

# Committee of Thirteen Report

May 13, 2008

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, May 13, 2008 at 6:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

11 JPs Present: Brown, Glass, Harrison, Hobbs, Moore, Stephenson,  
Summers, Williams, Winscott, Wolf, Wozniak  
2 absent: Hill, \*Hubbard

Others Present: County Judge Gary Black, County Attorney Robin Green,  
Richard McComas, Jim Ecker, Kathy Bannister

Media: Jeff Mores – Daily Record, Scarlett Simms – Morning  
News

Chair Tim Summers called the meeting to order.

## **PUBLIC COMMENTS:**

Don Day commented on zoning and other county policies.

## **NEW BUSINESS:**

### **1. Resolution Request: Authorizing Negotiations With Architect and Construction Manager – JDC Subcommittee**

JP Winscott made motion to forward a resolution to the May 22, 2008 Quorum Court agenda, seconded by JP Moore. JP Winscott stated that following the presentations, there would be a question and answer period.

#### **a) Presentations: Johnson-Troillett Architects, Crossland Construction**

Tom Johnson of Johnson-Troillett Architects gave a presentation describing how the firm is associated with the Brennan group, which has extensive experience in the construction of detention facilities, and listed several projects that they have designed, including the Carroll County Jail and Sheriff's Office complex, and the St. John's Hospital in Huntsville.

\* JP Hubbard entered the meeting.

Joe Haney and Chris Snurbush of Crossland Construction gave a presentation describing Crossland Construction and several of their completed projects. Joe Haney spoke on the company's safety record, and its use of "value engineering" to reduce construction costs. Chris Snurbush explained that the company is now emphasizing the use of "green" principles of construction by recycling materials used in their projects.

Following the presentations, there was discussion concerning the size of the facility, the options for expansion, and the desire to develop a master plan for all of the property on Highway 102. There was also discussion concerning the negotiating procedure. The committee also discussed the advantages of “pod”-type construction as opposed to a linear design. JDC Director Dennis Cottrell noted that although they would like to construct a 48-of 60-bed facility, they realize that there simply is not enough money to do that. He also noted that linear facilities tend to be labor-intensive, and he believes that they can staff a facility with a 35% increase in capacity with the current number of staff.

Tom Johnson explained how they will gather data on the types of juveniles who will be housed in the facility to determine the best way to design it. He also noted that all of the support areas of the facility will be designed with the ability to handle more inmates in the future if the facility is expanded. He also pointed out that over the lifetime of a building, the construction costs are only 5% to 10% of the total cost of the facility, while personnel makes up the remaining 90% to 95%.

JP Hobbs addressed the possibility of a metal-clad building with a concrete floor such as the one the Sheriff’s Office has proposed. Tom Johnson stated that it is possible, but they would have to add pre-fabricated metal cells to “harden” the construction to make it secure. JP Winscott stated that they have considered that possibility, but the end result would be a second building within a building, because they have to make the structure secure and it also has to be approved by a State Standards Committee.

JP Summers stated that if they choose to support this step, they are essentially making the statement that they are tentatively approving the expenditure for the planning phase.

JP Hubbard stated that they should look at a plan for the entire site, because there are other needs that could be addressed with that property. JP Winscott pointed out that the county is now land-locked in the downtown area, and moving the JDC out to the Highway 102 site will make space available for other county needs.

Motion passed by unanimous show of hands vote.

**2. Resolution Request: Quorum Court Appointment to Equalization Board**

**3. Resolution Request: Quorum Court Appointment to Equalization Board**

JP Summers stated that both Rich Coleman and Leroy Thompson, who are currently serving on the Equalization Board, have asked to be re-appointed and introduced them to the Committee. There being no questions, JP Stephenson made motion to forward two resolutions to the May 22, 2008 Quorum Court agenda appointing Rich Coleman and Leroy Thompson to 3-year terms on the Equalization Board, seconded by JP Hobbs.

Motion passed by unanimous show of hands vote.

**4. Resolution Request: Authorizing County Judge to Apply for GIF Rural Services Grant – NEBCO Fire Department**

JP Williams made motion to forward a resolution request to the May 22, 2008 Quorum Court agenda, seconded by JP Stephenson. JP Stephenson noted that there are no county funds involved. Motion passed by unanimous show of hands vote.

**5. Appropriation Ordinance Request: Grant Funds For Piney Point Fire Department**

JP Wozniak made motion to forward a resolution request to the May 22, 2008 Quorum Court agenda, seconded by JP Moore. JP Summers stated that this is appropriating money that has already been received. There was no discussion. Motion passed by unanimous show of hands vote.

**6. Approval of Budget Adjustment: Foundation Repair to County Health Dept.**

JP Summers stated that a proposal was presented to and approved by the Finance Committee for \$10,400 to repair the foundation of the County Health Department building on Highway 102.

JP Stephenson made motion to include the adjustment in the 2008 Budget Adjustment Ordinance, seconded by JP Wolf. Jim Ecker was recognized and explained that the foundation on the east side of the building is underground, and water frequently seeps into the building. He said that the floor in the Extension Office has been replaced several times. JP Moore noted that this is the same company that did similar work on the Courthouse and Prosecuting Attorney's Office. Comptroller Richard McComas stated that there is a possibility that they may not have to make an adjustment if there is money left in the budget at the end of the year, but they wanted to make them aware of it. Motion passed by unanimous show of hands vote.

**7. Update: Tucker Building Renovations—Jim Ecker**

Environmental Services Director Jim Ecker explained that several unexpected costs have arisen in connection to the renovations to the Tucker Building for the new courtroom space, including the relocation of gas, water, and sewer lines, and a new ceiling because the old one could not be salvaged. He said that the previous estimate of \$40,950 was based on a best-case scenario, and in nearly every instance, the worst-case scenario had occurred instead, increasing cost of renovation to \$82,000. He added that there were not blueprints or specs available for the building, so it was difficult to anticipate some of the problems they encountered. He said that the City of Bentonville and the building's owner had told them that the sewer line ran underneath the location for the proposed restroom, but after digging out the floor, they discovered that it was not there. He said that required digging out the floor all way to the rear of the building, where the sewer line was located, but a foot higher than what they needed, which required the addition of a lift station at a cost of \$13,000. He said this also led to the need for additional soundproofing in the storage room. He said that with the additional cost for fixtures that was not included in the original estimate, the total renovation and furnishing cost would be approximately \$120,000.

JP Stephenson expressed concern that all of the improvements will revert to the owner of the building when the lease is up. JP Moore agreed, and said they should consider purchasing the building if it can be done for a reasonable amount of money. JP Hubbard stated that this is a 100% increase and he is appalled. JP Hobbs stated that according to her calculations, the increased costs bring the cost for the building to \$3,400 per month over a two-year lease. She added that since the improvements are substantial and permanent, they should check to see if the landlord might be willing to underwrite some

of these costs. Jim Ecker stated that it would be difficult to renegotiate a lease that is already signed. JP Glass noted that the landlord knew that use of the building as a courtroom would require adequate sewerage for public use.

The committee discussed several individual items on the list, such as ceiling tiles, ceramic tiles, carpeting, and the front doors. Several JPs suggested that some of the items could be scaled back to reduce the cost, and JP Wozniak suggested that Jim Ecker redo the estimates to try to reduce the cost. JP Moore stated that perhaps the landlord would consider locking in the lease rate for a longer term, so they would not face a rent increase at the end of two years.

JP Glass asked if all of the surprises have been uncovered. Jim Ecker stated that all of the electrical is complete, along with most of the walls and sheetrock. JP Winscott stated that he wants to see the cost of the entire furnished courtroom, including office supplies, and then they need to go back and see if some things can be cut out to reduce the cost. JP Summers pointed out that the actual renovation costs have doubled, but that the other costs for fixtures and operating equipment should not be a surprise, because they have known for at least a year now that those costs would be added to the 2009 budget. He added that they explored several other options for a usable courtroom space, and the only ones available within walking distance of the courthouse were even more costly. JP Wozniak asked why they were not informed as soon as the costs started getting way out in left field, and who authorized them to keep on going. JP Hubbard asked Jim Ecker if he could answer that. Jim Ecker stated that his instructions were to build a courtroom in the Tucker Building, and that is what he did.

JP Glass stated that they do not have an option now, and should approve spending the \$82,000 that is already committed, but no more than that. JP Hubbard asked if they do not approve it, would it come out of the County Judge's fund. Richard McComas explained that all of the money comes from the General Fund.

JP Glass made motion to approve the budget adjustment of \$82,093, seconded by JP Wolf, with the friendly amendment that no more money is to be spent without prior approval of the Quorum Court.

JP Hubbard asked where the money comes from if they do not vote to approve the adjustment. JP Wolf stated that they would probably be sued. Richard McComas stated that it all comes from the General Fund, and if they do not approve it, it will not be paid. He said it is now coming from Department 23 – Maintenance, but they will set up a new department number for the new judge in the 2009 budget. JP Hubbard asked if they do not approve it, would the money have to come out of the Building Fund, and would that leave a shortfall in that fund later on. Richard McComas explained that they were already going to have to adjust the budget in Department 23 for the original \$42,000, but there might be an unexpected savings in Department 23 which could offset all or part of it, as well as the additional \$40,000.

There was discussion concerning which portion of the work has already been done, and what part has been committed to. Jim Ecker stated that they are already obligated for approximately 50% of the work. JP Stephenson stated that \$42,000 is the amount originally approved, and asked how much of the additional \$40,000 has been committed or obligated. Jim Ecker stated that none of it has been actually been spent. JP Stephenson asked at what point in time they became aware that they were going to spend

more than \$42,000. Jim Ecker stated that they became aware over the last several weeks that the costs were going to go over \$42,000. JP Stephenson stated that he would respectfully request that in the future, if they see they are going to go over budget that they come back and advise the Quorum Court. Richard McComas stated that it was taken to the Finance Committee as soon as they became aware of it.

JP Hobbs stated that she would like to see them go back and see if they can get some of the numbers down, or get the landlord to underwrite some of it and let them pay it out over the lease period, and that it needs to go back before the Finance Committee. JP Glass stated that they cannot, as a County, go back and break contracts, because they are exposing themselves to liability and credibility issues. JP Stephenson stated that he agrees with JP Glass as far as maintaining the County's integrity, and added that he is comfortable proceeding with the motion as amended.

Motion passed—9 for, 3 against (Brown, Hobbs, Hubbard).

**OTHER BUSINESS:**

JP Moore announced that the Long Range Planning/Properties & Equipment Committee will meet Tuesday, May 27, 2008 at 5:30 p.m.

JP Wozniak stated that the Pyromeds Pharmaceutical Disposal Program has destroyed 441.8 pounds of drugs.

JP Stephenson stated that he would like to commend JP Winscott for all of the effort he has put forth on behalf of the Juvenile Detention Center.

JP Williams announced that the Pyromeds Safe Pharmaceutical Disposal Program has been submitted to the National Register.

County Attorney Robin Green stated that she will not be attending the May 22, 2008 Quorum Court meeting, but will be happy to review anything on the agenda in advance.

JP Brown stated that he does not believe in the policy that it is easier to get forgiveness than permission.

**PUBLIC COMMENTS:**

Richard McComas stated that he wanted to state publicly that he feels he and his staff do a very good job of coming to the Quorum Court and warning them before any departments go over their budgets, and they do not allow any departments to go over their budgets without coming before the Quorum Court.

After motion and second the meeting was adjourned at 8:12 p.m.