

Committee of the Whole Report

May 10, 2016

The Committee of the Whole met Tuesday, May 10, 2016 at 6:00 p.m. in the Quorum Court Meeting Room, Benton County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

14 JPs Present: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin, Slinkard, Chiocco, Leadabrand, Meyers, Moore, Moehring

1 JP Absent: Jones

Others Present: Assessor Linda Hambrick, Comptroller Brenda Guenther, Assessor-Elect Rod Grieve, Fire Marshal Marc Trollinger, Fire Marshal Assistant Eric Smith, JP-Elect Bob Bland, Jana Jobe, Catherine Massanelli, Sue Keith Elverston

Media: Tom Sissom – Northwest Arkansas Democrat-Gazette

Committee of the Whole chair JP Moore called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS

None.

Presentation by JP Anglin Regarding the Association of Arkansas Counties Meeting

JP Anglin reported that the governing body of the Arkansas Association of Quorum Courts met for their annual meeting on April 16, 2016 in Little Rock. They received a legislative update from the legislative staff of the Association of Arkansas Counties and there were two topics. The first was the impact on counties if Arkansas Works was not passed by the legislature. She stated that she asked the Quorum Court Coordinator to send out the 2016 policy brief that they had developed to provide useful information about county turnback. The second item was about the ballot issue in regard to an amendment to the Arkansas Constitution concerning economic development. Information on this was presented by Randy Zook who is the CEO of the Arkansas chamber. Three things stood out about this issue: to clean up the inconsistent economic development language, to provide additional opportunities for cities and municipalities to participate in economic development efforts, and to enhance the State's ability to attract large employers in Arkansas. As requested by Human Resources Director Barbara Ludwig, JP Anglin brought up the issue to the group about the Department of Labor's plan to change overtime regulation and the impact this

would have on Arkansas counties. Not very many counties were aware of it (the larger ones were). Eva Madison represents Washington County in this group. Her regular job is to work on these type of legal issues. Ms. Madison said that the Obama administration intended to put it in effect in May and the counties would just have to figure out how to comply with the law. Barbara Ludwig and her staff are already working on this and trying to figure out what to do. The last order of business at the meeting was acceptance of changes to the bylaws of the Quorum Court Association. It was basically cleaning up the language and a reorganization of certain sections. She announced that the AAC annual convention will be held in Hot Springs, AR on August 24th-26th with the theme of "Explore the Possibilities."

JP Allen stated that, when she talked about economic development, he heard her mention making it easier for the cities and the State to work on economic development projects but he did not hear her mention anything about counties. He asked what the Arkansas Association of Counties' role is in regards to economic development.

JP Anglin referred to one of the informational handouts she was given at the meeting. She said that part of the clean-up in the language would clarify the authority of cities and counties to spend economic development sales tax revenue. She said that it is not currently very clear in the language how counties can do that. She then read the document that says: "Twenty cities and five counties currently collect a voter approved sales tax for economic development, but the constitution is unclear how the money can be spent, leaving local governments vulnerable as they work to create jobs." She said they are asking to change the language and this will be on the ballot.

JP Moehring said that one of the important changes is the ability for counties to issue bonds in addition to cities. For cities, it is a higher cap than it is for counties. He said that this is a fairly significant change.

Short discussion was held about the Department of Labor overtime regulation changes and what can be done.

JP Allen asked, since the administration is insistent upon doing this, if it is possible for the Arkansas Attorney General to file a suit to tie it up in court at least until we get a new President.

JP Anglin said it would not hurt to inquire about it.

JP Allen said maybe the Quorum Court could send a resolution to the Attorney General of Arkansas and look into filing suit with it. He stated that they would need to consult with County Attorney George Spence about it first.

JP Moore asked if JP Allen would be interested in talking with George Spence to see if he can write a resolution to that effect.

JP Allen said that he would.

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

Motion passed by unanimous show of hands vote.

1. Resolution Request Re-appointing _____ as the Quorum Court Representative to the Benton County Equalization Board for a Three-Year Term; Sponsor: JP Mary L. Slinkard

JP Moore read the resolution request by title only.

JP Slinkard stated that this is the time of year when members of the Equalization Board have to be appointed. She said that, according to the law, the schools have two members, the cities have two members, the county judge has two members, and the Quorum Court has three members. This is the year that one of the Quorum Court Equalization Board members must be re-appointed, however, there are a couple of other applicants for the position, as well. She said that the law is very strict on who can be appointed. The appointee has to be a licensed real estate appraiser, a real estate broker, a real estate salesperson, and if none of those are available, they can appoint any other qualified elector in the County. She said that the current board member, Jana Jobe, is here and has submitted her letter for re-appointment. She said there were two other applicants – Catherine Massanelli and Karl Mounger. She stated that she invited them to the meeting; Ms. Massanelli and Ms. Jobe are here but Mr. Mounger had a schedule conflict and could not attend.

JP Slinkard made a motion for the Committee of the Whole to hear from both of the applicants in attendance at the meeting, seconded by JP Allen.

Motion passed by unanimous show of hands vote.

Catherine Massanelli of Centerton stated that she has lived in Benton County for seventeen years. She said that she is not a real estate broker or salesperson; she is a homeowner and worked at Wal-Mart for nearly seventeen years as an analyst. She stated that she is interested in real estate due to the hyper-growth in the area. She said that she is interested in being a public servant and would be pleased to offer her services.

JP Moehring asked what her availability would be as the Equalization Board will be extra busy this year with re-appraisals.

Catherine Massanelli said that she was laid off by a vendor and has since been working as a caregiver for a relative. She stated that she would be available.

JP J. Harrison asked if she is considering getting a real estate license since she expressed an interest in real estate.

Catherine Massanelli stated that she would be open to taking classes, if the opportunity presents itself.

JP Shadlow asked if the appointee has to be a licensed realtor.

JP Slinkard stated that the law says that a member appointed by the Quorum Court must be a licensed real estate appraiser, and if they are unwilling to serve, a licensed real estate broker may be appointed, and if that person is not willing to serve, a real estate salesperson may be appointed, and if that person is unwilling to serve, then they may appoint any qualified elector which is what Ms. Massanelli would be. She said that the current member who has sent in a letter to be re-appointed is a licensed real estate broker and an appraiser.

Short discussion was held about the qualifications for the position and how Ms. Massanelli might still be involved with the Equalization Board, even though she does not meet the qualifications for this particular appointment.

Jana Jobe of Garfield, the current member of the Equalization Board, reviewed her qualifications. She stated that she has been a licensed appraiser for about twenty-one years, a realtor for twenty-five years, and has been a Quorum Court appointee on the EQ Board for approximately six to eight years.

JP Slinkard made a motion to place Jana Jobe's name in the resolution to be re-appointed to the Equalization Board and forward it to the May 26, 2016 Quorum Court agenda, seconded by JP J. Harrison.

JP Slinkard reminded the committee that there was a third applicant, Karl Mounger of Siloam Springs, who could not attend tonight. However, he does not have the qualifications as required by law.

JP Moore added that Karl Mounger is also a former Quorum Court member.

JP Leadabrand asked Jana Jobe how being a broker makes a difference on the EQ Board.

Jana Jobe stated that, as an appraiser, you learn to determine fair market value. She said that, when people come before the board and have a question about the appraised value of their property, they have to figure out a value that they feel is correct. If you do not have any real estate knowledge of some kind, it is difficult to figure out and establish values. She said that some of the other appointed positions do not have the same qualifications as the Quorum Court positions. She said that they only have three appraisers on the nine-person board.

JP Sandlin said that the appraisal done by the County stands unless the property owner can prove that it is clearly erroneous. She said that this is going to be a tricky year because the values have been going up and it is a re-appraisal year. She said that notices should go out mid-year and August will be busy.

JP Allen said that it is critical to have appraisers on the board. He said that, on commercial leases, if there is a dispute on what the market rate is, according to Arkansas Real Estate Law, an appraiser is the only person who can tell what fair market value is.

JP Slinkard stated that the board of nine members will divide into three different boards to cover all the appeals. She said it starts the first Monday in August.

Motion passed by unanimous show of hands vote.

2. Resolution Request Authorizing the County Judge of Benton County to Apply for a GIF Fire Protection Grant on Behalf of Hickory Creek Volunteer Fire Department; Sponsor: JP Jerry Sheridan

JP Moore read the resolution request by title only.

JP Sheridan said that this is a resolution authorizing the County Judge to submit an application to secure State grant funds.

JP Sheridan made a motion to approve and forward this resolution request to the May 26, 2016 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

**3. Appropriation Ordinance Request Amending Appropriation Ordinance
No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and
Authorizing Additional Expenditures in Department 0102, Circuit Clerk Office, Fund
1805; Sponsor: JP Mary L. Slinkard**

JP Moore read the appropriation ordinance request by title only.

JP Slinkard stated that this came through the Finance Committee. It is for workstations in the Circuit Clerk's office that were ordered and installed incorrectly. They were re-installed this year but not included in this year's budget; this brings the money over to this year's budget.

JP Slinkard made a motion to approve and forward this appropriation ordinance request to the May 26, 2016 Quorum Court agenda, seconded by JP Chiocco.

Motion passed by unanimous show of hands vote.

**4. Appropriation Ordinance Request Amending Appropriation Ordinance
No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and
Authorizing the Appropriation of Additional Revenues and Expenditures in Department
0502, Benton County Fire Services, Fund 1000; Sponsor: JP Barry Moehring**

JP Moore read the appropriation ordinance request by title only.

JP Moehring noted that this is actually Item #5 on the agenda, however, JP Moore inadvertently read the titles in the wrong order. The JPs decided to go ahead and switch the two agenda items.

JP Moehring said that this is to buy an investigation detection meter and they will be able to do this through the sale of other equipment.

Fire Marshal Marc Trollinger stated that this meter helps them in their investigation of probable suspicious fires. It is a sniffing monitor that will sniff out certain hydrocarbons in leftover residue in an arson fire. It is state of the art and will be a useful tool for them. He said that they will be able to purchase this through the use of sale funds so it will not have to come out of the General Fund. JP Meyers asked if the cities will be able to use it.

Marc Trollinger stated that the Benton County Fire Marshal's office will have it but it could potentially be used anywhere in the County.

JP Moehring made a motion to approve and forward this appropriation ordinance request to the May 26, 2016 Quorum Court agenda, seconded by JP Chiocco.

Motion passed by unanimous show of hands vote.

**5. Appropriation Ordinance Request Amending Appropriation Ordinance
No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds Between
Categories and Line Items in Department 0130, Environmental Services, Fund 1000;
Sponsor: JP Barry Moehring**

JP Moore read the appropriation ordinance request by title only.

JP Moehring said that Administer of General Services John Sudduth and his team were able to procure a grappling truck from Florida for less than they thought they were going to spend. As a result, they wanted to use some of the leftover funds for travel, insurance, and maintenance. He said that this is a transfer of funds for that purpose.

JP Moehring made a motion to approve and forward this appropriation ordinance request to the May 26, 2016 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

**6. Appropriation Ordinance Request Amending Appropriation Ordinance
No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and
Authorizing Additional Expenditures in Department 0480, Juvenile Probation, Fund 1000;
Sponsor: JP Michelle Chiocco**

JP Moore read the appropriation ordinance request by title only.

JP Chiocco stated that this is a net-zero effect transferring money from salaries to meals and lodging within Juvenile Probation.

JP Chiocco made a motion to approve and forward this appropriation ordinance request to the May 26, 2016 Quorum Court agenda, seconded by JP Slinkard.

Motion passed by unanimous show of hands vote.

**7. Appropriation Ordinance Request Amending Appropriation Ordinance
No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and
Authorizing Additional Expenditures in Department 0480, Juvenile Probation, Fund 3031;
Sponsor: JP Barry Moehring**

JP Moore read the appropriation ordinance request by title only.

JP Moehring stated that this is for an additional part-time staff person for the remainder of this year.

Comptroller Brenda Guenther said that Chief Probation Officer Drew Shover wants to add an additional part-time person to help them catch up. She said that it uses a special fund that has plenty of money in it.

JP Slinkard asked if the JDAI was Circuit Judge Tom Smith's idea.

Brenda Guenther stated that it was.

JP Moehring made a motion to approve and forward this appropriation ordinance request to the May 26, 2016 Quorum Court agenda, seconded by JP Chiocco.

Motion passed by unanimous show of hands vote.

**8. Appropriation Ordinance Request Amending Appropriation Ordinance
No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and
Authorizing Additional Expenditures in Department 0414, Circuit Court Division 3, Fund
3752; Sponsor: JP Barry Moehring**

JP Moore read the appropriation ordinance request by title only.

JP Moehring stated that this is to appropriate some remaining funds from 2015 for the grant for a travel expense that occurred and was a 2015 carryover.

Comptroller Brenda Guenther stated that these are the remaining balances for this grant that were received in 2015. They had spent all but \$1,140 of it and this is re-establishing those funds.

JP Moehring made a motion to approve and forward this appropriation ordinance request to the May 26, 2016 Quorum Court agenda, seconded by JP Slinkard.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

None.

ANNOUNCEMENTS

Fire Marshal Marc Trollinger introduced his new employee, Fire Marshal Assistant Eric Smith. Eric Smith stated that he has twenty-five years in the fire service; he started as a volunteer in the Avoca Fire Department. He said that he is still on with the Hickory Creek Fire Department. He went to work for Springdale nineteen years ago and retired from Springdale so that he could come to work for the County. He stated that he has a lot of experience on fire, EMS, hazmat, technical rescue, and a little experience on the fire investigation side. He thanked the JPs for approving the new position and allowing Marc Trollinger to hire him.

JP Adams announced that a Public Safety Committee meeting is scheduled for May 24, 2016.

JPs Allen and Shadlow stated that they cannot attend that meeting.

JP Moore asked the Quorum Court Coordinator to speak to JP Jones about the possibility of rescheduling the meeting.

JP Sandlin announced that a Personnel Committee meeting is scheduled for June 21, 2016.

PUBLIC COMMENTS

None.

ADJOURNMENT

JP Moore declared the meeting adjourned at 6:46 p.m.