

MINUTES OF BENTON COUNTY QUORUM COURT

June 27, 2013

A regular meeting of the Benton County Quorum Court was held on Thursday, June 27, 2013 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

In the absence of County Judge Bob Clinard, County Attorney George Spence called the June 27, 2013 Quorum Court meeting to order, and stated that it will be necessary to select a chair person to preside over the meeting.

JP J. Harrison made motion to select JP Kurt Moore as Chair, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

Deputy Clerk Janet Reaves called roll as follows:

13 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,
Jones,
Sandlin, Douglas, Chiocco, Curry, Carr, Moore
2 Absent: Curry, Carr

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Bill Rogers of Word of Life Fellowship led the prayer.

CHANGES TO THE AGENDA:

None

MINUTES:

JP J. Harrison made motion to approve the minutes of the May 23, 2013 Quorum Court Meeting as distributed, seconded by JP McKenzie.

Motion passed by unanimous voice vote.

ELECTED OFFICIALS REPORTS:

Sheriff Kelly Craddock reported on the status updates and statistics for January thru May 2013. He reported that the patrol division had changed from 10-hour shifts to 12-hour shifts and that the deputies are pleased with their extra day off and the new working shifts. He stated that new uniforms which are more breathable and durable will be in by the end of July, and that will be another huge morale booster.

COUNTY JUDGE'S REPORT:

Acting Chair JP Moore stated that the September 27, 2012 County Judge's Report contains the following information:

1) The Road Department is behind on their paving and maintenance schedule due to recent events, and that an update will be presented to the Committee of the Whole in July; 2) They are formulating a plan to come up with an acceptable approach to determining EMS providers' costs; 3) The Courthouse Feasibility study with Hight Jackson & Associates has been signed and the projected schedule to complete the study is 150 days; 4) A Courthouse Security Committee meeting will be held on Monday, July 1, 2013 to discuss a proposal to bring issue of how to fund the security improvements to the Finance Committee, in light of the County not receiving the matching grant.

Comptroller Sarah Daniels reported on the June, 2013 County Property Disposal list.

COMMITTEE REPORTS:

JP Allen reported that the Legislative Committee had met and discussed the White River Watershed being designated as a National Blueway, and the committee recommended the resolution expressing the Quorum Court's opposition to the White River Watershed as a designated National Waterway, which is Item "E" on the agenda.

JP Moehring asked about the changes to the Planning Regulations Blue Book and when they would be ready for review.

Administrator of General Services John Sudduth stated that the Planning Regulations Blue Book is currently being revised by the Planning Board staff based on comments and recommendations by the Legislative Committee. He stated that the Planning Board staff is making good progress and that a draft should be ready to be reviewed soon by the Legislative Committee, and then the Planning Board will do an outreach program to the public to gain additional input.

JP Moehring asked if there was a time frame in mind.

John Sudduth stated that it will be approximately three months before it will be ready.

JP Allen noted that the Blue Book review is going to hit at about the same time as the budget process.

JP Moehring asked if it was the plan to hold more Legislative Committee meetings.

JP Allen stated that he understood that the recommendations from the Legislative Committee were going back to the Planning Board, and the Planning Board will look at the recommendations and provide feedback to the Legislative Committee. He stated that the direction given to the Planning Board was to take time and get it right. He stated that from there we should start holding Town Hall meetings in various areas of the county. He added that there is no deadline; it needs to get done because it is going to serve the citizens better.

PUBLIC COMMENTS:

Mark Phillips, Cave Springs resident and State Coordinator for Secure Arkansas Property Rights, requested that the court sign a resolution stating their opposition to the White River Watershed being designated as a National Blueway.

Debbie Beckerdite, Chair of Northwest Arkansas Citizens for Better Government commented on designation of the White River Watershed as a National Blueway.

Willene Johnson of Avoca expressed her concerns about funding of Emergency Medical Services (EMS), and suggested an increase in county sales tax to provide ambulance service, which would provide a better source of money than fees or property taxes.

Scott Widen of Bentonville expressed his concerns regarding the White River Watershed being designated as a National Blueway.

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

Motion passed by unanimous show of hands vote.

OLD BUSINESS:

- (A) Third Reading of a Proposed Ordinance to Amend Portions of the *Code of Ordinances of Benton County, Arkansas* to Provide a Refund Procedure with Regard to the Tax Imposed on Private Clubs and to Correct Other Portions of the Code Related to Private Clubs Altered in the Course of Codification;
Sponsor: JP Tom Allen

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

JP Allen stated this is the third reading and made motion to adopt, seconded by JP Jones.

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

- 13 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
- 2 Absent: Curry, Carr

Ordinance duly adopted and assigned **No. O-2013-46**

- (B) Second Reading of a Proposed Ordinance to Amend Certain Sections of Chapter 2, Article VII et seq. of *The Code of Ordinances of Benton County, Arkansas* Regarding Benton County Employment and Salary Administration Policy;
Sponsor: JP Shirley Sandlin

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

JP Sandlin stated this is the second reading and made motion to adopt, seconded by JP Chiocco.

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

13 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring

2 Absent: Curry, Carr

Second reading passed.

- (C) Second Reading of Proposed Ordinance Authorizing the Sheriff to Collect a Fee for Providing Fingerprinting Services, Sponsor: JP Michelle Chiocco

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

JP Chiocco made motion to adopt, seconded by JP J. Harrison.

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

13 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring

2 Absent: Curry, Carr

Second reading passed.

New Business

- (A) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a Grant on Behalf of the Benton County Planning and Environmental Department; Sponsor: JP Jay Harrison

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

JP J. Harrison made motion to adopt, seconded by JP Jones.

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

13 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring

2 Absent: Curry, Carr

Resolution duly adopted and assigned **No. R-2013-23**.

- (B) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) to Create a New Fund to be Named “Voting Systems Grant Fund” and Numbered No. 478 in Department 26, County Clerk Election Budget; to Amend *Schedule 1 – Revenues by Fund* to Reflect Increase in Revenues; and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP Joel Jones

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

JP Jones made motion to adopt, seconded by JP Chiocco.

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

13 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
2 Absent: Curry, Carr

Appropriation Ordinance duly adopted and assigned **No. O-2013-47**.

- (C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-(2013 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 18, Quorum Court, Fund 010;
Sponsor: JP Steve Curry

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

JP Allen stated this appropriation ordinance request was forwarded from the Finance Committee and the Committee of the Whole. He stated they have had a large number of committee meetings that they did not anticipate when they set the budget last year, including several meetings revising the Blue Book, the EMS study, meetings for storm management, and other unanticipated meetings. He stated that the additional \$10,000 is needed to cover expenses through the rest of the year.

Comptroller Sarah Daniels stated that a new financial system is being put into place which will utilize new codes for funds and department numbers, so there will be some learning curves for everyone at budget time.

JP Allen made motion to adopt, seconded by JP Jones.

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

- 13 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
- 2 Absent: Curry, Carr

Appropriation Ordinance duly adopted and assigned **No. O-2013-48**.

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2012-67 (2013 Benton County Budget) to Amend *Schedule 1 – Revenues By Fund* to Increase Revenues in Department 01, County Judge, Fund 010, and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP Tom Allen

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

JP Allen stated this appropriation ordinance request is for the Courthouse Feasibility study for a total of \$65,000, and that Downtown Bentonville, Inc. is going to reimburse the county for half of the study, and made motion to adopt, seconded by JP Jones.

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

- 13 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
- 2 Absent: Curry, Carr

Appropriation Ordinance duly adopted and assigned **No. O-2013-49**

- (E) Proposed Resolution Expressing the Quorum Court's Opposition to the Designation of the White River Watershed as a National Blueway; Sponsor: JP Susan Anglin

Chair Kurt Moore asked that the proposed resolution be read in its entirety.

County Attorney George Spence read the proposed resolution in its entirety.

JP Anglin stated that the issue of the National Blueways System was brought to members of this court by Benton County citizens concerned about private property rights who have requested that the Benton County Quorum Court oppose the designation of the White River Watershed as a part of this National Blueway System. She added that the National Blueway System was established on May 24, 2012 by Secretary of the Interior Ken Salazar. The system was established to provide a new national emphasis on the value and significance of a watershed approach to river conservation, and encourage stakeholders to integrate their land and water stewardship efforts by forming watershed-based, community-led partnerships.

JP Anglin stated they had great discussion during the Legislative Committee meeting and that those are the points that she wishes the court to recognize as we consider this resolution; that

there are many more questions than answers on the future impact on private property owners. She stated that private property owners are not included on the stakeholder list of those involved. She stated that in the supporting information provided to us that there was a lengthy set of questions that were posed from the Senate Energy and Natural Resource minority staff after the National Blueway briefing by the Secretary of Interior, one of them being what role, if any, do actual elected officials, (which would be county commissioners or the Governor) play in determining if a watershed is designated or not. She added that the support of state, local, and tribal governments will be sought by the stakeholder partnership as part of the process of nominating a river and its watershed as a National Blueway. She added that the Secretary will not designate a National Blueway that lacks diverse support from the state, local and tribal governments within the watershed. She stated furthermore, the department commits that the stakeholder nomination process will require the recruitment of a state sponsoring agency; in addition, if the nominated river and its watershed include land in more than one state, the nomination process will also require a letter of support from states with a significant portion of the watershed within their borders.

JP Anglin stated that the resolution to oppose and reject the designation of the White River Watershed in Missouri and Arkansas as a National Blueway was supported unanimously by the Legislative Committee, and in support of “we the people and the private property rights”, moved for adoption of this resolution, seconded by JP J. Harrison.

A roll call vote was then recorded as follows:

13 Yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring
2 Absent:	Curry, Carr

Resolution duly adopted and assigned **No. R-2013-24.**

Other Business

JP Allen stated that he would like to make a clarification regarding the EMS issue. He said that the subsidy requests that were approved at the Committee of the Whole will be included in the budget process in the form of a resolution, and the Pea Ridge and NEBCO requests will be presented at the July 2, 2013 Finance Committee. He said everything that is approved will be adopted as part of the 2014 Budget Ordinance.

JP Adams stated that one of the cities requesting a subsidy had agreed to possibly reduce the amount of their request, on the condition that the county develops a funding formula that everyone can agree to and have in place by the end of the year. He suggested a 3-person committee be formed, made up of Quorum Court members, in order to obtain numbers from an outside, independent source, because the providers and the county are never going to agree on a formula. He said that he would expect that process to take between three to six months, and would be happy to put that in the form of a motion if needed.

JP Moore suggested that JP Adams present the idea to JP Carr, Chair of the Public Safety Committee, or it could be placed on the next Committee of the Whole agenda. JP Adams stated that they need to move forward. JP Moore stated that he will place it on the July 9, 2013 Committee of the Whole agenda.

Discussion followed concerning the independent study that was previously performed and the data that is available from it.

JP Allen stated that it would be a good idea to have Administrator of Public Safety Marshal Watson come to the Committee of the Whole and answer any questions that the court has about the study. He added that they do not need to let 2015 sneak up on them, and the various providers want a commitment for the years following 2014.

JP Moehring agreed that there is a sense of urgency; there has been a lot of studying, and we have lots of numbers and opinions, so if a 3-member committee is what is needed to get the job done, then he could support that.

JP Anglin stated that they are still considering scenarios that they have not been provided any information about.

JP Sandlin stated that she appreciates the citizen that spoke tonight about EMS, her passion for the county, and the possibility of a sales tax. JP Anglin stated that she would like to listen to discussion about a sales tax, and why it would or would not be a good idea.

JP Harrison noted that 90% of a sales tax would go to the cities. He added that they have data, but do not have a formula, and so far, none of the cities have been willing to work off of the same formula.

JP Adams stated that they need an outside source that is not vested in Benton County, and get a data-driven hard number from a non-interested third party. He said he is asking the court to push forward on this and get something concrete that they can work with.

JP Allen stated that most of the sales tax would go to the cities, and the county has no authority to tell them how to spend it. He said there are other ways to raise fees that are going to be looked at. He added that as far as the negotiation process goes, he would like to sit down with the service providers, and doing that while simultaneously gathering information from an outside source would not be a good idea.

JP Jones stated that there is no formula in place; the providers are basing their requests on what their costs are, and that is going to get us nowhere but increased costs.

JP Moehring stated that to his knowledge, the cities have not been asked to help develop a formula, adding that he feels strongly that they need to be involved in the process, because they have the ambulances in place, and do a very good job of providing service to the county.

JP Sandlin stated that sales tax is not always split 80%-20%; they have always split the sales tax with the cities because that is the only way to get it approved by voters who live in cities. She said the only time she recalls a sales tax being approved, was when it was specified for construction of the county jail.

JP McKenzie stated that the study presented the cost for the county to run its own ambulance service, and suggested looking at that further. He added that he is not ready to support any new tax until the effect of liquor sales on revenue has been determined.

JP Adams stated that his point was to hire someone outside the county to do a business plan, and he sees no need for studies or other advisors.

JP Moore noted that Washington County utilizes Central EMS, and perhaps one of their representatives could come and address the court.

Comptroller Sarah Daniels noted that these numbers are all in the study performed by the Ludwig Group. JP Adams stated that his only suggestion was to use a third party, which takes

the county out of it until it is time to make a decision, and if we cannot come up with a formula that all eight providers can agree upon, then the county can provide its own.

JP Allen made motion to send the EMS discussion to the July 09, 2013 Committee of the Whole agenda, for further discussion, seconded by JP McKenzie.

Motion passed by unanimous voice vote.

Comptroller Sarah Daniels asked County Attorney George Spence if it is necessary for the court to go ahead and vote on its intentions regarding the specific dollar amounts that have been approved for inclusion in the 2014 Budget thus far, or should they wait until the last two are finalized and then do a resolution for all of them.

County Attorney George Spence stated that what they are doing is giving direction – saying that these are the numbers to be put in the budget. He stated they had talked about doing a resolution if the court wants to make it a little more official, but ultimately, what they are doing is agreeing on the numbers that are to be put in the budget.

JP Allen stated that he would like to see it in a resolution form once the requests have all been approved, because it would be cleaner and easier to read.

Announcements

JP Allen announced that a Finance Committee meeting will be held on July 02, 2013 at 6:00 p.m.

JP Allen reported that the Pea Ridge and NEBCO subsidy requests will be discussed at the August 13, 2013 Finance Committee meeting.

Adjournment

There being no further business to come before the court, upon motion and second the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Tena O'Brien
Prepared by Janet Reaves