

MINUTES OF BENTON COUNTY QUORUM COURT

October 27, 2016

A regular meeting of the Benton County Quorum Court was held on Thursday, October 27, 2016 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Clinard called the meeting to order.

Quorum Court Coordinator Keeshia DeShields called roll as follows:

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

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag and Bill Roger from Word of Life Fellowship led the prayer.

CHANGES TO THE AGENDA:

JP Jones made a motion to move Item 13A on the agenda to before Old Business, seconded by Sandlin.

Motion passed by a unanimous voice vote.

MINUTES:

JP J. Harrison made motion to approve the minutes of the September 22, 2016 Quorum Court meeting as distributed, seconded by JP Anglin.

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

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Shadlow

Minutes approved as distributed.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

County Judge Clinard presented the County Judge's report as follows:

- We have received bids for the War Eagle Bridge rehabilitation project. Great River Engineering and the County are analyzing the bids and companies to determine the lowest and best bid. We may have the decision by the time of this meeting.
- The Benton County Historic Courthouse interior renovations per the Walton Foundation Grant are complete. The relocation back to the courthouse for the Prosecuting Attorney's office is complete. The exterior landscaping and event lighting is complete. We are working on the punch list.
- The Benton County Jail Expansion project is progressing on schedule.
- The final Benton County Justice Facility Work Group meeting with Perkowitz & Ruth/Cromwell/Dewberry concerning the Courthouse options will be Tuesday evening November 1 at 6:00pm in Judge Green's courtroom.

- The state has postponed the bid date for Wildcat Bridge on old Hwy 68 to February due to design and coordination issues with existing power lines. The bridge will remain closed due to safety issues with the deteriorating conditions of the bridge.
- We are in the design phase of a new functional and environmentally safe salt and sand storage shed at the road department.
- There is an air quality issue at the Sheriff's office, which is being addressed. I will know more by this meeting.
- We are actively interviewing for the position of County Veteran's Service Officer.

The October Property Disposal Report was presented to the JPs from the dashboard.

COMMITTEE REPORTS:

County Judge Robert Clinard presented a Proclamation to the Benton County 4H Group. He stated that this group of young people are the finest in this county. He read the proclamation, proclaiming October as 4H month, and said that all should come out and encourage the group benefitting the 4H community.

JP Allen reported on the Budget committee meeting. He said that this week they made it through the hearings from the Elected Officials and Department Heads who had any significant changes to their budgets for 2017. JP Allen stated we are at the point now of reviewing everything that has been presented, and deciding what to accept and what needs to be cut for the 2017 budget.

Comptroller Brenda Guenther reported on the month's sales tax receipts, stating that it was excellent this month – up 20%, almost 21% versus last year at this time. We are at \$739,000, which puts us up year to date at 2.41%. Brenda Guenther reported that she hopes the next two months will be good, but last year November was our highest amount.

JP Adams reported that at the Transportation Committee meeting they got to look at the bids for the War Eagle Bridge and had a lengthy discussion about the bids. He stated they left it in the hands of the County Judge to meet with the groups who submitted bids and then decide the best route to go. JP Adams reported that they made a motion to forward a request to the budget committee to set aside \$1.24 million; this would be to rehab the bridge and he stated this passed unanimously to be forwarded on. He reported that they we got a quick overview of Jay Frasier's Capital requests for the Road Department's 2017 budget.

County Judge Robert Clinard stated that there has been a little bit of discussion on the Ordinance that states there be a quarterly Road Department report given. He stated that the Road Department did give a report at the Transportation committee and the ordinance does not make it clear if it can be given at the Transportation Committee and be relayed on to the Quorum Court to be discussed or that it must be given at the Quorum Court. JP Adams commented that it has been a busy year and that it is partly his fault that not all four reports have been given to the committee this year. He stated that if he is the Transportation Committee chair for next year they will be sitting down in January and setting dates in stone for the quarterly reports to be presented. JP Adams stated that the ordinance passed by the county to have these quarterly reports is a little gray as to whom should give the report.

JP Allen stated that it is his understanding that the report should be given to the whole Quorum Court.

Judge Clinard stated that we would have the report presented at the next Quorum Court meeting and it would be a part of the agenda.

JP Leadabrand made a motion to move the November 24, 2016 Quorum Court meeting to November 17, 2016 at 6:00pm, seconded by JP Anglin.

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

Benton County Quorum Court
Minutes

October 27, 2016

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Shadlow

Motion passed to move the Quorum Court meeting to November 17, 2016 at 6:00pm.

PUBLIC COMMENTS:

Jeff Hadley, Public Information Officer from Ozark Reginal Transit gave a report on how they have continued to grow. He stated that Hope transportation systems have grown 4% year to date and Paratransit has grown 5% year to date. He reported that bike transportation has been one of the biggest increases they have had this year. In 2015, they had 1,076 bikes and now in 2016 they have 6,127 bikes, which is a 46.7% increase. Jeff Hadley reported that they have two things to look forward to. One, they have bought five new mini-vans to transport wheelchair passengers; and two, they are in the process of building a commuter route that will leave from Fayetteville and go all the way to 8th and Walton. He stated that this is still in the design process but they are hoping to have it ready by next year.

JP Jones presented information discussed at the second workgroup on the Justice Facilities. He stated that the next meeting is November 1, 2016 and has been moved to Judge Green's courtroom. JP Jones talked about the four different options; two different options over on Hwy 102, one option behind the Administration building, and the last two options being across the street, one including the old post office and one option which does not include the old post office.

JP Anglin asked if the downtown options are used and the old courthouse is not being used by the courts then would we still be grandfathered or has someone found out from the city the requirements of using that building or would the codes change.

JP Jones responded that the County Judge had talked a little about that, there was some discussion on moving the Quorum Court to the building, and then we would still be grandfathered in because we would still be having court there. He stated that he would write it down and ask the group at the next meeting or ask the architects if they would get with the city and find that out.

County Judge Robert Clinard stated that we have our own codes to follow and do not think it would be an issue.

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

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

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Absent: Shadlow

Motion to suspend the rules passed.

OLD BUSINESS:

None

JP Jones left the Quorum Court meeting.

NEW BUSINESS:

(A) Proposed Resolution of The Quorum Court of The County of Benton, State of Arkansas, Accepting The Audit Report For Benton County For the Period Ending December 31, 2014; Sponsor: JP Slinkard

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

JP Slinkard explained that this resolution is required by state law for the audit to be accepted by the Quorum Court.

JP Slinkard then made a motion to adopt, seconded by JP J. Harrison.

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

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

Resolution duly adopted and assigned **No. R-2016-50**.

(B) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items in Department 0115, Information Systems, Fund 1000; Sponsor JP Jones

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

JP Allen explained that this appropriation is being proposed because we are short on storage and we have to keep the recordings up to five years on the cameras.

JP Allen then made motion to adopt, seconded by JP Sandlin.

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

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

Appropriation Ordinance duly adopted and assigned **No. O-2016-49**.

(C) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) To Appropriate Additional Monies and Authorize Additional Expenditures in Department 0400, County Sheriff, Fund 1000; Sponsor JP Moehring

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

JP Moehring explained that this appropriation is to allow the Sheriff's Office to purchase small arms and ammunition.

JP Moehring then made a motion to adopt, seconded by JP J. Harrison.

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

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

Appropriation Ordinance duly adopted and assigned **No. O-2016-50**.

(D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0304, Grants In Aid – Health, Fund 3801; Sponsor: JP Jones

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

JP Adams explained that this appropriation is for a state-funded grant of \$185,000 for the people in Benton County who have faulty septic systems, and is a pass-through of the money.

JP Adams then made a motion to adopt, seconded by JP Sandlin.

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

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

Appropriation Ordinance duly adopted and assigned **No. O-2016-51**.

(E) Proposed Ordinance Amending Ordinance No. O-2015-25 to Amend Section 82 of Chapter 42 of the Code of Ordinances of Benton County, Arkansas to Increase The Daily Fee Charged to Municipalities For The Housing Prisoners in The County Jail; And for Other Purposes; Sponsor JP Slinkard

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

JP Slinkard explained that this ordinance would be the first reading that is required to change our code to increase the daily fee the county charges to municipalities for holding prisoners in the County jail.

JP Slinkard then made motion to adopt, seconded by JP Sandlin

JP Adams asked what our options would be if we raised the fees to \$50 per day across the board and start sending the state a bill and they refuse to pay it.

County Attorney George Spence stated our best option would be to go to the Legislature and request that they appropriate more money so the state can pay it.

JP Moore stated that if this ordinance is supposed to take effect January 1, and has to be read two more times, it is not going to be adopted by then.

County Attorney George Spence stated that the third reading would be in December, and it would then have to be published, and take effect thirty days following publication.

JP Moore stated that our best move would be to do two readings tonight and put the third reading on the November agenda.

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

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

First reading passed.

Rules suspended

JP Chiocco asked if we do not pass the motion to suspend the rules and have the third reading in December does that mean we are not able to charge them.

County Attorney George Spence stated we could bill them just not at the higher amount until thirty days after publication.

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

12 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Slinkard, Leadabrand, Moore, Meyers, Moehring
1 Nay: Chiocco
2 Absent: Shadlow, Jones

Motion passed to place the proposed Ordinance on second reading.

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

JP Slinkard made a motion to adopt, seconded by JP Adams.

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

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

Second reading passed.

(F) Proposed Resolution Authorizing A Property Tax Levy For Benton County General Fund, Benton County Road Fund, And Ambulance Service Improvement District For The Year 2016 To Be Collected in the Year 2017; Sponsor JP Allen

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

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

JP K. Harrison asked Comptroller Brenda Guenther what the ambulance fees total was this year. Comptroller Brenda Guenther stated that this year the Voluntary EMS Fund was projected to be at \$240,000 and right now it is at \$176,964.

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

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

Second reading of the Resolution is duly adopted.

OTHER BUSINESS:

County Attorney George Spence stated that JP Adams had asked about pursuing the state on being reimbursed for state prisoners, and he has given his opinion on the subject. He said if they would like for him to, he could speak with other attorneys and find out what they think. He said he would not be charging a fee for this, because that is how successful he thinks this will be.

JP Adams asked if we have a contract with the state, and if not, then how is it that we are housing their prisoners?

County Attorney George Spence stated that we do have some kind of obligation but if you could find something on the equal treatment of the prisoners then we could look at that.

JP K. Harrison stated that he agreed with JP Adams and that we should pursue this because they are costing our taxpayers a lot of money.

JP Slinkard stated that in August, the Association of Quorum Courts passed a resolution to the Legislature and it states many of our concerns.

JP Anglin suggested drafting a letter to the state with our concerns.

JP Leadabrand stated that we should be very slow on suing the state because our citizens would be very upset to spend money to get money back. We should talk to the people and everyone should talk to their Legislators. I think we should try this first.

JP Moehring stated that he knows there is at least one senator and one state representative around here who know that this is a problem, they are talking to other legislators, and if we were to write a letter, it would help them. JP Adams said our State Constitution states that we must have a balanced budget, but how can we do that if they are not paying us back.

County Judge Robert Clinard stated that we need to do more than just write a letter and maybe suing them will get us what is owed to us. We need to put the pressure on them.

JP Allen stated that he doesn't want to open up a battle with the state because we need to try and work with them on getting this problem fixed. We need to let our County Attorney be the one who handles this.

JP Adams made a motion to write a letter to our State Representatives, State Senators in this area and send a copy to the Governor and the other County Judges, seconded by JP Anglin.

There being no further discussion, a voice vote was taken as followed:

13 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Sandlin, Anglin,
Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring
2 Absent: Shadlow, Jones

Motion was passed.

ANNOUNCEMENTS:

Comptroller Brenda Guenther stated she wanted to make a point to have in the minutes that we discussed the Legislative Audit report at both the Committee of the Whole and Quorum Court meetings.

ADJOURNMENT:

After motion and second, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Keeshia M. DeShields