

Committee of Thirteen Report

August 12, 2008

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, August 12, 2008 at 6:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: Brown, Glass, Harrison, Hill, Hobbs, Hubbard, Moore,
Stephenson, Williams, Winscott, Wolf, Wozniak
*1 absent: Summers

Others Present: County Judge Gary Black, Sheriff Keith Ferguson, Richard
McComas, Barbara Ludwig

Media: Tabatha Hunter – Daily Record, Scarlett Simms – Morning News

In the absence of Chair Tim Summers, JP Kurt Moore called the meeting to order.

PUBLIC COMMENTS:

None

NEW BUSINESS:

1. Funding Request From Washington County HIV Clinic

Rick Johnson, Chairman of the HIV Board of Washington County gave a brief presentation on the history of HIV and AIDS, the progress made in treatment, and the formation of the HIV clinic in Washington County. Washington County Comptroller Boyd Darling presented statistics on the number of patients served at the clinic. He said that they currently have 427 active cases, and that 25 of the 54 new patients are residents of Benton County. He said that the administrative costs for the clinic are approximately \$110,000 per year, so if Benton County contributed a “fair share” based on the number of its residents being served at the clinic, that amount would be \$40,860. He said that they are asking Benton County to fund an administrative assistant for approximately \$34,000 per year, which would include benefits, which is less than the amount based on the number of residents being seen. He explained that as the clinic has seen a reduction in funding partners, the staff has been reduced to the point that they have a doctor, one full time nurse, and one office administrator to assist the nurse and the doctor and handle all of the paperwork and phone, and if she has to leave the office to run errands or is out sick, it is difficult to keep the clinic running. He said that in exchange for Benton County funding a position, two of the seats on the five-member Board of Directors would be reserved for Benton County representatives.

*JP Summers entered the meeting.

JP Stephenson asked if they had approached the United Way for funding, and if they had qualified as a 501-C-3 organization. Boyd Darling stated that they has been turned down for United Way funding, and are a county advisory board rather than a 501-C-3. JP Stephenson

questioned the legality of using taxpayer funds to treat only one disease. County Attorney Robin Green stated that entering into a contract which clearly stated what the county is paying for is a legal venture if the court so chooses. Boyd Darling said it would be an intergovernmental agreement.

JP Winscott asked why the State Health Department is not involved. Rick Johnson stated that they do not know the reason, but the Health Department has not chosen to become involved other than serving as a pass-through agency for private funds. JP Winscott asked if the clinic was treating anything else, because it seemed that they should be treating other diseases that cause a higher number of deaths, such as cancer or heart disease. Rick Johnson stated that they treat all of the diseases which are affecting the patients, and noted that the Center for Disease Control estimates that of the 950,000 people in the United States who are HIV-positive, 250,000 do not know it.

JP Summers stated that he would like to see Madison and Carroll Counties approached also, so that a truly regional effort could be achieved. JP Summers asked Benton County Health Department Director Loy Bailey what type of services the Public Health Clinic in Bentonville provides for HIV/AIDS patients. Loy Bailey stated that at the present time, the Benton County Health Clinic does not have a treatment program, but provides referrals, usually to the Washington County Clinic.

JP Wolf stated that the clinic's lack of 501-C-3 status brings their accountability into question, and added that there are more grants available for those organizations. Boyd Darling stated that Washington County has a full-time Grants Administrator who researches all possible grant sources. JP Hobbs asked how long it had been since the 501-C-3 status had been revisited. Boyd Darling stated that they went through the application process, but the County Attorney strongly advised against it because the Board's status as a county advisory board provides tort immunity. He said due to the medical nature of the board's functions, if they were a 501-C-3 organization, any of their board members could be sued if something happened to one of the patients. JP Wolf stated that is why organizations purchase insurance for their board members and directors. Boyd Darling pointed out that they do not have to purchase it as long as they are an advisory board. JP Hobbs asked if there are other similar clinics in the state. Rick Johnson stated that there is a similar clinic in Pulaski County, and some clinics in the area which provide some treatment, but no formal clinics. JP Hobbs asked if it is set up as an arm of the county administration, or a non-profit. Boyd Darling stated that the county serves as the fiscal agent for the clinic. JP Hobbs asked if the \$34,000 is a one-time request. Boyd Darling stated that the request would be made every year.

JP Stephenson stated that the efforts are worthy of consideration, and since the budget process is coming up soon, he would like to make a motion to refer the matter to the Finance Committee and have the County Attorney research the legal ramifications of the pros and cons of 501-C-3 status versus an agency of the government, and to ask our Grants Administrator to research possible grant funding, seconded by JP Summers. JP Glass stated that he might offer a friendly amendment which would be the idea, in terms of looking at the budgetary process, of tying it to our Health Department, and likewise the appointment of any representatives so that they too, share in the concept of tort immunity, and our Health Department would in some way be looking over this person who will be working in the clinic. JP Stephenson stated that it would be an interlocal agreement.

JP Summers stated that the motion needed to be restated in a more concise way. JP Stephenson restated his motion to refer the matter to the Finance Committee for consideration, and have our

County Attorney check into it from every standpoint, and have our grants administrator check into it, and then develop a response.

JP Moore asked what Washington County's contribution is. Boyd Darling stated that they fund a portion of the administrative aid, house the clinic, and all of the office expenses. He said he did not have the dollar amount with him, but would email it to Richard McComas. JP Moore stated that he read an article in the paper which reported that the amount Washington County contributed is less than the amount they have just asked for.

Motion passed by unanimous show of hands vote.

2. Countywide Personnel Policy

Human Resources Director Barbara Ludwig stated that she would like to go over the changes made in the policy since it was discussed last year by the Personnel Committee, and to discuss a more recent change that was requested by an Elected Official. She said the first 11 pages are written by Mike Rainwater, the attorney for the Arkansas Association of Counties. She noted some changes to the FMLA policy on page 11 which added extended time and coverage for military personnel and their families.

Barbara Ludwig stated that language was added to the compensatory time section on page 14, which will require employees to use the time in their comp bank before vacation time. She said there were a few problems with employees banking 40 hours, using vacation time for time off to maintain the 40 hours in the bank, and then getting cash at time and a half for any additional overtime. She said that she had met with the Sheriff's Department earlier, and they have requested an adjustment in the language in Item K which would allow an employee to use the vacation time if they had reached their maximum accrual. She said the Sheriff's Department has a lot of overtime, and if an employee is constantly forced to take comp time instead of vacation time, they could max out on the allowed amount, which is the amount accrued in two years.

JP Stephenson stated that he was totally unaware that employees are not forced to take vacation and can accrue two years worth. Barbara Ludwig stated that it has never been a policy to require employees to take vacation. JP Moore stated that the reason they started limiting comp time was to avoid a large payout in the event the employee terminated. Barbara Ludwig stated that out of 630 employees, there are only five or six who have accrued maximum vacation time.

JP Glass questioned whether the county can legally cap vacation time. Barbara Ludwig stated that they can include limits on vacation time as part of the policy, because the employee is made aware of it and agrees to it when they are hired. JP Glass asked what happens when an employee repeatedly requests vacation time and it is denied. County Attorney Robin Green stated that she has never been aware of that happening in the county, but perhaps they could add some language to address it. She said that more commonly what is seen is an elected official telling an employee that they have to take vacation. She added that since the policy for dealing with harassment directs the employee to notify the county attorney, they could add that same language to this section if an employee feels they are being denied vacation time. Barbara Ludwig stated they could add that before the ordinance comes to the Quorum Court.

JP Stephenson stated that you will find in real life that you take vacation, take the money, or lose it at the end of the year. He said there is no one that is so important that they cannot take vacation. He said he is very disappointed that the language was added on page 14 at this late date. He said that this has been worked on ad nauseum, and they will be changing it when hell freezes over. He said they cannot change it every time something new comes up, because they

all have brains, they are all scheming on how to beat the system, and it is up to us to stop them. He said if a problem arises, the issue can be brought to the Personnel Committee.

JP Stephenson made motion to forward the ordinance as distributed, without the change on page 14, to the August 28, 2008 Quorum Court agenda, seconded by JP Winscott.

JP Moore asked the members of the Long Range Planning Committee to look at the Vehicle Policy contained in the policy to see if it is acceptable, or if they want to continue to develop a separate policy. JP Stephenson called a point of order, stating that a discussion of the vehicle policy was not germane to the motion. JP Moore said they would pass on it.

Motion passed by unanimous show of hands vote.

JP Moore asked the members of the Long Range Planning/Properties & Equipment Committee to examine the vehicle policy contained in the personnel policy, and they would discuss it at the next meeting which will be August 26, 2008 at 5:30 p.m.

3. Ordinance Request: Amend Schedule 4 – Sheriff’s Department Reorganization

JP Summers made motion to place the ordinance on the August 28, 2008 Quorum Court agenda, seconded by JP Stephenson. JP Summers stated that the Sheriff had requested a new position in the last group of new personnel requests, but since the position did not rank high enough to be funded, he is now requesting to give up one deputy position to add a sergeant position. He said the 2008 budgetary impact will be \$1,200 and \$3,960 in 2009.

Motion passed by unanimous show of hands vote.

4. Pea Ridge Volunteer Fire Department Ordinance Requests:

a) Ordinance Establishing Boundaries

b) Ordinance Calling Special Election

JP Wozniak stated that he and JP Glass will co-sponsor the ordinances, and it is similar to what other volunteer fire departments have done in order to get their dues collected with the property taxes. JP Wozniak made motion to forward the ordinances to the August 28, 2008 Quorum Court agenda, seconded by JP Wolf.

Motion passed by unanimous show of hands vote.

5. Highfill Volunteer Fire Department Ordinance Requests:

a) Ordinance Establishing Boundaries

b) Ordinance Calling Special Election

JP Moore made motion to forward the ordinances to the August 28, 2008 Quorum Court agenda, seconded by JP Hobbs.

Motion passed by unanimous show of hands vote.

6. Budget Adjustment Approvals

a) County Clerk’s Office

b) Non-Departmental Maintenance – Judge Schrantz’s Courtroom

c) Department of Emergency Management – Grant Fund Expenditures

Comptroller Richard McComas stated that they only need approval to include these amounts in the next Budget Adjustment Ordinance which will be coming to the Finance Committee in September. JP Summers stated that the County Clerk is purchasing filing equipment, which will come out of her Automation Fund, and item 6b is the final cost for the renovation of the Tucker Building for Judge Schrantz’s courtroom. He said that in addition to the original \$82,000

appropriated, they are adding \$53,000 for the electronic equipment to be installed in the building. Richard McComas stated that this completes the building except for office equipment and personnel. Richard McComas stated that item 6c is for the Department of Emergency management to put the expenditure of grant funds in the proper line items.

JP Stephenson made motion to approve items 6a, 6b, and 6c to be included in the 2008 mid-year budget adjustment ordinance, seconded by JP Hubbard.

Motion passed by unanimous show of hands vote.

7. Interviews of Applicants to Equalization Board Vacancy

County Clerk Mary L. Slinkard stated that Phil Fielding resigned from the Equalization Board due to his business commitments, and there are three applicants for the vacancy. She said that the vacancy needs to be filled so that the person can start hearing appeals as soon as possible. JP Wozniak asked if either of the two people appointed previously by the Quorum Court is a licensed appraiser. Mary Slinkard stated that they are not. JP Wozniak stated that since state law says that the one of the appointments should be a licensed appraiser if one is available and willing to serve, there is only one applicant who is qualified, because she is a licensed appraiser and the other two are not. Mary Slinkard stated that the appointment is up to the Quorum Court to decide. County Attorney Robin Green confirmed the language from the state code which said that a licensed appraiser should be one of the Quorum Court's appointments if there is one available.

JP Stephenson asked Jana Jobe if she is a licensed appraiser. She stated that she is licensed in Arkansas and Missouri. JP Stephenson asked if she is familiar with the duties of the Equalization Board. She stated that she is. She added that she received her real estate license in 1988, currently owns her own real estate office, and has been a licensed appraiser since 1995. JP Williams stated that this is a very busy time for the Equalization Board and asked if Ms. Jobe had the time to devote to it. Ms. Jobe stated that she did. JP Williams asked if either of the other two applicants are licensed appraisers. Both replied that they are not.

JP Williams made motion to refer the appointment of Jana Jobe to the special Quorum Court agenda immediately following the Committee of Thirteen meeting, seconded by JP Hobbs.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS:

JP Moore announced that the Long Range Planning/Properties & Equipment Committee will meet Tuesday, August 26, 2008 at 5:30 p.m. and they will look at the vehicle policy included in the Personnel Policy to see if it suits their needs.

PUBLIC COMMENTS:

Sue Elverston stated that she was perplexed to hear that Mark Curtis was not appointed to the Planning Board, because he is knowledgeable in planning, is one of the few people who regularly attends Planning Board meetings, and asked the Quorum Court to reconsider the appointment of Mark Curtis to the Planning Board.

After motion and second the meeting was adjourned at 7:25 p.m.