

January 2, 2007

2007-2008 Quorum Court
ORGANIZATIONAL MEETING

The 2007-2008 Justices of the Peace met on Tuesday, January 2, 2007 at 11:30 a.m. in the Benton County Administration Building, Quorum Court Room, Third Floor, 215 E. Central, Bentonville, Arkansas

County Judge Gary D. Black called the meeting to order. County Clerk Mary Lou Slinkard called roll, recorded as follows:

13 JPs Present: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

County Judge Gary Black led the Pledge of Allegiance, and JP Tim Summers led the prayer.

PURPOSE OF ORGANIZATIONAL MEETING / INTRODUCTION OF JUSTICES OF THE PEACE

In brief comments, County Judge Gary Black explained that the purpose of the meeting was to organize as a County Quorum Court body, to set times and schedules for regular meetings, to establish the procedural rules, and to give out information. He welcomed Robin Green back as County Attorney. He asked each JP to stand and give a brief introductory statement. New Justices of the Peace included Bobby Hubbard, Chris Glass, Debra Hobbs, Frank Winscott, and Craig Brown. County Clerk Mary L. Slinkard introduced herself and stated that she just took the Oath of Office for the 14th time. She said that the County Clerk serves as the Quorum Court Secretary, and introduced Deputy Clerk Betsy Deaton.

County Attorney Robin Green introduced herself, and encouraged the JPs to contact her if they have any questions. County Judge Gary Black introduced Treasurer Deanna Ratcliffe, Comptroller Richard McComas, Grants Administrator Kathy Bannister, County Judge's Executive Secretary Rosemary Goines, and media representatives Jennifer Turner of the Benton County Daily Record and Scarlet Simms of the Morning News.

County Judge Gary Black noted the mailboxes in the Quorum Court room, explained that courtesy cards with contact information will be printed for the JPs, and thanked the Daily Record for providing copies of Freedom of Information Act booklets. He said that each JP is receiving a copy of "Procedural Guides for Quorum Courts" printed from the Arkansas Association of Counties website. Discussion was held regarding notifying the committee chair and the County Clerk's office in case of absences. County Judge Gary Black said that JP Marge Wolf will be the Quorum Court Parliamentarian, and went over meeting procedures and the responsibilities of sponsoring ordinances or resolutions. JP Stephenson explained the path that an ordinance normally follows from the first committee meeting through the Quorum Court, and stated that by the time an ordinance gets to Quorum Court, most of the work has been done and they are ready to vote. JP Stephenson stated that if the County Judge recognizes someone, they have the floor until they yield to someone else or to the County Judge. County Judge Gary Black stated that he will normally give the sponsor of an ordinance the first opportunity to make a motion to approve it, and to start the discussion. JP Wolf noted that someone may make a motion to bring an item to the floor for discussion even though they may not be in favor of it. JP Moore addressed the members of the public, and stated that the most effective place to address an item that is being

discussed would be at a small committee meeting because that is where most of the changes are made, and by the time it gets to the Quorum Court it is hopefully in its final form.

COMMITTEE ASSIGNMENTS

Personnel Committee:

Robert Stephenson, Chair
Marge Wolf
David Hill
Burt Schindler
Debra Hobbs
Bobby Hubbard
Frank Winscott

Finance Committee:

Tim Summers, Chair
James Wozniak
Marge Wolf
Kurt Moore
Robert Stephenson
Frank Harrison
Debra Hobbs

Environmental Committee:

James Wozniak, Chair
Burt Schindler
Kurt Moore
Chris Glass
Bobby Hubbard
Craig Brown
Frank Winscott

Long-Range Planning/Properties & Equipment Committee:

| | | | |
|-------------------|-------------|------------------|-------------|
| Kurt Moore, Chair | David Hill | Burton Schindler | Tim Summers |
| Frank Harrison | Craig Brown | Chris Glass | |

Employee Grievance Committee:

| | | | |
|-------------------|---------------|----------------|-------------|
| Marge Wolf, Chair | James Wozniak | Frank Harrison | Tim Summers |
| Robert Stephenson | | | |

Alternate: Kurt Moore

County Judge Gary Black encouraged all JPs to attend the Finance Committee, or any other committee meetings, and noted that there should be no excuse for not knowing what is going on in the various committees.

MEETING TIMES

County Clerk County Clerk Mary Lou Slinkard stated that changing the meeting time will require an ordinance to amend the Code of Ordinances. JP Moore stated that 6:00 p.m. would be the most convenient for Quorum Court members and the public. He stated that he believes that the 5:00 p.m. meeting time is too early because they have to fight rush hour traffic and some of the JPs have real jobs which they cannot always leave early. JP Moore made motion to change the meeting time to 6:00 p.m., seconded by JP Hill. JP Schindler recalled that one of the reasons they adopted the 5:00 p.m. meeting time was to avoid the extended waiting period for county staff at the end of the business day until the start of the meeting times. JP Schindler made motion to amend the start time to 5:30 p.m., seconded by JP Summers. JP Wolf pointed out that the worst traffic is between the hours of 5:00 p.m. and 6:00 p.m. JP Glass stated that he could appreciate JP Schindler's comments about the staff putting in extended days, but the JPs who have other jobs are also putting in an extended day. He said he can appreciate that traffic is a concern, but having lived in Washington D.C. and Boston, he feels the traffic here is just something that they will deal with, and he would support 6:00 p.m. as the start time. JP Moore stated that as Northwest Arkansas continues to develop, there will not be a good time for dealing with the traffic, and he has found that 4:00 is just as bad, but that by 5:30 it has thinned out somewhat. JP Stephenson stated that being from the far west side of the county, his minimum driving time is 45 minutes, and he has appreciated starting the meetings at 5:00 p.m. He stated that he is flexible, and would be happy with 5:30, but would hope that a later starting time would enable those in favor of it to be on time so that the meetings can start promptly when they are scheduled. JP Winscott stated that he would favor 6:00 p.m. but he could live with 5:30 also.

He stated that he would like to see the Committee of Thirteen meetings set at the same time. JP Hobbs stated that perhaps employees who have to stay late for meetings could come to work later, and that the public would be better served by a 6:00 p.m. start time. County Judge Gary Black asked for a show of hands vote on the 5:30 p.m. start time.

Amended motion failed – 5 votes for, 7 against.

Main motion passed – 9 votes for, 2 against.

County Clerk Mary L. Slinkard stated that they will need to adopt an ordinance changing the meeting time at the January Quorum Court meeting, which will have to start at 5:00 p.m. as the ordinance currently states. Discussion was held concerning the procedure for changing the Committee of Thirteen meeting time.

JP Stephenson made motion to recess into a Committee of Thirteen meeting, seconded by JP Moore. Motion passed by unanimous voice vote. County Judge Gary Black recognized JP Summers. JP Summers stated that this is the first Committee of Thirteen meeting, and the Chair has not been selected. JP Stephenson stated that the committees and committee chairs are solely at the discretion of the County Judge. County Judge Gary Black stated that he is appointing JP Summers as Chair of the Committee of Thirteen, and would leave appointment of the Co-chair to JP Summers. JP Summers stated that the Co-chair has traditionally been the JP with seniority, which is now JP Moore. JP Summers called the Committee of Thirteen meeting to order, and stated that the only item of business that will be discussed is changing the meeting time, which is currently the 2nd Tuesday of each month at 5:00 p.m. JP Stephenson made motion to change the meeting time to 6:00 p.m. to coincide with the proposed Quorum Court meeting time, seconded by JP Moore. Motion passed by unanimous show of hands vote.

JP Moore stated that he would like to also address the time allotted for public comments at the meetings, and although he is against additional public comment at Quorum Court meetings, he would be in favor of an additional period of public comment at Committee of Thirteen meetings. County Clerk Mary L. Slinkard read the Code of Ordinances section regarding public comment at Quorum Court meetings. JP Moore made motion to add an additional public comment period following regular business at the Committee of Thirteen meeting. JP Glass asked how much time is allowed currently and how much additional time is being proposed. JP Summers stated that there is currently a 30-minute period allowed at the beginning of the meetings. JP Moore stated that he is proposing an additional 30-minute period after regular business, prior to adjournment. Motion died for lack of second. JP Summers stated that they should prepare more information to discuss it at a later meeting. JP Stephenson made motion to adjourn the Committee of Thirteen meeting, seconded by JP Wozniak.

Organizational Meeting back in session.

JP Stephenson made motion to affirm JP Wozniak as the representative to the Association of Arkansas Counties, seconded by JP Summers. Motion passed by unanimous show of hands vote.

PROCEDURAL RULES TO BE FOLLOWED

County Judge Gary Black stated that they would be following Robert's Rules of Order at Quorum Court meetings. JP Summers asked for clarification of the exact title of the publication they would be following in order to avoid any confusion in the future. Discussion was held regarding the practice of following Robert's Rules of Order, and which revision would be used.

County Attorney Robin Green stated that the Quorum Court Procedural Guide is based on Robert's Rules of Order, and the portion which directly applies to Quorum Court procedures, so following it will be sufficient. JP Stephenson made motion to adopt the Quorum Court Procedural Guide for use in Quorum Court and all Committee meetings, seconded by JP Wolf. JP Schindler stated that he would like to stress that any organization appointed by the Quorum Court should follow the same procedures, and cited the example of a Planning Board hearing last fall in which he said proper procedures were not followed. JP Stephenson stated that is a matter that they should address soon at a Quorum Court meeting. Motion passed by unanimous show of hands vote.

AFFIRM APPOINTMENTS

County Judge Gary Black asked for a vote to affirm the appointment of JP Summers as Chair, and JP Moore as Vice-chair of the Committee of Thirteen. Appointments affirmed by unanimous show of hands vote.

JP Summers stated that they need to select an alternate for the Arkansas Association of Counties delegate. JP Moore nominated JP Schindler, seconded by JP Wolf. Nomination affirmed by unanimous show of hands vote.

INFORMATION PACKET

County Clerk Mary L. Slinkard announced that notebooks were handed out containing information including County Departmental Functions, Quorum Court procedures, telephone numbers, mileage reporting forms, the 2007 Budget ordinance, employment policy, etc.

FREEDOM OF INFORMATION ACT

County Judge Gary Black recognized County Attorney Robin Green, who spoke regarding Freedom of Information Act compliance. She explained that the Act had two sections, the first regarding public records, and the second regarding open meetings. She said the intent of the Act is for public business to be conducted in an open and public matter, and that exceptions to the Act are to be very narrowly construed. She emphasized that violating the Act is a crime punishable by a fine, or removal from office. She said that if a complaint is filed with the Prosecuting Attorney, he has the authority to subpoena all of their correspondence, including email and phone records, and the JPs could end up as the subject of a criminal investigation. She said that since it would be a criminal case, they would have to hire a private attorney. She noted that the Grievance Committee may go into Executive Session, but that she as County Attorney could not even be in the room, because if she is present, the meeting must be open to everyone.

ANNOUNCEMENTS/ OTHER COMMENTS:

JP Wozniak stated that he has provided copies of the proposed Nuisance Abatement Ordinance to all of the JPs, and it should be going to the Planning Board in January.

JP Moore stated that he would like to add a discussion of increasing the time allotted for public comments to the January 9, 2007 Committee of Thirteen agenda.

JP Moore asked if the committees would have contact people on the county staff as they have had in the past. County Judge Gary Black stated that he would let each committee know who that person will be.

After motion and second the meeting adjourned at 1:19 p.m.