

Committee of Thirteen Report

May 11, 2010

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, May 11, 2010 at 6:00 p.m. in the Quorum Court Room, Third Floor, County Administration Building, 215 East Central, Bentonville, Arkansas.

13 Present: Wozniak, Wolf, Sandlin, Brown, Lewis, Hubbard, Moore, Allen, Douglas, Blaty, Winscott, Harrison, Stephenson

Others Present: County Judge David Bisbee, Sheriff Keith Ferguson, Director of Public Safety Greg Hines, County Attorney George Spence, Comptroller Richard McComas, Grants Administrator Richard Redfean, 9-1-1 Administration Coordinator Mary Kay Sullivan, GIS Coordinator Elizabeth Bowen, Benton County Health Department Director Loy Bailey, Major Gene Drake, Chief Deputy Don Townsend

Media: Tabatha Hunter – Daily Record

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

JP Douglas made motion to amend the agenda to add a presentation from Bob Norwood between Item “8” and Item “9”, seconded by JP Moore.

Motion carried by voice vote.

JP Marge Wolf made motion that all ordinances and resolutions be read by title only, seconded by JP Moore.

Motion carried by voice vote.

PUBLIC COMMENTS

None

1. Reappointment of Chief Lance Johnson to Benton County 9-1-1 Administration Board

County Judge David Bisbee stated that Chief Lance Johnson is currently serving on the 9-1-1 Administration Board and recommended that he be re-appointed.

JP Allen made motion to approve the proposed Resolution to re-appoint Chief Lance Johnson to the 9-1-1 Administration Board and that this proposed Resolution be forwarded to the May 27, 2010 Quorum Court agenda, seconded by JP Harrison

Motion passed by unanimous voice vote.

2. Quorum Court Appointment to Equalization Board

County Judge David Bisbee stated that the cities, schools, County Judge, and Quorum Court appoint the members to the Equalization Board, and that there are two applicants for the position being appointed by the Quorum Court. He stated that a resume from Carolyn J. Mitchell, a new applicant has been provided; as well as a letter from the current member, Jana K. Jobe asking to be reappointed

Some discussion was held on the criteria in the state code for members appointed to the Equalization Board, including that a licensed real estate appraiser be appointed if one is available to serve.

JP Wozniak made motion to re-appoint Jana K. Jobe, a licensed real estate appraiser, to the Equalization Board for a three-year term ending June 1, 2013 and to forward this proposed resolution to the May 27, Quorum Court agenda, seconded by JP Wolf.

Motion passed by unanimous voice vote.

3. Proposed Emergency Ordinance: Prohibiting the Purchase, Possession, Sale and Offering Sale of Cannabinoid, Known as “Spice” or “K-2”; Sponsor: JP Marge Wolf

JP Wolf stated that she felt strongly about the “K-2” or “Spice” and that she had attended a presentation with Sheriff Ferguson given by Deputy Michael Wedgewood of the Benton County Sheriff’s Office and asked Sheriff Ferguson if he would introduce Deputy Michael Wedgewood.

Sheriff Ferguson stated that Benton County would be the first county to adopt an ordinance to ban “K-2” and “Spice” in the state, and that the cities of Greenwood and Springdale have adopted an ordinance to ban the sale. He reported that Deputy Michael Wedgewood, with the Crime Suppression Unit is very versed in “K-2” and at this time he would like to introduce Deputy Michael Wedgewood.

Deputy Michael Wedgewood reported that teens are getting high on an emerging drug called “fake weed” a concoction also known as “K-2” that used to be called “Spice. He stated that the “fake weed” can cause hallucinations, vomiting, agitation and other dangerous effects. He added that “K-2” costs \$20 to \$50, similar to the street price of marijuana and that the users are buying it in 3-gram packages from our local convenience stores and head shops. He stated that “K-2” is made by spraying a chemical compound onto potpourri, known as JWH-018, which is a manmade equivalent of THC – the mind-altering ingredient in marijuana. He stated this compound works on the brain in the same way as marijuana’s active ingredient THC or tetrahydrocannabinol, and that this compound binds itself to the nervous system to give users a high, but also binds to the (CB2) receptors, which are involved in the immune system and can have long-lasting effects on users. He added that one of the possible effects of prolonged use is a compromised immune system, similar to those in people diagnosed with AIDS. He stated that “K-2” is damaging to the immune system and that the user could die from a common cold. He stated that some of the adverse side-effects include, lowering of the body temperature, partial paralysis, temporary inability to feel pain, increased agitation, inability to be rational, vomiting, and bright and blurred vision. Deputy Wedgewood noted that the drug is new, so all of its effects are not yet known. Deputy Wedgewood stated that under Arkansas State Code 6-60-116, it is unlawful for any person to knowingly: breathe, inhale or drink any compound, liquid, or chemical or similar substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, or irrational behavior. He stated that the problem with the statute is it does not prevent the sale or the possession of the drug. He added that police officers have to get a confession from those arrested that they had just smoked it, because there is no way to test for “K-2” in the body. He stated that “K-2” (JWH-018) has been made illegal in Georgia, Missouri, and Kansas through emergency legislation, and also in five cities in Arkansas – Springdale, Greenwood, Alpena, Paris, and Morrilton.

JP Wolf made motion to forward a proposed ordinance to ban “K-2” or “Spice” with an emergency clause included, to the special Quorum Court meeting that was called for tonight, seconded by JP Harrison.

Lengthy discussion was held on the proposed ordinance with the emergency clause, and the use of “K-2” or “Spice” and its dangers.

Motion passed by voice vote: 11 yeas, 1 nay (Lewis), 1 absent (Blaty)

4. Proposed Appropriation Ordinance – Capitol Projects – Department 44, Fund 440

JP Moore stated this proposed appropriation ordinance is to appropriate \$664,890 for engineering and architect fees for construction on War Eagle Bridge, and contract road work.

JP Moore made motion to approve and forward to the special Quorum Court meeting, seconded by JP Winscott.

Motion passed by unanimous voice vote.

Committee of Thirteen recessed.

Committee of Thirteen reconvened at 7:06 p.m.

5. Director of Public Safety Greg Hines: Project Reports Requested by JP Bobby Hubbard at the April 22, 2010 Quorum Court Meeting

Director of Public Safety Greg Hines stated that he had prepared a report on bridges and that the Chair of the Long Range Planning Real Estate & Buildings Committee has asked that the presentation be made at the next Long Range Planning/Real Estate & Buildings Committee meeting. He stated that the west side Convenience Center, and the building for the west side Road Department is still in design phase, and will move forward with the construction of the road yard once results of the soil tests are received.

He stated that the Tilley Hill road project has been turned over to County Attorney George Spence. He reported that the relocation of TDS Telecom utilities is the holdup in this matter and that the county is prepared to move forward with the construction of the road, if TDS Telecom will move the utilities out of the county’s right-of-way. He added that TDS Telecom contends that it is the county’s responsibility to acquire the additional right-of-ways from the property owners for the utilities but the county does not agree with that position.

Further discussion was held on the Tilley Hill road project and the County Road Report.

6. a) Proposed Resolution Approving the Issuance of Up to \$8,200,000 of College Parking Facility Revenue Refunding Bonds (Northwest Arkansas Community College Project): Sponsor: JP Marge Wolf

JP Wolf stated that this proposed resolution is to approve the Revenue Refunding Bonds for the refinancing of the Northwest Arkansas Community College parking facility, and that Benton County is under no financial obligation.

JP Wolf made motion to approve and forward this proposed resolution to the May 27, 2010 Quorum Court agenda, seconded by JP Sandlin.

b) Proposed Resolution Approving the Issuance of \$7,500,000 of Charter School Lease Revenue Bonds. (BCCSO)

JP Wolf made motion to approve and forward this proposed resolution to the May 27, 2010 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

7. Proposed Appropriation Ordinance Amending Schedule 4 to Change Election Coordinator Position from Part Time to Full Time – Department 26, and to the Change Job Title of 9-1-1 Administration Coordinator Position to 9-1-1 Operations Manager – Department 63

JP Wolf reported that this proposed appropriation ordinance was forwarded from the May 4, 2010 Finance Committee meeting. She stated that this ordinance will change the Election Coordinator Position from a part-time position to a full-time position, and will change the job title of the "9-1-1 Administration Coordinator" position to "9-1-1 Operation Manager".

JP Wolf made motion to approve this proposed appropriation ordinance and to forward it to the May 27, 2010 Quorum Court agenda, seconded by JP Winscott.

Further discussion was held on the Election Coordinator position changing from part-time to a full-time position.

Motion passed by voice vote.
12 yeas, 1 nay (Hubbard)

8. Proposed Appropriation Ordinance County Road – Department 44

JP Moore stated this proposed appropriation ordinance is for contract road work for the Cloverdale and Rivercliff projects that were not finished in 2009.

JP Moore made motion to approve this proposed appropriation ordinance and forward it to the May 27, 2010 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

8a. Presentation: Bob Norwood

Bob Norwood stated his concerns about the manner in which the consultant was selected and the cost involved with Phase I of the County Master Building Plan. He proposed that he and Brenda Anderson collect and summarize the information in the needs study phase at no cost to the county. He stated that they would request that one county official be designated as their contact, and that all department heads be requested to assist in their study. Bob Norwood listed his and Brenda Anderson's qualifications and experience. Bob Norwood stated that it seems the normal process was sidestepped by adding an addendum to an existing contract, because the scope of work involves a considerable expenditure, rather than a minor addition to an existing contract. He added that since there is neither a short term nor external deadline for the scope of work to be completed, he does not understand why the standard practice of the Statement of Qualifications process was not utilized.

JP Winscott invited Bob Norwood to make his presentation at the next Long Range Planning/Real Estate & Buildings meeting and added if the Committee of Thirteen is in favor of this proposal, obviously they would need to delay action on the proposed appropriation of \$32,504 to Johnson-Troillet Architects.

JP Hubbard questioned the motivation behind this proposal. Bob Norwood stated that the only angle is what is best for Benton County and its long-term planning. JP Wozniak stated his concern of accepting something that has been offered for free.

JP Douglas stated that he had contacted Bob Norwood because of his experience in building, planning, and space utilization and that he has some concern of the cost for the information gathering phase. He questioned paying \$4,200 in travel expenses for an out-of-the state firm to tell us what our needs are.

Some further discussion was held on the proposal presented by Bob Norwood and the proposed appropriation ordinance of \$32,504 to Johnson-Troillet Architects.

Bob Norwood stated that there was no one else involved with him in presenting this proposal, that he was purely presenting it for himself.

County Attorney George Spence stated that the type of services that are being offered here are not the type of services that can be competitively bid, which, in his opinion, would be professional services and therefore competitive bidding is not appropriate. He stated that the appropriate procedure for professional services is to take statements of qualifications, review those, select the top three, and negotiate a deal. He added that part of the motivation in the decision to continue with Johnson-Troillet Architects was that the information-gathering phase had been intended all along when Johnson-Troillet Architects was selected to do the planning for the Juvenile Detention Center. He said that this was all part of the process then, and that nothing had been inappropriate. He stated that he had warned the committee that they should not select the services based on the cost, that they should get the best available professional services and that this is how it came about. He stated that the committee has the option to delay and go through a new selection process.

Lengthy discussion was held on the need of going through a new selection process, or moving forward with the decision to accept the Johnson-Troillet Architects "Phase I" proposal.

Tim Sorey of Sand Creek Engineering stated that he wanted to bring to the Committee's attention that in the process of selecting professional services, their statement of qualifications had been done a long time ago. He added that the expertise that would go into the "Phase I" process is the foundation for the rest of the work to be done. He stated that in moving forward with the proposal, "Phase II" and "Phase III" as proposed cannot stand alone without Phase I, because Johnson-Troillet cannot base all of the work to be performed on those two phases on a "Phase I" performed by somebody else.

9. Proposed Appropriation Ordinance: Capital Projects – Fund 440 – Architect Fees

County Attorney George Spence read the proposed appropriation ordinance. JP Winscott made motion to approve this appropriation ordinance and forward it to the May 24, 2010 Quorum Court agenda, seconded by JP Hubbard.

Some further discussion was held on the need for this proposed appropriation ordinance.

Motion passed by voice vote.

7 yeas: Wozniak, Sandlin, Brown, Hubbard, Moore, Winscott, Stephenson

6 nays: Wolf, Lewis, Allen, Douglas, Blaty, Harrison

OTHER BUSINESS

Discussion: HIV Clinic

Dr. Linda McGhee reported that the application for the 501 (c) (3) was submitted in September of 2009 and that the clinic's attorney, Paul Smith, had checked with the IRS on the status of the nonprofit application in February. She added that the IRS would not release the information to Smith, so a new application was mailed. She stated that she called the IRS on Tuesday and that the application has not yet been approved. Dr. McGhee asked the Committee of Thirteen to consider funding for the clinic for three to six more months to give her an opportunity to find other sources of revenue in Benton County.

Some discussion was had on tabling the motion until further information has been received.

JP Hubbard made motion to table the motion indefinitely, seconded by JP Winscott.

Benton County Health Department Director Loy Bailey stated his concern for the Benton County patients being cut from these services and asked the Committee of Thirteen to show support to carry on for a few months.

Further discussion was held on supporting the Washington County HIV Clinic.

Motion passed by voice vote.

12 yeas, 1 nay (Moore)

ANNOUNCEMENTS

JP Winscott announced the next Long Range Planning Real Estate & Buildings Committee meeting will be Tuesday, May 25, 2010 at 5:30 p.m.

PUBLIC COMMENTS

None

ADJOURNMENT

Upon motion and second the meeting adjourned at 8:57 p.m.