

MINUTES OF BENTON COUNTY QUORUM COURT

July 28, 2011

A regular meeting of the Benton County Quorum Court was held on Thursday, July 28, 2011 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Deputy Clerk Janet Reaves called roll as follows:

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

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Bill Rogers of Word of Life Fellowship led the prayer.

CHANGES TO THE AGENDA:

JP Moore made motion to amend the agenda to add a resolution for the interim filling of a vacancy for the office of Benton County Sheriff during times of emergency as "Item L" seconded by JP Carr.

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

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

Motion passed.

MINUTES:

JP Douglas made motion to approve the minutes of the June 23, 2011 Quorum Court meeting, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

ELECTED OFFICIALS REPORT:

None

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that: 1) Damages from the April flooding have been estimated by the Road Department and FEMA at approximately \$1.2 million in bridge replacement, repairs, and road re-construction, and the county is expecting \$850,000 in reimbursements; 2) The Benton County West Road Facility bids were submitted Tuesday, July 26, 2011 and a budget for consideration will be presented at the August 2, 2011 Finance Committee meeting; 3) The Juvenile Justice Center construction is ongoing with no major issues, and some landscaping which was not in the original scope of work for the project is going out to bid, and they will be discussing a budget adjustment for some extra costs soon; 4) The Public Services Building plans are complete and bids will be received August 4, 2011, and a Finance Committee meeting will be scheduled prior to the August 9, 2011 Committee of Thirteen to discuss that budget; 5) The janitorial service bids have been received and will be reviewed at the next Transportation Committee meeting, along with a discussion of maintenance on county roads.

COMMITTEE REPORTS:

JP Douglas stated that he was invited to attend a Joint House and Senate Transportation Committee meeting in Little Rock for discussion of the Rural County Mandate Relief Act, and said that there will be a lot of letters sent to Washington D.C. in support of HR 2442.

County Judge Bob Clinard stated that several people in attendance at the meeting specifically told him what a great job JP Douglas had done representing Benton County and the people of Arkansas in contesting this retroreflectivity law.

PUBLIC COMMENTS:

Jo Evans of Bella Vista read a press release announcing the 5th Annual Northwest Arkansas Emergency Preparedness Fair to be held Saturday, August 27th from 9:00 a.m. to 2:00 p.m. at the Church of Jesus Christ of Latter Day Saints in Bentonville, Arkansas, and stated that the purpose of the event is to better prepare the entire Northwest Arkansas community for emergencies of all kinds, whether it is a Joplin-sized tornado or a personal financial crisis.

She stated that the press release contains all of the available activities, but she wanted to highlight that this will be the Red Cross' biggest blood drive of the year, and they will have plenty of staff available to take walk-in blood donations.

She stated that the organizers wish to thank the Benton County Department of Emergency Management for its support of the Emergency Preparedness Fair. She said that D.E.M. Director Robert McGowen, CenCom Director Josh Billis, and Fire Marshall Will Hanna will have booths at the fair and will be giving presentations.

County Judge Bob Clinard stated that he and the county are whole-heartedly behind Ms. Evans' efforts and applauded her for the work she has done on this event.

Warren Phillips of Cave Springs expressed opposition to the reappointment of Lane Gurel to the Benton County Planning Board due to Mr. Gurel's affiliation with the Association for the Beaver Lake Environment.

OLD BUSINESS:

None

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

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

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

Motion passed.

NEW BUSINESS:

(A) Proposed Resolution Confirming the County Judge's Re-Appointment of Lane Gurel to the Benton County Planning Board

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP Carr.

JP Hawkins asked what kind of process the county goes through to fill these positions. County Judge Bob Clinard stated that the position is advertised and the applications are reviewed to determine who has all of the qualifications they are looking for. He said when Mr. Gurel applied for re-appointment; they looked at his qualifications and felt that he was the best candidate to bring before the Quorum Court for this appointment.

JP Hawkins expressed his opposition to Lane Gurel's re-appointment. Further discussion was held on Lane Gurel's qualifications and his re-appointment to the Benton County Planning Board.

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

7 yeas: King, Winscott, J. Harrison, Sandlin, Douglas,
Carr, Moore
5 nays: K. Harrison, Hawkins, Jones, Blaty, Curry
1 absent: Allen

Resolution duly adopted and assigned **No. R-2011-21.**

(B) Proposed Resolution Confirming the County Judge's Re-Appointment of Kenneth Knight to the Benton County Planning Board

County Attorney George Spence read the proposed resolution by title only.

JP Moore made motion to adopt, seconded by JP Carr.

JP Hawkins made motion to postpone the proposed resolution confirming the re-appointment of Kenneth Knight to the Benton County Planning Board until the August 25, 2011 Quorum Court agenda, due to the absence of Mr. Knight. Motion seconded by JP Curry.

JP Hawkins stated that Mr. Knight had notified them in advance that he would be absent and would be willing to postpone the re-appointment.

JP Carr spoke in opposition to tabling the proposed resolution, noting that Mr. Knight is well-qualified.

JP Hawkins spoke in favor of tabling the proposed resolution, stating that he would like to know Mr. Knight's interest in the appointment.

Motion passed by voice vote.

JP Carr requested a show of hands vote.

9 in favor: King, Winscott, K. Harrison, Hawkins, Jones,
Sandlin, Douglas, Blaty, Curry
3 opposed: J. Harrison, Carr, Moore
1 absent: Allen

Motion to postpone the proposed resolution until the August 25, 2011 Quorum Court agenda passed by show of hands vote.

(C) Proposed Resolution Confirming the Appointment of Greg Jenkins to the Benton County Rural Development Authority

County Attorney George Spence read the proposed resolution by title only.

JP Douglas made motion adopt, seconded by JP K. Harrison.

JP Carr noted that Mr. Jenkins is not present. JP Blaty stated that the court had an opportunity to talk with Mr. Jenkins at the Committee of Thirteen meeting. JP Carr stated that the county's official business is conducted at Quorum Court meetings, not Committee of Thirteen meetings.

JP Sandlin called for the vote.

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

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

Resolution duly adopted and assigned **No. R-2011-22.**

- (D) Proposed Resolution Authorizing the Application for a Grant and Participation in FY 2011 Justice Assistance Grant (JAG) Program Available Through the U.S. Department of Justice; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed resolution by title only.

JP Douglas made motion to adopt, seconded by JP Jones.

JP Sandlin stated that this is an application for a Justice Assistance (JAG) Grant which will fund a temporary part time position.

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

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

Resolution duly adopted and assigned **No. O-2011-23.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding Positions and Deleting Positions; Changing Grades of Certain Positions; Changing Job Titles of Certain Positions; and Authorizing Additional Expenditures in Various Funds and Departments; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Douglas made motion to adopt, seconded by JP Jones.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2011-32.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding One “Director of Maintenance and Building Construction” Position in Department 23; and Appropriating Additional Monies and Authorizing Additional Expenditures in Department 23, Non-Departmental/Maintenance, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Douglas made motion to adopt, seconded by JP Jones.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2011-33.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding One “CID II Investigator” Position, and Appropriating Additional Monies and Authorizing Additional Expenditures in Department 05, Sheriff’s Department, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Douglas made motion to adopt, seconded by JP Carr.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2011-34.**

(H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) To Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding One “Director of Planning and Environmental Services” Position in Department 31; and Appropriating Additional Monies and Authorizing Additional Expenditures in Department 31, Planning and Development, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Douglas made motion to adopt, seconded by JP Jones.

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

11 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,
Jones, Sandlin, Blaty, Curry, Carr, Moore
1 nay: Douglas
1 absent: Allen

Appropriation ordinance duly adopted and assigned **No. O-2011-35.**

(I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) To Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding One Additional “Bridge Superintendent” Position; to Transfer Monies from County General Fund to County Road Fund; and to Appropriate Additional Monies and Authorize Additional Expenditures in Department 44, County Road Department, Fund 020; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Douglas made motion to adopt, seconded by JP Sandlin.

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

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

Appropriation ordinance duly adopted and assigned **No. O-2011-36.**

(J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (**2011** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 19, Accounting / H.R. / Grants, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Douglas made motion to adopt, seconded by JP Sandlin.

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

10 yeas: King, Winscott, J. Harrison, K. Harrison, Hawkins,
Jones, Sandlin, Blaty, Curry, Carr
2 nays: Douglas, Moore
1 absent: Allen

Appropriation ordinance duly adopted and assigned **No. O-2011-37.**

(K) Proposed Resolution Supporting the Rural County Mandate Relief Act of 2011; Sponsor: JP Dan Douglas

County Attorney George Spence read the proposed resolution by title only.

JP Douglas made motion to adopt, seconded by JP Hawkins.

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

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

Resolution duly adopted and assigned **No. R-2011-24.**

(L) Proposed Resolution to Provide for the Interim Filling of a Vacancy for the Office of Benton County Sheriff During Times of Emergency; and for Other Purposes; Sponsor: JP Kurt Moore

County Attorney George Spence read the propose resolution by title only.

JP Moore made motion to adopt, seconded by JP Carr.

JP Winscott asked who and what determines when the Sheriff becomes incapacitated. County Attorney George Spence stated that this applies to emergency situations only and is to provide immediate continuity in the Office of the Sheriff, in the interim period before the Quorum Court appoints a successor for the remainder of the term.

County Judge Bob Clinard stated that the County Judge's office also has a succession policy in place.

JP Moore stated that if the Sheriff's office is vacant, the deputies cease to have any authority, so the resolution allows the deputies to continue to have their sworn powers granted by the state.

County Attorney George Spence stated that when the Governor declares a state of emergency, or a national emergency is declared, if the Sheriff passed or became disabled, then this resolution would apply. He added that the Legislative Committee might want to consider getting something in place that is more general about continuity in offices, and to define disability a little more clearly.

JP Winscott stated that he would like for County Attorney George Spence to contact the Attorney General and find who would make the determination that the Sheriff is disabled.

County Judge Bob Clinard suggested that since there is not a resolution currently in place, that the court could adopt this resolution, and modify it sometime in the future if necessary.

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

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

Resolution duly adopted and assigned **No. R-2011-25**.

JP Winscott stated that he has received calls about the recent real estate assessments, and that he would like for Committee of Thirteen Chair Kurt Moore to invite the Assessor to the next Committee of Thirteen meeting.

County Judge Bob Clinard stated if anyone has a concern or dispute with their property appraisal, the first step is to contact the Assessor's Office for an appointment with the appraiser. He stated that before requesting a hearing with the Equalization Board, they should discuss the appraisal with the appraiser who did it. He added that August 15, 2011 is the last date to file for an appeal with the Equalization Board.

OTHER BUSINESS

None

ANNOUNCEMENTS:

JP Blaty announced that a Grievance Hearing will be held August 2, 2011 following the Finance Committee meeting.

JP Douglas stated that the Transportation Committee will meet August 1, 2011 at 6:00 p.m.

JP Douglas announced that the Finance Committee will meet August 2, 2011 at 5:30 p.m.

JP Douglas announced that the Legislative Committee will meet August 4, 2011 at 6:00 p.m.

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Tena O'Brien,
County Clerk

Prepared by: Janet Reaves