

May 19, 2015

LEGISLATIVE COMMITTEE REPORT

A Legislative Committee meeting was held on Tuesday, May 19, 2015 at 6:00 p.m. in the County Administration Building, Quorum Court Meeting Room, 215 East Central, Bentonville, Arkansas

Committee Members Present: K. Harrison, Chiocco, J. Harrison, Sandlin, Meyers, Anglin

Others Present: Assessor Linda Hambrick, County Attorney George Spence, Administrator of General Services John Sudduth, Comptroller Brenda Guenther, Environmental Officer Joyce Higgins, Environmental Manager Teresa Sidwell

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

Public Comments

None

A. Presentation: Environmental Services – Administrator of General Services John Sudduth

The committee viewed several slides illustrating examples of unlawful dumping of discarded tires. Environmental Director Teresa Sidwell listed all of the health and safety hazards associated with improper handling of discarded tires, and explained that State Regulation 14 outlines the manner in which the tires are to be handled, but stronger enforcement of current regulations is needed, along with a documentation process for keeping track of the chain of possession to ensure that they are being disposed of correctly.

Administrator of General Services John Sudduth stated that the people of Northwest Arkansas care for the environment, and put forth a lot of effort to help keep it clean, but the tire situation is an example of a need for enforcement on the front end. He said the tires need to be behind secure fences, with a documented chain of possession, so that people cannot simply haul off a bunch of tires, pick out the few that they want to keep, and then discard the rest in a manner which harms the environment and threatens public safety.

Teresa Sidwell noted that the Environmental Department currently closes about one illegal tire dumping case per week. John Sudduth encouraged the committee members to take some time to drive around the rural areas of the county and get a firsthand look at the problem, because it is very easy to find examples of tires dumped illegally.

JP K. Harrison asked if there is an estimate of the cost to the taxpayers for cleaning up the illegal dump sites. John Sudduth stated that it takes several staff members operating heavy equipment over several days to cleanup a large site, but he does not know the exact cost.

County Attorney George Spence asked what the procedure is to properly dispose of tires, and what the cost is to the individual who chooses to do so.

Teresa Sidwell stated that an individual may dispose of four passenger car size tires per month at no cost by taking them to any one of the four tire collection sites located in Benton County. She said the problem occurs when tires are taken from the collection sites at night by used tire dealers, who then choose what is good enough to sell and dump the rest.

George Spence asked what it would cost one of the used tire dealers to properly dispose of the tires they did not want.

Teresa Sidwell believes the cost to the dealers is \$4.00 per tire. The dealers collect \$2.00 per tire when a new tire is purchased, which is supposed to cover the cost of proper disposal of the old tire. They are being compensated by the state to dispose of the used tire. Some are choosing not to do so. The tire dumps that the county is finding are not being created by an individual but are coming from dealerships or used tire shops. She added that the reason this is happening is because a lot of the used tire dealers do not have permits from the state.

John Sudduth stated that if the tires had some value, then the problem would stop, and the county has been working with Ben Jones at the Solid Waste facility.

George Spence asked if the county would be money ahead to go around and collect the tires from the people who are disposing of the tires illegally. John Sudduth said that this would be an option if we could work out a way of properly disposing of them. Usually the county does not have to pay for the disposal.

It was requested that the public tire disposal information be added to the County website by the IT Department.

George Spence added if having some mechanism in place to go pick up the tires would help eliminate the tires being dumped. He asked if the same problems are occurring with used batteries. John Sudduth stated that batteries are worth money, so they do not cause the same problems. George Spence noted that if the same system was in place for tires as the one for batteries, then that would alleviate the problem.

JP K. Harrison stated that he would like for the county to look at having a drop off center for the dealers at no cost to them. It would be cheaper for the county, make a better place, and provide a safer environment for Benton County residents.

John Sudduth stated it would be a win-win situation to get a collection facility and do something out of the ordinary.

B. Sheriff's Office – Proposed Changes to Sex Offender Laws – Presented by Detective Cliff E. Burton

Detective Burton stated that there is need for clarification in the wording of State Code section 12-12-906 (2) (k) to include “volunteer work” because that is just like a job and it needs to be known where the sex offenders are.

Additionally, 12-12-906 (2) (q) should include password requirements. The current law includes access to all computers or other devices with internet capabilities to which a sex offender has access, all email addresses used by the sex offender, all user names, screen names or instant message names used by the sex offender to communicate in real time with another person using the internet, but obviously if they have a password you have to have a password in order to get into the sex offender's account. He said they need to include access to passwords in the existing statute for clarification matters.

Detective Burton asks that clarification be made under 12-12-923 dealing with release of sex offenders from other states, to include “upon release of incarceration or upon the entry to the state from another state”. He stated that some sex offenders do not understand when moving to Arkansas that they are required to register with the state. He added that currently, there are 500 active sex offenders walking the streets in Benton County.

C. Discussion – Arkansas General Assembly Acts of 2015

JP K. Harrison recognized Comptroller Brenda Guenther, stating that she has been gathering information on recently enacted legislation that will affect the counties.

Brenda Guenther listed several pieces of new legislation and the anticipated effect on the different areas of county government, including changes to the county's ability to exchange property with other entities. She said she would post them all on the dashboard so everyone could go over the entire list. JP K. Harrison stated that the Elected Officials would need to let the court know if they needed any action from them to comply with new laws. County Attorney George Spence stated that the various associations are in contact with their memberships to let them know which new legislation will affect the operations of their offices.

D. Disposal of Firearms – JP Brent Meyers

County Attorney George Spence stated that he has reviewed how JP Meyers' proposal lines up against the state's current laws dealing with county property. He said there are two types of property – that which is currently being used by the county, and surplus property, and the laws dealing with both are very specific as to how they are to be handled. He said that firearms that come into the custody of the County Sheriff are surplus property, and they can either be sold at public auction or in an internet auction.

JP Meyers stated that there are Attorney General's opinions that allow the individual jurisdictions to determine policy regarding disposal of firearms, so there is apparently a law pertaining to it.

George Spence stated that if we duplicate a law which is already a law on the books but is not being followed, there is nothing to prevent the new law from being ignored as well. He said he believes this is more a matter of oversight, and making sure that current law is being followed correctly. He also noted that this has been an ongoing topic for at least the last 20 years.

JP Anglin asked if there is an issue with the procedure currently being followed by Sheriff Craddock. JP Meyers stated that there is no policy in place, and various actions have been taken over the years, including sending them to the scrap yard, trading them in for new weapons, etc... He said he has spoken with Sheriff Craddock, and he has no problem with the court initiating this action, especially designating the proceeds of sales to the Ammunition Fund. JP Anglin stated that she feels this should be up to the Sheriff, since the property is in his office.

George Spence stated that while the firearms are in the Sheriff's custody, they are still county property, and as such should be used, or disposed of as surplus property according to the procedures set forth in state law. He said all those involved may need to be reminded of that, and if they feel that adopting an ordinance will accomplish that, they can go ahead and do it, but they are not changing anything. He suggested doing a resolution that would state the quorum court's desire to see the proper procedures being followed.

JP Meyers stated that the method of disposal is still in limbo. George Spence stated that he did not think the quorum court has the authority to change that. JP Meyers stated that they could put it in an ordinance, and it could be challenged if someone wants to. George Spence stated that is correct; they can adopt any ordinance they wish to.

JP Meyers made motion to forward a proposed ordinance prescribing a specific method of disposal of firearms which are in the possession of the Sheriff's office not otherwise designated for another method of disposal by court order to the June 9, 2015 Committee of the Whole, seconded by JP Chiocco.

JP J. Harrison stated that directing the proceeds of the sales to the Ammunition Fund sounds like they are micromanaging the Sheriff's Office. JP Meyers stated that it is not the Sheriff's money to spend on whatever he likes -- it is county money, and if he wants to spend it on something else, he can come back to the quorum court and ask. He added when he spoke to the Sheriff, he agreed with it, as well as several of the deputies that he had spoken with.

JP Anglin asked if there is currently a record of what happens to the weapons after the county disposes of them. Comptroller Brenda Guenther stated that they do not keep an inventory of them. JP Chiocco stated that she is not in favor of designating the proceeds to the Ammunition Fund, but would rather see it set aside for something else, like a new jail pod. JP Meyers stated that the Sheriff and many of his staff were in favor of putting the money into that fund.

JP K. Harrison stated that the question of what to do with proceeds has not been an issued before, because the weapons were either traded in for new ones, or they were destroyed.

JP Meyers stated that he is in favor of the accountability factor, as well as the fact that as a collector of firearms, he feels that some are being destroyed that should not be. He said there is currently not enough of an inventory that segregates those that are to be destroyed or sold from the ones that will be returned to their original owners.

County Attorney George Spence stated that bringing up this issue has certainly pointed to the need for better inventory control.

Motion passed by unanimous show of hands vote.

Meeting adjourned at 7:40 p.m.