, resident of Prairie Grove, addressed the Quorum Court thanking those in support of this ordinance. She stated that there is a volunteer organization in Prairie Grove that takes care of the City's dog pound and works hard to take care of the animals. She addressed T. Lundstrum asking him where all the people in his district are who are against the animal shelter.
- 446.2 Joyce McGowen, resident of West Fork, addressed the Quorum Court thanking the JPs who have been supportive of the ordinance and Circuit Clerk Kyle Sylvester for his efforts. She stated that she is sorry it has taken so long, but is hopeful tonight everyone can be done with this and the shelter will be good and safe.
- 446.3 Daleen Weight, resident of the County, addressed the Quorum Court stating that it is very unfortunate that the County has ignorant people opposing these important issues. She stated that her parents lived in a rural area of Carroll County that is an area where animals are frequently dumped and packs of domesticated dogs that run the area. She reported an incident where she and her 130 pound service dog was nearly attacked by a pack of dogs and was told by the Sheriff that she had no business walking about without a gun and he could not help her. She stated that the County needs to make people more accountable when having these unwanted puppies and dumping them. She further stated this is just not about saving the individual animals and keeping their streets safe, but also about taking the special animals that help the people.
- 446.4 Judge Edwards thanked the citizens for their comments and for taking the time to attend these meetings.
- 446.5 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**

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447.1 VOTING FOR: B. Pond, B. Ussery, D. Balls, R. Cochran, R. Dennis, L. Ecke, A. Harbison, E. Madison, S. Madison, and J. Maxwell. VOTING AGAINST: H. Bowman, S. Lloyd, T. Lundstrum, and J. Patterson. **The motion passed with ten members voting in favor and four members voting against the motion. The ordinance was adopted.**

**ORDINANCE NO. 2015-65, BOOK NO. 10, PAGE NO. 243**

447.2 S. Madison addressed the members of the press stating that the County Judge's Office forwarded the Quorum Court a FOIA request dealing with the Animal Shelter. She advised that all the press has to do is ask because a FOIA request should be a last resort. She further stated if the members of the press want records from her, then they should ask her, not the County Judge's Office, as the current request was inappropriately addressed to the Judge's office.

447.3 ADJOURNMENT: The meeting adjourned at 6:25 p.m.

Respectfully submitted,



Carly Sandidge  
Quorum Court Coordinator/Reporter