

# Committee of Thirteen Report

October 13, 2009

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, October 13, 2009 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

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

Absent: Sandlin

Others Present: County Judge David Bisbee, County Clerk Tena O'Brien, Circuit Clerk Brenda DeShields, Circuit Court Judge Jay Finch, Circuit Court Judge David Clinger, JDC Director Dennis Cottrell, Juvenile Detention Director Petie Cobb, Health Department Director Loy Bailey, Human Resources Manager Barbara Ludwig, Comptroller Richard McComas, Grants Administrator Kathy Bannister, D.E.M. Coordinator Marshall Watson

Media: Tabatha Hunter – Daily Record; Ryan McGeeney – Morning News

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

## **PUBLIC COMMENTS:**

Ed Clifford, from the Bentonville/Bella Vista Chamber of Commerce, stated that the Chamber appreciates the activity generated by having the County offices located in the downtown area. He said that over the last 10 years approximately \$4 million has been spent in beautifying the downtown area in preparation for the opening of the Crystal Bridges Art Museum and other attractions in two years. He stated that every time prisoners are seen standing in front of the courthouse presents an opportunity for a picture that they do not want presented to the 250,000 visitors that they expect to visit downtown Bentonville. He asked the Quorum Court to consider that situation as they contemplate facility changes.

He said the second thing he wanted to address was the proposal to move the Health Department to the Center For Nonprofits in Rogers. He said it was made clear to him when he accompanied five local mayors to Washington D.C. to address transportation and water issues, how effective it was to address the issues as a group. He said he believes that the synergy being created by bringing several different entities into the Center For Nonprofits would be greatly enhanced by the addition of the County Health Department.

## **1. Personnel Request: Election Commission – Full Time Staff Assistant**

JP Wolf stated that this request was forwarded to the Committee of Thirteen rather than directly to the 2010 Budget, because after much discussion they felt that the entire court should be involved. She said the salary for the position is \$38,000, with \$10,000 of that already appropriated for part time clerical staff. She said that the other county departments have been asked not to request additional staff.

JP Moore commented that if the Election Commission could be moved into a county-owned facility, saving \$58,000 per year in lease payments, then the \$38,000 the salary would be more

palatable. JP Allen stated that if they use the savings in lease payments to pay the salary, they will not have as much money to use on the expansion program.

JP Wozniak stated that the Election Commission always turns back a lot of money, so why could they not take the salary out of those funds.

JP Wolf stated that it is true there will be more elections next year, more activity, but all of those things are happening in other departments too, and they have given money back.

Election Commission Chair Bill Williams stated that they have negotiated a 10% reduction in their current lease, and are continuing to work on that as it does not appear that there will be a county facility available for the Election Commission next year. He said they understand the need to cut expenses everywhere they can, and the \$6,000 reduction in the lease payment is part of their attempt to do that. He said this is such an obviously important need, that he may have failed to make it clear. He said they are not asking for a comfortable increase, they are asking for the difference in holding successful elections in 2010 or not.

Bill Williams stated they are concerned that there has been a 25% increase in the number of voters in Benton County since 2000, which means a 25% increase in much of the Election Commission's workload. He showed the committee a copy of the 600-page Election Laws Book that they must adhere to, along with an additional volume of guidelines from the State Board of Elections. He said this is not a trivial job; it is a difficult one. He said that the September School Election was a moderately simple and straightforward election, but the task list contains 20 entries in the timeline beginning July 17, 2009 and ending October 13, 2009. He said that some of the entries represented as many as 50 individual tasks. He said all this was for a comparatively simple election, and they are expecting five complex elections in 2010.

He said that often the workload can be reflected in the amount of staff needed, and Pulaski County has six full time employees for roughly double the number of voters. He said that the number of voters in Washington County is significantly smaller than Benton County, and they have seven part time employees, while we have one part time Election Coordinator, and three occasional employees. He said that poll worker pay this year represented approximately 90 payroll entries that someone had to do, and in 2010, that number will be over 500.

Bill Williams continued that after the 2010 Census is complete, the Election Commission, and only them, has the responsibility to redraw the Justice of the Peace Districts in the county. He said every department is on board with assisting them, but in the end, it is the responsibility of the Election Commission. He said they intend to the job, and do it well, but he cannot emphasize enough that this position is absolutely essential for a successful redistricting. He said it is quite possible that they may need more people, but they will not ask for anything until they are very certain that it is needed.

Bill Williams said the most frightening thing to report is that all of these tasks, knowledge, and experience are centralized in one person, and if she should become unavailable, they simply have no way to conduct elections except to hire a consultant from Election Systems & Software. He said that the last one they hired was there for a little over a day, and cost \$4,000. He said the Commission understands that money is a very difficult topic, revenues are down, and they cannot let the money get away from them. He said this year, the Election Commission is turning back \$225,000, because each year they have no way of knowing how many elections they will conduct, and they have to have the money available to conduct them. He also stated that an additional \$40,000 is coming back to the county in reimbursements, and they feel like they can significantly increase the amount of reimbursements with the help of another staff member to analyze costs and prepare the bills, even to the point that it may cover the salary.

Bill Williams stated that they have negotiated a rent reduction, they have saved money everywhere they can, and will continue to do so, but they cannot conduct the elections in the kind and sensible way that they are expected to do it without this help.

JP Blaty stated that the job description seems like an entry-level position. Bill Williams stated that is not what they would expect at all, and he questioned whether they could get a person of the skill level that they need for the amount of money that they are offering, but the Human Resources staff has assured him that they can. He added that if the current staff is any indication, they are getting about \$200,000 a year worth of performance out of their part time employee.

JP Moore asked for more explanation of how they could recover the salary of the staff assistant. Bill Williams explained that any business has fixed overhead costs, and they have never billed their customers for a portion of those costs, and they believe that is a legitimate expense of the Election Commission. He said they cannot recover 100%, because the state decides what it will pay for, and the county is responsible for the General Election, but he believes they can recover as much as 40% from their other customers, such as school districts, fire districts, and anyone else who wants to hold an election. JP Moore asked why they are not doing it now. Bill Williams stated that they simply do not have the manpower; it is all they can do to conduct elections.

Bill Williams introduced Election Commissioner E.J. Miller, and Election Coordinator Helen Peltier, and stated that they are helping the Election Commission to stay between the ditches and find ways to save money.

JP Wolf asked if all of the members of the Election Commission are in agreement that the additional staff position is needed. Bill Williams stated that they absolutely are, and Commissioner Tim Hutchinson had made it very clear to him that the answer to that question was yes in case it was asked.

JP Hubbard stated that he wanted to thank the Election Commission for working hard to recover the fixed costs, but after the Finance Committee meeting held previously, they do not know firm numbers to work with, and will have to wait two weeks to see how the property tax collections go. He also thanked Bill Williams for recognizing that money was tight, and he believes that the decision was made previously not to hire any additional staff and they should stick with that. He said they also have to concentrate on the \$360,000 being requested for new voting equipment.

JP Allen stated that the reason the Personnel Committee forwarded the request to the Committee of Thirteen instead of straight to budget consideration is that they did not want to make the decision in Personnel, because they felt like it was a worthy request that should be discussed. He said they were also concerned that if it was sent straight to the budget, it might be overlooked.

JP Wolf stated that was correct, and they could either send it on to Quorum Court, to the Budget Committee, back to Personnel, or make a final decision tonight, which she would prefer. She said there is no one who does not think this is a person that could be used, but the fact remains that they have asked all departments not to ask for additional personnel, and perhaps they could look at it a later date.

JP Moore stated that one of the things the Quorum Court has looked at in the past when considering a new position, is whether the position can generate enough additional revenue to pay for itself, and he would like to see some figures on paper as to what revenue we are not collecting, that could be collected if this position is added.

JP Stephenson stated that they should also give consideration to the fact that just because the Election Commission has requested \$360,000 for new voting equipment, it does not necessarily mean that it will be funded. He said it behooves them as a Quorum Court to see that they do not

end up in a predicament similar to the one they have just come out of, where it took two to three days to get the results of a countywide election, or have to stop counting to keep from getting different answers. He said he thinks they have definitely progressed past that point, and it is incumbent upon them to see that they do not go back down that slippery slope.

JP Wozniak made motion that the Election Commission come back to the Personnel Committee with the figures that would support how much revenue could potentially be generated if the position is in place, seconded by JP Douglas.

Motion passed by show of hands vote – 8 in favor, 4 against.

JP Stephenson asked Bill Williams to contact JP Wolf when he has the figures ready for the Personnel Committee.

## **2. Discussion: County Building Plan – Options for Relocating JDC, Juvenile Probation, and Juvenile Court**

JP Winscott began the discussion with the announcement that the county no longer owns the American Legion Building; it was sold at public auction for \$25,000, and he would like to personally thank the County Attorney, the County Judge, and the Long Range Planning/Real Estate and Buildings Committee for the time spent on it. He said it turned out very well and from all indications, the American Legion is very satisfied and happy with the results.

He stated that this item is titled “Discussion”, because they are not looking for a motion. He said several members of the Long Range Planning/Real Estate and Buildings Committee felt that they should get some direction from the Committee of Thirteen as to what the next step should be. He said that they are looking at a lot of dollars, and did not want to spend a lot of time working on a proposal if it is not the direction that the court wants to go.

JP Winscott stated that he would briefly describe each of the various proposals, stating that there are enough people in attendance who can answer any questions that they might have.

He said that Proposal A is to move the Health Department to the Center For Nonprofits in Rogers, which would open up the current building for renovation, with a Juvenile Detention Facility to be build adjacent to it at a later date. He said the Capital expenditure for this option would be approximately \$5.5 million, and the annual expense approximately \$400,000. He said when the proposals were previously discussed, they had not included the \$300,000 estimated by Circuit Clerk Brenda DeShields for the cost to staff and support a second Circuit Clerk’s office for both Juvenile Court and Circuit Court if Judge Finch is moved away from the County Courthouse. He said that Proposal A-1 is the same, except the lease would be for a smaller amount of square footage at the Center For Nonprofits, reducing the lease price by approximately \$175,000.

JP Winscott said that Proposal B is the purchase of an office building on Highway 12 for \$1.2 million, which is the current asking price, although they hope to negotiate a lower price. He said the total capital needed for this option is \$4.9 million, with total annual expenses of \$337,000.

JP Winscott stated that Proposal C is the most recently developed option, and it would utilize the Juvenile Detention Center plans developed in 2008, estimated at that time to cost \$6 million. He said he has spoken to the architect who developed the plans, and he has provided a lower estimate of \$4.9 million, or about a 20% reduction due to cheaper construction costs. He noted that their packet contains a drawing of the layout of the building, which consists of 15,550 square feet for the portion of the JDC commonly referred to as the hardened facility, and an additional

11,160 square feet for the Juvenile Court, Juvenile Probation offices, and the Circuit Clerk's staff. JP Winscott said he feels that the Long Range Planning/Real Estate and Buildings Committee will work at the direction of the Committee of Thirteen, and would be happy to come back with a proposal for any of these options.

County Judge David Bisbee stated that the plans have been discussed thoroughly, and he does not have a preference for any of the plans, because they will all work, and are all good for the county. He said that previous Quorum Courts have worked diligently to put \$6.2 million in the bank, with approximately \$1.2 million reserved for the Sheriff's Department and the War Eagle Bridge project. He said that still leaves about \$5.6 million, and in the proposed 2010 Budget presented to the Finance Committee earlier this evening, another \$1.8 million is being set aside for any emergencies that arise due to the economy and the impact of the 2010 Census.

He said that building prices are good right now, it is a buyer's market, and when you have cash in hand and can afford to, it is the time to build, although it is hard to take money out of the bank and spend it. He said the money is in the bank for a reason, so if they will pick a plan, and get started implementing that plan, they can be ready to go ahead with it when the economy starts to straighten out. He said he would not encourage or endorse taking out a bond right now, but they can plan on taking out a bond in a year or two, if they can plan for what road they are going down. He said what he is asking is for the committee to tell him what they want to do. He said for instance, if they decide they want to proceed with a new JDC, then they need to go ahead and spend the \$200,000 to \$300,000 to get actual schematics done so they will be ready to take out a bond when they decide to build it. He said if they choose to move the Health Department, they have enough money to do that, and then they can occupy that building with the Election Commission, the Coroner, Road Department Administration offices, and the Drug Task Force, which will free up a lot of lease money. He said he is asking for a road plan; what he does not want to do is let this opportunity pass them by, and then decide they need to build something after prices go back up.

JP Wozniak stated that after reading a newspaper article last weekend, which quoted the JDC Director, he wonders if there is really a need for a new JDC. He said he would rather move the Health Department and use that building for other offices, because the article he read did not indicate that the current JDC is that overcrowded, or that the money we are paying to house juveniles elsewhere was enough to cause the need to spend \$5 million on a brand new facility. He said that relocating the JDC would take people out of downtown, and that would go against what the Chamber of Commerce has been trying to do for the county. He said it would only take \$2 million to \$2.5 million to get everything else done, and they would still have money in the bank in case it is needed later.

JP Stephenson stated that it is important to hear from all sides of the issue, and he has personally questioned whether the need to build a new JDC is real or perceived. He said when they start swapping departments around, they are going to encounter expenses and difficulties, and moving the JDC to the Health Department building is not only going to impact Judge Finch, but the other Circuit Courts as well. JP Stephenson stated that he would like to recognize Circuit Judge David Clinger since he is the Chairman of the Judges' Council.

Judge David Clinger stated that he understands that they are in the middle of a sagging economy and facing many different needs, and he would like to express two concerns of at least two of the Circuit Court judges, although he is certain that Judge Finch is in a better position to inform them about the JDC situation. He said that Judge Doug Schrantz is concerned because he is aware that it has been proposed to move his courtroom to Judge Finch's courtroom if it is vacated, and he is

extremely happy where he is, although he will be happy wherever they put him as long as the facilities are adequate. He said that Judge Finch's courtroom does not have a jury box or a jury room, which necessitates Judge Finch borrowing a courtroom from another Circuit Judge when he has to hear a jury trial. He said that Judge Schrantz is aware of their desire to eliminate leases, but simply asks that they look at it closely before they decide to move him. He said that another of Judge Schrantz's concerns is that his lease expires January 31, 2010, and if the renewal option must be exercised by the end of October. He said Judge Schrantz is not aware of any discussions with the landlord about extending the deadline or grace period, and he is concerned that they may find themselves out of the lease with no other suitable courtroom space available. He said they also need to be aware that the lease contains a clause that requires them to restore the building to its previous condition when they vacate it, so that is an additional cost.

Judge Clinger stated that he is also concerned about his courtroom in the Annex. He said that during a meeting with the Circuit Judges, County Judge David Bisbee informed them that someone was wanting to purchase the Annex Building, but declined to tell them who. He said he did not think at the time that his courtroom would be sold out from under him, but in the last few weeks the County Judge's office has sent architects, private appraisers, and Historical Society people who made no bones about the fact that they were looking at buying the building for sale. He said he would go wherever they put him, but anyone who is aware of the criminal court caseload and the overcrowded conditions in the building should know that he has to have a large courtroom immediately available if he has to vacate the building. He said that he would not be the only one impacted, because the Circuit Clerk's Archive Records are located in the basement, and those records must be kept somewhere nearby, so there is another added expense that they should be aware of.

JP Wozniak asked if anyone was aware that they were trying to sell that building. JP Moore stated that he would like to hear from the County Judge. County Judge David Bisbee stated that to his knowledge, they are not trying to sell the building. He said that before he ever became County Judge, the Downtown Bentonville group asked him about selling county-owned property downtown. He said he told them that was a paradox because they have stated that they want county government to remain in the downtown area, and were now asking about selling county property. He said it became apparent that there is someone interested in the Annex Building, and two weeks ago he received a phone call asking for permission for a commercial appraiser to look at the building. He said he had no reason to refuse, does not know who it is, but if they offer \$5 million for it, they will likely be moving Judge Clinger and the Circuit Clerk's records. He said they would certainly not do something like that and lose money, but he is not attempting to sell any property. He added that it would be short sighted to tell a potential investor with deep pockets that they could not even appraise the building.

He said in regards to the other statement that was made, an architect has examined the area where Judge Finch's courtroom is located, and has looked under the ceiling tiles and at the structure of the building. He said that with some remodeling of the second floor, that courtroom can be expanded into a nicer courtroom than the one Judge Schrantz is in now. He said he has a floor plan of the potential remodel that some of the court members have seen.

County Judge David Bisbee said that as far as the JDC is concerned, while he wants to follow whatever direction the court chooses, if growth returns to Benton County, the JDC is sitting on the piece of real estate that will be needed for any expansion of the courts or county administration. He said the idea to relocate the JDC has more to do with needing the space than needing a new JDC, but that is a decision the court will have to make. He assured Judge Clinger

that he is not trying to sell his courtroom, and would not even consider it unless there was an awfully lot of money involved.

JP Wozniak stated that the County Judge does a lot of things that the court finds out about way after the fact, and why are they not told about it up front? County Judge David Bisbee asked what JP Wozniak is referring to. JP Wozniak stated that the County Judge does not even know who is interested in the Annex Building, but he is letting people go through it, and apparently has done some preliminary work on remodeling Judge Finch's courtroom.

County Judge David Bisbee stated that the Long Range Planning/Real Estate & Buildings Committee told him to go out and develop plans with associated costs, and he has done that and has come back to report. He said he does not think that anyone on the court would find any harm in allowing a commercial appraiser to look at a building. He said he genuinely does not know who the potential buyer is, only that they are represented by the Downtown Bentonville group.

JP Wolf stated that we are talking about a JDC that we are not filling up right now; moving a Juvenile Judge away from the JDC where the juveniles are housed; redoing a courtroom that has been remodeled twice, and will have to be put back; and the only thing she can see that makes any sense at all is moving the Health Department and using that building for other things. She said this has gotten way out of hand, like a kid with a quarter in their pocket who has to spend it. She said we cannot do that, cannot spend it, and have to make some sense about what they are going to do with it. She asked County Judge David Bisbee if he had to let someone look at the Annex Building, why did he not have to let the court know? She asked why he could not have just sent them something telling them that someone was looking at the building.

County Judge David Bisbee stated that if he sends an email, it is subject to a Freedom of Information request, then they read about it in the newspaper, and he gets blasted for that. JP Wolf stated that she does not care about FOI—there are no secrets here. Judge Bisbee stated that if that is how the court wants to communicate, then he would be happy to start emailing them everything. He said as far as the plans are concerned, they have all been developed at the request of the Long Range Planning/Real Estate and Buildings Committee, or at someone else's request, and he is simply bringing back the requested information.

JP Wolf stated that she realizes that the County Judge is in charge of county property, but she recalls something in the law about several elected officials having to approve the sale of any county property. County Judge David Bisbee stated there are several steps that have to be followed, which he would have to check on, but emphasized that he is not attempting to sell any county property.

JP Wolf stated that they are talking about putting a JDC out by the County Jail, and there are sight and sound laws requiring certain distances between them. She said there are a lot of thing they have talked about, a lot of things that have just surfaced, and as far as she is concerned it is mass confusion.

County Judge David Bisbee stated that it has all surfaced because he is trying to determine the direction that the court wants to go, and he does not want to spend money on any of this until he knows what direction they want to go. JP Wolf stated that normally when a committee makes a decision to ask the judge or anyone else to do something, everyone knows about it, not just four people on the committee, so maybe this organization needs to be reorganized.

County Judge David Bisbee stated that he has not attempted to get anything around the Quorum Court; he has given them information that was asked for, with as much detail, and as accurately as he can.

County Judge David Bisbee stated that he is aware of the lease on Judge Schrantz's courtroom, and the County Attorney is currently working on a clause in it about returning the building to the same "condition". He said "same condition" may mean structural condition, not configuration, and they want to get that clarified before renewing the lease. He said they are certainly going to renew the lease, because he does not believe any of the proposals would free up space quickly enough to move the courtroom within two years.

JP Winscott stated that he wanted to address JP Wozniak's comments. He said his understanding is that the JDC has been the number one priority for the last several years, both with the previous Long Range Planning Committee chaired by JP Moore, and the current Long Range Planning/Real Estate & Buildings Committee, which he himself chairs. He said that obviously the court can change the priorities, but there has been an awful lot of work done on this, and it has not been done under the table, behind the chairs, or behind anybody's back. JP Wozniak stated that he had not been talking about the JDC. JP Wolf stated that they had not been talking about the JDC.

JP Winscott asked to be allowed to finish. He said the entire proposal is to relocate the JDC, to allow room in downtown Bentonville which could be utilized for other things. He said the county is landlocked in downtown, and that is why they spent approximately \$40,000 last year to hire an architect to develop the JDC plans. He noted that it was done with the entire court's blessing last year, so the discussion about the JDC and the priority it carries is not new. He said if the court wants to change the direction that the committee has worked on, and make the Health Department the number one priority, they certainly can.

JP Stephenson stated that he does not think that the JDC or its priority is the point of contention. JP Douglas stated that he agrees with JP Wolf, that just about any issue they discuss is mass confusion. He said they have some fantastic options regarding the JDC, and the Center For Nonprofits in Rogers is a tremendous opportunity at about \$78 per square foot. He said there is confusion on that point however, because they have received an email from Health Department Director Loy Bailey stating that the Health Department is better off staying where it is. He said they continue to focus on the JDC, but lately the newspaper has indicated that there are problems out at the County Jail. He added that the last time he was out at the Road Department, part of the roof was off the building. He said they need to look at the whole picture, not spend all of the money on one project, and not be able to address the other issues. He said they have a \$600,000 loss of revenue this year, and in 2011 will lose 30% of the sales tax revenue. He said they have just started the 2010 Budget and they need projections for 2011 to decide what they need to retain in reserves, and then decide what they can spend. He said instead of saying "What is it going to cost?" they should be asking "What can we afford to spend?"

JP Hubbard stated there is \$5 million in Capital Reserves, and the Sheriff is going to require another \$1 million for his project. He said that as far as a long-range plan goes, it has been hard to develop one, and to determine needs. He said they do not have a lot of money, and any of these proposals use every bit of it, so they are going to have to look at some creative financing to get it all done. He said that he believes they have some time, because the economy is not going to turn around tomorrow, forcing construction costs to skyrocket. He said he would like to put some of this on the backburner, at least until they get through the budget process.

JP Hubbard stated that he would like to see some decisions from the County Judge, because right now there is too much laid out before the court. He said it seems like most of the maneuvers they are making are in order to free up the building next door, but it seems to be taking a big curve to get there. He said that the County Judge should assume the leadership as the Executive,

and tell the Quorum Court, “This is what I want to do”, instead of asking what they want him to do. He said he would like for the County Judge to come back to the Long Range Planning/Real Estate & Buildings Committee and the Committee of Thirteen, if needed, with a firm plan. He said that would give the Sheriff time to develop his plan so they can include that cost, and the Sheriff’s project needs to be looked at very seriously because they have already committed half of the money for it. He said they need a clear plan that does not change, because they are being told that any of the three proposals will work, but they could not be more different. He said for instance, one option is ownership and one is to lease, which is a totally different direction.

County Judge David Bisbee stated that a couple of months ago, he came to the court with Proposal A, and Proposal B, with very firm numbers for both. He said at the request of JP Moore, Proposal A-1 and Proposal C were developed. He said the Center For Nonprofits came back with more information, and he felt that should be made available to them, so it is not that he does not have a firm plan— it is that they keep asking for more information.

County Judge David Bisbee stated that in providing the direct leadership that JP Hubbard is asking for, he would like to have a motion made and seconded to move the Health Department to the Rogers Center For Nonprofits, and occupy the Health Department Building with Road Department Administrative offices, the Coroner, the Election Commission, and the Drug Task Force. He said making that move will free up a lot of lease space without overspending the budget, without getting into the JDC, and taking care of a lot of issues.

Circuit Clerk Brenda DeShields stated that she is neither for nor against moving the Juvenile Court system, but wanted them to be aware of the associated costs as far as her office is concerned. She said that separating Circuit Court judges creates a huge nightmare as far as keeping court records as required by the Arkansas Constitution. She said she has provided them with the costs she believes will be incurred if she has to equip and staff an additional office near Judge Finch. She explained that since Judge Finch also hears 14% (approximately 437) of the Civil cases in addition to his Juvenile Court docket, she cannot set up an office only to serve the Juvenile Court, but will have to duplicate all of the services her office provides for all of the Circuit Courts.

Circuit Clerk Brenda DeShields explained the difficulties her office would face in keeping records as mandated by state law. She said that if Judge Finch only heard Juvenile cases, separating him from the other Circuit Courts would work, but in Benton County, that is not the case. She said that the division of cases is decided by the Administrative Plan, which has to be approved in Little Rock, and every two years that plan can change. She added that Judge Finch also hears the Criminal cases that are assigned to Drug Court, and any cases in which a juvenile is charged as an adult. She said she is not against a plan to move forward in the future, but the plan has to be realistically workable. She added that she understands that Benton County has grown in the 21 years that she has been here, and noted that except for the Administration Building, we are working in essentially the same space.

She added that although it has been stated that the Annex Building is not an issue, she wanted to remind them that there has to be a File Room near the courts, because those files are required by law to be kept permanently, and they must be kept close enough to the courts for efficient retrieval. She added that it is more cost-effective to keep the records nearby in a county owned facility, than to pay a records storage facility for storing them, retrieving them, and then returning them to storage.

Health Department Director Loy Bailey was recognized, and thanked the Committee for allowing him and his staff to have some input in the discussion. He said that basically, the position of the Health Department staff has remained unchanged; they feel like they can best deliver their scope of services to their clients from the Health Department's present location.

He said he would like the county to maintain an interest in the Center For Nonprofits, as a possible satellite location if they are able to get more staff from the state. He said that Circuit Clerk Brenda DeShields was correct when she stated that when looking at moving an operation, they have to be sure that they are putting people in the position to do the best job they possibly can, and to make a decision for the right reasons. He said there could be some disagreement about what the right reasons are, such as getting the Health Department out of the way and moving forward with a JDC, etc. He said he hoped the right reason would be putting the staff in the best possible location to be as successful and they can be, not only now, but in the future.

JP Stephenson stated that he does not understand what Loy Bailey means when he talks about the staff being able to achieve more at their present location as opposed to any other location.

Loy Bailey stated that one part of it is the Bentonville location, because they can serve Bentonville, Centerton, Gravette, Gentry, Cave Springs, and the area toward Decatur. He said since the Tree of Life Clinic and the Poplar House clinics have received Community Health Clinic status and will be moving into the Center For Nonprofits, they feel like the Rogers area and Highway 62 corridor toward Lowell will be adequately served.

He said the staff has more than 25 years' experience, and they feel like they have a good site and layout, although they could always use more room, but they do not feel it is the best interest of the Health Department to move just for the sake of moving. He repeated that the Center For Nonprofits could be a good location for a satellite office to augment the services being provided by the Community Health Center, with services that are unique to the Health Department, such as WIC. He added that they do not feel like a wholesale relocation allows them to fulfill their mission in the way that it should be, or to canvass the county as it should be. He pointed out that they are now reaching the southwest corner of the county with the satellite clinic in Siloam Springs, and the St. Francis Clinic.

JP Stephenson asked if the staff works exclusively from the Health Department location, or if they travel. Loy Bailey stated that the Clinical staff works in the office, and the Environmental staff travels. JP Stephenson asked if they could not travel just as easily from one location as the other. Loy Bailey stated that he is talking about the clients and patients, who may not be able to reach the Rogers location as easily as the Bentonville location. He said they feel they are doing a good job serving the population of the entire county, based on need, with the locations in Siloam Springs and Bentonville. JP Stephenson asked if the location of the Health Department has to be restricted to a one- or 2-mile radius of its present location. Loy Bailey said he supposed they could move a short distance, but did not understand the logic in the question. JP Stephenson stated that he does not understand the logic of the Health Department's position. Loy Bailey stated that he has explained it the best way he knows how; they feel that the current geographic location puts them in the position to reach a lot of people in the Bentonville, Bella Vista, Cave Springs areas, while the Community Health Center provides adequate services to the Rogers-Lowell area.

JP Douglas asked if they have clients from the Pea Ridge and War Eagle areas, or is the majority of the clientele from the Bentonville area, and would the fact that the Center For Nonprofits is on the Ozark Regional Transit route not be advantageous to their clientele. Loy Bailey stated that it would be advantageous to a certain portion of the clientele, but they do not provide just clinical

services. He said they have the largest, most diversified Environmental program in the state, and the vital records department and WIC program are very busy. He said people are not having a problem getting to them right now, and they are seeing as many people as they can possibly see. JP Allen stated he disagreed with the present location being a magical location, and you can be in Rogers, just 4 miles from the location, and it takes forever to get to the Health Department, particularly at certain times of the day. He said there are some benefits to being next to the other non-profits, because he would bet that a high percentage of the Health Department's clientele will be able to also utilize those other services. He said the facilities are fine and located on the bus route, and does not think they are moving the Health Department just for the sake of moving. JP Allen stated that there may not be an immediate need for the Health Department to move in order to operate better, but if the decision is made to move them, it will be because the county as a whole will operate better. He said they may have to take one for the team, move to Rogers, and operate as efficiently, or maybe better, than they do in their current location. He said that might allow someone else to move into the Health Department building and operate more efficiently.

JP Allen stated that at a Long Range Planning/Real Estate & Buildings Committee, he had asked why this whole issue was being discussed, and the response was that the JDC had to be moved. He said after tonight, it appears that we do not have to move the JDC, although he knows they have been in that process since before his present term on the court. He said if they do not have to move the JDC, then it changes everything, and they should focus on that fact. He said however, if moving it is part of a long range plan to make something happen, then they should talk about it. He said they need to determine if the cost of moving it will be more than the cost of leaving it where it is, especially in light of what they have heard from the Circuit Clerk regarding her additional costs.

JP Allen added that he is not worried about whether or not the County Judge is selling a building, because he believes it would be brought to their attention at the appropriate time. He said that the County Judge is not going to sell a building without their knowledge, even if he could.

Loy Bailey extended an invitation to the court to come and visit with the Health Department staff anytime, and see their operation. He said if there was anywhere they could move and do a better job than they are doing now, they would be the first ones to be in favor of it. He also added that they are way into this operation, and this is the first time that Health Department staff has been officially recognized and asked what they thought. He stated that all he would ask as they move forward is to please keep them engaged in the discussion.

JP Hubbard stated that he would like to make a motion to move this back to Long Range Planning/Real Estate & Buildings, because they now have a plan from the executive who is in charge of buildings, and what he has presented is not among the proposals on the handout. He said to answer the question posed by JP Allen, moving the JDC *is* part of a bigger scope. He added that he will be sponsoring an item for the Sheriff at the Long Range Planning/Real Estate & Buildings Committee next month, so there will be an agenda item coming from that. He said they can look at the County Judge's plan on paper, and it will all come together with the Sheriff's project. He said that the proposal stated by the County Judge is different than anything they have on paper, so it needs to go back to Long Range Planning/Real Estate & Buildings.

JP Stephenson asked if that is a motion. JP Hubbard stated that it was, seconded by JP Lewis.

JP Wolf asked Loy Bailey if transportation is not a problem at the present location, why would clients have trouble getting to the Center For Nonprofits? She said that since the Center For Nonprofits is on the public transportation route, would it not enable more people to use the Health Department's services? Loy Bailey stated that he is not sure they could handle an appreciable increase with their current staff and resources. He said as they look to the future, they feel like their present site allows them to best fulfill their mission. He said the Center For Nonprofits has been great to try to make that location work for them, but it cannot accommodate everything they need at this time. He said they feel like the present location allows the greatest accessibility to the largest number of Benton County citizens.

JP Wolf stated that she agrees with JP Hubbard's motion.

JP Moore stated that he does not understand what has come up that is not in the proposals on the handout. He said that Proposal "A" is moving the Health Department to the Center For Nonprofits, and that is pretty much a standalone proposal, and anything having to do with the JDC could be put off until sometime in the future. He said he thinks they should make a decision on whether they want to pursue this or not, because they have discussed it at two Long Range Planning/Real Estate & Buildings Committee meetings. He said that it has been fleshed out enough that they should be able to make a decision at this point.

JP Hubbard stated that the motion is to send it back to Long Range Planning, because Proposal A includes build out costs for the JDC, and does not mention any of the offices that the County Judge has suggested be moved to the Health Department building. He said the County Judge should be able to write it out and give it to them, because they have nothing in writing which details the plan presented by the County Judge tonight. He said the County Judge needs to come back and tell them what he wants to do, and at that point they can decide whether or not they want to pay for it. He said he would rather have that instead of ten different plans in front of him, with the court being asked what they want to do. He said that would give them time to include the plan for the jail expansion, because it is hard to put something in front of that when they have already allocated part of the money for it.

Motion failed by a show of hands vote: 7 votes in favor, 5 votes against.

JP Winscott stated that he did not bring this issue to the Committee of Thirteen for a motion. He said his intention was to find out if the Committee wanted to pursue one of these plans, so that if they developed a detailed plan and associated costs, they would not be wasting their time. He said that he still does not have that answer.

JP Stephenson stated that JP Hubbard has referenced the \$1,020,000 set aside for the Sheriff's minimum-security project, and that can certainly be undone. He said that even though it is now \$2 million instead of the original amount, his concern is not the cost of building it, but the continuing cost of the facility. He said the Sheriff has told them that it will take a minimum of 25 to 30 additional personnel to run the facility. He said the other issue is state prisoners, for which we are being paid less than our costs to keep them. He said if we build additional space, they will just send more state prisoners for us to keep without paying as much as it costs us. He said they need to put more pressure on the state, because the state is getting a free ride with prisoner fees, and in not funding prosecuting attorneys and public defenders.

JP Hubbard stated that they allocated the money, so they must have felt it was important and there was a need, which has not gone away.

JP Winscott stated that he shares the concern about the costs of the jail barracks. He said he has contacted the Administrative Judges Office, and he feels very strongly that there are prisoners in the County Jail who are no threat to society, and who could be released under technical surveillance. He said it is not new, and there are a lot of judicial departments using it very effectively. He said that those in the program would pay for it, and it would free up a significant amount of space in the County Jail. He added that it would allow the inmates to keep jobs that they might otherwise lose while they are in jail.

JP Wolf stated that the money was set aside because there was a need, and she is not in favor of using it for anything else. She stated that if you just take out the JDC, it is the same as Proposal A; they just need to determine which offices they want to move into the Health Department building.

JP Wolf made motion to move the Health Department to the Center For Nonprofits, and move the Election Commission, Coroner, Road Department offices, and the Drug Task Force into the Health Department Building, seconded by JP Wozniak. County Judge David Bisbee asked for clarification of which amount of square footage to lease. JP Wolf stated that her motion is for Proposal A, the larger lease. County Judge David Bisbee stated that would increase the Health Department's current space by 50%.

JP Allen stated that they have a proposed budget before them in the Finance Committee that does not contain any of this, and while he would like to move forward and make a decision, he feels like they should hear from the Comptroller first. He said that Proposal A also has three different payment options provided by the Center For Nonprofits which need to be discussed. JP Hubbard stated that perhaps the matter needs to go to the Finance Committee, because they do not have hard numbers on the renovation costs, or road access, or financing options. JP Wolf stated that it is still a lot less than \$5 million.

JP Moore offered a friendly amendment to the motion, referring the issue to the November 3, 2009 Finance Committee, seconded by JP Douglas.

Amendment passed by unanimous voice vote.

JP Allen asked if there is a time constraint since they have just delayed a decision for another month. Roy Clinton stated that he is representing the Jones Trust, and introduced Dr. Carver, Susan Barrett, and Chief Financial Officer Allen Stehben who were also in attendance. Roy Clinton stated that it is very important to them to have the Health Department located in the Center For Nonprofits, so while they need to know as soon as possible, they will be happy to wait.

Motion as amended passed by unanimous voice vote.

Judge Jay Finch asked to make a statement. JP Stephenson recognized Judge Jay Finch.

Judge Finch stated that for two and a half years, he has come before the court and its committees, given them information, worked with them to create plans, and has done everything he knows how to do in order to persuade them that if they are going to create a new JDC and Juvenile Drug Court in a location other than where it is now because the county needs the space, that he and the Juvenile system staff could do it, and he has told them how they could do it.

Judge Finch said that tonight, he feels absolutely betrayed. He said that instead of moving forward with what has been the number one plan for this county for more years than he can imagine, and more work than he would have done had he known it was going to be dithered, they have voted to spend \$1.5 million on a plan that may or may not help, and may or may not do anything. He said they have voted to reconsider the fact that the Juvenile Justice system is the number one priority, or at least it is not treated like number one. He said they are treated more like number two, or three, or six.

Judge Finch stated that they cannot treat people this way and expect cooperation. He said he will not attend anymore meetings, and he does not understand the reason for doing what they have decided to do. He added that Judge Clinger does not speak for him, but is an Administrative Judge who administers a plan that all of the judges agree upon. Judge Finch stated that he does 1,400 Juvenile cases by himself, and Judge Clinger is assigned 850 Criminal cases. Judge Finch stated that he does more civil cases than Judge Clinger; all of the Drug Court cases; has to borrow a courtroom to do it, and yet no one here tonight spoke up for these issues that have been brought before the court for two and a half years.

JP Stephenson called a 10-minute recess.

Committee back in session.

### **3. Emergency Notification Presentation: Cooper Notification**

Department of Emergency Management Coordinator Marshall Watson noted that this item is on the Committee of Thirteen agenda at the request of the Quorum Court. He said the County Judge has tasked him with finding a system that meets the following three criteria: 1) the company must provide their own dataset; 2) the system is strictly for use as an emergency notification system; and 3) the system is an “opt-out” rather than “opt-in”. Marshall Watson stated that Cooper’s RSAN (Roam Secure Alert Network) meets all of those criteria.

He pointed out the cost estimates on Page 8 of the proposal, and explained that the first-year cost is \$100,000, which is an applicable Homeland Security Grant expenditure, and the subsequent renewal cost is \$21,000 annually. He said the annual cost is significantly lower than some of the other proposals that have been presented to the court. He said the second option is a \$50,000 annual fixed cost. He said they should keep in mind that if they pursue a cooperative purchase with other municipalities, the county’s share of the renewal cost would be 30% of the \$21,000. Marshall Watson turned the presentation over to Jay Burchfield of Cooper Notification.

Jay Burchfield gave an overview of the company and the various systems available. He explained that the systems are modular, meaning that additional functions can be added at a future date. He added that the RSAN system is actually two systems for the price of one. He said the first is the RSAN system itself, which acts as the alerting platform, and the other is the RSIX, which is the acronym for Roam Secure Information Exchange, which not only integrates the systems mentioned previously, but also ties in to some automated alerting such as weather alerts, Amber alerts, and traffic alerts.

Jay Burchfield stated that this is an opt-out system, and Cooper Notification will provide the data base. He said that the alert can be initiated by the appropriate individual through the internet, mobile, or landline phone, and after the alert is sent, there is a tracking function wherein the alert sender can go in the system to see who has responded and follow up accordingly.

Jay Burchfield stated that one of the advantages offered by Cooper is their direct connectivity to most of the major wireless networks, and noted that 25% of people in Arkansas are using cell phones only. He said using landlines only would limit the saturation of the alerts. He said they have developed partnerships with the major wireless carriers, which allows them to have a direct through put into their systems. He said that they will upload the initial database, so it will be ready to go in a matter of days after the decision is made to purchase the system. He said that citizens will have the option to go into the system and self-register, which allow them to customize which numbers or devices to send alerts to at certain times, or additional numbers that they want notification sent to outside the alert area.

Jay Burchfield described a feature called "Rapid Enrollment", which allows someone to send a text message to automatically register a cell phone to receive alerts. He explained the Quick Alert feature, which is a way that the sender can preset who is going to receive it, what it is going to say, and in what language. He said this will cut down on the time it takes to get out an alert in an emergency situation. He said the system has GIS and mapping capability which allows the alert sender to map out an area to receive an alert.

Jay Burchfield stated that the company has been involved in sending out strictly emergency notifications since 2000, and does not use the system for any type of marketing. He said the system is deployed in Washington D.C., and they sent out approximately 1.2 million messages on Inauguration Day, alerting the community about transportation issues, and coordinating the different agencies within the district.

He said another key point in the deployment of the RSAN system is the implementation process and every deployment has dedicated project managers and technical staff to analyze what the infrastructure can handle, and work accordingly with it. He said the company has 230 deployments nationwide, with a 100% customer retention rate. He also added that the system is patented, and there are other systems that have tried to copy it.

He said another key point is the speed of the system; it is capable of sending out 200,000 text messages per minute, while simultaneously sending out 35,000 voice alerts. He said that other vendors have only 5% to 10% of that capacity.

JP Wozniak asked if the system Benton County is looking at is just for emergencies, or could it be used for traffic alerts. Jay Burchfield stated that it is his understanding that the county initially wants to use the system strictly for emergencies only, but there is no additional charge. JP Wozniak stated that it would come out of the available minutes, although there should not be a problem using up the minutes because there are plenty available.

Jay Burchfield showed how a person would register through the internet and customize which alerts they want, and to which devices. He said the process can be as simple or complicated as they want it to be.

JP Allen questioned whether they want to be involved in notification of school closings, because they are not the ones that make that call. Jay Burchfield explained during the set up process, the project managers will allow customization of the site, to allow the end users to sign up to only the groups that we want them to sign up to. JP Lewis asked if the charge would come back to the county or to the individual who signs up to that group. Jay Burchfield stated that there is no charge for text messages, and the voice notification will come from the minutes purchased with the plan.

Leslie Brown of Cooper Notifications stated that it is possible to give administrative rights to the school superintendents for school closing notices, just to the parents of students. JP Allen asked if that would not be a coordination nightmare. Marshall Watson stated that DEM has been

working with the school districts for years, and when inclement weather hits, the schools call in to CenCom to let them know which schools are closing and at what time.

Jay Burchfield illustrated the page that someone with management rights would use to send an alert, and how the responses are tracked. He explained that the unidentified responses are cell phones or land lines that are not in service, and the system is smart enough to know after a few alerts, that those numbers need to be deleted.

JP Wozniak asked how the system is identified on Caller ID, because a lot of people will not answer a call from an unfamiliar number. Jay Burchfield stated that the system can be set so that any number they want can show up on the Caller ID. JP Wozniak asked if letters are available, because if the number is unfamiliar, some people will not answer. Jay Burchfield stated that he is not sure, but they can have different numbers for different types of alerts. Marshall Watson asked if it could be a fictitious number. Jay Burchfield stated that it can.

JP Wozniak asked if the voice notification is a recording or computer generated. Jay Burchfield stated that it can be done either way. JP Wozniak asked if the system will “scrub” numbers, such as in the case of a hospital which might have a thousand phone numbers, but every one of them does not need to receive the alert. Jay Burchfield stated that it automatically scrubs invalid numbers. JP Wozniak stated that if the numbers cannot be scrubbed, we will have hundreds of minutes in unnecessary phone calls counted against the total. He said they can enter the phone numbers that they want notified in the system as points of contact. JP Wozniak stated that he did not think the hospital staff would do that. Jay Burchfield stated that the system can be set up to only notify the individuals that would pass the information on down the line.

Marshall Watson stated that the database exists in Excel or a similar format, so it can be buffed for duplicate physical addresses. Jay Burchfield stated that is totally feasible.

JP Wozniak asked if the company has any other customers in Arkansas. Jay Burchfield stated that they have concentrated on the East and West coasts, along with some in the central region. He said they do not have any in Arkansas, but would love for Benton County to be an example and reference for the central region and the rest of Arkansas

JP Wozniak asked how many call centers the company has. Jay Burchfield stated that the system is configured redundantly, with one site in Virginia, and one in Phoenix, Arizona so that if one system goes down, there is no downtime in the RSAN system.

JP Wozniak stated that there are several different call centers in the county, as well as CenCom in this building. He asked if the technical support will be coming to all of the centers to show them how it works, or will they all have to come to one location. Jay Burchfield stated that there will be several web-based training sessions, and one day of on-site training, so they would all need to be in one location.

Marshall Watson asked Jay Burchfield to explain how the GIS-based weather alerting works. Jay Burchfield stated that they are integrated with the National Weather Service, and if they send out a polygon alert, the system will automatically send an alert by voice or text, depending on the preference that is set to every end user.

JP Allen asked what they had done in the Katrina situation. Jay Burchfield stated that it was a reactive situation, and it was used for the coordination of the different agencies.

JP Lewis asked how many people do not have text messaging. Jay Burchfield said not many, because most plans now come with unlimited text messaging.

JP Hubbard asked how much the system costs the second year. Marshall Watson stated that the annual cost is \$21,000, and the discussion they had earlier was to get through the first year and see how it works, then approach the municipalities about some type of group purchase based on

their populations. JP Hubbard asked if the first year will be paid for with grant funds. Marshall Watson stated that it is a valid expense as listed by the Homeland Security Grant.

JP Hubbard stated that it sounds like a waste of government money, this is Benton County, and if the cities want it, let them get it.

JP Wozniak stated that they are only interested in emergency notification, but they were told that the first year they would have some latitude. Marshall Watson stated that the emergencies would be defined by Benton County as the end user. He said the latitude that is being referred to is in the text messaging application, to allow schools and various entities to use that application. He said it is built in to the price, and what they are purchasing for the \$21,000 annual cost are the voice minutes.

JP Wozniak stated that if he wants to notify citizens about a road closing, or that trash pickup is going to be a day late, how will that affect the price. Jay Burchfield stated that they could make that strictly a text message notification at no charge. He said that the infrastructure and data lines can handle 200,000 text messages per minute, while the phone lines are limited, so they have found that text messaging is much more efficient in reaching the masses. He said ideally, they can send out 36,000 voice messages per minute, if the county's infrastructure can handle it. He said the project manager will test the infrastructure to see what it can handle, and will adjust the system accordingly. JP Wozniak stated that there are several cities involved, and they may decide the second year that they want to do more than just emergency notification. JP Wozniak asked if it is going to cost them extra for the second year if they send more voice messages and not a lot of text messages, because his area is 50% retired people who use mostly landlines or cell phones. Jay Burchfield stated that it would, if they exceeded the number of minutes purchased in the plan. He added that they have not had a customer yet who exceeded the number of minutes allotted in the plan for voice messaging, including the City of Philadelphia, where they uploaded 1.6 million phone numbers onto the system.

Marshall Watson stated that he wanted to remind everyone that the Code Red system would charge extra for the weather alert application, and anyone who wanted to receive that alert had to go to the secured website, sign in, and create an account, before receiving it. He said in the case of the RSAN system, the polygon is identified, the alert is issued by the National Weather Service, it will be buffed against the entire database, and those calls would go out accordingly, without anyone having to do anything to activate the system.

JP Allen stated that this was brought to the Committee of Thirteen at the request of the Quorum Court.

JP Winscott asked if this had been installed 10 years ago, how many events would have happened that would have been really critical emergencies, like a tornado hitting. Marshall Watson stated that depends on how far they want to branch out the system. JP Winscott stated the weather is the only thing that is critical, not how far you want to branch out the system. Marshall Watson asked if he considers a severe thunderstorm warning to be enough of a threat to activate the system. JP Winscott stated that he does not consider that critical. Marshall Watson stated that since January, there have been 34 severe thunderstorm warnings issued for Benton County, along with four tornado warnings. He said in the four years he has been with Benton County, there have been four presidential declarations of disaster, and two state declared disasters, and those are legitimate disasters that impacted Benton County. He said the initial alert could be followed up 6 hours later with locations of shelters that have been opened up. JP Winscott stated that he does not consider that critical information, he considers the tornado critical.

JP Allen stated that if you are attending an outdoor event, such as a football game, and a funnel cloud is spotted, he would appreciate a text message. He asked if the court is voting this up or down, or are they considering other proposals.

JP Lewis stated that Channel 40/29 and the other stations offer weather alerts, so those taxpayers that choose to participate in it can do so and can very well pay for it. She said that it has been stated that we were not going to be using the system for weather, but for other things, so she needs some clarification on what they are going to be using it for. She said she does not know if their constituents want them to spend \$100,000 on something that they can already purchase if they want it. She said if it is only for a higher range of situation, like a terrorist, she would like to see that written, because if it is only for weather, she can sign up for it tonight if she chooses to do so.

Marshall Watson stated that they have never said they were not going to do weather; it has been a substantial part of the reverse 9-1-1 discussion all along, because they need a way to augment the limited coverage provided by the warning sirens. He added that they have looked at warning services offered by all three of the local television stations, and 40/29 charges \$6.00 per year for the service, which is potentially for a GIS-based warning if you enter your address when you sign up. He said the other two only offer email notification, which will not do any good unless you happen to be sitting in front of your computer.

He said there are 70,000 developed parcels in Benton County, so if each of those addresses signed up for the \$6.00 per year service offered by Channel 40/29, the total cost for the entire county to have that service would be \$420,000 per year, as opposed to \$100,000 for the first year, and \$21,000 annually, which could possibly be shared with municipalities.

Marshall Watson stated that there are other benefits to the system, such as the ability to issue an alert for a missing child, or in the case of a hazardous material spill, the ability to issue an evacuation order for a designated area in a matter of minutes. He said none of those situations could be handled as quickly by the television stations.

JP Harrison stated that he would like to respond to JP Winscott's statement about critical weather. He said that as a weather spotter, he is aware that severe thunderstorms can be critical because they can produce lightning, hail, and high winds, which are very dangerous to people who may be caught unaware at outdoor events. Marshall Watson stated that if they feel that severe thunderstorms are critical, but not critical enough to use up the minutes allotted for voice messages, they can set up the system to send those alerts as text messages only, and save the voice alerts for tornado warnings.

Marshall Watson stated that purchasing the public database with this system will automatically provide 70% to 80% coverage, so there will have to be a good notification effort to inform people to go to the website to check their information. He said they would then have the option to sign up for text messaging, and that could be used for other messages without depleting the purchased voice message minutes.

JP Allen made motion to refer the matter to the Environmental Committee for a recommendation, seconded by JP Douglas.

Motion passed by unanimous voice vote.

Chair JP Wozniak stated that since he will be out of town for the next three weeks, the next senior member on the Environmental Committee, JP Hubbard, will be in charge of calling the meeting. He added that they should have time to have something ready for the November Committee of Thirteen meeting. JP Hubbard said the committee members will be notified of the meeting time.

#### **4. Items Forwarded From Finance Committee 10-06-09**

##### **a. Resolution Request: GIF Fire Protection Grant Application for Beaver Lake Fire Department**

JP Lewis stated that this is a pass-through grant requiring no county funds. JP Lewis made motion to forward to the October 22, 2009 Quorum Court agenda, seconded by JP Winscott.

Motion passed by unanimous voice vote.

##### **b. Resolution Request: Accepting Legislative Audit Report**

JP Moore stated that they have all received a copy of the Legislative Audit Report for the Fiscal Year ending December 31, 2007, and this resolution is acknowledging receipt and acceptance of the report. He noted that all officials were in compliance except the previous County Judge and Collector, and those situations have been addressed and corrected. JP Moore made motion to forward to the October 22, 2009 Quorum Court agenda, seconded by JP Hubbard.

Motion passed by unanimous voice vote.

##### **c. Appropriation Ordinance Request: Substance Abuse Drug Court Grant**

JP Moore stated that this to appropriate \$72,679 in grant funds, for substance abuse treatment in the Adult Drug Court. JP Moore made motion to forward to the October 22, 2009 Quorum Court agenda, seconded by JP Hubbard.

Motion passed by unanimous voice vote.

##### **d. Appropriation Ordinance Request: Supervised Visitation and Exchange Program Grant**

JP Moore stated that this is to appropriate \$10,386 in 2009 grant funds. JP Moore made motion to forward to the October 22, 2009 Quorum Court agenda, seconded by JP Wolf.

Motion passed by unanimous voice vote.

##### **e. Appropriation Ordinance Request: ACEDP Septic System Project Grant**

JP Moore stated that this will appropriate a portion of the grant to be expended in 2009, and the remainder of the grant funds will be appropriated in 2010. JP Moore made motion to forward to the October 22, 2009 Quorum Court agenda, seconded by JP Wolf.

Motion passed by unanimous voice vote.

JP Hubbard stated that he spoke with Grants Administrator Kathy Bannister about the cost of the septic systems, because he thought it was high, and she explained that they

had estimated the cost simply for the purpose of making the grant application, and she believed that they would be able to install more septic systems than they originally thought. JP Hubbard stated that she told him she would be personally administering the grant, and would be in charge of the project along with the Health Department's person. He said it did not sit right with him, because Kathy Bannister is the Grants Administrator, and along with another lady who is not a county employee is going to running this and hiring septic people, and overseeing the project. He asked if the County Judge could address that, because he did not think it should be coming out of that office.

County Judge David Bisbee stated that they do not have the appropriation yet and do not have the program going, but he can assure them that he will not have the Grants Administrator overseeing the installation of septic tanks. JP Hubbard stated that is what he was told. County Judge David Bisbee stated that JP Hubbard had not been talking to him when he was told that, because it would not be appropriate. He said once the program is up and running, they will take bids on it, and there will be proper supervision of it.

**f. Appropriation Ordinance Request: Emergency Medical Services (VAS)**

JP Moore stated that this is to appropriate the dues that have been collected along with property taxes for the Emergency Medical Service District for various expenditures.

JP Moore made motion to forward to the October 22, 2009 Quorum Court agenda, seconded by JP Allen.

Motion passed by unanimous voice vote.

**5. Discussion: 2009 Tax Levy Resolution**

County Judge David Bisbee stated that the constitution requires the Quorum Court to set the millage rate every year, for County General and County Road. He said that in November, he plans to ask the Quorum Court to give the taxpayers in Benton County a small tax break and produce an additional \$330,000 in revenue. He said due to the rollback last year, County General is at 4.8 mills, and it can be increased to 5.0 mills, and at the same time they can reduce County Road by three-tenths of a mill, which will result in a one-tenth of a mill tax reduction to the county taxpayers. He said that the county only keeps about 30% of the funds generated by the County Road millage, but keeps 100% of the funds collected for County General. He said the result would be an additional \$330,000 in revenue for the county, but in the interest of full disclosure he wants them to be aware that the cities will lose about 30% of a windfall that they got three years ago. He explained that three years ago, the County was in a bind and needed to raise the millage, but County General was already at 5.0 mills, so the Quorum Court voted to raise the County Road millage by one-tenth of a mill. He said the result was that Benton County kept about 36% of the funds generated by that increase, and the other 64% went to the cities, so they would be recouping part of that windfall from the cities. He said it was not money they asked for or voted for, and in some cases they did not realize they had even received it. He said they can expect to hear from some mayors, because obviously they do not want to lose money, but it is for the betterment of the county and its taxpayers.

JP Moore stated that they need to make a decision on whether or not to pursue this, so that they can input the correct numbers into the budget before it is finalized.

JP Wozniak asked if they could do that before they receive information about a possible rollback. County Judge David Bisbee stated that he did not see any way that there could be a rollback, because there was very little growth in the county in 2009, and they would need 10% growth to initiate a rollback. He added that we do not need the \$330,000 for this year's budget, but they will certainly need it for 2010, and it would not be collected until then.

JP Stephenson stated that he does not think it would make sense to not do it. JP Hubbard stated from the county's perspective he would agree.

JP Allen stated that since the tax will not be collected until 2010, it would be a good idea to let the cities know what they are doing. He said he thinks Rogers will be the city impacted the most, and will lose about \$300,000. County Judge David Bisbee stated that was correct, that Rogers had gained a little over \$1 million when the County Road millage was raised four years ago, and in fact did not budget it for two years because they did not realize they had it.

JP Allen asked if it is correct that the smaller towns will feel very little impact. County Judge David Bisbee stated that is correct.

JP Moore requested a straw poll on the question of whether the Quorum Court wishes to follow the County Judge's recommendation to increase County General to 5.0 mills, and reduce County General to 1.9 mills.

JP Stephenson requested a roll call vote recorded as follows:

7 yays: Brown, Lewis, Hubbard, Moore, Allen, Winscott, Stephenson  
5 nays: Wozniak, Wolf, Douglas, Blaty, Harrison  
1 absent: Sandlin

JP Moore stated that they would proceed with the budget process with the assumption that the millage rate will be changed in November.

**OTHER BUSINESS:**

None

**ANNOUNCEMENTS:**

JP Moore announced that the next Finance/Budget Committee meeting will be Tuesday, October 20, 2009 at 5:30 p.m.

**PUBLIC COMMENTS:**

None

Upon motion and second the meeting adjourned at 9:42 p.m.