

June 24, 2013

LEGISLATIVE COMMITTEE REPORT

A Legislative Committee meeting was held on Monday, June 24, 2013 at 6:00 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: Allen, J. Harrison, Anglin, Blaty, Moore, Meyers

Others Present: County Judge Bob Clinard, JP's Curry, Adams, and Jones, County Attorney George Spence, Administrator of General Services John Sudduth, Planning Board Chair Mark Curtis

Media: Tom Sissom – Daily Record

JP Allen called the meeting to order at 6:00 p.m.

Public Comments

Warren Phillip of Cave Springs expressed his opposition to the White River Watershed's designation as a National Blueway.

Rebecca Hodges of Rogers stated that she was against the White River Watershed being designated as a National Blueway.

Mary Gardner of Rogers expressed her concerns of the White River Watershed being designated as a National Blueway.

Debbie Beckerdite, Chair of Northwest Arkansas Citizens for Better Government stated that the Washington County Quorum Court approved a resolution opposing the program last week. Debbie Beckerdite called the program "a federal land grab" and stated that the groups that are supporting the measure in Arkansas would deprive the owners of their land rights, and enact laws and regulations to limit the use of the land. She said they are going to put you out of business; it is just a matter of time.

Others expressed their opposition to the designation, citing fears of the federal government taking away their property or limiting their use of the land.

Kyle Weaver, Project Director for Congressman Steve Womack, read a letter from Congressman Womack stating that his understanding of the designation is that it does not establish any new, or expand any standing, protective statutes or regulations. He added that however, Congressman Womack will continue to monitor the process and see that that does not change. Kyle Weaver stated that Congressman Womack has also signed a letter from Senator John Boozman's office seeking more information about the program.

Glenda Phillips of Cave Springs expressed her concern for developing the National Blueway.

1. Arkansas Legislative issues concerning Benton County

State Representative Dan Douglas briefed the justices of the peace on items that were raised during the 2013 legislative session concerning Benton County, and reported that:

- 1) An Act to Amend §14-22-106 of the Arkansas Code to Allow an Additional Exemption From the County Bidding Requirements was introduced and passed.
- 2) An Act to Amend §20-13-305 of the Arkansas Code to Allow for an Alternative Method of Disbursements of Service Charges for Medical Service Districts has been passed.
- 3) An Act to Repeal §22-9-208 of the Arkansas Code Regarding the State Prevailing Wage Scale was defeated.
- 4) An Act to Amend §14-14-813 of the Arkansas Code to Provide an Alternative Method for Counties to Recover Costs Related to Remediating Unsanitary Conditions presented was determined to be unconstitutional and failed
- 5) An Act to Amend §14-36-413 to of the Arkansas Code to Clarify the Boundaries within Territories Jurisdiction Distance was changed and that the distance is based on age of cities.

Further discussion was held on other Legislative items to be introduced at the next session.

2. Discussion: Blueway Designation in the White River Watershed

JP Allen stated there seems to be a lot of concern about the Blueway designation in the White River Watershed. He stated that he had talked with Jim Weaver with U.S. Fish and Wildlife, in Jonesboro, and that Jim Weaver's comments were that they had not intended to enact to any new regulations, and that they went about this the wrong way. He stated that the Department of U.S. Fish and Wildlife's position is that this is not going to affect any property owners rights or make any new regulations that would infringe upon their property; that they are going to give more recognition to those that are abiding by great conservation practices through out the White River Watershed. JP Allen added it is also to give various departments the opportunity to speak to one another so that they can actually do a better job of managing that.

JP Allen stated that he was concerned about the decision being made without local input and that he opposes any government spending as a result of it. He added that he if something like this is going to be done it needs to be done in an open forum, so there are no questions of it being shoved down everybody's throats.

Kyle Weaver stated that when the initial Blueway's designation was announced on January 9, 2013, it was not communicated to Congressman Womack's office. He stated it is unknown what kind of costs may be associated with the Blueway designation, or what kind of appropriation will be taken place.

JP Allen stated that the position that they are taking is that there are already practices in place to preserve the natural waterways, and there are several ways for the committee to pursue this.

State Representative Dan Douglas stated that he had spoken with representatives of several state agencies about the program and was assured it will not restrict property owners and that participation is voluntary. He stated he was told that the main purpose of the National Blueway designation is to encourage communication among government agencies, and that actually it does not do a whole lot of anything. He stated that the Blueway is entirely voluntary; you do not have to participate if you don't want to. He stated that he had asked for more information and was told the designation could make the area more likely to receive some types of grants or other assistance but even that was uncertain. He added if it does not do anything of significance, why do we need to have it to begin with? He stated that his opinion is that it is to make a warm fuzzy feeling to justify their jobs.

County Attorney George Spence stated JP Allen mentioned three different options to handle this: 1) do nothing; 2) pass a resolution in favor; 3) pass a resolution opposing. He stated that the fourth thing that they could do, is to do a resolution under number one — do nothing. He stated that the resolution could say that we are not doing anything and until such time as we get more information, we think that nothing should go forward with the Blueway. He said that they would essentially be opposing it, but opposing it for the reason that they have not communicated with us.

Lengthy discussion was held on drafting a resolution not supporting the Blueway designation.

JP Allen stated that he would like County Attorney George Spence to draft a resolution that states that Benton County does not support the Blueway designation.

JP Anglin made motion to allow County Attorney George Spence to draft a resolution that Benton County is not in support of the Blueway designation to be presented at the June 27, 2013, Quorum Court meeting, seconded by JP J. Harrison.

JP Allen asked County Attorney George Spence to include language that Benton County does not feel that the Blueway designation is necessary.

Motion passed by unanimous show of hands vote.

3. Other Business:

None

4. Announcements:

None

5. Public Comments:

Warren Phillips thanked the committee for their due diligence.

Meeting adjourned at 7:38 p.m.

