

## MINUTES OF BENTON COUNTY QUORUM COURT

**February 23, 2012**

A regular meeting of the Benton County Quorum Court was held on Thursday, February 23, 2012 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:

11 JPs Present: King, Winscott, J. Harrison, Allen, Hawkins, Sandlin, Douglas,  
Blaty, Curry, Carr, \* Moore  
2 JP Absent: K. Harrison, Jones

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Justice Patrick Carr led the prayer.

### **CHANGES TO THE AGENDA:**

None

### **MINUTES:**

JP Douglas made motion to approve the minutes of the January 26, 2012, Quorum Court meeting as distributed, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

\*JP Moore entered the room.

### **ELECTED OFFICIALS' REPORTS:**

Sheriff Keith Ferguson stated that he is proud to report that one of the biggest drug busts ever made in the Benton County Sheriff's Office had been made. He stated that for over two years they had been working on sitting up the bust, and that over 1,015 pounds of meth was now off the streets. He stated that the DEA, the Benton County Sheriff's Office, Washington County Sheriff's Office, Springdale, Rogers, and Fayetteville Police Departments were involved in the bust. He added that because Benton County had initiated the bust that they will receive a big portion of the money confiscated at the bust.

Sheriff Keith Ferguson reported that he was not running for Sheriff this election. He stated that the Hatch Act had been brought to his attention, that if an employee of an elected official runs for office and that if they have anything to do with grants they can not run for office.

County Attorney George Spence reported that County Judge Bob Clinard and Prosecuting Attorney Van Stone had received a complaint by email concerning the Hatch Act. He stated that the Hatch Act was created in the 1930's and has certain provisions that started out restricting federal employees from participating in partisan elections. He stated that there is some application to state employees and that it applies to state employees when federal money is involved, through grants or a number of different areas. He stated that the complaint is not something that the county could resolve and that they directed the complainant to the U.S. Office of Special Counsel, if the complainant desires to carry the complaint forward.

Sheriff Keith Ferguson stated that Captain Hunter Petray and Lieutenant Dennis Schumacher handle all federal grants for the Sheriff's Department. He added that Captain Mike Jones with the Sheriff's Department is running for Sheriff and does not have one thing to do with federal grants.

**COUNTY JUDGE’S REPORT:**

County Judge Bob Clinard reported that: 1) The Benton County West Road Facility construction is on schedule to finish in mid April; 2) The Juvenile Justice Center is complete, and that the Juvenile Probation and Circuit Clerk’s office moved last week. He reported that the Juvenile Detention will be moving March 6<sup>th</sup>, and the ribbon cutting and grand opening will be held on March 16<sup>th</sup> from 11:30 a.m. to 2:00 p.m.; 3) They are continuing to coordinate plans to move other offices into the vacated space and out of leased space; 4) Delivery of three (3) new Freightliner dump trucks has been delayed but they expect them next week; 5) County wide Emergency Medical Services (EMS) study is in progress; 6) Last week attended the semi-annual Arkansas County Judges Association meeting in Little Rock; 7) Monday at 9:00 a.m. a public hearing considering the voluntary annexation of Hiwassee by the City of Gravette will be held in this courtroom; and 8) Fire Marshall Will Hanna has taken another job and that a going away reception will be held tomorrow in this courtroom from 11:30 a.m. to 1:30 p.m..

**COMMITTEE REPORTS:**

JP Allen stated that the Finance Committee met on Tuesday, February 7, 2012 and discussed all of the items on tonight’s agenda.

JP Winscott stated that the Public Safety Committee had met and discussed the Emergency Medical Services (EMS) service contract submitted to the county by the City of Bentonville. He added that a Public Safety Committee meeting would be called as soon as the Emergency Medical Services (EMS) study by Ludwig L.L.C. Group has been received.

**PUBLIC COMMENTS:**

Cindy Bruce of Bentonville expressed her concerns about road work that had been done on Gooseberry Road.

Bill Woods of Bentonville also expressed his concerns about the road work that had been done on Gooseberry Road.

County Judge Bob Clinard stated that he had talked with Road Department Director Scott Stober regarding Gooseberry Road, and that without additional easements; the county will not be able to properly fill the road in. He stated that they would be out to look at the road to see what could be done. He added that the appreciated them coming in and sharing their concerns.

JP Harrison made motion to 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 to Address Vicious Dog Problems;  
Sponsor: JP Frank Winscott

County Attorney George Spence read the proposed ordinance by title only. JP Winscott made motion to approve the second reading of the proposed ordinance and forward to the Thursday, March 22, 2012 Quorum Court agenda, seconded by JP Carr.

County Attorney George Spence stated last month that there were questions raised about the existing ordinances. He stated that the dog at large ordinance is complaint driven as far as enforcement, and that the vicious dog ordinance that is currently existing, addresses something similar to this ordinance, but is set up different. He added that after reviewing the ordinance again, that he could see where the deputies would have a difficult time looking at that ordinance and easily applying it in the field.

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

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

Second reading passed.

**NEW BUSINESS:**

- A) Discussion: Authorizing County Judge to Sign the Crafton Tull Engineering and Construction Estimate for Fisher Ford Bridge; Sponsor: JP Tom Allen

County Judge Bob Clinard stated that the preliminary estimate is more than what was appropriated for the bridge, and without the courts knowledge, he did not want to sign the contract until the court had been made aware of this issue.

JP Allen made motion to approve allowing County Judge Bob Clinard to sign the Crafton Tull Engineering and Construction estimate for the Fisher Ford Bridge, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

- (B) Proposed Resolution Setting the Pay for Elected Officials Beginning January 1, 2013; Sponsor: JP Tom Allen

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

JP Allen stated this was discussed at the Personnel, Finance, and Committee of Thirteen meetings and that they chose to take this resolution through the committee system as opposed to going directly to the Finance 2013 budget for discussion. He stated that the timing of addressing salary increases for Elected Officials is always sensitive and that this pay increase would not be for the current year, but for the Elected Officials elected for the next term beginning January 1, 2013.

JP Allen made motion to approve and forward the proposed resolution to the 2013 Benton County Budget, seconded by JP Sandlin.

JP Moore stated obviously this provides if revenues permit, and that this is certainly not written in stone, that this is a recommendation to the Budget Committee to include the pay increases in the 2013 Budget. He added if financial difficulties were to come along, pay increases for Elected Officials would be one of the first things on the chopping block. JP Allen stated that all options are there, it could be before us as it is, but it doesn't have to be the 6%, it could be something less. He added that the intent was, that it would be no higher than 6% and that they will continue to monitor the receipts and revenues.

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

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

Resolution duly adopted and assigned **No. R-2012-02.**

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2010-56 (2011 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies and Authorizing Expenditures in Various Funds and Departments to Balance out the Year 2011; Sponsor: JP Tom Allen

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

JP Allen stated this is a cleanup ordinance, and is to establish a new fund for the Juvenile Probation Court and that the amount has already been budgeted. JP Allen made motion to adopt, seconded by JP Sandlin.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-08.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Environmental, Department 38, Fund 010; Sponsor: JP Tom Allen

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

JP Allen stated that this has been through Finance and the Committee of Thirteen and that the committees delayed approving this, so that the County Attorney could review the actual document, to make sure that the county was equal with the other members, and that has been satisfied. JP Allen made motion to adopt, seconded by JP J. Harrison.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-09.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Appropriate Additional Funds and Authorize Additional Expenditures in Assessor, Department 07, Fund 440; Sponsor: JP. Tom Allen

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

JP Allen stated this has been through the Finance and the Committee of Thirteen and is to appropriate \$150,000 for the remodeling costs of the old Public Defender's office which is going to become a part of the Assessor's office. He stated that this process will help get the county out of leased property. JP Allen made motion to adopt, seconded by JP Sandlin.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-10.**

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) to Appropriate Additional Funds and Authorize Additional Expenditures in Prosecuting Attorney, Department 21, Fund 440; Sponsor: JP Tom Allen

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

JP Allen stated this has been through Finance and the Committee of Thirteen and is for the remodeling of the courthouse tower and that it will keep the prisoners from being seen from the street. JP Allen made motion to adopt, seconded by JP Carr. JP Sandlin asked if any additional information had been received regarding the vacant juvenile courtroom.

County Judge Bob Clinard stated nothing has been decided about the juvenile courtroom at this time. He stated that before he could address that question he would need to talk with Judge Schrantz and some of the other judges, because of the issue that the courtroom does not have a jury box.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-11.**

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) by Authorizing Transfers between Categories in Dive Team, Department 69, Fund 010; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Allen made motion to adopt, seconded by JP Sandlin.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-12.**

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2011-61 (2012 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Appropriating Additional Monies and Authorizing Additional Expenditures in Juvenile Justice Center, Department 35, Fund 440; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only. JP Allen stated this is to appropriate an additional \$25,000.00 to complete the Juvenile Justice Center, and \$90,866.00 is a carry over from 2011 to the 2012 budget. JP Allen made motion to adopt, seconded by JP Sandlin.

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

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

Appropriation Ordinance duly adopted and assigned **No. O-2012-13.**

### **OTHER BUSINESS**

None

### **ANNOUNCEMENTS**

County Judge Bob Clinard announced that Will Hanna's drop in reception from 11:30 a.m. to 1:30 p.m. will be held tomorrow here in the Quorum Court room.

**ADJOURNMENT**

There being no further business to come before the court, upon motion and second the meeting adjourned at 6:58 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by: Janet Reaves