

October 23, 2009

## **PERSONNEL COMMITTEE REPORT**

The Personnel Committee met Tuesday, October 23, 2009 at 2:30 p.m., in the Quorum Court Meeting Room, Third Floor, County Administration Building, 215 East Central, Bentonville.

Committee Members Present: Wolf, Sandlin, Allen, Harrison, Winscott

Others Present: County Clerk Tena O'Brien, Election Commission Chair Bill Williams, Election Commissioner E.J. Miller, Election Coordinator Helen Peltier, Comptroller Richard McComas, Human Resources Manager Barbara Ludwig, Rosemary Goines, Deputy County Clerk Christine Southard

Media: Tabatha Hunter – Benton County Daily Record

### **OLD BUSINESS**

JP Wolf called the meeting to order and recognized Election Commission Chair Bill Williams to present the "Election Commission Revenue Increase Opportunities" report prepared by the Election Commission.

Bill Williams stated that three readily identifiable opportunities exist for the Benton County Election Commission:

1) The Arkansas State Board of Election Commissioners severely restricts the reimbursement it allows for the State-mandated Primary and Non-partisan Judicial Elections, and the examination of statutes clearly raises the question of whether or not they have the authority to do so. He said at this time, County Attorney George Spence is investigating the matter, and if it is found that the State Board's action is inappropriate, then they will pursue that as a potential source of revenue.

2) There are instances of under billing of current reimbursements to requesting entities, and every aspect of direct billing should be reviewed and revaluated based on current statutes and costs. He added that in going forward, those billings must be continually adjusted as costs change, and he is confident that they would be able to find more.

3) Other counties bill administrative costs to their election customers, and the most obvious and easily calculated opportunity is in the recovery of the General and Administrative costs of operating the Election Commission. He added that you cannot guess the percentage amount, and there is a substantial amount of money for General and Administrative costs that we can, and should, be billing.

JP Frank Winscott stated that he had done research and found that it does appear that we are understaffed compared to Pulaski and Washington Counties, and stated that he would support the additional position. He requested that at the end of 2010, the Election Commission report on how much money the position has saved Benton County.

JP Allen questioned the \$20,000 reimbursement for G&A.

Bill Williams stated that is both G&A and direct billing for election costs, and the State Board minimizes what can be billed for reimbursement. He noted as an example, the \$91.92 per poll book is basically a penny a page, and is grossly unfair and the Commission will be asking the State to reconsider these figures. He added that this is the biggest hill to climb but that they feel it would be worth pursuing.

JP Allen asked if they are estimating that, according to their research, the reimbursements could be increase anywhere from \$50,000 to \$150,000. Bill Williams stated that is correct. JP Allen stated he is not directing his comment to the present Election Commission staff, but he is amazed that they

have not tried to capture this money in years past.

Bill Williams stated as a newcomer to the elections world, he was astonished how difficult and how meticulous the preparation has to be for even a relatively simple election. He said that he could not make any excuses for any oversights that might have occurred previously, but he could understand how they might have occurred.

JP Allen stated that he wished if any elected official or manager saw the opportunity to collect \$50,000 to \$150,000 and needed more manpower to accomplish it, they would contact the Personnel Committee so that help could be made available, and that we need to work on getting that done. He added that this has made him take a second look at whether or not to support the additional position.

Bill Williams stated that this is the first full time position in the Election Commission, and that this person will be responsible for participation in preparation of elections as well.

JP Wolf stated that it was her understanding that the salary is \$38,000, and that \$10,000 will come from a different area. Bill William stated that salary and all other expenses will be \$38,000 and that we can take \$10,000 from the part-time funding to put toward funding this position. Comptroller Richard McComas stated that there is \$20,000 currently in the part-time account, and if the position is funded it will reduce that account to \$10,000.

JP Harrison stated that it has been stated that this is the first full time position in the Election Commission, and questioned what will happen once this is approved, 2011 is an off election year, and the census will be pretty much finished.

Bill Williams stated that looking at the recovery of G&A expenses, he believes that the new position will more than pay for itself with the additional billings from the Election Commission. He said their goal is to recover everything that the county is deserving of recovering.

Election Commissioner EJ Miller stated that 2009 is an off year for elections, and although it started off with no elections scheduled, they ended up with nine. He added that they are anticipating ten or more elections in 2010. EJ Miller stated that Benton County is half the size of Pulaski County, and the second largest voting district in the state. He pointed out that Pulaski County has six full time employees, Washington County, which has fewer registered voters than Benton County, has seven part time employees, and Benton County has one part-time employee. He said the last school election billing was twenty-two pages of extensive calculations for a reimbursement of \$22,000 for 2008, and that the billing for the same school election in 2007 was \$10,000 and \$13,000 was billed in 2006. He added that they are still behind in billing for a couple of elections, and are now getting ready for the next election in December, and simply will not have the time. He added that having another person full time will give them the opportunity to recover those elections that have not been billed.

JP Allen stated that he keeps hearing about the difficulties of being behind on collecting for a couple of past elections because of the enormous amount of work to be done. He said in making his decision, he wants to see a net effect. He wants to know how much are we collecting now, how much more are we going to be able to collect from G&A, and will it be enough to pay for a full time position.

Richard McComas stated that in off election years they have collected \$50,000 a year, and on election years \$150,000. He asked Bill Williams if they are going to be figuring an annualized rate when they bill the G&A expenses, or will they be billing G&A expenses that they have incurred up to a certain date, and basically he is asking how they will get all of the G&A expenses computed.

Bill Williams stated that the Commission has been working on that, but has not made a decision yet. He repeated that their goal is to recover everything that the county is deserving of recovering. He said they are not going to arbitrarily take money from any agency, and they want to be imminently fair to the school districts, municipalities, and to Benton County. He said that one option they are considering is to recover those expenses in the following year. He said they could take the moving average of the number of elections per year, divide it out, and that is the cost to be added for G&A

expense. He said then you take the G&A total for the year, and add that to the cost of elections. He said another way to do it is to project, so you would be working with current numbers. He said there is no set formula yet to determine the fairest way to recover G&A, they do know that there is a lot out there, and it is simply the cost of having an Election Commission. He said right now, Benton County government is bearing that cost, and they want to distribute in fairly.

Richard McComas asked if that means that they will go back and bill back to the people that had an election in that year. Bill Williams stated that it will be a Commission decision and he would not speak for the Commission. He said his own attitude is that that billing back is not likely to be successful. He added that we need to bill the G&A along with the direct cost of an election. Richard McComas stated that would give them some type of rate. Bill Williams stated that is correct. He said they would know that if they are billing last year's G&A on this year's elections, then they have a rate. Richard McComas stated that would give them a rate times a certain number of hours. Bill Williams stated that is correct.

JP Sandlin asked how Washington and Pulaski counties are handling their G&A expenses.

Bill Williams stated that in the case of Washington County, he is unaware of any past billing for G&A. He added that he has spoken with Susan Inman, the former Election Coordinator for Pulaski County who is now the Executive Director of Arkansas Election Commission Association, and she has told him that in the past, Pulaski County has billed for some parts of its G&A. He noted that this is not an entirely a new thing in the State of Arkansas. He said that no one in the state has been billing with the level of detail they are applying.

JP Sandlin noted that in actuality, no one in the state has actually been billing G&A for their elections. Bill Williams stated that Pulaski County has done so in the past, but he does not know their current practices. JP Allen stated that what he is gathering from the conversation, we are not guaranteed any reimbursement.

Bill Williams said the state statute is very clear that the county is to be reimbursed for the cost of an election, and that our interpretation is that the cost of an election includes G&A.

JP Wolf stated that the State Board's interpretation is what pays us.

Bill Williams stated that in the case of the State Board, that is another nut to crack. He added that he had already spoken with one mayor who is perfectly comfortable with being charged G&A, and thinks that it is appropriate. He added that he has not spoken with all of the mayors so he cannot speak for all of them. He said he believes that this is entirely supportable. JP Wolf asked who he has been speaking to. Bill Williams stated that he did not want to betray that conversation, but he would be glad to tell her in private.

JP Allen asked Bill Williams if he has talked to County Attorney George Spence. Bill Williams stated that he has, and that he is going to review the statute and see if there is merit in pursuing the position that the State Board of Election Commissioners does not have the authority to withhold funds. He added that it is a relatively minor amount of money, although \$20,000 is not an insignificant amount of money in today's environment.

JP Allen stated that he would be as a loss if he had to do the work that the Election Commission is doing, and he is glad they are there doing it. He said he cannot make a determination on how needed this position is because he does not understand what they do, therefore they have to basically go by what he is telling them, and by what the other counties are doing. JP Allen asked if they know how many employees Sebastian County has. Bill Williams stated that he believes Sebastian County has four part time employees. JP Allen stated that it would appear that we are understaffed; however, he is still very bothered by the fact that we are trying not to add additional personnel.

JP Wolf asked Richard McComas if it would be an option to send this to the Finance/Budget meeting because there will be questions regarding the Election Commission's budget.

Richard McComas stated that it would, and that in the last Finance/Budget meeting there was discussion about the Election Commission's request for new voting equipment, and the committee

may be wanting to hear which is more important, the new position or the equipment. JP Wolf stated that it definitely was a huge question.

Bill Williams stated that he feels like he is addressing King Solomon and has his Child in his arms, and they are trying to compare apples to oranges. He said the need for personnel is absolute, while the need for voting machines is financial. He explained that because of the cost of printing ballots, there is a fairly short-term pay back for the cost of the machines. JP Wolf stated that the point that is being made is that they do have a sword, and that may be a question that he has to answer when he goes before the Budget Committee. Bill Williams stated that is a question that has been asked before, and they are certainly prepared to deal with it. He said they are prepared to bring a payback analysis to the Finance/Budget Committee, showing the comparison. JP Wolf stated that she does not want to get into finance, but she agrees with Mr. McComas, it is going to be a major issue.

Richard McComas stated that in the past, the Election Commission has always been able to turn money back after elections each year, and has never spent all of what was budgeted each time. He said there is a possibility that there is enough unexpended money in Poll Worker pay to offset the \$28,000 for this position. Bill William stated that is an absolute possibility, because the Election Commission always plans for more than they anticipate needing, because they have the statutory responsibility to conduct elections and have to be prepared for whatever number of elections comes up.

JP Harrison stated that he agrees that this is overdue because the Election Commission is understaffed, but have they looked at the possibility of having two or three part-time positions instead of hiring one full time person. Bill William stated that they have, and it was discussed at length in the JESAP Committee, and this seemed to be the best possible solution. He said he wishes he could tell them that they will never come back and ask for more people, but the world of predicting elections is just too fluid. He said they believe this will take the Commission at least through the coming year.

Election Commissioner E.J. Miller stated that 500 poll workers are needed to establish all of the polling locations, and that trying to round up all of those people for every major election is quite a chore in itself. He said only one mistake in the billing can be costly, but with one person doing the billing consistently they will get consistent results. He said that level of accuracy is not possible with two or three different people doing the billing. He listed the difficulties involved in getting bills out ten times a year, and locating and training 500 poll workers for six to eight major elections. He added that the turnover rate is great as this is an aging population.

JP Wolf stated that she would entertain a motion to send this to the next Finance /Budget Committee meeting, with the notation that this is not being forwarded to be automatically included in the budget, but for more discussion to take place. She said she wants the entire Budget Committee to look at the figures separately, not just in a line of numbers.

JP Winscott made motion to forward the Election Commission's request for a full time position for discussion to the October 27, 2009 Finance/Budget Committee meeting, and added that a notation be added that it be looked at more intensely there among the entire committee, seconded by JP Sandlin.

JP Allen asked if the Personnel Committee is forwarding this position based on need. JP Wolf stated that is what the motion is for.

Motion passed by unanimous voice vote.

Bill Williams stated that he would like to thank the Justices for their patience and for allowing them to come back to the committee. He said that the Election Commission is very gifted with the people that are working there, including E.J. Miller, Tim Hutchinson, and Helen Peltier. He said these people will do a good job for the county, and will more than justify the confidence the court has placed in them.

After motion and second, the meeting adjourned at 3:15 p.m.