

## MINUTES OF BENTON COUNTY INTERGOVERNMENTAL COOPERATION COUNCIL

A meeting of the Benton County Intergovernmental Cooperation Council was held on November 27, 2012 at 10:00 a.m. at the Benton County Administration Building, Quorum Court Room, Bentonville, Arkansas, pursuant to proper call and notice.

The meeting was called to order by Benton County Judge Robert Clinard. County Clerk Tena O'Brien called the roll as follows:

Members present: Frank Anderson-BELLA VISTA; Bob McCaslin-BENTONVILLE; Jeff Hutcheson-BETHEL HEIGHTS; Larry Smith-CAVE SPRINGS; Bill Edwards-CENTERTON; Charles Linam-DECATUR; Kevin Johnston-GENTRY; Byron Warren-GRAVETTE; Stacy Digby-HIGHFILL; Eldon Long-LOWELL; Doug Sprouse-SPRINGDALE; Paul Lemke-SPRINGTOWN; County Judge Robert Clinard; County Clerk Tena O'Brien

9 Absent: A legal quorum was present.

### **1. Hazardous Materials Incident Response Services in Benton County – Administrator of Public Safety Marshal Watson**

Administrator of Public Safety Marshal Watson stated that effective January 1, 2013 the hazmat coverage from the regional team will cease to exist. He stated that the structure of the team is no longer palatable, and for a variety of reasons the group has decided to dissolve. He said the original agreement provided the metro area fire chiefs the authority to run the team, and the main difference in the proposed agreement is that it will take a majority vote of the Intergovernmental Cooperation Councils of both Benton and Washington County to dissolve the current team. He said that most of the major members including the cities of Rogers, Springdale, and Fayetteville have indicated intent to leave the team, so the most logical step is to disband it. He said that in order to provide some type of hazmat coverage, they are proposing a new interlocal agreement, which is based on recommendations from the fire chiefs of Bentonville, Bella Vista, Rogers, Siloam Springs, and Bentonville. He said one of the main directions they wanted to take was to get back to a more grass roots level, with neighbors helping neighbors, and to eliminate the overhead and frustration involved in the management of the current regional team.

He said the proposed agreement will recommend to the Intergovernmental Cooperation Council a per capita fee for each municipality to manage the hazmat response system. He said the proposed recommendation maintains the 38 cents per capita currently being charged. He said that will provide an operating budget of approximately \$31,000 to be distributed equally among the providers, those being Bentonville, Bella Vista, Siloam Springs, Rogers, and Springdale. He said those participating agencies have outlined the primary response areas for which they will be responsible throughout Benton County. He said beyond the primary response, the other providers will provide additional manpower and equipment as needed through mutual aid. He explained that the municipalities who are providing the coverage will not be required to contribute to the fund, because the new agreement will not create a separate team outside of the ones that currently exist within their various agencies, and they will be absorbing the cost of equipment and training within their own budgets.

Marshal Watson stated that the original agreement reached in 1989 provided for all of the participants to contribute to the start up costs, and since some of the equipment purchased obviously cannot be returned to

Benton County, Article 3 of the proposed agreement requests that any funds that are due back to Benton County or its municipalities be returned directly to Benton County to be used as start up, directly servicing the five municipalities whose agencies are providing the coverage. He said that the amount to be returned will not be known until the assets are liquidated, and the proceeds split between Benton and Washington Counties on a per capita basis.

Marshal Watson noted that Article 5 (“Termination”) provides that any member city which either provides or receives the service may withdraw from the organization 6 months after filing a written notice, and the organization as a whole may be dissolved upon a majority vote of the Intergovernmental Cooperation Council.

Marshal Watson stated that to execute the agreement, the Intergovernmental Cooperation Council will need to adopt a motion to terminate the existing team, and to adopt the new agreement, subsequent to the adoption of a resolution by each participating member’s governing body.

The question was raised regarding the method by which the assets will be liquidated. Marshal Watson explained that the original agreement put the assets under the responsibility of Northwest Arkansas Metro Chiefs, which is a 501 (c) 3 non-profit in the state of Arkansas. He said once the motion is adopted to terminate the team, they will be notified, and it will become their responsibility to determine how the assets are to be liquidated.

There was a brief discussion regarding the assets to be liquidated, and Marshal Watson said a list of the items to be liquidated is available, and it is possible that some of the items with little monetary value could be disbursed among the responders’ departments.

Springdale Mayor Doug Sprouse made motion to disband the current Hazmat Response Team, seconded by Lowell Mayor Eldon Long.

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

- 12 Yeas: Frank Anderson-BELLA VISTA; Jeff Hutcheson-BETHEL HEIGHTS; Larry Smith-CAVE SPRINGS; Bill Edwards-CENTERON; Charles Linam-DECATUR; Kevin Johnston-GENTRY; Byron Warren-GRAVETTE; Stacy Digby-HIGHFILL; Eldon Long-LOWELL; Doug Sprouse-SPRINGDALE; Paul Lemke-SPRINGTOWN; Benton County Judge Bob Clinard
- 1 Nay: Bob McCaslin-BENTONVILLE
- 9 Absent

Motion passed.

Springdale Mayor Doug Sprouse made motion to adopt the proposed Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services, seconded by Cave Springs Mayor Larry Smith.

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

- 13 Yeas: Frank Anderson-BELLA VISTA; Bob McCaslin-BENTONVILLE Jeff Hutcheson-BETHEL HEIGHTS; Larry Smith-CAVE SPRINGS; Bill

Edwards-CENTERON; Charles Linam-DECATUR; Kevin Johnston-GENTRY; Byron Warren-GRAVETTE; Stacy Digby-HIGHFILL; Eldon Long-LOWELL; Doug Sprouse-SPRINGDALE; Paul Lemke-SPRINGTOWN; Benton County Judge Bob Clinard

9 Absent

Motion passed.

County Judge Bob Clinard asked what will happen when the current agreement expires on December 31, 2012, since it is now the end of November.

Marshal Watson stated that there has been full cooperation from all the entities involved, so he is certain that an interim solution can be reached to provide the service while the various municipalities complete the process of adopting their resolutions.

**2. Act 833 Funding – Administrator of Public Safety Marshal Watson**

- a. Removal of Hiwasse Fire Department
- b. Addition of Springdale Fire Department

Springdale Mayor Doug Sprouse made motion to remove the Hiwasse Fire Department from the Act 833 Funding roster, and to add the Springdale Fire Department to the roster, seconded by Centerton Mayor Bill Edwards.

Administrator of Public Safety Marshal Watson explained that this would not affect the funding amounts currently received by any of the other entities, since one department is being replaced with another, and this Council has previously voted for equal distribution.

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

12 Yeas: Frank Anderson-BELLA VISTA; Bob McCaslin-BENTONVILLE Jeff Hutcheson-BETHEL HEIGHTS; Larry Smith-CAVE SPRINGS; Bill Edwards-CENTERON; Charles Linam-DECATUR; Kevin Johnston-GENTRY; Stacy Digby-HIGHFILL; Eldon Long-LOWELL; Doug Sprouse-SPRINGDALE; Paul Lemke-SPRINGTOWN; Benton County Judge Bob Clinard

1 Nay: Byron Warren-GRAVETTE

9 Absent

There being no further business to come before the committee, upon motion and second the meeting adjourned at 10:30 a.m.

Respectfully submitted,

Tena O'Brien