

Committee of Thirteen Report

January 9, 2007

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, January 9, 2007 at 5:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

13 JPs Present: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore, Schindler, Stephenson, Summers, Winscott, Wolf, Wozniak

Others Present: County Judge Gary Black, Travis Harp, Richard McComas, Jim Ecker

Media: Jennifer Turner – Daily Record, Scarlet Simms – Morning News,

JP Tim Summers called the meeting to order at 5:00 p.m.

PUBLIC COMMENTS:

Don Day stated that he was in favor of changing the meeting times to 6:00 p.m., and that changing the public comment format is also a step toward allowing citizens to be more involved in their local government. He stated that he thought each committee chair should set the format for their own meetings.

NEW BUSINESS:

1. Ordinance Request – Amend Code to Change Meeting Time – JP Kurt Moore

JP Moore made motion to approve the proposed Quorum Court and Committee of Thirteen meeting time change and place it on the January 25, 2007 Quorum Court meeting, seconded by JP Hobbs. JP Hill asked why the time was changed from 6:00 p.m. to 5:00 p.m. The committee discussed reasons for changing the time from 6:00 p.m. to 5:00 p.m. in 2005. County Judge Gary Black stated that he liked having the meetings at 5:00 because employees who need to attend the meetings can still leave in time to attend other events such as school functions and other family obligations. He noted that they have to pay for security if the building is open, and closing it up earlier saved money. He also added that during the time the meetings have been held at 5:00 p.m., his office has not received one single complaint about the meeting time, and they usually hear about anything the public is unhappy with. He said he feels that if someone wants to attend the meetings, they will be present no matter what time the meeting is. JP Wozniak stated that some employees accrue overtime if they have to stay late for meetings. County Judge Gary Black stated that he also believed the traffic is not as bad before 5:00 p.m. as it is after 5:00 p.m. JP Wolf stated that the same people who attended meetings when they were held at 7:00 p.m. now attend the meetings at 5:00 p.m. Discussion was held concerning traffic and the time it takes to get from one place to another at various times in the evening rush hour. JP Winscott stated that to encourage citizens to participate in their government and he sees having to leave work early as a deterrent, so he will support the change to 6:00 p.m. JP Hobbs stated that a member of the public has requested the time

change to 6:00 p.m. so she will support it. JP Glass stated that the 6:00 p.m. meeting time will provide a greater opportunity for the public to attend and better service for all constituents of the county. He said he did not see much difference in traffic at any time of day. He noted that a lot of area schools hold their P.T.O. meetings at 8:30 a.m., and the few people who can attend them run the show and are the governing members of the P.T.O. because no one else can be there due to work commitments. He added that Wal-Mart was not very kind in terms of the hours it required employees to keep or letting employees leave early to attend other meetings, and he will support the time change to 6:00 p.m.

Motion failed: (6 for, 4 against, and 3 abstained)

2. Resolution Request – Support of Troops – JP Tim Summers

JP Summers distributed copies of the proposed resolution. JP Stephenson stated that he would like to call attention to an agreement he thought they had reached many months ago to minimize the number of documents being passed out at meetings, because he would like to have had ample time to study them. JP Summers apologized and stated that he had just asked for the resolution in the last couple of days, and would like for the entire Committee of Thirteen to be the sponsor. JP Summers requested that the resolution be read in full. Deputy Clerk Betsy Deaton read the resolution in full. JP Stephenson made motion to forward the proposed resolution to the January 25, 2007 Quorum Court meeting, seconded by JP Wolf. JP Summers asked the Committee to remember how badly veterans of the Vietnam War were treated because it was an unpopular war. He said that the country is in a horrible war and that regardless of anyone's politics they should all go on record as supporting our military. He said that support should be expressed more often than once in a while, but he would like the Quorum Court to encourage every municipality and civic club to pause once a month and in some way express thankfulness for the sacrifices that our service people are making. He noted that JP Schindler's grandson has recently returned from Iraq safely, but that some 3,000 have not. JP Schindler stated that thousands of troops have been injured, and that the war may continue for decades because the enemy has stated that they will continue to attack us. He said that it is very difficult to return and make the transition back to civilian life after serving in a war, and these service people need a lot of support.

Motion passed by unanimous show of hands vote.

3. Discussion – Existing JP Expense Reimbursement – JP Tim Summers

JP Summers stated that he wanted to be sure everyone is on the same page as to what are allowable expenses, and the Committee received copies of Benton County Ordinances O-2001-61 and O-2004-17 which established the mileage reimbursement rate at the current IRS Privately Owned Vehicle Reimbursement Rate.

4. Discussion –Public Comment Format – JP Kurt Moore

JP Moore distributed copies of Washington County's Quorum Court procedures prepared by Don Day. JP Summers asked for a few moments to read the handout. JP Moore stated that some of the suggestions should be the prerogative of the various committee chairs, and he is only suggesting adding an additional comment period at the end of Committee of Thirteen meetings. JP Stephenson stated that they are already doing most of the items listed on the handout. JP Moore made motion to add 15 minutes of public comment following regular business at Committee of 13 meetings, seconded by JP Hubbard. JP Schindler stated that he could not see any great benefit to additional public comment at the end of meetings after the votes have been taken, and that further debate with the public would be superfluous. JP Winscott asked if it would cause a great deal of difficulty to allow the 10 minutes after discussion, but preceding the vote on any resolution or ordinance as proposed in the handout. JP Moore stated that the handout proposes that format for any committee

meeting, and he believes that each committee chair should decide the format for their committees. JP Winscott asked JP Summers if he would feel comfortable including an additional public comment period prior to voting in the Committee of Thirteen meetings. JP Summers stated that public comment can be allowed at anytime there is a two-thirds majority vote in favor of it. JP Moore stated that the Committee of Thirteen meetings are where items are discussed and changed, and he would like the public's input before a final vote at Quorum Court meetings. He said if they could have public comments at the end of Committee of Thirteen, he would have more time to think about what was said and to discuss it with his constituents before having to vote on an item at Quorum Court. JP Wolf stated that there is a public comment period at the beginning of Quorum Court before anything is voted on, so she is just not sure of the need.

JP Brown stated that he did not understand the need for more comment at the end of the meeting, and he thought they needed time after discussion of each individual item before they vote to send it on to Quorum Court. He said it is pointless to have comment at the end of the meeting because the issue has already either failed or has been sent to the Quorum Court. JP Stephenson stated that he is 110% in favor of public input, but the Quorum Court is the legislative body and he does not want to see it turn into a debating contest. JP Hill stated that it is a moot point to have public comment after a vote has been taken. JP Glass stated that the public would have the opportunity to address points that are brought up by JPs during their discussion if they could have a period of public comment before the vote is taken, which would require a change in the way the Committee of Thirteen operates.

JP Wolf asked if the ordinance states that the public cannot be a part of the debate. County Attorney Robin Green responded that the ordinance states that only Quorum Court members may participate in debate. JP Brown stated that he does not want to start a dialogue with the public, just give them an opportunity to go counter any points that have been brought up by JPs during their discussion. JP Stephenson stated that they already have that opportunity at the various committees, Committee of Thirteen, and Quorum Court meetings, so he does not see that there is anything lacking in the current format. JP Schindler stated that he agreed that there are plenty of opportunities for the public to speak, and the JPs will hear their comments. JP Hobbs stated that having a comment period after discussion and before the vote would be the best way, because that might allow people who cannot get to the meeting at 5:00 p.m. to speak on an issue that they are interested in. JP Summers stated that there are several good ideas, and he thought that the public has adequate time to comment, but he certainly would not object if the Committee wants to do something different. He added that it is a new year, and the new people on the Court have not had an opportunity to see how the current format works. He suggested revisiting the issue in 3 months, because it does not sound like they are anywhere near a consensus on anything. JP Wozniak stated that committee chairs should conduct their committees as they see fit, and it is up to the committee members to suggest changes.

JP Moore withdrew the motion, JP Hubbard withdrew the second. JP Moore stated that they needed more time to get input from their constituents. JP Hill made motion to leave the format unchanged for 3 months, and to revisit the issue at the April 10, 2007 Committee of Thirteen meeting, seconded by JP Moore. JP Glass stated that he did not want to repeat the same discussion in 3 months.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS:

JP Wozniak recognized Code Enforcement Officer Michael Schorpp, who distributed photos of sites that have been investigated by the Environmental Services Department. He noted that Benton County utilizes the only 3 Environmental Officers in the state of Arkansas, and the importance of protecting Beaver Lake because it is our primary source of drinking water. JP Winscott asked if

there are not enough ordinances on the books to adequately protect the environment without passing a new one such as the proposed Nuisance Abatement Ordinance. Officer Schorpp stated that it is important for those responsible for the mess to bear the cost of the clean up. JP Winscott asked if the conditions displayed in the photos exist because the current laws are not being enforced or because we need new laws. JP Wozniak stated that the other counties are watching Benton County to see how we deal with environmental issues. Officer Schorpp stated that he has been in contact with an Assistant Attorney General who thinks that the county is doing a very good job in being proactive with protecting the environment. JP Wolf asked if the laws that are in place are not being enforced because of a lack of personnel, or is there really a need for more laws.

Environmental Services Director Jim Ecker was recognized and stated that currently the department works under the authority of A.C.A. 8-6-205, which states that the problem has to either create or be likely to create an environmental hazard. He said some of the photos depict situations that are not environmental hazards, only precursors to hazards such as meth labs, etc. He said that a nuisance ordinance is needed to enforce those types of situations. He said that it is two separate situations. JP Stephenson agreed that there are numerous places that are worse than those in the photos, including the Carousel Mobile Home Park in Siloam Springs. JP Glass asked Jim Ecker why the state laws could not be enforced in situations that are going to cause a nuisance in the future, such as gasoline leaking from an old car. Jim Ecker explained that using only the environmental statute in place now is time consuming and expensive when testing is required, and they need a nuisance ordinance in order to put everything under one set of guidelines.

JP Harrison asked Jim Ecker if he thought the ordinance could be enforced if it is passed. Jim Ecker stated that it could. JP Hubbard asked when the proposed Nuisance Abatement Ordinance will be going before the Planning Board. JP Wozniak stated that he will inform the other JPs when he gets that information from the Planning Department. JP Wolf stated that it is not against the Nuisance Ordinance, but that they have a County Health Department that cannot enforce anything, and this ordinance will be useless if it cannot be enforced. JP Glass asked what the Nuisance Abatement Ordinance could accomplish if there are already state laws in place that cannot be enforced. He asked how the county will recover the cost of cleaning up nuisances, and said that they may be heading toward a situation that the Federal government ran into with Superfund sites. JP Moore stated that the Nuisance Abatement Ordinance is needed for the same reason that the county had to adopt building codes which were already state laws. He said that the ADEQ has 2 enforcement officers to cover the entire state of Arkansas, and it is a case of "if we don't do it, it won't get done". JP Stephenson stated that the state has laws, but there is no funding for staff to enforce them, and that cost gets passed on to the counties. JP Wolf asked what the point would be in passing it if we do not have enough staff to enforce it, because then nothing will be accomplished.

Environmental Officer Joyce Higgins asked the Committee to support the proposed Nuisance Abatement Ordinance, because when she asks the ADEQ for direction, they tell her to enforce the county ordinances.

Comptroller Richard McComas presented three items forwarded from the Finance Committee: 1) a Resolution request for a pass-through grant for the Safe Havens Supervised Visitation and Safe Exchange Program which requires no matching county funds. JP Harrison made motion to forward to the January 25, 2007 Quorum Court meeting, seconded by JP Hill. Motion passed by unanimous show of hands vote; 2) an ordinance request to disburse funds received from the Arkansas Game and Fish Commission to the Benton County Conservation District and the area schools which have requested the funds, and for the distribution formula to be adopted as a permanent procedure. JP Stephenson made motion to forward to the January 25, 2007 Quorum Court meeting, seconded by JP Moore. Motion passed by unanimous show of hands vote;

3) Approval for a budget adjustment in the Circuit Clerk's office for a \$600,000 carryover for a software project that was in the 2006 budget but will not be completed until sometime in 2007. JP Wolf made motion to approve the adjustment, and to include it in the year-end budget adjustment ordinance, seconded by JP Hobbs. Motion passed by unanimous show of hands vote.

ANNOUNCEMENTS:

JP Stephenson announced that there will be a Personnel Committee sometime in January, and the date will be announced later. He also reminded the new JPs that they need to turn in their Social Security numbers and W-4 forms to the Human Resources Department as soon as possible.

JP Wolf announced that a Grievance Hearing will be held January 10, 2007 at 3:00 p.m.

JP Moore announced that an Organizational Long Range Planning/Properties and Equipment Committee meeting will be held on Tuesday, January 23, 2007 at 5:30 p.m.

The meeting was adjourned at 6:46 p.m.