

MINUTES OF BENTON COUNTY QUORUM COURT

July 22, 2010

A regular meeting of the Benton County Quorum Court was held on Thursday, July 22, 2010 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

The meeting was called to order by County Judge David Bisbee.

Deputy Clerk Janet Reaves called roll as follows:

11 JPs Present: Wozniak, Wolf, Sandlin, Brown, Lewis, Moore, Allen,
Douglas, Blaty, Winscott, Stephenson
2 Absent: Hubbard, Harrison

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Prayer was led by Jeff Odom of Word of Life Fellowship Church.

A moment of silence was held in support of the men and women serving in the United States Armed Forces.

Changes to the Agenda

County Judge David Bisbee asked if there were any additions, corrections, or deletions to the agenda.

Agenda approved by unanimous voice vote.

MINUTES:

County Judge David Bisbee asked if there were any additions or corrections to the Minutes of the June 24, 2010 Quorum Court meeting. County Judge David Bisbee stated that the minutes would be filed as presented.

ELECTED OFFICIALS REPORT:

Sheriff Keith Ferguson reported on the construction of the jail addition for non-violent offenders.

Coroner Daniel Oxford stated that the Benton County Coroners Office has recently received a Certificate of Accreditation from the International Association of Coroners and Medical Examiners as part of an ongoing effort to raise the level

of professionalism in his office. He stated that he wanted to have credibility in the judicial system if they ever had to testify in court.

COUNTY JUDGE'S REPORT:

County Judge David Bisbee recognized Manager of Emergency Services Matt Garrity who reported that Reverse 9-1-1 is up and running. He stated that the information to sign up for warnings is available at the website www.bcalert.com. He stated that with the enhancements from the Emergency Services Department and the help of GIS Coordinator Elizabeth Bowen, Benton County has one of the most robust systems out there. He stated that the system has been programmed with the county divided into one-mile squares, and that only the residents in that area will receive the tornado warnings. He stated at this time only tornado warnings have been set up to be automatic, but that this is not just a weather warning system. He added that the system will also be used to send out public alerts for hazardous material spills, missing persons, and child abduction alerts. County Judge David Bisbee stated that all phone landlines are in the system and that if someone does not want to be in the system, they will need to opt out. He added cell phones have to be enrolled in the system.

COMMITTEE REPORTS

JP Winscott stated that a Long Range Planning/Real Estate & Buildings Committee meeting will be held Tuesday July 27, 2010 at 5:30 p.m.

PUBLIC COMMENTS:

Mayor Thomas O'Dell of Avoca presented a handout to the Quorum Court, and stated that he has questions on the billing of election costs for the Town of Avoca. He stated that at the Election Commission meeting held June 11, 2010, a discussion was held on how much to bill Avoca, Gateway, and Garfield. He stated that Mr. Miller suggested \$4,500 for General & Administrative costs, and that Mr. Williams had suggested 3% of the full G&A charge of \$10,000 for the year. He added that the other commissioners agreed with Mr. William's proposal. He questioned why the Town of Avoca was billed \$500 for G & A, when 3% of \$10,000 is \$300. He added that Avoca has no problem with being billed a fair amount, but he is questioning just how much money it takes to justify a \$10,000 expense, who sets these fees, and who enacted this. He stated that Arkansas State Statues tell how the Election Commission may recoup the charges for election expenses, and he did not find any reference to general and administrative expenses in the law. He stated that similar cases have gone before Arkansas Courts, and it has been ruled that election commissions do not have the authority to enact laws or set fees.

JP Wozniak asked what amount the Town of Avoca feels that they are responsible

for. Thomas O'Dell stated that he took their numbers by population and that the cost of an election should be distributed fairly with all municipalities. JP Wozniak stated that the question then is why the \$500 is being charged instead of the 3%, or \$300.

County Judge David Bisbee stated that the Election Commission is an independent commission, and that they are not appointed by the Quorum Court but by the Republican and Democratic parties. He said they act independently, but the county does appropriate money to them. He added that this issue should be addressed at the Committee of Thirteen, and asked that the Election Commission attend the August 10, 2010 Committee of Thirteen meeting. JP Moore requested that County Attorney George Spence research the question of who is responsible for setting the fees and what is currently on the books. County Judge David Bisbee stated that the County Attorney will also be at the next Committee of Thirteen meeting. JP Brown questioned why the Town of Avoca was billed \$600 for two Election Commission meetings.

JP Wolf made motion to suspend the rules and read all ordinance and resolutions by title only, seconded by JP Moore.

Motion passed by unanimous voice vote.

OLD BUSINESS:

- (A) Third and Final Reading of Proposed Ordinance Amending an Interlocal Agreement with the Ozark Transit Authority; and for Other Purposes; Sponsor: JP Frank Winscott

County Attorney George Spence read the proposed ordinance by title only. JP Winscott stated that this is the third and final reading of the proposed ordinance and made motion to adopt, seconded by JP Stephenson

There being no further discussion, a roll call vote was recorded as follows:

- 11 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Moore, Allen, Douglas, Blaty, Winscott, Stephenson
- 2 absent: Hubbard, Harrison

Ordinance duly adopted and assigned **No. O-2010-31.**

NEW BUSINESS:

- (A) Proposed Resolution Confirming Appointment by the County Judge to the Benton County Rural Authority

County Attorney George Spence read the propose resolution by title only. JP Stephenson made motion to confirm the appointment of Jonathan Ely to the Benton County Rural Authority, seconded by JP Wolf.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Moore,
Allen, Blaty, Winscott, Harrison, Stephenson
2 absent: Hubbard, Harrison

Resolution duly adopted and assigned **No. R-2010-11**

- (B) Proposed Resolution Request Granting a Waiver of Policy as Established in Section 2 of *The Code of Ordinances of Benton County* Regarding Payment Within the Range and Hire-In Rate for a Position In Department 44 County Road, Fund 020; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed Resolution by title only. JP Moore stated that the waiver of policy is to allow an employee to be hired at \$14.81 per hour, which is above the maximum hire-in rate of the salary range, due to the extensive experience of the person being hired. JP Moore made motion to adopt, seconded by JP Stephenson.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Moore, Allen
Blaty, Winscott, Harrison, Stephenson
2 absent: Hubbard, Harrison

Resolution duly adopted and assigned **No. R-2010-12.**

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2009-46 (2010 Benton County Budget) Appropriating and Authorizing Expenditures in Department 01, County Health, Fund 010; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Moore stated that this proposed appropriation ordinance is for an additional \$17,000 to fund the HIV Clinic in Washington County. JP Moore made motion to adopt, seconded by JP Stephenson.

There being no further discussion, a roll call vote was recorded as follows:

9 yeas: Wozniak, Wolf, Sandlin, Lewis, Moore, Allen,
Douglas, Blaty, Stephenson
2 nays: Brown, Winscott
2 absent: Hubbard, Harrison

Appropriation Ordinance duly adopted and assigned **No. O-2010-32.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2009-46 (2010 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 01, County Judge, Fund 010; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Moore stated that this proposed appropriation ordinance is to appropriate \$43,350.00 for settlement of County Court Case No. CC-2008-16 (Lance Ashmore vs Benton County) regarding damages to property located on Gamble Road. JP Moore made motion to adopt, seconded by JP Lewis.

There being no further discussion, a roll call vote was recorded as follow:

10 yeas: Wozniak Wolf, Sandlin, Lewis, Moore, Allen
Douglas, Blaty, Winscott, Stephenson
1 nay: Brown
2 absent: Hubbard, Harrison

Appropriation ordinance duly adopted and assigned **No. O-2010-33.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2009-46 (2010 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Fund 010, Department 25; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Moore stated that this appropriation ordinance is to appropriate \$127,000 for costs associated with moving the County Health Department to the Center For Nonprofits in Rogers. JP Moore made motion to adopt, seconded by JP Stephenson.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Moore,
Allen, Blaty, Winscott, Harrison, Stephenson
2 absent: Hubbard, Harrison

Appropriation ordinance duly adopted and assigned **No. O-2010-34.**

County Judge David Bisbee stated that the Health Department will be closed for moving September 7th through September 15th.

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2009-46 (2010 Benton County Budget) To Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding Positions and Deleting Positions in Department 06, Tax Collector, Fund 060 and Department 44, County Road, Fund 020: Sponsor JP Marge Wolf.

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Wolf stated that this appropriation ordinance is adding one Grade 9 position and deleting one Professional Grade position in the Tax Collector's office, which will lower the budget by approximately \$10,000. She said the County Road Department is deleting a Heavy Equipment Operator position at Grade 6 and two Truck Drivers at Grade 5, and adding a Bridge Foreman at Grade 9, a Form Setter-Finisher at Grade 6, and a Welder-Fabricator at Grade 6 in order to be able to advertise for what is needed more accurately. She added that the impact on the 2010 Budget will be \$800, and the annual budget impact will be \$2,000. JP Wolf made motion to adopt, seconded by JP Lewis.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Moore, Allen,
Douglas, Blaty, Winscott, Stephenson
2 absent: Hubbard, Harrison

Appropriation Ordinance duly adopted and assigned **No. O-2010-35.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2009-46 (2010 Benton County Budget) Appropriating Additional Monies and Authorizing Additional

Expenditures in Department 01, County Judge, Substance Abuse and Mental Health Services Administration – Drug Court Grant, Fund 462: Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Moore stated that this appropriation is for \$71,731.80 in SAMHSA (Substance Abuse Drug Court) grant funds which were not expended in 2009. JP Moore made motion to adopt, seconded by JP Lewis.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: Wozniak, Wolf, Sandlin, Brown, Lewis, Moore, Allen, Douglas, Blaty, Winscott, Stephenson
2 absent: Hubbard, Harrison

Appropriation ordinance duly adopted and assigned **No. O-2010-36**.

OTHER BUSINESS:

JP Stephenson requested a report on any pending litigation affecting Benton County. County Judge David Bisbee stated that he will include a monthly report as a line item under reports to the Quorum Court. County Attorney George Spence stated that there is no pending litigation, and he will start preparing reports as such things come along. He cautioned the court that certain specifics concerning lawsuits should not be discussed in an open meeting, but of course the Justices of the Peace may call and ask questions at any time.

JP Winscott expressed concern about the lack of continuity and communication between administrations regarding lawsuits and other matters.

County Judge David Bisbee assured the court that County Judge-elect Bob Clinard will get a very detailed report from him on everything concerning the county before he leaves office in December.

JP Stephenson requested that a letter of demand be sent to Gary Wierman of Valley Homes, setting a very certain completion date for the remodeling project in the Collector's Office in Rogers. County Judge David Bisbee stated that the project has been completed, and completed satisfactorily.

ANNOUNCEMENTS:

JP Winscott announced that the Long Range Planning/Real Estate and Buildings Committee will meet Tuesday, July 27, 2010 at 5:30 p.m.

JP Moore announced that the Finance Committee will meet Monday, August 2,

2010 at 2:30 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Janet Reaves