

Committee of the Whole

August 13, 2013

The Committee of the Whole of the Benton County Quorum Court met Tuesday, August 13, 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, Chiocco, Curry, Carr, Meyers, Moore, Moehring

Others Present: County Judge Bob Clinard, County Clerk Tena O'Brien, Assessor Glenn "Bear" Chaney, Sheriff Kelly Craddock, Coroner Daniel Oxford, Election Commission Chair John Brown, County Attorney George Spence, Administrator of General Services John Sudduth, Comptroller Sarah Daniels, Administrator of Public Services Marshal Watson, Information Systems Director Sidney Reynolds, Department of Emergency Management Director Robert McGowen, Human Resources Manager Barbara Ludwig,

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

James Whittle and Sherman Swafford both of Lowell commented on the condition of Harris Road.

ELECTED OFFICIALS

Administrator of Public Services Marshal Watson reported on the recent storm damage to roads and bridges in Benton County. He reported that the Arkansas Department of Emergency Management has declared Benton County a disaster area and we have applied for assistance.

COMMITTEE REPORTS

JP Allen reported that the Finance Committee met and discussed the personnel requests that are on the agenda tonight and that the committee also had lengthy discussion concerning the Emergency Medical Services.

JP Harrison made a motion to read all resolutions and ordinances by title only, seconded by JP Curry.

Motion passed by unanimous voice vote.

A. NEBCO – EMSD Election Report – Election Commission Chair John Brown

Election Commission Chair John Brown reported on the results for the NEBCO-EMSD Election. He stated that the election results reflect: 298 votes for and 294 votes against, and 9 under-votes. He explained that under-votes can be caused by somebody who does not read the screen thoroughly and hits the vote button too soon, or they simply decide not to vote after they are at the

machine. He reported that early voting was held from July 2nd to July 8th at the Benton County Clerk's offices in Bentonville and Rogers, and that a notice was published in the Rogers and Bentonville papers twice as the law requires.

B. Resolution Request: Re-appointment of Jamee Perryman to the Northwest Arkansas HIV Clinic Board

JP Allen made motion to approve and forward the proposed resolution to the August 20, 2013 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

C. Resolution Request: Application Arkansas Department of Environmental Quality – 2014 E-Waste Grant

JP J. Harrison stated this resolution request is to authorize the County Judge to submit an application to the Arkansas Department of Environmental Quality for securing state grant funds in the amount of \$11,450 to be used to help defray the costs of two county-wide clean up events.

JP J. Harrison made motion to approve and forward the proposed resolution to the August 20, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

D. Appropriation Ordinance Request: Environmental Services, Department 38, Fund 010

JP J. Harrison stated this appropriation request is to appropriate grant revenue received and the associated expenditures for the Waste Management Think Green Grant.

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the August 20, 2013 Quorum Court agenda, seconded by JP Curry.

Motion passed by unanimous show of hands vote.

E. Appropriation Ordinance Request: Environmental Services, Department 38, Fund 010

JP J. Harrison stated this request is to appropriate additional funds in the "Waste Disposal" line item for expenses associated with the Fall County Wide Clean Up event.

JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the August 20, 2013 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

F. Resolution Request: Waiver of Policy – Sheriff, Department 05, Fund 010

JP Sandlin stated this resolution request was approved and forwarded from both the Personnel and the Finance Committees.

JP Sandlin made motion to approve and forward to the August 20, 2013 Quorum Court agenda, seconded by JP Curry.

JP Allen stated that when this request came before the Finance Committee, he initially voted in favor of it. He stated that after giving this matter a lot of thought and listening to the people who have talked to him about it, he now thinks that they should break the Major and Captains' position requests apart from this group and consider them during the budget process, as opposed to now. He said that he could not support the resolution with the Major and Captains' positions in the group, and asked that they be taken out of the resolution.

JP Sandlin made motion that the resolution be divided and the two questions be voted on individually, second agreed.

JP Kurt Moore called for discussion regarding the Sheriff's Department requests only.

JP McKenzie stated that he is concerned that this is such a major jump and that it is something that should be confronted during the budget process. He stated that to vote for this now would be inappropriate.

JP Allen stated that his position is that something needs to be done for the Sheriff's Department, but he does not want to be rushed into it. He stated that they should take the time that this request deserves and do what we have done in the past, and take it to budget. He stated that personally, he does not feel it is fair to everybody else in the county to separate the Sheriff's Department and not look at the total picture, because it could have an impact on the entire county. He said that he wants everybody in the Sheriff's Department to know that he supports them and that he does want to do something for them, but that he also wants to do it at the appropriate time, and that traditionally that is at budget time.

JP Sandlin stated that she is in total agreement with JP Allen, and that there will be a Personnel meeting prior to budget time to discuss salary increases. She stated that she would vote that the Sheriff's Department request be considered with the budget.

JP Curry stated that he supports the Sheriff's request. He stated that the Sheriff gave an excellent presentation of why this should be approved. He stated the Sheriff is proactive in making changes at the Sheriff's Department, has increased the revenue, saved the county money, and he would like to see this sent to the Quorum Court.

JP Meyers stated that he has a problem in looking at a 23% increase based on the numbers and the existing salary.

Sheriff Cradduck stated that he has met all of the requirements that were asked of him; to show disparity, to show need and a way to deal with that. He stated that over the last ten years the county has continued to lag behind; this is a situation that was dropped in his lap, and he has chosen not to sit and do nothing about it. He added that he came to the court and asked them what to do, he did what he was told and that apparently is not enough. He stated his people are not complaining; he is the one complaining. He stated that they should not have to be tempted to leave because of a \$34,000 discrepancy. He stated there is no way for him to justify to continue to lay high expectations on them and them continue to meet or exceed those expectations and

then to pay them the lowest of their peers. He stated that he has met with other Elected Officials and they are supporting him on this issue. He stated that he is respectfully asking the court to consider at least moving this request one more step forward, for more discussion. He stated that he has proven that it is not just his people that he is concerned about, and that he respects the fact the court seems to be that way too.

JP Allen stated that he agrees that Sheriff Cradduck has done what he was asked to do, and that he made a good presentation. He stated the challenge was made during the budget process last year. He added, however, that it was made under the understanding or assumption that the presentation would be made to the court during the budget process. He stated that they are not saying that they do not agree; they are saying that the appropriate time to do this is during the budget process, not right now.

JP Sandlin stated that they are not saying that they will not get the raise; they are saying that they will not get it right now. She stated there is a time when it will be visited, but that there are others that jumped through the same hoops and met the challenges, and those have to be addressed also. There is not time to do all of them and it is not fair, in essence, that the new kids on the block get special treatment, when the others have been doing it consistently for a prolonged period of time, under the same rules and regulations that you are wanting us to change for a select group. She stated they are not saying that no one gets anything, they are just saying "all in due time."

Lengthy discussion was held on the salary increases requested for the Major and Captains' positions in the Sheriff's Department and waiting until the budget process.

JP Jones stated that he still supports the Sheriff's request as he did in Finance, but he would definitely support scaling back the amounts.

JP Anglin stated that she could not support this basically because we already have a budget, and why do a budget, if we are not going to make these types of major changes and decisions at budget time. She added that a lot of great questions have been raised, and going forward that can do nothing but help in doing something for all of the county employees. She added that Sheriff Cradduck has raised a couple of questions about comparing the county to the municipalities but when you compare city and county it is a different tax base. She asked if they intend to start looking at market rather than city and county when looking at salaries.

Sheriff Cradduck stated that he respects JP Anglin and her decision to not to support this, but he is going to question that logic. He stated that the county's sales tax revenue is not that far off from Rogers's sales tax, we are averaging seven hundred new families and residents moving into this county every month, and by the year 2030 we are going to be the most populated county in the State of Arkansas.

JP Adams stated that he appreciates everything the Sheriff has presented to the court and the fact that he is doing this for his people. He stated that he has always had the firm belief that you pay people what they are worth. He added that the county employees that work under the Sheriff's Department are the highest risk employees we have, and that they do more with the negative side

of the county to keep Benton County positive in the way that the cities, counties, the state, and the whole country looks at us. He stated that he supports what the Sheriff has asked for, however if this body determines a lesser number, then he would go along with that also. He stated over the past few months he has heard “that this is the way we have always done it” and sometimes things need to change. JP Adams stated that sometimes you have to go outside of the box a little bit, and one positive thing that has been done by bringing this up is that now we are going to be looking at employees first during budget time, and the capital expenditures can wait, because he believes that if we don’t take care of the good employees that we have, pretty soon we are not going to have good employees. He stated that he would support this 100 percent.

JP Allen stated that several comments have been made during this discussion about this motion, and then there have been comments about a lesser increase, we need to be discussing the motion that was made to pass this as presented to the Quorum Court.

JP Chiocco stated that in looking at the market for our employee benefits and so forth, she agrees 100 percent for the desk jobs, but when it comes to law enforcement she thinks that they need to compare apples to apples. She added if you were to compare private law enforcement such as Blackwater, you would see a disparity between Blackwater and the Army in Blackwaters favor. She stated that she is going to vote no on this motion, so that she can redirect it back to Finance. She added that she supports everything that the Sheriff is trying to do; she just thinks that it should be tweaked a little bit.

JP Sandlin called for the vote.

Public Comments:

Jo Ann Hoffmann of Rogers commented on the Sheriff’s Department request and the operations at the Benton County Jail.

JP Moore stated the motion is whether to forward the resolution request for the Sheriff’s Dept. 05, Fund 010 the Quorum Court as is.

A roll call vote was recorded as follows:

5 Yeas: K. Harrison, Adams, Jones, Curry, Carr

10 Nays: McKenzie, Hernandez, J. Harrison, Allen, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring

Motion failed.

JP J. Harrison proposed lowering the wage increases for the Commander Major positions from the requested \$76,128.00 to \$68,000.00, and lowering the requests for Captains positions from \$70,678.00 to \$60,000.00, which is about a 7% average and that would be sufficient until the end of the year.

JP J. Harrison made motion to move the Sheriff's Department request to the August 20, 2013 Quorum Court agenda for discussion; seconded by JP K.Harrison.

JP Chiocco stated that she would like to move the request back to the Finance Committee to discuss what the percentage increase would be.

JP McKenzie stated that he is opposed to the idea and that he voted against it because he thinks that it needs to happen at budget time.

JP Moehring stated that this really discredits the budget process and that all of the requests should be sent to the budget process for evaluation. He stated that he would oppose this again, not because of the merits of the raise, but for the effect that it will have across the county. He added that he will oppose the Road Departments reorganization as well.

JP Allen stated that this is a brand new proposal that the court has not looked at, and that it is less than what they are considering now. He said that he thinks that this should be moved to the September 03, 2013 Finance Committee meeting. He stated with regard to comparing the Sheriff's request to the Road Department's request, you have to remember the Sheriff's Department proposal is not a re-organization, it is a straight out raise. He stated that the Road Department reorganization is saving the county money and they have cut positions, to get more money for other individuals and reorganized the department, so that one of the benefits is a reduced budget for salaries in that department. JP Allen added it is not unusual for the court to do mid-term pay adjustments; we have always had pay adjustments and changed descriptions of jobs mid-term. He stated that they should consider the pay raises and send it back to the Finance Committee.

JP J. Harrison stated that he agrees that the motion should be amended to remove the percentage from the discussion and to send it back to the Finance Committee.

JP K. Harrison stated that not only has the Sheriff reorganized, he has cut his expenses and brought in more revenue. He stated the motion should stay as it stands, and that the public has had ample opportunity to voice their opinion on this, and he does not think that it needs to go back to Finance.

JP Chiocco made motion to amend the motion to remove the percentage from the resolution and send the resolution request back to Finance for discussion, seconded by JP Sandlin.

County Attorney George Spence stated that it seems that the overall intent is to send this request back to the Finance Committee for further discussion. He explained that JP Moore could exercise his prerogative as chair and collapse it all into one motion, if no one voices an objection.

JP Moore explained that voting "yea" is a vote to send the issue back to Finance, and voting "nay" would be to keep the discussion on the floor.

A roll call vote was then recorded as follows.

8 Yeas: McKenzie, Hernandez, J. Harrison, Allen, Sandlin, Chiocco, Moore, Moehring

7 Nays: K. Harison, Adams, Jones, Anglin, Curry, Carr, Meyers

Motion to send this request back to the Finance Committee, passed.

Meeting recessed.

Meeting reconvened.

JP Moore stated that it was brought to his attention that the Jail, Department 67, request had not been discussed.

JP Allen made motion to send the Jail, Department 67, request back to the Finance Committee, seconded by JP Jones.

A roll call vote was recorded as follows:

11 Yeas: McKenzie, Hernandez, J. Harrison, Allen, Adams, Jones, Sandlin, Chiocco, Curry, Moore, Moehring

4 Nays: K. Harrison Anglin, Carr, Meyers

Motion to return the Jail, Dept. 67 request back to the Finance Committee, passed.

F-(b) Resolution Request: Waiver of Policy – County Road, Dept. 44 Fund 020

JP Sandlin made motion to approve and forward to the August 20, 2013 Quorum Court, seconded by JP Meyers.

JP Jones stated that he is concerned that if they go forward with this and then a new administrator is hired, they might want to do a reorganization of the department.

County Judge Bob Clinard stated that he is in favor of this entirely and wants to proceed with the reorganization plan, despite recent developments in the department. He stated that this reorganization is a savings to the county.

JP Sandlin stated that one of the reasons they are requesting this is that they cannot hire experienced drivers to get the job done, and that is why this has been brought forward at this time.

Shop Superintendent – Fleet Manager Drew McCracken stated this reorganization will reduce the number of employees from 80 to 70 and that the higher rate of pay will give them the opportunity to hire more skilled workers.

JP Moehring asked how detrimental it would be, if this reorganization was to be moved to the budget process.

County Judge Bob Clinard stated that it would be detrimental to put this off. He said the county needs to pay more to attract qualified employees for certain positions. He stated it is pathetic that we have people driving \$250,000 pieces of equipment, and paying them almost at the poverty level.

JP Hernandez stated that he agrees with the County Judge, that these are small raises, and that this points out the fact that they need to look at bringing all of the salaries in the county up to a competitive level, and normalize where they should be. He stated that he agrees with moving this forward tonight.

JP McKenzie stated that when this was originally discussed, they were going to reduce 10 positions, and take that money to fund the other positions. He asked how many positions are open now.

Asset Control Coordinator Cindy Jones responded that 11 positions are now open.

JP K. Harrison stated that he feels like the employees deserve this and that he would support the reorganization request being moved forward.

JP Allen stated that with the exception of one position, no one is receiving more than a 4% increase and that this does not need to go back to the Finance Committee. He said this is not going to impact the county budget negatively; it is going to impact it positively, and for that reason he will support the reorganization request.

JP Jones stated that a lower number of people are doing the job now and working hard. He stated that they have open positions now because they are having trouble getting experienced drivers to operate the heavy equipment, at the current rate of pay for these positions.

Further discussion was held on the reorganization of the Road Department and the effect that it would have on the budget.

JP Moehring stated that he would support the Road Departments reorganization request.

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

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

Motion passed.

G. Appropriation Ordinance Request: Amend Schedule 4 – Various Funds and Depts.

JP Sandlin made motion to approve and forward the proposed appropriation ordinance request to the August 20, 2013 Quorum Court agenda, seconded by JP K. Harrison.

JP Allen made motion to amend the appropriation request to reflect the removal of the Sheriff and Jail requests and forward to the September 03, 2013 Finance Committee agenda, seconded by JP Jones.

Motion to amend passed by a show of hands vote.

8 Yeas: McKenzie, Hernandez, J. Harrison, Allen, Sandlin, Chiocco, Moore, Moehring
7 Nays: K .Harrison, Adams, Jones, Anglin, Curry, Carr, Meyers

JP Moore called for the vote on the main motion.

5 Yeas: K .Harrison, Adams, Jones, Curry, Carr
10 Nays: McKenzie, J. Harrison, Allen, Sandlin, Anglin, Chiocco, Moore, Meyers, Moehring

Motion failed

H. Appropriation Ordinance Request: Sheriff, Dept. 05, Fund 010

JP Allen stated the reason that this is coming to the committee prior to the budget process is that the Sheriff was notified by a dealership that the models are changing, and if we don't act now there will be a significant increase next year. He added that if they ordered these vehicles next year, they may face a backlog and not receive them until the later part of next year. JP Allen made motion to approve and forward to the August 20, 2013 Quorum Court agenda, seconded by JP Jones.

JP McKenzie stated that he is against buying these vehicles out of reserves prior to the budget process.

JP Jones stated that the money will be coming out of reserves, but will not be budgeted for next year and that there is a reduction in total costs, if ordered this year. He stated that he supports this request.

Further discussion was held on the cost savings and advantages of ordering the vehicles for the Sheriff's Department from reserves and not waiting until the budget process.

JP K. Harrison called for the vote

A roll call vote was recorded as follows:

14 Yeas: Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers, Moehring

1 Nay: McKenzie

Motion passed.

I. Discussion: Benton County Water Authority

County Judge Bob Clinard stated that the Benton County Rural Development Authority was established in 1970 and that in 1998, the previous County Judge created five rural water districts that the Quorum Court and the County Judge are responsible for. He stated that since that time three of those water authorities have been purchased and transferred to city management, so the county now longer has those responsibilities. However, the Benton County Rural Development Authority still has two water authorities which is Rural Water Authority # 4 located east of Lowell toward the Hickory Creek area, and Rural Water Authority #5 located in the Rocky Branch area. He stated that the way they were set up, was with all volunteer management, and now those volunteers are burned out and no longer want to volunteer. He stated that the county's options are to fund or not fund the management of the two rural water authorities. He stated if those water authorities do not have management, there will be over 700 people without water, and that a funding solution is needed for these two rural water authorities.

Rural Development Authority board member Craig Hull presented a power point presentation outlining the two rural water authority areas. He stated that the Rural Development Authority will need \$50,000 a year in an annualized budget, combined with the resources of the two districts, to create a management entity to combine and run the two together.

Craig Hull stated that the request for proposal (RFP) requested by the County Judge will accept written Statements of Qualifications and Proposals for the management and oversight of public water supply systems serving a total of over 700 residents in the two communities. He added this Request for Proposal is to find some entity or combination of a company management team to take over the responsibility of the volunteers and that this request to be included in the budget process.

JP Moore asked if the cost of these services could be incorporated into the users' monthly bill. Craig Hull stated that the board members are trying to figure out a way to fund the management position for the two water authority areas. JP Moore stated that he would not have a problem supporting this for a short time, until things get sorted out, but he would expect the rate payers at some point to absorb the costs.

JP Jones stated he felt that it was a little early to be talking about dollar figures. Craig Hull stated that they have limited funds and they need assurance from the county that they have the financial backing to go out and find qualified people. He stated that \$50,000 is not a lot to run an organization; and that he came up with the \$12,500 figure by annualizing the \$50,000 figure and dividing by twelve. JP Jones stated that for this dollar figure he is perfectly fine, as long as there is a long-term plan to take it over. County Judge Bob Clinard stated that they are not asking for money; all they are doing is bringing this to the court's attention that they are dealing with this issue.

JP Allen made motion for a show of hands to support an informal resolution supporting the Rural Development Authority (RDA) going out to get RFP's and to send the RDA Request for

Proposal to the Finance Committee agenda for discussion, once the numbers have been received, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

J. Discussion: EMS Provider Subsidy Requests

JP Allen made motion to approve and forward the Pea Ridge and NEBCO subsidy requests to the August 20, 2013 Quorum Court agenda, seconded by JP Jones.

After some lengthy discussion regarding the Pea Ridge and NEBCO subsidy requests for 2014, the motion passed by unanimous show of hands vote.

K. Discussion: Draft Referendum Ordinance - EMS Services for Unincorporated Benton County

JP Allen made motion to send the EMS discussion to the end of the August 20, 2013 Quorum Court agenda, at which point they could recess into the Committee of the Whole for further discussion, seconded by JP Jones.

County Judge Bob Clinard stated that they have looked at the formulas and sent those to the providers, met with all of the providers, and have come up with a system that might work. He stated that the bottom line cost to the county is approximately \$1,000,000. He stated that this is a million dollar decision and it is the court's decision. He stated that the court has the option of not calling an election and placing a fee on households in the unincorporated areas by adopting a referendum ordinance. He stated if the court votes to call for an election, it would need to be done in October in order to have the election in December.

County Clerk Tena O'Brien stated that for Special Elections, her office must receive the calling document 60 days prior to a special election being held.

JP Allen made motion to remove his motion, second agreed.

JP Allen stated that an election is going to be a lot of work, and we need to get more information on what we are going to do. He stated that until we have all questions answered, we do not need to go to the people for an election. He stated he thinks that this is way too premature.

JP Sandlin stated that the people have to make a choices as well as the court; do they want the best ambulance service that we can get them? They either vote to get an ambulance there as quickly as they need it, or they will have to wait. JP K. Harrison stated that ambulance service is important to the unincorporated areas and that he would support holding an election.

After further lengthy discussion, County Attorney George Spence stated that it appears there are four things that the court needs to considered: 1) the amount of the fee; 2) whether to charge for EMS services or not; 3) to refer an election to the voters or not and; 4) what are the consequences if the voters do not approve it.

After some further discussion was held on establishing a fee for the EMS service in the Benton County's unincorporated areas, JP Moore asked for a show of hands for those in favor of holding a Special Election before the end of the year.

Motion passed by a show of hands vote.

14 Yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Jones,
Sandlin, Anglin, Chiocco, Curry, Carr, Meyers, Moore, Moehring
1 Nay: Adams

County Judge Bob Clinard stated that all seven providers that we are dealing with have said that they will not do business with us if they cannot bill in addition to whatever fee we may come up with. He stated that the \$900,000 figure is if they bill Medicare, Medicaid, and private insurance.

JP Moore stated that we can go into a Special Committee of the Whole meeting after the Quorum Court meeting, if we need to have further discussion

County Attorney George Spence stated that they could collect fees based upon per capita, per household, or per unit of service. Further discussion was held proposing EMS fees on the unincorporated areas of Benton County.

OTHER BUSINESS

None

ADJOURNMENT

Meeting adjourned at 9:35 p.m.