

Committee of the Whole

May 13, 2014

The Committee of the Whole met Tuesday, May 13, 2014 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

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

Others Present: County Judge Bob Clinard, Assessor Glen “Bear Chaney”, County Attorney George Spence, Administrator of Public Safety Marshal Watson, Chief Deputy Rob Holly, Emergency Management Manager Robert McGowen, Accounting Manager Mike Crandall

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

Terry Johnson of Rogers expressed his frustration with the county government to the Quorum Court members regarding the damage that was done to his property last year by the Sheriff’s Office and Road Department when they drained and damaged a pond on his property. He stated that he had sent a proposal to Judge Clinard in March, offering to settle the matter, and that he was surprised to hear that the matter had been sent to Benton County Court, where Judge Clinard would preside over the hearing. He stated that he then submitted a more formal claim to protect his rights and asked that the issue be transferred to circuit court. He stated that this has turned from a \$30,000 issue to a \$200,000 to \$300,000 issue.

County Judge Bob Clinard stated that since there is a claim against the county that he could not say much about the case. He agreed that there were problems and damage to the Johnson’s property.

Lengthy discussion was held on the county’s responsibility to restore the property damages done to the pond, and other Johnson property.

JP Moore asked County Attorney George Spence if an out-of-court settlement is still possible. County Attorney George Spence stated yes, the issue could still be settled out of court.

After further discussion it was the consensus by the justice's of the peace that the county should resolve the issue without it going to court.

JP Susan Anglin reported that she had attended the Annual Arkansas Quorum Court Association meeting in Little Rock, and reported that a new Justice of the Peace license plate is available for \$10.00.

COMMITTEE REPORTS

JP Allen reported that the Finance Committee had met and that sales tax figures are up slightly, and the Emergency Medical Services (EMS) funding was discussed at length.

JP Carr reported that the Public Safety Committee had met, and that they were dead-locked on a plan to pay for rural ambulance service.

Director of Information Technologies Eddie Mahar reported that they were implementing a new Benton County email communications portal on the Benton County website and that it will benefit the Justices of the Peace. He stated by implementing this new procedure it will fully support any email problems that might occur.

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

Motion passed by unanimous voice vote.

A. Resolution Request: Confirming the Quorum Court's Re-Appointment of Lezlie Ford to the Benton County Equalization Board

JP Sandlin made motion to approve and forward the proposed resolution to the May 22, 2014 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

B. Resolution Request: Confirming the Quorum Court's Re-Appointment of Pam Underwood to the Benton County Equalization Board

JP Sandlin made motion to approve and forward the proposed resolution to the May 22, 2014 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

C. Resolution Request: Authorizing the County Judge to Submit Application to Bureau of Justice (BJA) and Substance Abuse and Mental Health Services (SAMSHA) Program

JP J. Harrison made motion to approve and forward the proposed resolution to the May 22, 2014 Quorum Court agenda, seconded by JP Sandlin

Motion passed by unanimous show of hands vote.

D. Ordinance Request: to Amend Section 18-3 of *The Code of Ordinances of Benton County, Arkansas, related to the Collector of Fees Assessed in Courts*

JP Allen made motion to approve and forward the proposed ordinance to the May 22, 2014 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

E. Ordinance Request: to Amend Sections 2-516, 2-523 of *The Code of Ordinances of Benton County, Arkansas, Regarding Holiday Pay and Inclement Weather*

JP Sandlin stated that this ordinance request is to make changes to the Benton County Employment Policy with regards to holiday pay and inclement weather. She said this will affect those employed in the areas of public safety, Sheriff's Office/Jail, CENCOM and the Juvenile Detention Center.

JP Sandlin made motion to approve and forward the proposed appropriation ordinance to the May 22, 2014 Quorum Court agenda, seconded by JP Hernandez.

Motion passed by unanimous show of hands vote.

F. Appropriation Ordinance Request: Dept. 0100, Historical Commission, Fund 3480

JP J. Harrison stated that this is appropriation ordinance request is to appropriate \$8,000 to move the Old Glades Post Office, and that the building will then become the Glades Community Museum. JP J. Harrison made motion to approve and forward the proposed appropriation ordinance to the May 22, 2014 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by show of hands vote.

G. Appropriation Ordinance Request: Create a New Fund in Dept. 0500, Emergency Services, to be named "Hazard Mitigation Grant Program (HMGP)" Grant Fund, Fund 3607

JP Allen stated that this appropriation ordinance request is to create a new fund to be named Hazard Mitigation Grant Program (HMGP) Grant fund in the Emergency Services Department for the purpose of receiving \$33,750 in grants funds. JP Allen made motion to approve and forward the proposed appropriation ordinance to the May 22, 2014 Quorum Court agenda, seconded by JP McKenzie.

Motion passed by unanimous show of hands vote.

H. Appropriation Ordinance Request: Dept. 0403, Circuit Court Div 4, Fund 3703

JP Moehring stated that this is appropriation ordinance request is necessary to appropriate grant revenues received for the Alternative Dispute Resolution Grant extension. JP Moehring made motion to approve and forward the proposed appropriation ordinance to the May 22, 2014 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

I. Appropriation Ordinance Request: Dept. 0108, Maintenance/Buildings & Grounds, Fund 4000

JP Allen stated that this appropriation ordinance request is \$10,400 for the bid specifications for the Sheriff's Administration Building microbial growth removal. JP Allen made motion to approve and forward the proposed appropriation ordinance to the May 22, 2014 Quorum Court Agenda, seconded by JP Hernandez.

Motion passed by unanimous show of hands vote.

J. Appropriation Ordinance Request: Dept. 0400, Sheriff, Fund 3029

JP Moehring stated that this appropriation ordinance request is to appropriate \$2,500 received from Wal-Mart for the purchase of car seats. JP Moehring made motion to approve and forward the proposed appropriation ordinance to the May 22, 2014 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

K. Appropriation Ordinance Request: Dept. 0418, Jail Operations & Maintenance, Fund 3017

JP Adams stated that this appropriation ordinance request is to appropriate \$293,776 to upgrade the Jail Security System, and made motion to approve and forward the proposed appropriation ordinance to the May 22, 2014 Quorum Court agenda, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

L. Resolution Request: Opposing the Proposed Rule Amending the Definition of "Waters of the United States"

JP Anglin stated that on April 21, 2014, the Environmental Protection Agency, lovingly known as "EPA" and Corps of Engineers released the proposed rule to amend the definition of U.S. waters and potentially expand the range of waters that fall under federal jurisdiction. She stated that this could have significant impact on Benton County and counties across Arkansas and the nation, and made motion that they ditch this rule and forward the proposed resolution to the May 22, 2014 Quorum Court agenda, seconded by JP J. Harrison.

Further discussion was held on opposing the proposed rule amending the definition of "Waters of the United States."

Motion passed by unanimous show of hands vote.

DISCUSSION – EMS

JP Kurt Moore stated that there are three proposals for Emergency Medical Services funding:

- (A) Millage increase
- (B) Establish a per household fee
- (C) Proposed 1/8 cent sales tax increase

JP K. Harrison stated that he was not in favor of the proposed 1/8 cent sales tax increase, and that there is too much uncertainty to propose a sales tax increase.

County Attorney George Spence stated that the cities would still collect their percentage of a 1/8 cent sales tax increase.

JP Allen made motion to eliminate the 1/8 sales tax for consideration, seconded JP McKenzie.

After much further lengthy discussion on proposing and opposing the 1/8 cent sales tax increase for Emergency Medical Services (EMS) funding, a roll call vote was then recorded as follows.

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| 8 Yeas: | McKenzie, Hernandez, J. Harrison, Allen, Adams, Sandlin, Meyers, Moehring |
| 5 Nays: | K. Harrison, Anglin, Chiocco, Carr, Moore |
| 2 Absent: | Jones, Curry |

Motion to propose a 1/8 cent sales tax, failed

Meeting recessed.

Meeting reconvened.

JP Allen stated that at the last Finance Committee a proposal was made to raise the millage on a newly formed Emergency Medical Services (EMS) district in the unincorporated areas that they are trying to serve. He stated that he would not support the proposal, because they do not have the time to change the district.

County Attorney George Spence explained how ambulance service districts are set up. He stated that §14-282 of the Arkansas Code deals with ambulance service districts, and that an improvement district is generally set up by a group of property owners to do some specific thing. He stated that ambulance service districts are allowed to be set up, if they have a majority in value and the area of the district to be covered. He stated that there is an alternative method of setting up an ambulance service district that allows the Quorum Court to set up the service district and then it goes to a vote of the people. He stated that the ordinance has to designate the area to be served, however in no event, the area shall not include less than a whole precinct and all precincts must be

contiguous. He added that most of Benton County will be contiguous; but there is no way to define the area.

JP Chiocco suggested instead of doing a special millage on the unincorporated areas of Benton County, they do a .01 mill increase on all of Benton County that would be specifically provide for Emergency Medical Services (EMS.)

JP Carr stated that he could support a millage increase, if they find that it is justifiable.

Lengthy discussion was held on proposing a special millage increase to all the residents of Benton County to provide Emergency Medical Services (EMS.)

Theresa Pockrus reported that \$4,486,557,725 is the total assessed value of real and personnel property for 2013, and that a one mill increase would provide \$4.4 million.

JP Allen stated that this would affect farmers quite a bit, and that we need to be mindful of what this would do to those few. He added that if we are going to tax residents in the cities, that the residents in the NEBCO district would also be included.

Further discussion was held proposing a millage increase to all of Benton County residents for Emergency Medical Services (EMS)

JP Sandlin stated it is named specifically in the laws, what we have to do and what we can do and if we can afford it and this is one of those. She stated that we can only afford it, if money is produced to take care of the required things, like roads, police protection, courts and etc. She also stated that she would be willing to commit to a .02 mill increase. She added if we commit for a certain percent now and come up with extra, it is easier to save, than go back for more.

JP Chiocco made motion to propose a .02 millage increase countywide to the voters specifically for Emergency Medical Services (EMS), seconded by JP Carr.

After further discussion was held on proposing a .02 millage increase countywide to the residents of Benton County, JP Moehring stated that the county is making the same mistake it made last year when it rushed through a plan for a medical services district fee defeated by voters in Benton County. He stated that we do not have that much input from constituents in the county for such a big proposal, and that we need to use caution.

Several members of the court expressed their opinion of supporting the proposed millage increase.

JP Carr stated that he would support the proposed millage increase and that the justices of the peace need to make a decision and move forward, and do what is right for our constituents.

JP Chiocco called for the question.

JP Sandlin stated that she would like to see the proposal moved forward to the Quorum Court, so that they would have another week to do additional research.

JP Allen stated that he would support the proposal for a millage increase, but that he would also advocate for a per- household fee. He added they should all reach out to the public for more discussion.

Public Comment:

James Turner of Bentonville voiced his opposition of the proposed millage increase.

Vickie Carroll of Rogers expressed her opinion of the proposed millage increase and per-household fee.

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

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| 9 Yeas: | Hernandez, J. Harrison, Allen, K. Harrison, Sandlin, Anglin, Chiocco, Carr, Moore |
| 4 Nays: | McKenzie, Adams, Meyers, Moehring |
| 2 Absent: | Jones, Curry |

Motion passed.

JP Allen made motion to forward a proposed \$40 per-household fee for the unincorporated areas of Benton County, that would not include the NEBCO area to the May 22, 2014 Quorum Court agenda for consideration, seconded by JP K. Harrison. JP Allen stated that the county needs to move ahead with the proposals to meet the deadline for getting anything on the November ballot. He stated any ballot measure has to be to the County Clerk's Office in August to meet the election deadline.

Mike Crandall reported that a \$40 annual fee for residents in the proposed district would bring in approximately \$583,403, and that a \$50 fee would bring in approximately \$728,004.

Norm Peterson of Rogers voiced his opinion to have a fee on property not household fee.

After further discussion, JP Allen made motion to amend the motion to add, that if the court ever desired to increase the fee, that it would take a vote of the people, JP K. Harrison concurred.

After no further discussion, a roll call vote was recorded as follows.

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| 8 Yeas: | McKenzie, Allen, Sandlin, Anglin, Chiocco, Carr, Moore, Moehring |
| 5 Nays: | Hernandez, J. Harrison, K. Harrison, Adams, Meyers |
| 2 Absent: | Jones, Curry |

Motion passed as amended.

JP McKenzie made motion to prepare a resolution stating that it is the intent of the Quorum Court to fund the current providers that now provide Emergency Medical Services (EMS) in the unincorporated areas of Benton County in 2015, seconded by JP Anglin.

Motion passed by unanimous show of hands.

OTHER BUSINESS

None

ANNOUNCEMENTS

None

PUBLIC COMMENTS

None

ADJOURNMENT

Meeting adjourned at 9:58 p.m.