

## Committee of the Whole

March 12, 2013

The Committee of the Whole of the Benton County Quorum Court met Tuesday, March 12, 2013 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

15 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Blaty, Curry, Carr, Moore, Meyers, and Moehring

Others Present: County Judge Bob Clinard, Sheriff Kelly Craddock, Assessor Glen "Bear" Chaney, Administrator of General Services John Sudduth, Road Department Asset Control Coordinator Cindy Jones, Comptroller Sarah Daniels

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

### PUBLIC COMMENTS

None

Sheriff Kelly Craddock stated that it has been brought to his attention by Comptroller Sarah Daniels that the process they are using for uniform allowances in the budget is probably not the correct process, and they are waiting for a response from Legislative Audit as to what type of process to use. He stated that both Sheriff Lee and Sheriff Ferguson had used this process for purchasing uniforms for CID, and that he had no idea that they were not following the correct process. He stated if it is determined that they have not used the correct process; they will do whatever they have to do to pay back the money that has been spent. He stated that he wanted the court to be aware and not read it in paper, and that he thinks that it is an issue that they can overcome as soon as they hear word from the Legislative Audit.

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

Motion passed by unanimous show of hands vote.

#### **A. Resolution Request: Apportioning Act 833 Funds**

JP Curry stated that this resolution request is to redirect tax funds that had in the past been distributed the Hiwassee Volunteer Fire Department to other fire departments. He stated that since the Hiwassee Volunteer Fire Department is no longer receiving a share of Act 833 Funds.

JP Curry made motion to approve and forward a proposed resolution to the March 28, 2013 Quorum Court agenda, seconded by JP Blaty.

Motion passed by unanimous show of hands vote.

**B. Resolution Request: Authorizing the County Judge to Submit Application for the Department of Health and Human Services – FY 2013 – Substance Abuse Mental Health Services Grant (SAMHSA)**

JP J. Harrison stated this resolution request is to apply for a grant from the Department of Health and Human Services – Substance Abuse Mental Health Service Administration (SAMSHA) for funding to expand treatment services to Drug Court clients and that it is renewed every three years and requires no county match.

JP J. Harrison made motion to approve and forward the proposed resolution to the March 28, 2013 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

**C. Resolution Request: Authorizing the County Judge to Submit Application for the U.S. Department of Justice – FY 2013 – Justice and Mental Health Collaboration Program Grant**

JP Moehring stated this resolution request is to apply for a \$250,000 grant from the U.S. Department of Justice – FY 2013- Justice and Mental Health Collaboration Program Grant to access the need for a Mental Health Court and to provide mental health services for drug court clients, and will require a 25% match which we will satisfy with in-kind services.

JP Moehring made motion to approve and forward the proposed resolution to the March 28, 2013 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

**D. Resolution Request: Authorizing the County Judge to Submit Application for the Department of Justice – Violent Gang and Gun Reduction Program Grant (Project Safe Neighborhood Grant)**

JP Jones stated that this resolution request is to apply for the Violent Gang and Gun Reduction Program (Project Safe Neighborhood) Grant available through the Department of Justice for \$79,570 with a \$70,000 county match for the purchase of the COPLINK software for the Sheriff's Office.

JP Jones made motion to approve and forward the proposed resolution to the March 28, 2013 Quorum Court agenda, seconded by JP J. Harrison.

JP McKenzie questioned if the match is a one-time match or an ongoing match.

JP Jones stated that there will be an annual maintenance program.

JP Sandlin asked if she could have a breakdown of what this program does specifically.

JP Jones stated that this software program will generate leads, and come up with possible known associates and provide a system that will allow the Sheriff's Office to track down people that have committed crimes.

JP Allen stated that we need to be sure everything the federal government is going to dictate is something we can put up with.

JP Jones stated that the Sheriff has stated that they do not have a gun registration program.

JP Adams expressed his concerns about applying for the Department of Justice - Violent Gang and Gun Reduction Program Grant. (Project Safe Neighborhood Grant). He asked what kind of guidelines the county will have to follow when the county receives money from the Federal Government. He stated that the Violent Gang and Gun Reduction part of the grant will involve taking guns from violent people

or those with mental health issues. He asked if we apply for this and accept it, is the federal government with its rules and regulations going to dictate how this money must be spent and utilized. He also expressed his concern about infringements on the Second Amendment rights.

JP Moore asked JP Adams if he would like the Sheriff to address that at the Quorum Court meeting.

JP Adams made motion to table the resolution request until the questions were answered to the satisfaction of the justices of the peace.

After some discussion about the grant, JP Moore called for a point of order and asked JP Adams if he wanted to pursue his motion or withdraw.

Motion and second withdrawn.

Further lengthy discussion was held on what requirements that the Federal Government might require from the county if they applied and accepted the Department of Justice – Violent Gang and Gun Reduction Program Grant.

JP Allen stated that he supports this resolution request, but that we need to be sure everything the federal government is going to dictate is something we can put up with.

JP Adams stated that he would like clarification of the grant requirements, and whether or not firearms would have to be registered, if the county is approved for this grant. He stated that he would support this as long as there is nothing that is going to affect the common citizen.

JP Moore requested that JP Jones since he is the sponsor for this resolution to ask County Attorney George Spence to review the grant application and any other information that is available and report back to the Quorum Court at the March 28 meeting before the resolution is voted on.

Motion passed by unanimous show of hands vote.

**E. Appropriation Ordinance Request: Transfer of Funds, GIS Mapping Dept. 55 to County Information Systems, Dept. 49**

JP Jones stated because of recent personnel changes, the GIS Mapping Department is being eliminated and moved to the Information Systems Department.

JP Jones made motion to approve and forward the proposed appropriation ordinance to the March 28, 2013 Quorum Court agenda, seconded by JP Blaty.

Motion passed by unanimous show of hands vote.

**F. Appropriation Ordinance Request: Non-Departmental/Maintenance, Fund 440, Dept. 23**

JP Allen stated this appropriation ordinance request is for an upgrade to materials and the warranty to recover the roof on the County Administration building.

JP Allen made motion to approve and forward the proposed appropriation ordinance to the March 28, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

**G. Appropriation Ordinance Request: Unemployment Claims in Various Funds and Departments for 2012**

JP J. Harrison stated this is to pay unemployment claims for 2012.

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the March 28, 2013 Quorum Court agenda, seconded by JP Sandlin.

JP Meyers asked if unemployment could be made a part of the budget process.

JP Allen stated that he appreciates JP Meyers' point, but that he does not think that is the way it should be done, but that could be an issue to discuss during the 2014 budget process. He stated they have talked about putting it in the form of a resolution and putting it in the budget. Sarah Daniels stated that as long as it is the budget, it could be approved through the budget ordinance process.

JP McKenzie asked what the reason is that this appropriation is not in the current year's budget.

Sarah Daniels explained that the amount of unemployment claims is unknown until the first quarter of the following year, so there is no way to allocate the correct amounts to the various funds and departments which incur the costs. She stated that the county does not include unemployment in the budget because they cannot know what the amount will be until the first of the year. She said that the Finance Committee discussed the possibility of creating a separate fund in the budget and funding a lump sum into it each year.

JP Moore stated that instead of purchasing unemployment compensation insurance like most businesses, the county directly funds their unemployment.

JP McKenzie asked if they could estimate from past expenditures how much it would be and place that in the budget.

JP Hernandez stated maybe we could look at historical data and make sure that they are estimating fairly and then make a decision ahead of time what to do with the excess funds.

Sarah Daniels stated that at some point they would utilize that shortfall, and that it may be that we could build up a balance to where it would not have to be funded at all. She stated that the unused funds would be rolled over to the next year.

JP Allen stated as far as using the half-cent sales tax that is precisely what he is advocating. He stated what is before us now, is to borrow from savings.

Motion passed by unanimous show of hands vote.

**H. Appropriation Ordinance Request: Rocky Branch Fire Department, Dept. 01, Fund 483**

JP Curry stated this appropriation ordinance request is to appropriate \$4,150 in revenue received.

JP Curry made motion to approve and forward the proposed appropriation ordinance to the March 28, 2013 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

**I. Appropriation Ordinance Request: Emergency Services, Dept. 30, Fund 296**

JP Moehring stated that this appropriation ordinance request is to appropriate revenue received and the associated expenditures for the FY10 Homeland Security Grant.

JP Moehring made motion to approve and forward the proposed appropriation ordinance to the March 28, 2013 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

**J. Appropriation Ordinance Request: To Create a Line Item to be named “County Sales Tax” Numbered No. 8008, Department 44, County Road Department, and to Amend *Schedule-1 Revenues by Fund***

JP Curry stated that this appropriation ordinance request is to appropriate an additional \$400,000 in revenue to accelerate the road plan.

JP Curry made motion to approve and forward the proposed appropriation ordinance to the March 28, 2013 Quorum Court agenda, seconded by JP K. Harrison.

JP Allen stated that he is in full support of the Road Department and what they are doing, and the goals that they have set. He stated even though this is a six year plan, that it is still one year at a time. He stated his concern is what are we going to do with the money that we have in the bank right now; are we going to go forward with a courts facility out on Highway 102, or possibly do something here, because either one is going to cost a lot of money. He stated there is such a thing as contentedness. He stated we just received, through this half-cent sales tax, an additional \$1.2 million annually, and that is a significant increase to what the budget is, and that is going to go a long way, but we are not content with that, we want to go ahead and borrow from our reserve with the intent to pay it back through reduced appropriations in the future to the Road Department. He stated that is not the way he does business; he does not think that it will happen, and if you do your family finances that way it does not get paid back. JP Allen stated that the county has a lot of needs out there, including roads and if the court decides that is where it needs to go, so be it. He stated that he does not want to increase taxes or cut to the bone to make something else happen. He added that he had voted to send this issue to this committee meeting for more discussion, but that he is not convinced that he is going to vote to send it any further.

JP McKenzie stated when this was talked about in the Transportation Committee; they asked what the money was going to be used for, what additional roads were to be done, and how the roads were picked and prioritized.

JP Moehring stated that he does not have enough information to support this today, and asked what the different colors on the spreadsheet detailing the plan meant.

Road Department Asset Control Coordinator Cindy Jones stated that the colors were used to help the road department staff read across the spreadsheet lines and had no other significance.

JP Curry stated that he favors proceeding with the 2013 work on the accelerated road plan, and that he thought that this had been worked out in the Finance Committee, that they would not pay for more than one year at a time. He added that we should move forward; this is a good plan.

Further discussion was held on the un-appropriated funds that were turned back and the balance in reserves.

JP Curry stated that we are kicking the can again, that the half-cent sales tax was created for a reason, let’s use it. He asked if we going to find some reason that we cannot get our roads repaired; roads are a high priority in Benton County.

JP K Harrison stated that the county should move forward with the first year of the plan. He stated even though this is a six year plan, in the following years we do not have to fund it. He stated this does not obligate any future Quorum Courts to anything; everyone here has the ability to reduce those funds next year.

JP Allen stated in response to JP Curry statement that we need to put the half-cent sales tax money to use for what it was intended, and that is precisely what he is advocating. He added that what is before us now, is to borrow from the county's savings, and with that he did not agree. He added that they need to put that money to use and that is exactly what he would like to see happen and that as a compromise, he would entertain a smaller number than the \$1.7 million that is being requested, we should be content with what we are getting from the half-cent sales tax, it is a windfall; let us use it before we commit this other money, which is precious to us.

JP Moore stated that he would entertain to the court to start with appropriating \$800,000, and that would give a jump start on the accelerated road program.

County Judge Bob Clinard stated this is just a plan and that it can change.

JP Moore stated that the motion on the floor is to transfer \$1.7 million from the county reserves to the Road Department.

Further discussion was held whether to amend the appropriation ordinance request to appropriate a smaller amount or to send the request as written back to the Finance Committee for more information and further discussion.

JP Allen stated that he would like to see the appropriation ordinance request sent back to the Finance Committee, to review all the information that they can get before making a decision. He stated that he personally was not going to support an amended figure after 30 minutes of discussion. He stated he would like to hear more from Scott Stober and Cindy Jones of the Road Department and the County Judge, if an amended amount to the appropriation ordinance request would be beneficial.

JP K. Harrison requested Cindy Jones to look at historical data to see how much the cost of materials has increased per ton.

JP Moore called for a show of hands vote to approve Item "J" as written.

4 yeas: Jones, Moore, Curry, Meyers

11 opposed: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin, Blaty, Carr, Moehring

Motion failed to approve appropriation request.

**K. Appropriation Ordinance Request: Amend *Schedule -1 Revenues by Fund to Transfer - \$625,000 from County General Fund 010 to Capital Projects, Fund 440***

JP Allen stated this appropriation ordinance request is to transfer \$625,000 out of the un-appropriated funds to Capital Projects.

Sarah Daniels stated that a balance of \$877,050 would be left in un-appropriated funds.

JP Allen made motion to approve and forward the proposed appropriation ordinance to the March 28, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

**OTHER BUSINESS**

JP Carr made motion to send Item "J" back to the Finance Committee for further consideration, seconded by JP McKenzie.

County Judge Bob Clinard stated that they would go back and look at the material cost increases per year experienced in the last five years, and clarify the colors on the Road Department road plan. He stated that a recommendation from the Road Department would be needed if the dollar amount is reduced.

JP Jones asked that the Road Department prepare a road priority list to be presented at the April 02, 2013 Finance Committee meeting.

JP Adams stated that they should consider the fact that the money that they are asking for out of reserves is not making the county any money right now. He stated if we invest "x" amount of dollars into our roads at the cost right now, that the money would actually make the county money.

County Judge Bob Clinard stated that two or three JPs had made the request for a plan to accelerate the road plan.

JP Allen stated that part of the discussion regarding why it is going back to the Finance Committee is that there are other priorities that the money could be used for.

JP McKenzie stated that when this was presented at the Transportation Committee, this was moved forward so that the information could be presented to the Committee of the Whole, so that the entire court could see it.

Further discussion was held on funding the accelerated road plan, and other priorities that the money could be used for.

\* County Attorney George Spence entered the meeting.

JP Moore stated that the motion on the floor is to send Item "J" back to the Finance Committee and called for the vote.

Motion passed by unanimous show of hands vote.

### **PUBLIC COMMENTS**

None

### **ANNOUNCEMENTS**

JP Blaty announced that the Grievance Committee will meet Monday, March 18, 2013 at 6:00 p.m. and that all Justice of the Peace are to attend.

JP Carr announced that the Public Safety Committee will meet Wednesday, March 27, 2013 at 6:00 p.m.

JP Allen announced that the Legislative Committee will meet Monday, March 25, 2013 at 6:00 p.m.

### **ADJOURNMENT**

Upon motion and second meeting adjourned at 7:43 p.m.