

# Committee of Thirteen Report

November 10, 2009

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, November 10, 2009 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

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

Absent: Blaty

Others Present: Comptroller Richard McComas, Director of Public Services Chris Glass, Grants Administrator Kathy Bannister, Election Commission Chair Bill Williams, Properties Coordinator Marsha Graham, Health Department Director Loy Bailey, Benton County Farm Bureau President James Simpson

Media: Tabatha Hunter – Daily Record

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

## **PUBLIC COMMENTS:**

None

### **1. Benton County Farm Bureau Resolution to Benton County Quorum Court-Farm Bureau President James Simpson**

James Simpson, President of the Benton County Farm Bureau, stated that each year the Farm Bureau goes through a policy development process dealing with local, state, and national issues. He stated that Farm Bureau is a grass roots organization which considers itself the voice of agriculture. He stated that Benton County Government has a responsibility to the rural residents in Benton County to provide for their health, safety, and well-being, and in that regard the police, fire protection, and road services are of utmost importance. He urged continued support of the rural fire departments in addressing their equipment needs. He said this is an ongoing issue, but the volunteer fire departments are one of the best bargains that the county can invest in for providing for the health and well-being of rural Benton County residents.

He said another issue they would like to see addressed, is for Benton County to place a high priority on replacing or repairing bridges in rural areas that have been closed in recent years due to destruction from flooding events, or age and deterioration. He stated that these bridge closures place undue hardship on residents served by the bridges, and pose increased health and safety risks due to increased response time of fire, police, and ambulance service. He urged consideration of alternative methods of construction such as rail car bridges, and asked that all funding avenues be researched including grants, bond issues, and restructuring of current budgets. He said that they understand the budget crunch and that they are looking for ways to make ends meet with the reduced projections of income for the future. He said that there are four or more bridges that have been out of service for at least five to six years. He stated they understand that there are a lot of regulatory issues and standards that have to be met because the

Corp of Engineers is involved. He cited an article on ArkansasBusiness.com that tells how a company in Camden, Arkansas recycles rail cars into affordable bridges. He stated that half the counties in the state are utilizing rail car bridges and that there are as many as ten to fifteen bridges in different counties. He stated that the Arkansas Highway and Transportation Department does not approve these bridges because they cannot appropriately weight rate them, but an average rail car has a weight capacity in service of 120,000, so the cost would be pennies on the dollar compared to modern construction. He stated that Benton County Ordinance No. 86-4 states the first and highest priority of road funds shall be to provide, to the fullest extent possible, a network of county roads that are passable under all weather conditions.

James Simpson stated that another important issue that Farm Bureau would like to see addressed is the training of government and public employees in bio-security procedures, so that if it is necessary to enter dairy or poultry farm property, the bio-security procedures will not be compromised. He said the owner should be contacted to see what is required, but all personnel who enter these farms need to have a basic understanding of bio-security procedures. He stated that a website called farmandranchbiosecurity.com is a good resource, and the US Poultry and Egg Association has a free bio security CD that can be ordered from its website at poultylegg.org. James Simpson concluded by saying that the Benton County Farm Bureau is available as a resource to help county officials in any way to help meet the issues outlined.

## **2. Resolution Requests Confirming Board Appointments – Chris Glass**

Director of Public Services Chris Glass stated the County Judge is making an appointment to the 9-1-1 Administration Board and is making five appointments to the new Benton County Dive Team Board.

Chris Glass stated that Thomas Jenkins, the new Rogers Fire Chief, is being appointed to a vacancy on the 9-1-1 Administration Board, and will also be appointed to the Dive Team Board as the 9-1-1 Administration representative.

JP Allen made motion to approve and forward a resolution to the November 19, 2009 Quorum Court agenda confirming the appointment of Thomas Jenkins, seconded by JP Hubbard.

Motion passed by unanimous voice vote.

Chris Glass introduced the remaining Dive Team Board appointees: Jimmy Thompson and Marc Trollinger representing the Volunteer Fire Association, and Chief Don Townsend representing the Sheriff's Department, adding that Captain Mike Jones will also be appointed from the Sheriff's Department, but was unable to attend this evening.

JP Allen made motion to approve and forward resolutions to the November 19, 2009 Quorum Court agenda confirming all of the Dive Team Board appointments, seconded by JP Hubbard.

Motion passed by unanimous voice vote.

JP Moore noted that they will have to be voted on individually at the Quorum Court meeting.

**3. Resolution Requests – Grants Administrator Kathy Bannister**

**a. Resolution Authorizing Application for GIF-I Grant – Courthouse Security**

JP Moore made motion to approve and forward the proposed resolution to the November 19, 2009 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

**b. Resolution Authorizing Application for GIF-II Grant – NEBCO VFD**

JP Moore made motion to approve and forward the proposed resolution to the November 19, 2009 Quorum Court agenda, seconded by JP Lewis.

Motion passed by unanimous voice vote.

**c. Resolution Authorizing Application for GIF–II Grant – Hickory Creek VFD**

JP Winscott made motion to approve and forward the proposed resolution to the November 19, 2009 Quorum Court agenda, seconded by JP Harrison

Motion passed by unanimous voice vote.

**d. Resolution Authorizing Application for GIF-II Grant – Pleasure Heights VFD**

JP Winscott made motion to approve and forward the proposed resolution to the November 19, 2009 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

**e. Resolution Designating Grant Administrator for Septic System Project**

JP Moore made motion to approve and forward the proposed resolution to the November 19, 2009 Quorum Court agenda, seconded by JP Hubbard.

Motion passed by unanimous voice vote.

**4. Resolution Request – Setting 2009 Millage Rates for County General and County Road**

JP Moore made motion that the proposed resolution be read in its entirety, seconded by JP Winscott.

Motion passed by unanimous voice vote. Deputy County Clerk Janet Reaves read the proposed resolution in its entirety.

JP Moore stated this is a proposed resolution setting the millage rate for Benton County General Fund and Benton County Road Fund for the year 2009 to be collected in 2010. He said the new rate will result in a 1/10 of a mill reduction for taxpayers, and will generate \$315,000 in additional revenue in 2010.

JP Moore made motion to approve and forward the proposed resolution to the November 19, 2009 Quorum Court agenda, seconded by JP Winscott.

Motion passed by voice vote.

For: Sandlin, Brown, Lewis, Hubbard, Moore, Allen, Douglas, Winscott, Harrison,  
Stephenson

Against: Wozniak, Wolf

Absent: Blaty

JP Hubbard stated that before they get into the budget, he would like to back up and ask Grants Administrator Kathy Bannister a couple of questions about the Septic Tank grant. He said they were designating the Northwest Arkansas Economic Development District, Inc., and asked her to run him up to speed on them.

Kathy Bannister stated that the Septic System Installation Project is a CDBG grant from the Economic Development Commission, and when the grants are awarded they require someone who is qualified and trained to administer them according to Federal guidelines. She said she is qualified, but they will not pay grant administrator fees to counties; they will only pay them to Districts. She said no one else in the county is trained to administer this type of grant, so to make sure funds are available at the beginning, they are asking that the court approve this payment of \$5,000 to the Economic Development District to serve as the grant administrator in the event she becomes unavailable. She added that this does not take money from the Septic Project, but is added on to the amount awarded.

JP Hubbard asked for an update on the project. Kathy Bannister stated that Ricky Hudson was the low bidder as the designated representative who will perform the soil testing and permitting of the sites that have not been permitted yet. She said he has 30 days to complete the project, and once all of the sites are permitted, then a bid packet will be assembled for the septic installations by licensed septic installers.

## **5. 2010 Budget**

Comptroller Richard McComas stated that he has distributed the revised 2010 Budget Recapitulation and Budget Summary, which reflect the changes requested at the November 2, 2009 Finance Committee meeting.

He stated that the two wage adjustments that the Finance Committee approved for the Sheriff's Investigator and the Bailiff in Judge Schrantz's office are included, as well as the addition of an employee in the Election Commission. He said that adjustments have been made to the Election Commission budget, reducing part time help by \$10,000, eliminating \$96,000 in printing costs, and leaving in the \$360,000 for 200 new voting machines that have been requested. He said that the change in the millage rate is also included.

Richard McComas stated that with these projections, and after updating the property tax collections, they expect the surplus at the end of 2010 to be \$1.5 million. JP Moore asked what the projected surplus had been prior to this latest update. Richard McComas stated that it had been \$900,000 on the previous recap sheet, but they gained \$315,000 on the millage rate change, \$96,000 on the Election Commission's printing costs, and there was a gain in property tax collections, because the actual collections were above what he had estimated. He said there was also a distribution of delinquent property taxes from the Collector this month which was added to General Fund revenue. JP Moore noted that this puts them \$335,000 ahead of the \$1 million target for this fiscal year. Richard McComas stated that is correct.

JP Stephenson asked Richard McComas to explain why it is being discussed at the Committee of Thirteen meeting prior to the Finance Committee finalizing the 2010 budget. Richard McComas

stated that since it is such an important issue, the members of the Finance Committee felt that it should be discussed by the entire court before making a decision.

JP Moore stated that two main areas they wanted to discuss with the court were the HIV Clinic donation and the Election Commission request for 200 voting machines. Richard McComas stated that the \$96,000 reduction in the Election Commission budget only occurs with the purchase of all 200 voting machines.

JP Stephenson pointed out that there are also two new fire trucks, and funds to refurbish a pumper truck for the Rural Fire Services.

JP Wolf stated that she questioned whether they should purchase all 200 machines, because she wanted to see the actual 2010 surplus number, and this satisfies her question.

JP Moore said he needed to find out the committee's feelings regarding keeping the \$17,000 for the HIV Clinic and funding all 200 voting machines. He added that there is a representative from the Election Commission present if they have any questions about their philosophy of elections in the future.

JP Allen asked Election Commission Chair Bill Williams if the court were to fund all 200 machines, does he see a need to come back in the near future to ask for more machines. Bill Williams stated that if the Election Commission had seen a realistic need for more machines, they would have asked for more.

JP Hubbard spoke against funding \$17,000 for the HIV Clinic. He said it was funded last year specifically with conditions, and he did not feel the conditions were met. He said he felt like they were real specific and real supportive last year, and played a big role in getting the Task Force started. He said the court required them to become non-profit, and they did not meet that condition. He said they were told last year that it was a one-time gift, and they have come back this year asking for more funds, when they did not meet the requirement. He said that he did not feel that was a precedence that this court should set. He said the Quorum Court set rules, and they broke them. He said his suggestion to the Finance Committee was to move that money to Solid Waste, because the big issue that we are having is with clean ups and dumpsters, and making that more affordable and accessible to people out in the county, and that is something he would like the court members to consider.

JP Douglas asked Richard McComas for clarification of the Election Commission's revised budget. Richard McComas stated that Election Costs will decrease from \$260,000 to \$164,000.

Richard McComas stated that if there are no changes to the budget, he would request all the JPs to leave their budget books, so they can be updated, and they will then be delivered to them by the Sheriff's Department.

JP Winscott made motion that the budget be approved by the Committee of Thirteen as submitted, seconded by JP Wozniak.

Motion passed by show of hands vote.

For: Wozniak, Wolf, Sandlin, Brown, Moore, Allen, Douglas, Winscott, Stephenson

Against: Lewis, Hubbard, Harrison

Absent: Blaty

Richard McComas stated that the JPs should have their budget books in plenty of time to look them over prior to the December 8, 2009 Committee of Thirteen meeting. He said if they had any questions, to please call him, or make an appointment to come in and he would be happy to go over it with them.

**OTHER BUSINESS:**

JP Hubbard said he has been speaking with residents near Fisher Ford Bridge, which has been closed for several years, and he would like to know what the county's responsibility is in keeping county roads and bridges open.

JP Moore stated that he has been working with the County Judge's office on the possibility of installing a low-water bridge, but he does not think that the Corps of Engineers will allow them to do it, and it will cost \$20,000 to find out for sure. JP Moore stated that he has requested Greg Hines to talk to Garver Engineering, who did the initial reassessment, to find out what it would cost to get the bridge up to minimal functionality. He said the last estimate was \$250,000, just to get it to a very low load rating, and then they would have to do something to keep heavy trucks off it.

JP Douglas stated that he would like a report from Greg Hines on all of the bridges, including which ones are closed, and what our long term plans are for them. He said it may not be a big deal to them as individuals, but it is a big deal to some county residents who have their property split in half, or have to drive long distances to get around a bridge that is closed. He said he feels bridges should be a priority.

JP Stephenson stated that he has been told by a resident in the Fisher Ford Bridge area, that a representative from the Corps of Engineers told him that she would issue a permit for a low-water bridge.

JP Hubbard noted problems with emergency vehicles locating addresses in the area due to the bridge being closed. He said several residents have told him that the County Judge has said he would fix it in a heartbeat if the Quorum Court would vote the funds.

JP Moore stated that he interpreted the County Judge's statement to mean that he is not going to build the bridge that the State wants to require them to build, because it costs too much.

JP Stephenson asked what the state has to do with it. JP Moore stated that the state requires bridges to be built to certain standards. JP Stephenson stated that if it is not on a state highway, and does not involve state funds, how can they tell the county whether or not they can build a bridge. He noted that the county can keep the state's prisoners for half the cost, but cannot build a bridge.

JP Hubbard stated that if it is brought up to minimum standards, at least an ambulance could get through it. JP Douglas stated that he does not understand this nonsense about the Corps of Engineers charging \$20,000 for an application.

**ANNOUNCEMENTS:**

JP Wozniak announced that the next Environmental Committee meeting will be Thursday November 19, 2009 at 5:00 p.m., for the discussion of one agenda item only, which will be Reverse 9-1-1.

JP Winscott announced that the Long Range Planning/Real Estate & Buildings Committee will meet at the Perry Butcher building located at 5121 Runway Drive, Bentonville, Arkansas at 3:30 p.m. Thursday, November 12, 2009; and will meet at 5:30 in the Quorum Court Room. He encouraged all JPs to attend if possible.

**PUBLIC COMMENTS:**

None

Upon motion and second the meeting adjourned at 7:01 p.m.