

Committee of Thirteen Report

August 9, 2011

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, August 9, 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, Jones, Sandlin, Douglas, Curry, Moore

2 JP's Absent: Blaty, Carr

Others Present: County Judge Bob Clinard, Assessor Glenn "Bear" Chaney, County Attorney George Spence, Comptroller Richard McComas

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

Jeff Wyant of Rogers commented on the cost of subcontracting out reappraisals, and compared his estimate of Benton County's cost per parcel to Washington County's.

JP Allen made motion to add to the agenda two appropriation ordinances forwarded from the Special Finance Committee held just prior to this meeting as "Item 10", an appropriation ordinance for the Westside Road Facility, and Item "11", an appropriation ordinance for the Public Services Facility, seconded by JP Harrison.

Motion passed by unanimous show of hands vote.

JP Moore stated that at the July 28, 2011 Quorum Court meeting, Assessor Bear Chaney was requested to attend this meeting to answer some questions.

JP Allen made motion to recognize County Assessor Bear Chaney, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

County Assessor Bear Chaney stated that Washington County's cost of \$5,365,600 to do its reappraisal is in addition to the annual Assessor's budget of \$1.7 million. He stated that regarding Benton County's 2008 reappraisal, the amount turned in to the Assessment Coordination Division (ACD) was \$3,579,500 for 141,486 parcels, which averages out to \$25.29 per parcel, or \$8.43 per parcel per year when averaged over a three-year period. He stated that figure is in line with comparison to other counties.

JP Winscott stated that several of his constituents have questioned why assessments have gone up during three years of declining property values.

Bear Chaney stated that overall, property values are going down, but that there are certain parts of the county where values are holding steady and some are even going up. He stated that residents should call

the Assessor's Office, come in and talk with an appraiser, and let the Assessor's office show them what sales they have used.

JP Winscott asked if the county will be going from a three-year reappraisal cycle to a five-year cycle. Bear Chaney stated that currently the county is on a three-year plan, and according to ACD guidelines, the county will probably go to a five-year cycle, but they will not have the official word from ACD until the current plan is turned in October, at which point the ACD will notify the county as to whether it will be on a three- or five-year cycle.

JP Winscott asked how many appraisers are currently employed. Chaney stated there are 26. JP Winscott asked if the county goes to a five-year reappraisal cycle instead of a three-year cycle, would the Assessor's staff be reduced by 66% since the workload will be reduced by that percentage. Bear Chaney stated that he does not anticipate that, because he plans to have the appraisers to physically measure every building and every piece of property, because they have not been able to do that since 2002.

JP Winscott asked how the Assessor will justify a budget to the Finance Committee that will support the same number of employees when the workload has dropped 66%.

Bear Chaney explained that once the reappraisal plan detailing the work to be done and the number of staff needed to do it is submitted to the ACD and approved, he will be more than happy to come back to the court and show it to them, but at this time he would just be guessing and telling them what he thinks will happen, and he would rather wait until he has facts to give them.

JP Winscott stated that it would be appropriate to bring the final numbers to the Finance Committee when the budget for the Assessor's Office is submitted.

Bear Chaney explained that when the last reappraisal was started, there were 32 employees, and at this time there are 26. He added that he is also a taxpayer, and not particularly fond of paying taxes, so he has every intention of not wasting taxpayer money. He stated that the reappraisal may be spread out over five years instead of three, but that the act of actually going onsite to every parcel in the county and measuring each property is going to take more time.

JP Jones stated that last year, a flyover was done of the entire county, and one of its purposes was to help with the assessments, and asked if it was not helpful. Bear Chaney stated that one of the problems with looking at a house from an aerial photo is that a 4-foot roof overhang would be counted as part of the square footage of the house. He said the pictometry is valuable to see if buildings are still there, especially in the rural areas, but he is not comfortable using it to measure property.

JP Sandlin pointed out that whenever the appraisers are onsite, physically remeasuring, they are also checking for new effectual ages, making certain whether there has been some additional wear and tear, cracking, and additional accelerated aging, or maintenance above and beyond to keep the property at a younger or newer effective age. She added that there is a very legitimate reason why the appraisers need to be back out on the ground at every property every so many years; and that is nationwide.

JP Allen recognized a member of the audience, Jeff Wyant of Rogers, who engaged in a discussion with Bear Chaney regarding the number of appraisers in the Assessor's office, and how Mr. Chaney had arrived at his price per parcel.

1. Appropriation Ordinance Request: Environmental Services, Dept 38, Fund 010

JP Allen stated this appropriation ordinance request was forwarded from the Finance Committee and is to appropriate \$10,000 for the Benton County – County Wide Clean Up event in the fall of 2011, and will pay for clean up costs.

JP Allen made motion to approve and forward the appropriation ordinance request to the August 25, 2011 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

2. Appropriation Ordinance Request: County Judge, Dept 01, Fund 010

JP Allen stated that this appropriation ordinance request was forwarded from the Finance Committee and is to appropriate \$19,000 to purchase an additional vehicle for the county's carpool. He said the use of carpool vehicles instead of paying mileage to individuals will save the county money.

JP Allen made motion to approve and forward the appropriation ordinance request to the August 25, 2011, Quorum Court agenda, seconded by JP Curry.

Motion passed by unanimous show of hands vote.

3. Appropriation Ordinance Request: County Health, Dept 25, Fund 010

JP Allen stated that this appropriation ordinance request was forwarded from the Finance Committee and that this is a carryover from an appropriation made in 2010 but not expended until 2011 for the completion of the phone installation at the County Health Department.

JP Allen made motion to approve and forward the appropriation request to the August 25, 2011 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

4. Appropriation Ordinance Request: Emergency Services, Dept 30, Fund 293

JP Allen stated that this appropriation ordinance request was forwarded from the Finance Committee to redistribute the budgeted FY2009 Homeland Security Grant Program (SHSGH) proceeds according to the planned expenditures for the remainder of the 2011 calendar year.

JP Allen made motion to approve and forward the appropriation ordinance request to the August 25, 2011 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

5. Appropriation Ordinance Request: Emergency Services, Dept 30, Fund 294

JP Allen stated that this appropriation ordinance request was forwarded from the Finance Committee and is to redistribute the budgeted FY2009 Homeland Security Grant Program (LETTP) proceeds within Department 30, Emergency Management, Fund 294.

JP Allen made motion to approve and forward the appropriation ordinance request to the August 25, 2011 Quorum Court agenda, seconded by JP J. Harrison

Motion passed by unanimous show of hands vote.

JP Douglas stated the next four items on the agenda were reviewed by the Legislative Committee, and were forwarded for consideration to be included in the Legislative Packet for the next Legislative Session.

6. Discussion: Item to Be Considered for Inclusion in the Legislative Packet – An Act to Amend § 14-16-105 of the Arkansas Code to Allow Counties an Additional Method of Selling County Property

County Attorney George Spence stated this draft amendment to A.C.A. § 14-16-105 of the Arkansas Code is to allow an additional method for the Quorum Court to sell county property without going through the current statutory requirements, basically by adopting a resolution authorizing the County Judge to dispose of the property and specifying the property to be sold. He said it allows the Quorum Court to exercise “home rule”, by allowing the legislative body of the county to control the county’s property.

JP Allen stated that he wanted to make sure that this could not be perceived as the Quorum Court having the ability to force the county judge to sell something. County Attorney George Spence stated that is not the intent; this is an alternative method to provide a shortcut. He added that the resolution will also specify that the proceeds from anything sold will be turned into the General Fund, to then be appropriated as the court sees fit, not necessarily to the department which disposed of the property.

JP Douglas made motion to include the proposed amendment to A.C.A. § 14-16-105, which allows an additional method of selling county property, in the Legislative Packet to be presented to the 2013 General Assembly, seconded by JP Winscott.

County Attorney George Spence noted that this would not need to go to the Quorum Court, since it is being included in the Legislative Packet, which will be reviewed at a later date.

JP Douglas stated that this is basically presenting the ideas and thoughts of the Justices of the Peace of Benton County on the changes that need to be made in the parts of our state government that affect Benton County.

County Attorney George Spence suggested that as the time gets closer for the Legislative Assembly to convene, the Committee of Thirteen will probably want to review all of the proposed items that have been placed in the Legislative Package to familiarize themselves with them again to make sure that they are what the court wants to put forward in the Legislative Package to be sent to the General Assembly.

JP Moore stated that he anticipates that they will adopt a resolution accepting all of the proposals into the Legislative Package to be sent to the Legislative Session.

County Attorney George Spence stated that the intent is to get together with Washington County, review all of the proposals, and then communicate with our House and Senate members to get together and try to push forward this package. He added that the Association of Counties has also expressed interest in what is being proposed.

Motion passed by unanimous show of hands vote.

7. Discussion: Item to Be Considered for Inclusion in the Legislative Packet – An Act to Amend § 14-22-106 of the Arkansas Code to Allow and Additional Exemption from the County Bidding Requirements

County Attorney George Spence stated this proposed draft amendment to A.C.A. § 14-22-106 of the Arkansas Code is adding language which would give counties, through their Quorum Courts, the same authority that cities have, through their City Councils, to waive competitive bidding under appropriate circumstances. He said it is not done on a broad basis, but in individual cases where competitive bidding is not feasible or practical. He cited the example of purchasing a previously leased piece of equipment, adding that this does not give free rein to the Department Heads or the Elected Officials, but allows the

Quorum Court, by resolution, at a public meeting after proper notice, to waive the requirements of competitive bidding.

JP Moore requested a show of hands for approval of including the draft amendment in the Legislative Packet.

Draft amendment approved by unanimous show of hands.

JP Sandlin made motion to amend the agenda to move Item "9" above Item "8" since it is also to be considered for the Legislative Packet, seconded by JP J. Harrison.

Motion passed by unanimous show of hands.

9. Discussion: Item to Be Considered for Inclusion in the Legislative Packet – An Act to Amend § 20-13-305 of the Arkansas Code to Allow for an Alternate Method of Disbursement of Service Charges for Emergency Medical Service Districts

County Attorney George Spence stated this draft amendment to A.C.A. § 20-13-305 of the Arkansas Code is the result of a merger between NEBCO and VAS ambulance services and is to allow an alternate method of disbursement of service charges for emergency medical service districts. He stated that currently, the Quorum Court is required to appropriate funds through the normal county accounting rules regarding expenditure of funds. He stated that the amendment would allow the county to allocate funds for the EMSD in the same way it currently pays funds to the volunteer fire departments in the county. County Attorney George Spence stated that this amendment would only apply if the court makes a finding that the amount, (the cost of services being provided) is in excess of the amount of fees collected.

JP Jones asked if the taxes generate more money than were in the budget, would that money then come back into the General Fund. County Attorney George Spence stated that he would presume that the court would not approve a resolution unless the costs were going to be in excess.

JP Moore requested a show of hands for approval of including the draft amendment in the Legislative Packet.

Draft amendment approved by unanimous show of hands.

8. Resolution Request: Approving the Purchase of Goods and Services Through Alternative Methods of Competitive Bidding

JP Douglas stated that this is a request for a resolution approving the county's purchase of goods and services through governmental entities outside the state of Arkansas, to take advantage of lower costs. He said that the current state law allows purchases to be made only through agencies that follow bid practices spelled out in Arkansas law, unless a resolution is adopted by the Quorum Court allowing purchases from entities that follow bid practices of other states.

JP Douglas made motion to approve the JP resolution request and forward to the August 25, 2011 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

JP Moore called for a 5-minute recess to allow the committee to examine plans for the West Side County Road Yard and Public Services Building renovation which have been provided by the County Judge per the Finance Committee's request earlier today.

Meeting reconvened.

10. Appropriation Ordinance Request: County Road Department 44, Fund 440

JP Allen stated that this appropriation ordinance request was forwarded from the Special Finance Committee Meeting and is to appropriate \$650,000 for construction of the Westside Road Facility, which, including grant funds brings the total cost to \$830,000.

JP Allen made motion to approve and forward the appropriation ordinance request to the August 25, 2011 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

11. Appropriation Ordinance Request: Non-Departmental & Maintenance Department 23, Fund 440

JP Allen stated that this appropriation ordinance request was forwarded from the Special Finance Committee Meeting and is to appropriate \$650,000 for the renovation of the Public Services Facility. He added that it is estimated that the county will save \$150,000 annually on lease expenditures for the departments that will occupy the building.

JP Allen made motion to approve and forward the appropriation ordinance request to the August 25, 2011 Quorum Court agenda, seconded by JP J. Harrison

JP Douglas asked for clarification that even though there is no grant money involved, the county does still have to abide by the State Wage Scale. County Judge Bob Clinard stated that is correct, noting that the carpenter will make \$27 per hour.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

None

ANNOUNCEMENTS

JP Allen announced that the Finance Committee will meet Tuesday, September 6, 2011 at 5:30 p.m.

PUBLIC COMMENTS

None

ADJOURNMENT

Upon motion and second the meeting adjourned at 7:16 p.m.