

# Committee of Thirteen Report

September 8, 2009

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, September 8, 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, Moore, Allen, Douglas, Blaty, Winscott, Harrison

Absent: Hubbard, Stephenson

Others Present: County Judge David Bisbee, Comptroller Richard McComas, Grants Administrator Kathy Bannister, D.E.M. Coordinator Marshall Watson

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

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

## **PUBLIC COMMENTS:**

Jonathon Paul Smith stated that he was present to speak on the funding request for the Washington County HIV Clinic, and to report on the progress they have made on the effort to obtain 501(C) 3 status from the Internal Revenue Service.

### **1. Benton County Fire Protection Association – President Jimmy Thompson**

Benton County Fire Protection Association President Jimmy Thompson addressed the committee with information on the number, ages, and conditions of fire trucks currently in the county fleet. He said that there are between 600 to 800 volunteer firefighters in the county, and they made over 15,000 runs in 2008, according to CenCom call records. He noted that the firefighters are not paid, so the only cost to the county is for the equipment. JP Douglas asked what they are estimating a new fire truck will cost in 2010. Jimmy Thompson stated that new government regulations are expected to cause 10% to 20% increase in the cost, to approximately \$200,000 per truck.

JP Douglas suggested that the entire fleet be evaluated, so that they can determine the most effective use of the taxpayers' money. He said that perhaps they could repair 20 trucks and get them in good working condition for the cost of one new truck.

JP Wolf stated that no action is necessary at this time, but that budget discussions would begin soon, so the Finance Committee may be asking for more information.

JP Winscott suggested that the Long Range Planning/Machinery & Equipment Committee take a look at the issue. Chair Jay Harrison stated that he would be in contact with Jimmy Thompson.

## **2. Act 1189 Reappraisal – Assessor Bill Moutray**

Assessor Bill Moutray reported that the Equalization Board has heard 1,265 appeals so far, which is eight-tenths of one percent of the nearly 150,000 parcels in Benton County. He said that the Market Analysis performed by Arkansas Mass Appraisal Group was beneficial to the Equalization Board, because it gave them information on which areas in the county needed adjustments. He said the market adjustment, which was based on 2008 sales, lowered 57% of the properties, because that is how many had reached full market value. He said that because of Amendment 79, the analysis might not have affected the taxable value at all. He said that the analysis also showed a few subdivisions that needed to be raised, but of course, they were not. He said he is always concerned about lowering someone's equity in their real estate investments. He explained that neither the Assessor's Office nor Arkansas Mass Appraisal Group could use bank sales, foreclosures, or sales by auction in the analysis, but that the Equalization Board has reduced some values based on foreclosures and 2009 sales.

He explained that Northwest Arkansas had been hit hardest by the building boom and subsequent bust, and that Equalization Board Chairman Bear Chaney and Page Kutait of Arkansas Mass Appraisals have been invited to the Fall 2009 Assessor's meeting to discuss Benton County's "Perfect Storm".

Assessor Bill Moutray concluded by thanking the Board of Equalization for their efforts to help those taxpayers who were not affected by the market analysis, and stated that Benton County has a credible board.

JP Douglas asked what the total dollar value of the market adjustment was. Bill Moutray stated that the adjustment by Arkansas Mass Appraisals was approximately \$2.5 million in property taxes, and in addition, the Board of Equalization has made adjustments of slightly over \$1.3 million, which will result in a reduction in property taxes of approximately \$105,000.

JP Sandlin requested a copy of the analysis. Assessor Bill Moutray stated that he would provide copies for all of the Quorum Court members.

JP Allen asked if there had been any progress made in getting taxes collected in the same year they are levied. County Judge David Bisbee was recognized, and explained that it would require a constitutional amendment, because the constitution states that taxes shall be levied in November, and it would be impossible to get them collected in the month of December. He also said that changing it would affect many other sections of the State Code, so he did not believe it would ever be changed.

## **3. Draft Resolution: Hazard Mitigation Plan – Dept. of Emergency Management**

D.E.M. Coordinator Marshall Watson was recognized and explained that the Hazard Mitigation Plan is the result of collaboration with the Federal Emergency Management Agency and the Arkansas Department of Emergency Management, and the final plan has been approved by FEMA. He said that the planning process involved Benton County, and the cities and school districts within Benton County, and assessed the effects of various hazards such as severe weather events, floods, and other disasters. He said the plan also includes possible projects to minimize the effects of the disasters, such as warning systems, reverse 9-1-1, placement of low-water bridges in flood-prone areas, and tornado shelters.

Marshall Watson explained that plan does not obligate the county to incur any costs, or perform any of these activities, and adopting the resolution allows all of the participants to remain eligible for future mitigation funding through the Arkansas Department of Emergency Management and through FEMA. He noted one example wherein the City of Fort Smith received funds to provide safe rooms in each of the public schools, which are also available to the public.

JP Moore made motion to forward the proposed resolution to the September 24, 2009 Quorum Court agenda, seconded by JP Wozniak.

Motion passed by unanimous voice vote.

**4. Draft Appropriation Ordinance: Internet Crimes Against Children Grant Funds**

JP Moore stated that this was forwarded from the Finance Committee, and will pay for overtime and equipment to help with the investigation of child predators. He said it requires no county funds and does not obligate the county to add any new positions.

JP Moore made motion to forward the proposed appropriation ordinance to the September 24, 2009 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

**5. Draft Appropriation Ordinance – JAG – Juvenile Probation/Police Athletic League Grant Funds**

Grants Administrator Kathy Bannister stated that this appropriation ordinance would be to pay overtime for a Juvenile Probation officer to work with the Police Athletic League at the Sheriff's Department to help get the program started.

JP Moore made motion to forward the proposed appropriation ordinance to the September 24, 2009 Quorum Court agenda, seconded by JP Winscott.

Motion passed by unanimous voice vote.

**6. Draft Appropriation Ordinance: EECBG Recovery Grant Funds**

JP Moore stated that this is a \$672,000 grant, which is part of the Federal Stimulus package, and this appropriation is for \$15,000 for an energy survey. He added that there is no county match or other obligation.

Comptroller Richard McComas stated that in answer to a question asked at the Finance Committee meeting, Hight-Jackson Architects has been hired to perform the work.

JP Moore made motion to forward the proposed appropriation ordinance to the September 24, 2009 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

**7. Draft Appropriation Ordinance: Hazardous Materials Services**

D.E.M. Coordinator Marshall Watson was recognized and explained that this is for the Hazardous Materials Team, which is a regional team made up of specially trained firefighters who are called in for situations that meet certain criteria. He said the funding pays for training and special equipment, and is based on population in the county. He

added that when Bella Vista incorporated, they thought that the county's share would be reduced, but they later found out that Bella Vista was already paying their portion, and this \$4,442 appropriation is to correct the amount that was budgeted for 2009.

JP Moore made motion to forward the proposed appropriation ordinance to the September 24, 2009 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

#### **8. Draft Appropriation Ordinance: Regional Planning Reimbursement**

JP Moore stated that this appropriation is a pass-through payment from the Corps of Engineers to the Northwest Arkansas Regional Planning Commission for aerial photography.

JP Sandlin made motion to forward the proposed appropriation ordinance to the September 24, 2009 Quorum Court agenda, seconded by JP Wozniak.

Motion passed by unanimous voice vote.

#### **9. Discussion: \$17,000 Funding Request for Washington County HIV Clinic**

Attorney Joseph Paul Smith was recognized, stating that he is a member of the Washington County HIV Task Force, and is working on the 501(C) 3 application. He said the foundation has filed the necessary paperwork to incorporate in the State of Arkansas as a non-profit corporation, and he expects to submit the 501(C) 3 application within the next two months. He explained that the 501(C) 3 status will give them permanent tax-exempt status. He said it is a lengthy application, and a number of accountants told them they would charge up to \$10,000 to process it. JP Winscott asked how long the process will take once the application is submitted. Mr. Smith replied that it should take two to three months for the IRS to process it, and he does not anticipate any problems with receiving the designation. He said they have received some interest from local industries, such as Wal-Mart, Tyson, and Del Monte.

Dr. Linda McGee, the staff physician for the clinic, was recognized and stated that the clinic has been in existence as a government-funded clinic for 17 years in Washington County, and was initially supported by the Northwest Hospital system in Springdale and St. Mary's Hospital in Rogers. She said they are now supported by Washington County and Washington Regional Medical Center.

Dr. McGee stated that they have seen 16 new cases of HIV from Benton County since January of 2009, and 13 new cases from Washington County. She added that they would appreciate any consideration by the committee for this funding request.

JP Wolf asked what contribution is made by Washington County. Dr. McGee stated that Washington County provides the space and maintenance, a staff position for \$34,000 per year, and a business manager, who she believes is paid approximately \$40,000 per year.

Paul Smith stated that the Wal-Mart Foundation has expressed their intent to assist the clinic, although they have not promised a specific dollar amount. He said their current status of a legal, non-profit corporation in the state of Arkansas is fine for small donations, but they need the Federal tax-exempt status to get support from national foundations.

JP Wolf stated that the problem she had last year, and continues to have now, is that while she has no doubt that there is a great need for the clinic, it has been in existence for 17 years, and has still not found a way to sustain itself.

Dr. McGee stated that they have never sought a 501(C) 3 before; the clinic uses Washington County's tax ID number.

Paul Smith said he has lived in Benton County for 15 years, and was only vaguely aware of the clinic's existence until he read about it in the paper last year. He explained that he too was concerned, in fact shocked, when he found out how little money the clinic operated on, and that there was no foundation to support the clinic. He said he cannot answer for the last 17 years, but he is pleased with what they have accomplished in the last 4 months. He said he also does not understand why there is a Washington County Drug Court Foundation, but not one for Benton County's Drug Court.

Paul Smith added that it has become a problem because Washington County has funded the clinic for the last 17 years, but now the majority of the patients are coming from Benton County. He said that as a Benton County citizen, he believes they should be taking the steps to ensure support from national foundations, and that is what they are doing in forming the foundation and submitting the 501(C) 3 application. He shared with the committee that an executive on the vice-president level at Wal-Mart, who sits on a national aids foundation, has told him that there will be some funding available from the Wal-Mart Foundation, because once the Washington County foundation receives its 501(C) 3 status, they can hook up to that national foundation.

JP Wolf stated that she commends the efforts to get the 501(C) 3 status, but that the argument presented last year was that they did not want to pursue it.

JP Moore stated that he is convinced that they are moving in the right direction and putting forth their best effort, and commended the task force. He said he sees no problem with a "bridge" appropriation to help get them through the process until mid-year.

Dr. McGee stated that they would appreciate whatever help they could get. She explained that the clinic was formed because a County Judge saw a need for a task force to deal with a public health problem. She said it was started in the County Health Department building, with the support of several organizations through the past 17 years. She said it is very advantageous to the local hospitals for the clinic to be in existence, and Washington Regional is very committed to keeping it going.

Paul Smith explained that there are two separate entities involved – one is the clinic, which should probably become a regional clinic at some point, and the other is the task force, which is called the NWA HIV Community Support, Inc. He said he is glad that the Quorum Court stipulated that the group seek 501(C) 3 designation as part of the agreement to fund the clinic in 2009, because it makes sense to become a non-profit.

JP Wolf asked if the money would go directly to the clinic. Dr. McGee stated that they are asking for continuation of funding of one staff position. She said currently there are five people on staff – herself, employed by AHEC Northwest; her nurse, who is employed by Washington Regional; and three Washington County employees, including the one that was funded by Benton County for 2009.

Richard McComas stated that if the committee approves the request, it will become part of the proposed budget, and voted on as part of the 2010 Budget.

JP Allen made motion for \$17,000 in funding through mid-year for the Washington County HIV Clinic to be included in the proposed 2010 Budget, seconded by JP Winscott.

Motion passed by unanimous voice vote.

**OTHER BUSINESS:**

None

**ANNOUNCEMENTS:**

JP Douglas stated that since the Burn Ordinance took effect on September 1, there have been 14 applications submitted to burn old dilapidated buildings. He said that Fire Marshal Will Hanna expects six or seven of them to be approved, so the ordinance is working as they had hoped.

JP Winscott announced that the Long Range Planning Real Estate and Buildings Committee will be meeting Wednesday, September 9, 2009 at 5:30 p.m., and encouraged all Quorum Court members to attend.

JP Moore asked if County Judge David Bisbee would like to update the court on the planning initiative that he read about in the newspaper.

County Judge David Bisbee stated that that information will be coming from the Planning Board, and they are attempting to streamline the process a citizen must go through before building within 5 miles of an incorporated city. He said that currently, they have to get plans approved by both the city and the county, and they are trying to eliminate that duplication, and also to assist those cities that are too small to have their own planning departments by offering the county's services.

JP Wolf announced that the next Quorum Court meeting will be September 24, 2009 at 6:00 p.m.

**PUBLIC COMMENTS:**

None

Upon motion and second the meeting adjourned at 7:19 p.m.