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

Thursday, December 17, 2015 6:00 p.m. Washington County Quorum Court Room

854.1 The Washington County Quorum Court met in regular session on Thursday, December 17, 2015. The meeting was called to order by Judge Marilyn Edwards. 854.2 L. Ecke led the Quorum Court in prayer and in the Pledge of Allegiance. MEMBERS PRESENT: Daniel Balls, Lisa Ecke, Ann Harbison, Sharon 854.3 Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Gary McHenry, Joe Patterson, and Butch Pond. 854.4 MEMBERS ABSENT: Harvey Bowman, Rick Cochran, Robert Dennis, and Bill Ussery. OTHERS PRESENT: County Judge Marilyn Edwards, Chief of Staff 854.5 George Butler, County Attorney Steve Zega, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press. ADOPTION OF THE AGENDA: Judge Edwards asked if there were any 854.6 additions or deletions to the agenda. 854.7 B. Pond stated that there were a couple additions to the agenda, Ordinance #17.1, which is regarding an appropriation for the equalization board, and Resolution #17.2, which is regarding Lib Horn's Bequest to the animal shelter. He further noted that there were several people present regarding Resolution #15., which is regarding people with mental illnesses in county jails, and suggested that it be moved up on the agenda to be placed after the Approval of Minutes. 854.8 B. Pond made a motion to adopt the agenda as amended. The motion was seconded. The motion passed unanimously by those present by voice vote. The agenda was adopted as amended. 854.9 B. Pond made a motion to move Resolution #15.1 up on the agenda

to after Approval of Minutes. The motion was seconded. The motion

S. Madison made a motion to approve the Minutes of the September Quorum Court meetings as corrected. A. Harbison seconded. The

corrections to the Minutes of the September Quorum Court meetings.

Judge Edwards asked if there were any

passed unanimously by those present by voice vote.

APPROVAL OF MINUTES:

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motion passed unanimously by those present by voice vote. The September Quorum Court Meeting Minutes were approved.

- A RESOLUTION SUPPORTING THE REDUCTION OF THE NUMBER OF PEOPLE WITH MENTAL ILLNESSES IN COUNTY JAILS: S. Madison introduced A Resolution Supporting The Reduction Of The Number Of People With Mental Illnesses in County Jails, and County Attorney Steve Zega read the resolution that is being recommended by the Jail/Law Enforcement/Courts Committee.
- S. Madison expressed her gratitude to B. Pond for handling this for her during the Jail/Law Enforcement/Courts Committee meeting; to Nancy Kahanak for bringing this resolution to the Court and contacting her; and to the co-sponsors, B. Pond, R. Dennis and D. Balls for helping her with this. She noted that there were several people present who wanted to speak to this issue and all of the members of the court acknowledge that that there is a crisis with mental illness in this country. She stated that a stepping-up nationwide initiative is a call at the local level for leaders in the communities to get together and try to address some positive outcomes that would be of benefit to those with the disorders, as well as to the rest of the County. She stated that this is by no means an attempt to condone misdeeds or to overlook wrongful acts.
- 855.3 S. Madison made a motion to adopt the resolution. The motion was seconded.
- 855.4 <u>Citizen Comments:</u> Nancy Kahanak with the group Judicial Equality for Mental Illness (JEMI) addressed the Quorum Court and thanked the Court for being involved with this discussion and interest shown.
- Judge Edwards stated that she knows that this is not a fix all, but also knows that this is a good step to start in the right direction.
- 855.6 With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.
- 855.7 <u>VOTING FOR:</u> L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The resolution was adopted.

RESOLUTION NO. 2015-28, BOOK NO. 3, PAGE NO. 124

- 856.1 TREASURER'S REPORT: County Treasurer Bobby Hill addressed the Quorum Court with the Financial Summary for November 2015, reporting that the County had the best settlement from the Collector for the year with \$3.7 million to the General Fund, which increased revenues to \$4.6 million, so the County began the month with a little over \$10 million and ended the month at almost \$13 million. He reported that the Road Department continues to do well with \$400,000 in revenues over expenditures; and the Jail started the month at \$883,000 and ended about the same. He stated with regard to projections, the new revenue that has come in so far in the General Fund is \$24.5 million with a projection of \$24.1 million, and will exceed that especially with the County receiving another \$1 million on the final settlement next week for property taxes. He stated that the Road Fund is right at projections and the Jail Fund is about \$1 million more than projected at this time, which does include \$800,000 funded by the General fund back in January. B. Hill reported that property taxes are up about 3% and sales taxes are up about 5%. He stated that the County began 2015 with \$14.3 million in the bank and will probably end the year around \$12 million to \$12.5 million.
- B. Hill reported another good month with the County's share of the 1% sales tax, up 4.8% this month with ten out of eleven months this year being over last year. He noted that the County brought in a little over \$6 million with projections of \$6.3, which will be about \$6.5 million. With respect to the ¼ cent jail sales tax, it came in at \$754,000, which is \$40,000 more than this time last year for an increase of 5.5%, and will also do well over the projection. He stated that the ½ cent Road tax is up over 5% as well at \$1.2 million for the year and \$67,000 over this time last year.
- 856.3 B. Hill addressed the Employee Insurance report for November, noting that the County started the month at \$1.7 million and ended the month at \$1.5 million.
- S. Madison stated if Congress were to pass the Marketplace Fairness Act, what that would mean revenue-wise for Washington County; to which B. Hill responded that B. Ussery has been working on that, but he does not have a clue what it would bring in dollar wise.
- 856.5 <u>COMPTROLLER REPORT:</u> County Comptroller Cheryl Bolinger addressed the Quorum Court and the Unappropriated Reserves Report showing one ordinance for \$23,000 for an ending balance of \$3.7 million. She stated that reserves of \$2.5 million are still being held for the Jail and it does not look like any of that will be used this year.

- C. Bolinger addressed the Summary of Revenues and Expenditures as of the end of November, showing the percentage expended from each fund compared to the budget. She noted that the General Fund shows 92% used, which is inclusive with the expenditures and encumbrances so the true expenditures currently are 90%. She noted that the Employee Insurance Fund shows to be 103% used explaining that she has an ordinance that will adjust this.
- A RESOLUTION ENDORSING PARTICIPATION OF METOVA, INC., IN THE SALES AND USE TAX REFUND PROGRAM AUTHORIZED BY THE CONSOLIDATED INCENTIVE ACT OF 2003 AND ARK. CODE ANN. 15-4-2706(d):

  B. Pond introduced A Resolution Endorsing Participation Of Metova, Inc., In The Sales And Use Tax Refund Program Authorized By The Consolidated Incentive Act Of 2003 And Ark. Code Ann. 15-4-2706(d), and County Attorney Steve Zega read the resolution that is being supported by the Fayetteville Chamber of Commerce.
- B. Pond stated that this is something that our cities and Mayors in Northwest Arkansas have been working for and this hi-tech company coming in will be providing over \$2 million annually in jobs to people of Washington County.
- 857.4 S. Madison made a motion to adopt the resolution. B. Pond seconded.
- A. Harbison asked about the number of jobs that this company will provide and it was noted that it would create 30 new jobs. She further stated that according to Bobby Hill, this year Washington County is refunding over \$1 million to companies buying new equipment and she feels that the county is doing its share to attract businesses to the county.
- 857.6 Citizen Comments: Chung Tan, Director of Economic Development from the Fayetteville Chamber of Commerce, addressed the Quorum Court and thanked the Quorum Court for considering this application. She stated that the Chamber is in full support of Metova coming to Fayetteville that is a Franklin, Tennessee and Conway, Arkansas based company. She stated that Metova particularly chose Fayetteville because of the entrepreneur equal system that is so vibrant in Fayetteville and Northwest Arkansas and will initially create 30 jobs and hopefully will see more jobs in the future and has the potential of attracting even more companies to the area resulting in a positive economic impact to the county.

- 858.1 With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.
- 858.2 <u>VOTING FOR:</u> L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The resolution was adopted.

RESOLUTION NO. 2015-29, BOOK NO. 3, PAGE NO. 126

- A RESOLUTION AUTHORIZING THE WASHINGTON COUNTY JUDGE
  TO SUBMIT A GRANT REQUEST TO THE ARKANSAS ECONOMIC
  DEVELOPMENT COMMISSION, DIVISION OF RURAL SERVICES, ON
  BEHALF OF THE SUNSET RURAL FIRE DEPARTMENT: B. Pond
  introduced A Resolution Authorizing The Washington County Judge
  To Submit A Grant Request To The Arkansas Economic
  Development Commission, Division Of Rural Services, On Behalf Of
  The Sunset Rural Fire Department, and County Attorney Steve Zega
  read the resolution.
- 858.4 B. Pond stated that the turnout gear is definitely a necessity for being an active volunteer fireman.
- 858.5 B. Pond made a motion to adopt the resolution. J. Patterson seconded.
- 858.6 S. Madison asked about the Sunset Rural Fire Department and what type of fire department it was; to which S. Zega responded that all of the fire departments that are wholly within Washington County are 501(c)(3)'s as well as being the other type and he believes Sunset is within Washington County.
- 858.7 <u>Citizen Comments:</u> There were no citizen comments made.
- 858.8 With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.
- 858.9 <u>VOTING FOR:</u> L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The resolution was adopted.

RESOLUTION NO. 2015-30, BOOK NO. 3, PAGE NO. 127

859.1	AN ORDINANCE APPROPRIATING \$70,000 FROM THE GENERAL FUND TO THE BUILDINGS & GROUNDS BUDGET FOR 2015: B. Pond introduced An Ordinance Appropriating \$70,000 From The General Fund To The Buildings & Grounds Budget For 2015, and County Attorney Steve Zega read the ordinance
859.2	B. Pond stated that this comes about due to the need to purchase camera equipment.
859.3	B. Pond made a motion to adopt the ordinance. A. Harbison seconded.
859.4	<u>Citizen Comments:</u> There were no citizen comments made.
859.5	With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
859.6	VOTING FOR: L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The ordinance was adopted.
	ORDINANCE NO. 2015-96, BOOK NO. 10, PAGE NO. 366
859.7	AN ORDINANCE APPROPRIATING \$800,000 FROM THE EMPLOYEE INSURANCE BUDGET FOR 2015:  B. Pond introduced An Ordinance Appropriating \$800,000 From The Employee Insurance Budget For 2015, and County Attorney Steve Zega read the ordinance.
859.8	B. Pond stated that about \$100,000 a week has been coming out of the budget for a short time and has brought that fund down lower than the county needs to have it if it is going to look for contracts for insurance providers.
859.9	B. Pond made a motion to adopt the ordinance. A. Harbison seconded.
859.10	L. Ecke asked how these reserves or amount were allowed to go and is there anything regulating it or was it just something that was monitored; to which L. Huffaker stated it is not actually the fund dropping, but rather the projected expenditures and budget for the year. She stated that money is

are expecting to expend it before the end of year.

not actually being moved into the health fund or anything of that nature, but this is just recognizing that the county spent this amount of money or

860.1	Citizen Comments. There were no citizen comments made.
860.2	With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
860.3	VOTING FOR: L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The ordinance was adopted.
	ORDINANCE NO. 2015-97, BOOK NO. 10, PAGE NO. 367
860.4	AN ORDINANCE APPROPRIATING \$60,000 FROM THE CIRCUIT COURT AUTOMATION FUND TO THE COURT AUTOMATION BUDGET FOR 2015: B. Pond introduced An Ordinance Appropriating \$60,000 From The Circuit Court Automation Fund To The Court Automation Budget For 2015, and County Attorney Steve Zega read the ordinance.
860.5	B. Pond made a motion to adopt the ordinance. A. Harbison seconded.
860.6	Citizen Comments: There were no citizen comments made.
860.7	With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
860.8	VOTING FOR: L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The ordinance was adopted.
	ORDINANCE NO. 2015-98, BOOK NO. 10, PAGE NO. 368
860.9	L. Ecke stated her appreciation for combining the Finance and Budget meeting with the Quorum Court meeting as it made the Court very efficient this month and saved the expense of another meeting.
860.10	COUNTY JUDGE'S REPORT: County Library Board Appointment: Judge Edwards reported at the request of the Washington County Bar Association, she is recommending that Steve Zega be appointed to the County Library Board to complete the term of Brock Showalter, who

recently resigned, and this appointment will expire in 2018.

- T. Lundstrum made a motion to confirm the appointment of Steve Zega to the County Library Board. S. Lloyd seconded. The motion passed unanimously by those present by voice vote. The Board appointment was confirmed.
- County Property Disposal: County Attorney Steve Zega explained that pursuant to A.C.A. 14-16-106, there are a couple of ways that county can get rid of surplus property; by advertisement and sealed bid; by auction; by private sale authorized; and by determining that the surplus property owned by the county is junk, scrap, discarded, or otherwise of no value to the county and the property can be disposed of in any manner deemed appropriate by the County Judge, which is what is being done here. He stated in order for this to happen, the County Judge must have the concurrence of the County Assessor, who has to sign off on that determination, and once that is done the Judge can dispose of the property in any manner she sees fit. He noted that the majority of the property listed on #13.2 is electronics, which are taken to Environmental Affairs to be recycled.
- A motion was made and seconded to accept the proposal for disposing of unwanted county property. The motion passed unanimously by those present. The proposal was accepted.
- E. Madison noted that there was a stapler and letter opener on the list and questioned the necessity of this procedure; to which County Attorney S. Zega responded that those were in a bundle of property and the statute refers to "property" with no other distinction. He assured her that nobody is required to ask for permission to dispose of a stapler.
- 861.5 <u>COMMITTEE REPORTS:</u> E. Madison reported that the County Services Committee did not meet this month due to lack of an agenda.
- 861.6 In the absence of H. Bowman, Judge Edwards reported that the Public Works Committee did not meet this month due to lack of an agenda.
- B. Pond reported that the Personnel Committee met on December 7 and had an interesting discussion concerning bonuses and raises for county employees and the maximum allowable compensation pursuant to JESAP. He stated it was decided that sometime in the near future that Blair Johanson, Salary Consultant, would come before the Court and educate everyone on how the scale can be increased a little. He noted that there was some concern about some of the lower-paid employees who are nearly at the top of the scale and are still not making a whole lot of money.

- T. Lundstrum reported that the Jail/Law Enforcement/Courts Committee met this month and received reports from Mr. Cantrell and Mr. Denzer that everything was running steadily with the jail, with the prisoner count up to 625, which is approaching maximum capacity. He stated that the committee further discussed the issue addressed in the resolution that was passed earlier with respect to reducing the number of people with mental illness in county jails. He further noted that Jeane Mack reported that the detention time was down at the Juvenile Detention Center.
- AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: B. Pond introduced An Emergency Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board, and County Attorney Steve Zega read the ordinance, which contains an emergency clause making it effective immediately upon passage. The Planning Board granted a Conditional Use Permit on December 10 for Rid-A-Pest.
- B. Pond stated that this is a very low impact development and not create any type of situation that is not already in existence in that community neighborhood.
- 862.4 B. Pond made a motion to adopt the ordinance. A. Harbison seconded.
- 862.5 Citizen Comments: There were no citizen comments made.
- 862.6 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 862.7 VOTING FOR: L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The ordinance was adopted.

**ORDINANCE NO. 2015-99, BOOK NO. 10, PAGE NO. 369** 

- AN ORDINANCE APPROPRIATING \$25,074 FROM THE GENERAL FUND TO THE EQUALIZATION BOARD'S BUDGET FOR 2015:

  B. Pond introduced An Ordinance Appropriating \$25,074 From The General Fund To The Equalization Board's Budget for 2015, and County Attorney Steve Zega read the ordinance.
- 862.9 B. Pond made a motion to adopt the ordinance. J. Patterson seconded.

- 863.1 E. Madison asked for further explanation on this ordinance.
- County Assessor Russell Hill explained that the County entered into a 863.2 contract with the Reappraisal Company, A.C.T., in 2010 and when the County started the contract in 2010, there were 93,315 parcels for this five- year contract and as of January 1, 2015, the new parcel count was 94,708 for growth of 1,393 parcels. He referred to the contract that states "The estimated total taxable parcels to be appraised herein are 93,315. However, in the event said number of taxable parcels is greater than 93,315 at the conclusion of the project, A.C.T. shall be compensated at the rate of \$18.00 per parcel for each additional taxable parcel." He noted that the difference of 1,393 parcels x \$18 is \$25,074 and he added a multiplier of 9% as the County General would be affected by approximately \$2,256.66. Mr. Hill pointed out that this is a part of the A.C.T. contract and part of the 2015 contract and there is no way to make this so the County does not get hit with it at the end of the year. He stated what he will do in 2019 is look at the number of parcels that the County has grown by and when his office goes to make that budget, then it can be accounted for.
- In response to a question from L. Ecke, R. Hill stated that his negotiations saved the county \$450,000 on its 2015 total and an additional \$74,000 on its imagery contract for a total savings of over \$529,000 in renegotiations.
- 863.4 Citizen Comments: There were no citizen comments made.
- 863.5 With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.
- 863.6 <u>VOTING FOR:</u> L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The ordinance was adopted.

**ORDINANCE NO. 2015-100, BOOK NO. 10, PAGE NO. 378** 

A RESOLUTION AUTHORIZING THE COUNTY JUDGE TO EXECUTE NECESSARY DOCUMENTS TO LIQUIDATE LIB HORN'S BEQUEST TO THE LESTER C. HOWICK ANIMAL SHELTER OF WASHINGTON COUNTY: B. Pond introduced A Resolution Authorizing The County Judge To Execute Necessary Documents To Liquidate Lib Horn's Bequest To The Lester C. Howick Animal Shelter Of Washington County, and County Attorney Steve Zega read the resolution.

- B. Pond stated that everyone will miss this gracious lady.
- 864.2 B. Pond made a motion to adopt the resolution. E. Madison seconded.
- 864.3 E. Madison noted that Lib Horn also left a very generous donation to the Fayetteville Animal Shelter. She stated that Lib led a very simple life, never made a lot of money, and her animals were the focus of her life, and that she was able to take what she had an leave fairly sizable gifts to these two shelters is a true symbol of what she lived for.
- 864.4 Citizen Comments: There were no citizen comments made.
- 864.5 Judge Edwards stated that Lib Horn was a very dear friend and will be greatly missed.
- With no further discussion, Judge Edwards called for a vote on the motion to adopt the resolution.
- 864.7 <u>VOTING FOR:</u> L. Ecke, A. Harbison, S. Lloyd, T. Lundstrum, E. Madison, S. Madison, J. Maxwell, G. McHenry, J. Patterson, B. Pond, and D. Balls. The motion passed unanimously by those present. The resolution was adopted.

## RESOLUTION NO. 2015-31, BOOK NO. 3, PAGE NO. 135

- 864.8 <u>OTHER BUSINESS:</u> S. Madison stated in looking at the January schedule, there is a Special Quorum Court Meeting for Finance and Budget on the14<sup>th</sup> and as the Court is all very weary of Finance Special Quorum Court meetings during this budget process, suggested that both the Special and Regular Quorum Court meetings be combined on the meeting scheduled for the 21<sup>st</sup>.
- 864.9 Comptroller Cheryl Bolinger responded to S. Madison, stating that the Court will need to meet on the 14<sup>th</sup> as the Grants Department's budget is done in January, and until then, the department does not have a budget and is unable to make purchases.
- In response to a question from S. Madison regarding how many grants C. Bolinger is actually talking about; Grants Administrator Renee Biby stated that the Comptroller is talking about approximately 53 grants and over \$2 million and there is no way around this meeting. As there were no committee meetings scheduled for January, S. Madison suggested that

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865.10

one of those meeting times be used instead. R. Biby further explained that whenever an invoice comes in, per federal regulations and guidelines for grant funds, she has 72 hours to pay out and she cannot pay on any federal grants until the Court meets. S. Madison suggested that the Court meet on the 11<sup>th</sup> instead. 865.1 S. Madison made a motion that they meet earlier in January on the 865.2 11th for the Special Quorum Court Meeting/Finance. The motion was seconded. Judge Edwards asked Executive Assistant Karen Beeks what changing 865.3 this meeting date would do to her; to which she responded that it pushes Cheryl Bolinger to have to figure out what the end of the budget for those grants are to know how much to recognize for the new year. C. Bolinger stated that whatever the Quorum Court votes on, she and R. 865.4 Biby will make it work. S. Lloyd stated that she does not want C. Bolinger and R. Biby to have to 865.5 work over the weekend to make this work and would support the Court meeting on the 14th as scheduled. B. Pond stated that it was the choice of staff to have this meeting on the 865.6 14th and have already anticipated the hours of work that would be necessary in getting ready for the 14th, so he would prefer leaving the meeting on the 14th. S. Madison withdrew her motion. 865.7 Judge Edwards thanked everyone for this year and the best meeting. She 865.8 wished everyone a Merry Christmas and Happy New Year.

Respectfully submitted,

Carly Sandidge
Quorum Court Coordinator/Reporter

<u>CITIZEN COMMENTS:</u> There were no citizen comments made.

ADJOURNMENT: The meeting adjourned at 6:58 p.m.