

## Committee of Thirteen Report

July 12, 2011

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, July 12, 2011 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins, Sandlin, Douglas, Blaty, Curry, Carr, Moore

1 Absent: Jones

Others Present: County Judge Bob Clinard, Sheriff Keith Ferguson, County Attorney George Spence, Comptroller Richard McComas, HR Manager Barbara Ludwig, Administrator of Public Service Gary Black, Administrator of Public Safety Marshal Watson

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

### **PUBLIC COMMENTS**

None

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

Motion passed by unanimous show of hands.

### **1. Resolution Request: Re-appointment of Lane Gurel to Benton County Planning Board**

JP Allen made motion to approve the resolution request to re-appoint Lane Gurel to the Benton County Planning Board and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by show of hands vote.

9 in favor: King, Winscott, J. Harrison, Allen, K. Harrison, Sandlin, Douglas, Carr, Moore

3 opposed: Hawkins, Blaty, and Curry

1 absent: Jones

### **2. Resolution Request: Re-appointment of Kenneth Knight to Benton County Planning Board**

JP Carr made motion to approve the resolution request to re-appoint Kenneth Knight to the Benton County Planning Board and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

**3. Resolution Request: Appointment of Greg Jenkins to Benton County Rural Development Authority**

JP Winscott made motion to approve the resolution request to appoint Greg Jenkins to the Benton County Rural Development Authority and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Douglas.

Greg Jenkins stated that he has a Finance Degree from Arkansas State University in Jonesboro, and works in the insurance field for the Rogers Insurance Agency in Rogers, Arkansas. He stated with that perspective, experience, and knowledge, he would bring a unique set of skills to the Benton County Rural Development Authority Board.

Motion passed by unanimous show of hands vote.

**4. Resolution Request: Department of Justice – Justice Assistance Grant**

JP Allen stated this resolution request to apply for the Justice Assistance Grant (JAG) came from the Finance Committee with a do-pass recommendation.

JP Allen made motion to approve the resolution request and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands.

**5. Appropriation Ordinance Request: Amending Schedule 4 - Re-organization and Re-grades of Various Positions and Appropriating Additional Funds**

JP Allen stated this ordinance request is for the re-organization and re-grading existing positions, with no new positions, and came through both the Personnel and Finance Committees with a do-pass recommendation.

JP Allen made motion to approve the appropriation ordinance request and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands.

**6. Appropriation Ordinance Request: Amending Schedule 4 - Non-departmental/ Maintenance, Dept. 23, and Appropriating Additional Funds**

JP Moore stated that instead of being brought forward from the Personnel and Finance Committees as one appropriation ordinance, the appropriation ordinance requests have been broken into three separate ordinances, so these positions will be discussed and voted on individually.

JP Allen stated this appropriation ordinance request is for the Director of Maintenance and Building Construction position that County Judge Bob Clinard has talked about at both Finance and Personnel Committee meetings and it was forwarded from the Finance Committee with a do-pass recommendation.

JP Allen made motion to approve the appropriation ordinance request for one new position of “Director of Maintenance and Building Construction” and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

JP Douglas stated for the members of the court that did not attend the Finance Committee meeting, these requests are for three positions with a \$170,000 to \$190,000 impact on the 2012 budget. He stated that Assessor “Bear” Chaney has informed the court that due to the property re-assessment, the county could lose 3.3% in tax collections next year. He stated that with the expected revenue for next year, verses this year’s budget there will a \$700,000 short fall. Comptroller Richard McComas stated the \$700,000 figure is considering expenses based on the 2011 budget.

JP Douglas stated the county is going to lose revenue next year; and it has been three years since we have given the county employees a raise. He said in addition, the county’s APERS contribution will increase next year, and we are also looking at higher fuel costs. He stated that we are getting close to the budget process in September, and asked if it would not be wise to postpone any new hiring and new positions until we get through the budget process to see where the county is financially.

JP Allen stated that the budget process begins in about two months, at which time the county will be considering pay raises, possible new personnel, and other grade changes in addition to this appropriation ordinance request.

JP Sandlin stated that if the Director of Maintenance and Building Construction position works as it is anticipated, the county should save additional dollars. She added the county would not be contracting work out, and would be able to watch and keep a closer eye on maintenance and construction. She added that by the end of the year they would know if the position is paying off. County Judge Bob Clinard stated that the person who is currently in charge of construction will be re-assigned as the Construction Superintendent for the new Benton County West Road Facility, and his salary will be paid out of that project. He added the new Director of Maintenance and Building Construction will be the Construction, Maintenance, and Janitorial Manager and will handle all of the facilities and construction in Benton County, and if approved, the position will save the county money and that this position is much needed.

JP Moore stated that one of his prerequisites for mid-year positions is whether or not the position would result in substantial savings or revenue to the county to help off set the salary and benefits of that position, and this position appears to meet that criterion.

Further discussion was held on the request for the new position of Director of Maintenance and Building Construction and the benefits of the position to Benton County.

County Judge Bob Clinard stated the construction of the Benton County Westside Facility will begin the first of August and that the current Construction Manger will be going to that facility to manage that project full time. He added that the county will then be without a construction manager. He stated that it is best for Benton County to do its own construction, and it would be an advantage to hire a manager for the overall process.

Motion passed by unanimous show of hands vote.

JP Allen made motion to amend the agenda to place Item “8” before Item “7”, seconded by JP Hawkins.

Motion passed by unanimous voice vote.

**7. Appropriation Ordinance Request: Amending Schedule 4 - Sheriff’s Department, Dept. 05, and Appropriating Additional Funds**

JP Allen stated this appropriation ordinance request is to hire one “CID Investigator” in the Sheriff’s Department with a do-pass recommendation from the Finance Committee.

JP Allen made motion to approve the appropriation ordinance request and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Carr.

JP Curry stated we live in a time where crime is up because of the economy and that he fully supports this type of position; it is badly needed, and he fully supports the Sheriff’s Department. JP Allen agreed that this position is greatly needed,

Motion passed by unanimous show of hands.

**8. Appropriation Ordinance Request: Amending Schedule 4 - Planning and Environmental Services, Dept. 31, and Appropriating Additional Funds**

JP Allen stated this position is for a Director of Planning and Environmental Services to replace positions that have been eliminated.

JP Allen made motion to approve the appropriation ordinance request and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Douglas.

JP Curry stated that he spoke with Administrator of General Services Elizabeth Bowen about this position, and that she is basically doing all of this work herself and it is overburdening her. He stated when you get in a position where you are trying to carry multiple hats, one division or department is going to suffer, and that this request should be approved.

JP Douglas stated in the previous administration, two positions were eliminated and other positions created, and now we have the County Judge and three administrative assistants. He stated that he looks at budgetary concerns in the future, and we have gone without the position for two years, so he feels we can get by without it until the 2012 budget process.

JP Carr stated that his concern is if we don’t stay in compliance and up to date with the Flood Plain requirements, it will be difficult for our constituents to get flood insurance, so we need to move this forward to the Quorum Court.

JP Allen stated that it would be a disservice to cost our constituents money, but he does not have all of the information he needs to make a decision now.

Richard McComas stated that the Planning Department took in \$14,000 last month and that is the biggest month since 2009, and that the number of permit fees is going up.

JP Sandlin asked if Benton County’s flood plain maps are up to date.

County Judge Bob Clinard stated that the flood plain maps are complete. He added anytime there is any kind of development, a bridge built, anything that has anything to do with the waterway, a hydrology study, a flood plain management study, ADEQ, and EPA, all of these regulations have

to be addressed. He stated that it is absolutely necessary that the county has someone in this position to take care of Planning and Development, and even though it is slow, someone still has to take care of all of this.

JP Harrison stated in the position's job description, would they be looking for more of a professional that could assist in other areas in the county, such as an engineer that could save the county money.

County Judge Bob Clinard stated that his long term goal is to hire an engineer for the Road Department and that he would present that request to the court during the 2012 budget process. He added that outsourcing has proven to be very expensive.

JP Douglas stated this position has been there before, that in the previous administration the position was eliminated to create a new position of "Director of Public Service", and to go from one administrator to three. He stated that the Director of Public Service was over the Planning and Environmental Departments. He stated since Elizabeth Bowen filled that position, what does Elizabeth Bowen do now?

Barbara Ludwig stated that the Fire Marshal position was elevated to be the administrator over those offices, but we still do not have that technical expertise, and the result was that we lost that knowledge.

County Judge Bob Clinard stated that the previous administration cut this position to save money, but that he does not think that it was a wise decision to cut that position because it is a needed position in the county. He added that the Director of Public Service position does not make the county money, but it is a position that must have the knowledge of the correct federal, state, and building guidelines.

JP Winscott stated that he is concerned with adding three positions; the budget impact would be from \$170,000 to \$190,000 annually, and the Planning Department has operated for three years without this position. He stated that he has a big problem with bringing new descriptions for positions that exist and elevating these people. He stated that it is a very important that we have a total look at our employees' compensation, their benefits, and how they compare with the industry. He stated just because we have money does not mean that we have to add people.

JP Hawkins stated that the fact that the county employees have not received a raise in the last three years is going to be coming up in the 2012 budget, and that will get a lot of attention. He added the more we keeping adding to the head count, the tighter it gets on giving raises. He stated that he does see the need for this position, but that he also sees the need for keeping the belt tight, and the fact that the position has not been used in three years says something. He added that filling this position could be held off until the 2012 budget process is done.

Barbara Ludwig stated that there is one employee in the Planning Department that has a degree in both Environmental and Planning, and they were hired as the coordinator. She said in addition, there is one part time clerical position and one open position. She added there are two Environmental officers and one Coordinator in the Environmental Department.

Further discussion was held on filling the current positions open in the Planning Department and the qualifications needed for those positions.

County Judge Bob Clinard stated that we have an immediate need to fill this position in the Planning Department. He stated when it comes to approving positions or any expenditure in this county, that we have the best track record.

JP Allen stated that he would support the position knowing that if things don't turn out the way as projected, cuts may have to be made. He added that he would recommend that we pass this request and be mindful of the budget as we go along and not be shy about cutting the position if we have to.

JP Winscott stated that he would reluctantly support this position but that he is going to fight hard to do something for our employees, that they are a very high priority.

Motion passed by show of hands.

9 in favor: King, Winscott, J. Harrison, Allen, K. Harrison, Sandlin, Curry, Carr, Moore

3 against: Hawkins, Douglas, Blaty

1 absent: Jones

### **9. Appropriation Ordinance Request: Amending Schedule 4 - County Road, Dept. 44, and Appropriating Additional Funds**

JP Allen stated this appropriation ordinance request is to fund and create a temporary new position for a Bridge Superintendent. He added that this is a key position, and we don't know how much longer that we will have the person in that position to work, but that he has agreed to stay and train this new person in this position.

JP Allen made motion to approve the appropriation ordinance request and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands.

### **10. Appropriation Ordinance Request: Salary Survey**

JP Winscott stated that he and HR Manager Barbara Ludwig have discovered that a salary study survey for the total staff with compensation was last done in 2005. He stated this \$5,000 appropriation ordinance request is to hire an outside independent company to do a survey of staff and compensation, including benefits, and compare against private business and industry in the area. He added that the salary study is very much needed before we go into the budget process. JP Winscott made motion to approve the \$5,000 appropriation ordinance request and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

JP Hawkins stated that it would be good to have the survey information to know what types of increases are necessary, and then decide priorities and whether or not we have the resources. He stated that this was discussed at the Finance Committee, but it was not determined who would do the study.

Barbara Ludwig stated that she had checked with different consulting firms in the state and they referred her to Johanson Consulting, Inc. She stated that Johanson Consulting has done the Arkansas Compensation Association salary survey for the state the last 15 years and that survey information is in their database. She added that they have been doing the Human Resources Association for Northwest Arkansas and have done Benton County's salary study for 10 years. Barbara stated that they have good numbers locally, and have done a lot of cities, counties, and public sector surveys.

JP Hawkins asked if the Arkansas Association of Counties has a salary study. Barbara Ludwig stated that the Arkansas Association of Counties does publish the salaries that counties submit, but they are one year behind. She stated that the Arkansas Association of Counties' salary study

compares all the different counties, and some of those counties are much smaller than Benton County.

Barbara Ludwig stated that Johanson Consulting has a database of job descriptions and that the Elected Officials could compare the job descriptions. She stated that we do not see a lot of exodus to other employers because the job market is extremely tight.

JP Allen stated that there is reason for that; every job is precious right now, and if you have a job today, you hold on to it. He stated that some of the concerns of this court are that they want to make sure that Johanson Consulting does a good comparison of Benton County salaries with other counties of the same size. He added that Johanson needs to take into account that county employees get retirement, and free health insurance, and he would like for this to be transparent in the survey. Barbara Ludwig stated that we can give Johanson some of the specific entities that we want to include in this study and share those with the court and Elected Officials. JP Allen stated that he is not going to vote for the study until he knows that the Johanson survey compares the private sector and includes it in the study. Barbara Ludwig stated the study would be from our local labor market. She added we do lose people to Wal-Mart occasionally, and to the cities, because we cannot pay what the cities pay.

JP Moore stated that he wanted to point out that next year we will be spending about \$650,000 additional for our employees' retirement, which is about \$1,000 per employee and that is a benefit that they do not have to pay. He stated that he thought the JESAP Committee was created to perform the functions of grading positions and job descriptions so that the county would not have to use the services of this type of consultant in the future, and he is surprised that this is coming back. Barbara Ludwig stated that she prepares all of the grading internally so we are not paying Johanson Consulting on a regular basis as we have done in the past. She stated her department has three employees who do payroll every two weeks, in addition to administering a \$4 million dollar health plan, so the Human Resources Department does not have the time to do a salary study internally.

Motion passed by show of hands vote.

9 in favor: King, Winscott, J. Harrison, K. Harrison, Hawkins, Sandlin, Blaty, Curry, Carr

3 opposed: Allen, Douglas, Moore

1 absent: Jones

### **11. Discussion: Resolution in Support of HB 2442 -Repealing Mandate on Reflectivity of Road Signs**

JP Douglas stated that a new sign ordinance on the reflectivity of road signs has been mandated by the Federal Government, and it will require the county to replace all street and traffic signs by 2018. He added the new regulations require larger street signs with larger lettering and the words must be spelled with upper and lowercase lettering. Douglas stated that it was ridiculous in his opinion to go out and change road signs out when there's nothing wrong with them. He stated that on July 7, 2011, House Bill 2442 bill was introduced in the House of Representatives to repeal this mandate. He stated that he felt that it was important enough to do a resolution to send to our congressman, representatives, and senators, to stop this nonsense.

JP Douglas made motion to adopt the proposed resolution and forward to the July 28, 2011 Quorum Court agenda, seconded by JP Carr.

JP Carr stated that counties and cities should join together to oppose this and other federal requirements. He added if enough counties and cities get together we can get rid of these blasted, unfunded mandates that are costing taxpayers billions of dollars, and that he would support the proposed resolution.

JP Allen asked what would happen if we do not comply. County Judge Bob Clinard stated that by January 2012, the county is to have a Road Maintenance Sign written plan in place, in accordance with the law that was passed. He stated that the Road Maintenance Sign Plan will be completed by 2015; we cannot assume that this is going to be repealed. He stated that a written plan was to be done by January 2012, and by January 2015 all regulatory signs, stop signs, curve and speed limit signs will have to be changed, and then by 2018 all of the road signs will have to be changed. He stated that the Road Department is already making new signs which comply with the retro-reflectivity requirements.

County Judge Bob Clinard stated that the county is budgeting about \$30,000 annually for new signs in the Road Department. He added that there approximately 4,100 road signs in the county, but they do not know how many stop, curve, and speed limit signs there are. He stated that he does not think that it will impact the county that much.

Motion passed by unanimous show of hands vote.

#### **OTHER BUSINESS**

None

#### **ANNOUNCEMENTS**

JP Douglas announced that the Legislative Committee will meet August 4, 2011 at 6:00 p.m. He stated if anyone has any thoughts on legislation for the next session, to please write it down and bring to the meeting.

Sheriff Keith Ferguson stated that we need to look at the employees' budget. He stated that the county has never gone broke, but that we the people who serve the people have paid the price. He stated that the court should treat us the way we try to treat the people and serve them the best way we know how. He added that we have to grow with the growth of the population in the county.

#### **PUBLIC COMMENTS**

None

Upon motion and second the meeting adjourned at 7:53 p.m.