

February 15, 2011

PUBLIC SAFETY COMMITTEE REPORT

A Public Safety Committee meeting was held on Tuesday, February 15, 2011 at 5:30 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Winscott, King, Curry, Carr, Sandlin

Others Present: JP Joel Jones, County Judge Bob Clinard, County Attorney George Spence, Comptroller Richard McComas, Administrator of Public Services Gary Black, Administrator of General Service Elizabeth Bowen, 9-1-1 Director Mary Kay Sullivan, Fire Marshall Will Hanna, Juvenile Justice Center Director Dennis Cottrell, Administrator of Public Safety Marshal Watson, Director of Emergency Management Robert McGowen, Director of Central Communications Josh Billis

Media: Tom Sissom – Daily Record

JP Winscott called the meeting to order at 5:30 p.m.

1.) Public Comments:

None

2.) Draft Ordinance: Merger of NEBCO AND VAS – County Attorney George Spence

County Attorney George Spence stated that this draft ordinance is in regard to the Emergency Medical Services District (EMSD) that has been serviced since 1985 by the Volunteer Ambulance Service (VAS) He stated that the Quorum Court had authorized him to assist VAS and the NorthEast Benton County Fire Department (NEBCO) in their merging operations. He added that there have been questions for some time about the ambulance service and how it operated, and the desire by a lot of residents to transfer the ambulance service from VAS to an Advance Life Service (ALS) ambulance service. He stated that an ALS ambulance has a lot more equipment and increases the chances of survival going to the hospital considerably. He stated that the merger agreement was set up and that a public vote for both NEBCO and VAS to approve the merger of the two corporations passed. He added that the ordinance was needed to “clean up” some details remaining from the merger of the two entities. County Attorney George Spence reported the following changes to be made to the ordinance:

Sec. 26-27. Services

- (1) One way transportation by advance life support ambulance (ALS) (as that term is defined Under Arkansas law and/or the regulations of the Arkansas Department of Health) to Emergency medical facility.

Sec. 26-28. Provider of services.

The provider of the services set forth in section 26-27 shall be the Northeast Benton County Volunteer Fire Department, Inc., which shall comply with the rules and regulations pertaining to emergency medical services as set forth by the state health rules and regulations.

Sec. 26-29 Service fees and charges, use of funds.

(e.) An original service fee of \$15.00 for each household within the EMSD was levied to finance the services provided to the residents of the EMSD, and was increased to \$40.00 by Ordinance No.-O-2007-07, which was subsequently approved in a referendum. The service fee shall not be increased unless a majority of the qualified electors of the EMSD voting on the question in a referendum on an increase approve such increase. Upon successful passage of an increase in the service fee by the voters in the EMSD, such fee shall be set at the amount approved by the voters.

(f.) Should the EMSD provider provide any of the services set forth herein to individuals who do not have a household in the EMSD, such individual shall be charged a fee comparable to that charged by other services operating in the immediate service area of the EMSD.

County Attorney George Spence stated that item (g.) had been added to clarify that EMSD can bill insurance not the residents.

(g.) The EMSD service provider shall also be entitled to bill for charges for services and to collect same to the extent an individual for whom services are provided has coverage for such services under private insurance. Medicare, Medicaid, or any other similar program. To the extent not otherwise required by law, the EMSD service provider shall not bill any person residing in the EMSD District for ambulance services over and above the amount paid for by any insurance coverage or government benefits to which that person is entitled.

JP Curry made motion to move the ordinance to the floor for discussion and send to the March 8, 2011 Committee of Thirteen Agenda for further discussion, seconded by JP Sandlin.

JP Winscott stated that he felt that this ordinance would be copied by many areas in the county as a guideline. He added that it is important to get this ordinance as right as we can, and that we may have to come back and tweak it again. He added that this may be a road map for many other emergency response organizations to be copied and practiced.

JP Carr asked what if someone has not met their deductible with their insurance, would they be covered by the \$40.00 per household.

County Attorney George Spence said that the Chairman had stated that they have a pattern on where they are going in the future, but some things require a vote by the electors. He stated that they are trying to fix this without having to go to the public for a vote. County Attorney George Spence stated that he has been asked the question about the deductibles, and having looked at the ordinance, if you pay the \$40.00 you will have ambulance service.

NEBCO Fire Department Chief Rob Taylor stated that there are things in the ordinance that needs to be addressed. He stated at this time members that have not met their deductible basically have to be written off. He added that a member with insurance, but the balance not paid by insurance, have to be written off, and that they are trying to figure out what they can do. He stated that County Attorney George Spence advised them that they will have to take it to a vote before the communities get these changes. He added that a person that does not have insurance, or Medicaid or Medicare and pay their \$40.00, they are getting written off. He stated that these are a strain on the service and that these are some of the issues

that they are dealing with and if they are not changed by changing the ordinance then they would have to take it to a vote of the people.

County Attorney George Spence stated that the statute which allows these services to be set up, provides for an ordinance to be passed by the Quorum Court and voted in a referendum by the voters of the area. He added that the ordinance is to provide for the fee structure, per household, per capita, or per unit of service, and the way the original ordinance was written was “per household”, and that changing that issue in the ordinance would require a vote by the electors.

JP Wincott asked if there was a time period to take this back to the voters. Fire Chief Rob Taylor stated that he would like to in the next six months to a year. He stated that basically NEBCO took the service over last July and he wanted to get the trust in the ambulance service back from the community.

JP Wincott asked if another district or region wants to set up the same or similar service will that have to go through the same procedure. County Attorney George Spence stated that he is working on a draft ordinance for additional districts.

Fire Chief Rob Taylor stated that the fee that was set up for the residents to pay was a great idea, except it does not work. He stated that it needs to be taken into consideration just like any major city does that they have tax dollars that goes into the ambulance service and that they have the dollars available.

Chairman JP Frank Wincott opened up the meeting for public comments pertaining to the motion.

Chairman of the Board of Directors of NEBCO Kara Funk stated that currently the disbursement of ambulance service fees are collected by the county. She stated that what NEBCO is asking is that the county gives consideration to making a change that when the monies are collected that they are dispersed directly to NEBCO. She added that another issue is how the county is going to serve the entire county with ambulance service. She stated that they respectfully ask that when the county goes through that process, not to penalize the residents that have been proactive over the years.

County Attorney George Spence stated that NEBCO would like to receive the money for ambulance service fees in the same way that fire dues are received. He stated that Arkansas Code states that the funds shall be expended only on appropriation of the Quorum Court and shall be subject to the same accounting disbursement procedures and requirements as other county funds, and that this would be an accounting or auditor question.

Motion passed by unanimous voice vote.

3.) Marshal Watson, Administrator of Public Safety – Introduction/Discussion

Administrator of Public Safety Marshal Watson reported that as Administrator of Public Safety his areas of responsibility are; Emergency Services, Central Communications, 9-1-1 Administration, Fire Marshal/Fire Services, Search & Rescue and Juvenile Detention Center; he then gave an overview of his responsibilities with those departments. He stated that the Reverse 9-1-1 system is working with a 75% success rate and it is time to re-evaluate and determine what is needed to update the system. He stated that the system provides an extensive tract of data.

a.) Robert McGowen, Director of Emergency Management - Department Overview

Director of Emergency Management Robert McGowen reported that the Department of Emergency Management "DEM" is responsible for the organization and management of emergencies in response to natural, man-made and technological hazards. He stated that the foundation of emergency management has 4 phases; preparedness, mitigation, response and recovery. He added that "DEM" reports directly to the County Judge, and that "DEM" is the local liaison for County, State and federal resources, including pre-disaster funding, support during a disaster, and post-disaster assistance.

b.) Josh Billis, Director of Central Communications - Department Overview

Director Josh Billis of Central Communications "CENCOM" presented an overview of the Central Communication Department. He stated that Central Communications was designed as a communication center and was created in 1991 enacted by the Quorum Court. He stated that the department employees 27 Public Safety Dispatchers and 6 of those are supervisors. He stated that they operate and control 13 radio channels 24/7. He added that Central Communications is also a primary Public Safety Answering Point in Benton County, where 9-1-1- is routed. He reported that the dispatchers are highly trained with National P33 standards, and that they work closely with the Emergency Management Department. He stated that they are the primary dispatch for the Benton County Sheriff's office and handle all of their emergency communications. He added that that they also handle 10 Municipal Law Enforcement Agencies, 20 Fire Departments and 3 Ambulance Services, and multiple supplemental agencies. He explained how the different equipment in the department is used. He stated that there are 5 members of the Field Communications Team, which are highly trained. He added that CENCOM's sole goal is public safety, and that the department holds educational presentations. He stated that in the last five years there has been an increase in 9-1-1 calls, from 27,578 in 2006 to 36,107 in 2010. He stated that land line calls have dropped and wireless calls have increased. He stated that in 2006 the center dispatched 57,708 calls and as of last year, 90,554 calls had been dispatched.

JP Winscott asked what kind of turn over does the department have with personnel. Josh Billis stated that the department does have a high turn over but at the national average we are at 20% overall, and that over the year we lose 5-7% of our personnel.

JP Sandlin asked if having the additional towers helps in locating cell phone calls better. Josh Billis stated that now it is mandated that phase II cell phones are used, and those cell phones provide GPS or a network location. He added that with the GPS or the network providers that the location can be determined within feet.

c.) Mary Kay Sullivan, Director of 911 Operations - Department Overview

9-1-1 Director Mary Kay Sullivan stated she has been with the county for 22 years, and has worked as the 9-1-1 Director since 1997 and they currently have an office staffs of four. She noted that they are the working arm of the 9-1-1- Administrative Board which was voted on by the people. She reported that the 9-1-1 Administration Board is funded by a 5% tariff charge on basic land line telephones that was approved by the Arkansas Public Service Commission. She reported that the 9-1-1 Administrative Board works with the budget and purchasing, helps the Assessor's office verify and correct parcel addresses and city limits. She stated that 9-1-1 is the County's authority for addressing, and every 9-1-1 address comes through their office, and that they work with surrounding counties. She stated that the department maps streets, addresses for cities, and corrects improper address numbers for those that do their own addressing. She then gave a brief overview of the services that the 9-1-1

department provides to the different entities that they work with, State, Planning Department, Road Department, PSAP, Census Bureau, US Post Offices, and telephone companies.

d.) Will Hanna, Fire Marshal - Department Overview

Fire Marshal Will Hanna stated that the mission of the Fire Marshal is to protect our citizens, visitors and their property from the perils of fire, explosion, unsafe construction and other hazardous conditions. He stated that this mission is accomplished through fire prevention education, fire investigations and compliance inspections following the applicable regulations and laws of Benton County and the State of Arkansas. He stated that they actively participate with our community, serve as role models, and strive to effectively and efficiently utilize all resources made available, to provide safety and excellent customer service to the citizens and visitors of Benton County. He added that the primary functions of the Fire Marshal's Office include fire investigation, code enforcement, plan review, fire prevention classes, and technical administrative assistance to county fire departments. He stated that he serves as the County's liaison with the Benton County Fire Association. He reported that there are 27 fire departments throughout the Benton County area, with 300 full time paid firefighters and an equal amount of volunteers in Benton County. He added that twelve of the fire departments are Rural Volunteer Fire Departments and the other thirteen are Municipal or Municipal Volunteer Fire Departments, and that two are private fire departments and that all are members of the Fire Protection Association. He stated that Benton County is a Fire Wise community and gave a brief overview of the Arkansas Fire Wise program.

e.) Dennis Cottrell, Director, Juvenile Detention Center - Department Overview

Juvenile Detention Center Director Dennis Cottrell reported that the Juvenile Detention Center houses on average, 17 juveniles at all times. He stated that the detention center is a part of a larger system that includes Juvenile Probation, Juvenile Court and the Division of Youth Services, a state-wide agency. He stated that the detention center is a short term facility, and that the average length of stay is a little over 8 days. He added that they deal with a lot of drama, drug issues, those that are inebriated, and other drug issues. He stated that they deal with juveniles as young as 10 years and as old as 20. He added that they have kids that are involved with gangs, stabbings and those that are the victims. He stated that the Juvenile Detention Center staff consists of 19 employees and a full time counselor. He stated that their primary mission is the safety and protection of the community. He stated that while those juveniles are in our care, we will make sure they are safe. He stated that most of the juveniles that come to the center have educational issues. Dennis Cottrell noted that the length of detention day's average is 8.7 days which is up from 3 days in 2008. He stated that many of the juveniles will respond positively to the efforts and work of the center and others will continue a life of crime. JP Curry asked how much juvenile crimes have increased. Dennis Cottrell answered that juvenile crimes are stable and that the increase reflects the growth in the population. He stated that out of 800 juveniles that come into the system, 450 stay out and don't come back. He added that there are treatment issues, because most of the juveniles that are frequent returns have mental health issues, and addictions. He added that their goal is to keep the juveniles safe. JP Jones asked if the juveniles have support after they leave the Juvenile Justice Center. Dennis Cottrell stated that after they leave, the juveniles are put on probation with terms and conditions that they have to abide to. He added that the State does provide after care programs. JP Carr stated that intakes are down 20% over the last three years while the length of stay has increased, is the increase because of more heinous crimes being committed by the juveniles or stricter sentencing. Dennis Cottrell stated that they are seeing an increase of gang related activities, and that

there is no shortage of drugs and when you put those issues with the dual diagnosis of addictions and mental health issues, the figures fluctuate.

JP Winscott commended Dennis Cottrell and the people and personnel that are involved with the Juvenile Justice Center for their dedication and commitment to the youth of Benton County.

Marshall Watson stated after adjournment of the Public Safety meeting, the facility tour will start with the Emergency Management, CENCOM Departments and end with a tour of the Juvenile Detention Center.

JP Winscott stated that as they meet in the next months, he would try to have other department heads that are involved in public safety to come before the committee and make a presentation of what they do and their responsibilities.

County Attorney George Spence stated that it came up before the meeting, that the committee will be going on a tour as a continuation of the meeting, and since there will be two or more of the committee members going on the tour that it is considered a continuation of the meeting. He stated however, that he and the clerk would not be attending the tour. He stated that the additional tour part of the meeting will not be recorded and that if anyone on the committee has any additional items that they would like to be included in the minutes beyond the adjournment, need to get those to the clerk. He added that he didn't think that there would be, but the committee needs to approve that without objection. JP Winscott asked if there was any objection. Seeing none, the meeting was adjourned.

4.) Adjournment

Meeting adjourned at 7: 13 p.m.