

MINUTES OF BENTON COUNTY QUORUM COURT

January 27, 2011

A regular meeting of the Benton County Quorum Court was held on Thursday, January 27, 2011 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 Robert Clinard.

Deputy Clerk Janet Reaves called roll as follows:

13 JP's Present: King, Winscott, Jay Harrison, Allen, Kevin Harrison, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag and prayer.

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

CHANGES TO AGENDA

None

MINUTES:

County Judge Bob Clinard asked if there were any additions or corrections to the Minutes of the November 18, 2010 and December 16, 2010 Regular Quorum Court meeting, and the January 1, 2011 Organizational Meeting. County Judge Bob Clinard stated that the minutes will be filed as presented.

ELECTED OFFICIALS REPORT:

Sheriff Keith Ferguson presented the Sheriff's Department's annual report for 2010. He reported that the completion and occupancy date for the new Jail Annex will be late February to mid-March, and so far, the construction costs are within the budget. He stated that a bronze plaque has been placed on the building in recognition of Major Gene Drake's hard work and dedication in getting the project completed.

He noted some of the items contained in the report including the increase in suicide attempts from 80 in 2009 to 130 in 2010. He said that business checks are performed daily on churches, Masonic Lodges, Lions Clubs and vacant buildings. He reviewed the detailed reports of the five divisions – Field, Criminal, Narcotics, Civil, and the Detention facility. He added that there was a 68% return rate of repeat offenders in the jail.

JP Moore noted the increase in traffic stops. JP Winscott questioned Sheriff Keith Ferguson about the criminal activity that is linked to gang members. Sheriff Keith Ferguson stated there are some little gangs that have been started, but they are not robbing and stealing from the citizens in the county as they do in other parts of the country, but they are mainly fighting amongst themselves. He said a lot of the activity spearheads from drugs, because they want to be in control and have the only drug operation in the county, and the Sheriff's office documents all of the activity linked to gang association. He said the majority of the little gangs that are here are located in the cities, and are not a problem out in the county.

County Judge Bob Clinard commented on the work release program, and stated that some of the District Judges have agreed to send more people to the work release program so that they do not have to go to jail. He stated if anyone is not familiar with the work release program, it is for those convicted of minor offenses who are assigned to the work release program. He added they work nights and weekends picking up trash, cutting brush, and other kinds of work. He added that this program works well, and gives some relief to the county jail.

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that the Reverse 9-1-1 emergency alert system has been tested and is working properly. He stated that a regular Elected Officials' meeting has been established on the first Tuesday of each month to talk about how they can work together, and that snowstorms and closing of the County Office Building will be discussed at that meeting. He stated that he wanted to give the Road Department kudos for their hard work and stated that he has received no complaints. He added that Benton County spent \$53,000 on salt, sand, chemicals and man-hours during the last snowstorm. He stated that he is diligently seeking an acceptable location for the West Side Road Department. He added that he has contacted all of the schools in the area and has introduced a road maintenance form to be given to the bus drivers for their feedback on county roads, and that the county will be seeking the same information from the postal service.

County Judge Bob Clinard reported that the Juvenile Justice Center construction is ongoing with no major issues.

County Judge Bob Clinard announced that Stele James has been hired as the new Benton County Veteran's Service Officer, and a reception will be held to introduce him on Wednesday, February 2, 2011 from 12:00 p.m. to 2:00 p.m.

COMMITTEE REPORTS:

JP Douglas reported that the Transportation Committee met on January 18, 2011 and two recommendations have been sent to the County Judge. He stated one was to find a new location for the West Side Road Department, and the other is to coordinate with the Regional Solid Waste Management District about consolidating efforts to provide a Convenience Center.

JP Winscott stated that a Public Safety Committee meeting will be called within the next two weeks.

JP Sandlin stated that the Personnel Committee met on Wednesday, January 26, 2011 and the items discussed have been forwarded to the Finance Committee and the Committee of Thirteen.

PUBLIC COMMENTS:

Bruce Farrar, of Bentonville commented on the inconvenience of Colonel Meyers Road Bridge being closed for two years.

County Judge Bob Clinard stated that the bridge on Colonel Meyers Road is being addressed and that there would be more details very soon.

JP Harrison made motion to suspend the rules and read all resolutions and ordinances by title only, seconded by JP Curry.

Motion passed by unanimous voice vote.

OLD BUSINESS:

(A) Second Reading of Proposed Ordinance Approving an Interlocal Agreement with Washington County Related to the HIV Clinic; Sponsor: JP Kurt Moore

County Attorney George Spence stated that since the first reading of Item “A” was passed at the December 23, 2011 Quorum Court meeting and is now coming before a new Quorum Court, he has talked with the Arkansas Association of Counties and has found nothing that states that there would be a problem with having the second reading tonight. He stated with regard to the HIV Clinic, last year’s Quorum Court approved the funds and they are included in this year’s budget, but have not been appropriated yet. He stated that this agreement is to establish a board for both counties to have authority regarding the HIV Clinic.

County Attorney George Spence read the proposed ordinance by title only. JP Moore made motion to adopt and forward to the February 24, 2011 Quorum Court agenda for third and final reading, seconded by JP Douglas.

JP Curry stated that he had heard concerns from municipalities about the county’s financial input with the HIV Clinic.

JP Moore explained how the agreement was reached during a joint meeting held between the Benton and Washington County Quorum Courts. He stated that discussion was held on funding the HIV Clinic and that a foundation has been set up to solicit funds from a variety of non-profit entities. He stated that the whole purpose of setting up this Interlocal agreement is to give Benton County some say in how the funds are spent, the solicitation of new funds, and interaction with the foundation. JP Moore stated that if the new court wanted to discuss the proposed ordinance that it could be referred back to the Committee of Thirteen for more discussion.

County Attorney George Spence stated that a motion to refer the proposed ordinance back to the Committee of Thirteen would be a proper motion, if that is what they want to do.

JP Jones asked what the HIV Clinic is doing that the hospitals are not – whether they are providing low-cost services or services that the hospitals do not want to provide or would rather provide in a separate facility, and noted that Washington Regional is funding one-third of the clinic’s budget.

JP Sandlin stated that the HIV Clinic cannot get state aid because unless a person is being treated to improve something, then the state will not help. JP Allen added that it is low-cost treatment, and many who are being treated there do not have any other alternative.

JP Hawkins questioned how the foundation is being funded. JP Moore stated the foundation is being set up as a 501 (c) 3 so that they can receive donations from different entities. He added that the whole purpose is to bring in funding from other sources, and hopefully reduce the amount that Benton County pays. He stated that the HIV Clinic has tort immunity as a governmental body, so a

separate board was created to support it, and its members will be appointed as any other quasi-legislative board, such as the Planning Board, and will work hand in hand with the foundation. County Judge Bob Clinard stated that this proposed ordinance will give Benton County three seats on the seven-member board, and they can report back to the Quorum Court on a regular basis. He added that this is going to come up at budget time every year from now on, and that the Interlocal Agreement would provide the court with information.

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

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Second reading passed.

NEW BUSINESS:

(A) Proposed Resolution Confirming an Appointment by the County Judge to the Benton County Historical Preservation Commission; Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed resolution by title only. JP Moore made motion for approval of the resolution confirming the appointment of Glenn Jones to the Benton County Historical Preservation Commission, seconded by JP Sandlin.

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

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Resolution duly adopted and assigned **No. R-2011-01.**

(B) Resolution Authorizing the County Judge To Apply For a Non-Competing Continuation Substance Abuse and Mental Health Services Administration (SAMHSA) Grant to Expand Substance Abuse Treatment Capacity for Adult Drug Courts From the Department Of Health And Human Services; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only. JP Allen made motion to adopt, seconded by JP Jay Harrison.

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

13 yeas: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Resolution duly adopted and assigned **No. R-2011-02.**

OTHER BUSINESS:

JP Jones questioned if the decision made at the Organizational meeting in January to adopt the “Procedural Guide for Arkansas County Quorum Courts” as a procedural guide was done correctly, because *The Benton County Code of Ordinances* specifically states the Quorum Court will use Robert’s Rules of Order. He asked if there needs to be an amendment to the code in order to use the “Procedural Guide for Arkansas Quorum Courts” provided by the Arkansas Association of Counties.

County Attorney George Spence stated that Robert’s Rules of Order is what is called for in the ordinance, and if anyone thinks the court is not doing something correctly, he or she is entitled to raise that question. He added that asking the question in advance of a meeting would give him an opportunity to research the issue before the meeting, and he would look into the specific question of using Robert’s Rules of Order.

County Judge Bob Clinard quoted from the Procedural Guide for Arkansas County Quorum Court Meetings, which says “This manual is adapted form Robert’s Rules of Order to provide a concise summary of the more important rules sufficient to conduct business without becoming involved in technicalities.” He added that if the ordinance needs to be changed, County Attorney George Spence can do that.

ANNOUNCEMENTS:

JP Allen announced that the next Finance Committee meeting will be held Tuesday, February 1, 2011 at 5:30 p.m.

JP Moore announced that the next Committee of Thirteen meeting will be held Tuesday, February 8, 2011 at 6:00 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 6:52 p.m.

Respectfully submitted,

Tena O’Brien,
County Clerk

Prepared by: Janet Reaves