

## **2009-2010 QUORUM COURT ORGANIZATIONAL MEETING**

**January 5, 2009**

The 2009-2010 Justices of the Peace met on Monday, January 5, 2009 at 6:00 p.m. in the Benton County Administration Building, Quorum Court Room, Third Floor, 215 E. Central, Bentonville, Arkansas.

County Judge David Bisbee called the meeting to order.

County Judge David Bisbee led the prayer, and asked Roger Gibson to lead the Pledge of Allegiance.

### **Freedom of Information Act – Brenda Blagg, Morning News**

Judge Bisbee asked that the agenda be amended to allow Brenda Blagg, Regional Editor of the Morning News, to make a presentation on the Freedom of Information Act earlier than planned, as she needs to leave to make the same presentation to the Washington County Quorum Court.

JP Wolf made motion to approve the agenda as amended, seconded by JP Stephenson. No objection.

Brenda Blagg gave the history of the F.O.I., noting that the law was passed in 1967 under the administration of Governor Winthrop Rockefeller, and its intent is to serve the public by providing them with a gateway to their governments, so it was not created just as a benefit for the press. She said that all meetings should take place in public, and while arrangements are usually made through a government office to provide notifications, it is ultimately the responsibility of the committee chair or someone representing the Quorum Court. She said that the notice must be given at least two hours prior to the start of the meeting to anyone who has requested it, adding that most media outlets have a standing request.

Brenda Blagg stated that there are also requirements for record keeping, and virtually anything that they do is public record, including emails.

JP Wolf noted that it is permissible for JPs to meet incidentally, as long as they refrain from discussing county business. Brenda Blagg said that they would encounter each other in daily life, as some of them attend the same churches, etc. She added however, if several members of a committee meet and discuss something that is coming before the committee, then that would be a violation.

JP Winscott asked if notifying one person fulfills the requirement. Judge Bisbee stated that he would like the Quorum Court members to be able to make one phone call to give notice of a meeting, 24 hours a day, probably through CenCom since the phone is answered 24 hours a day.

Brenda Blagg stated that the law only requires notice to those that have made a request, but generally, most of the newspapers have a standing request. She encouraged the Quorum Court to call her if they ever have any questions.

### **Introduction of County Attorney**

County Judge David Bisbee stated that attorney George Spence has been retained on a contract basis for a 60-day period. He explained that hiring a County Attorney is the joint responsibility of the County Judge and the Prosecuting Attorney, but that neither he nor Prosecuting Attorney Van Stone were ready to do so at this time. He added that George Spence is hopeful that the arrangement will work well enough that the County will decide to continue with the contract, instead of hiring someone full time.

### **Introduction of Justices of the Peace and Committee Selections**

County Judge David Bisbee congratulated the JPs on their election to the Quorum Court and explained the procedures to be followed in selecting committees. He said that while he has the discretion to make committee selections, he prefers to have an engaged and active court, so they will be choosing their own committees based on seniority and experience.

He said that most of the committees were reduced from seven to five members, for three reasons; 1) Five is a more manageable number; 2) Seven is a majority of the Quorum Court, so if all 7 members are in agreement, there is no need to bring an issue to the Quorum Court, and smaller committees will lead to more discussion during the Committee of Thirteen; and 3) It will cut down on the number of committee meetings per month that each JP will need to attend.

County Judge David Bisbee introduced the Justices of the Peace as follows:

Tawnya Lewis – District 1	Shirley Sandlin – District 8
Frank Winscott – District 2	Dan Douglas – District 9
Jay Harrison – District 3	Michelle Blaty – District 10
Tom Allen – District 4	Bobby Hubbard – District 11
Marge Wolf – District 5	Robert Stephenson – District 12
Craig Brown – District 6	Kurt Moore – District 13
James Wozniak – District 7	

13 JPs present.

Seniority was established based on the following criteria; 1) Length of service on the Quorum Court; 2) Any previous terms of service; 3) Positions drawn for by alphabetical order. JPs were given the opportunity to choose committees in order of seniority, including the chair position if it was open. 2009-2010 Committees are as follows:

<u>Finance</u>	<u>Long Range Planning-Real Estate/Buildings</u>
Kurt Moore - Chair	Frank Winscott - Chair
Robert Stephenson	Craig Brown
Craig Brown	Bobby Hubbard
Tom Allen	Tawnya Lewis
Dan Douglas	Shirley Sandlin
Jim Wozniak	
Marge Wolf	
<u>Personnel</u>	<u>Long Range: Machinery &amp; Equip.</u>
Marge Wolf - Chair	Jay Harrison - Chair
Shirley Sandlin	Kurt Moore
Jay Harrison	Robert Stephenson
Frank Winscott	Michelle Blaty
Tom Allen	
<u>Environmental</u>	<u>Grievance</u>
Jim Wozniak - Chair	Kurt Moore - Chair
Bobby Hubbard	Jim Wozniak
Tawnya Lewis	Marge Wolf
Michelle Blaty	Frank Winscott
Dan Douglas	Jay Harrison

JP Stephenson chose to chair the Committee of Thirteen, and Comptroller Richard McComas explained that the Grievance Committee would be comprised of all of the committee chairs, and chaired by the JP with the highest seniority, which in this case will be JP Moore. He said that as chair of the Long Range Planning-Real Estate and Buildings Committee, JP Winscott would also serve as the County Liaison to the Planning Board and as chair of the Personnel Committee, JP Wolf will also serve as the Quorum Court representative to the JESAP Committee.

County Judge David Bisbee stated that the Quorum Court would need to elect a representative to the Arkansas Association of Counties. JP Wolf made motion that JP Wozniak be elected to serve, seconded by JP Douglas. Motion passed by unanimous voice vote.

County Judge David Bisbee stated that rather than sit in alphabetical order or by district number order, the Quorum Court members would tonight be choosing where they want to sit in order of the previously established seniority.

### **Meeting Times and Procedures**

County Judge David Bisbee stated that they would need to establish meeting days for both the Quorum Court meetings and Committee of Thirteen meetings.

JP Stephenson made motion that the Quorum Court meetings continue to be held on the 4<sup>th</sup> Thursday of each month at 6:00 p.m., seconded by JP Wolf. Judge Bisbee stated that anyone who makes a motion would be given the opportunity to speak last before the vote. JP Stephenson stated that he is ready to vote. Motion passed by unanimous voice vote.

JP Stephenson made motion that the Committee of Thirteen meetings continue to be held on the 4<sup>th</sup> Tuesday of each month at 6:00 p.m., seconded by JP Wozniak. Motion passed by unanimous voice vote.

County Judge David Bisbee asked the court if they would prefer to schedule committee meetings as called by the chair, and how they would like to be notified. JP Stephenson stated that they are currently notified through the County Clerk's office. JP Moore stated that the only exception has been that the Finance Committee has had a standing date of the first Tuesday of each month at 2:30 p.m., and as chair, he would make motion to continue on the first Tuesday of the month, seconded by JP Douglas. Motion passed by unanimous voice vote.

County Judge David Bisbee stated that a previous legislative body could not bind a future body to any procedures, unless they are established by ordinance, and they need to determine the procedure they would like to follow regarding public comments.

JP Allen stated that he would like to see the time limit for individuals increased from the current 3 minutes. There was further discussion concerning the time limit for individuals and total length of time for the public comment period. JP Moore noted that the Quorum Court always has the prerogative to vote to make an exception to whatever procedure they adopt. JP Stephenson stated that he favored keeping the current 3-minute time limit, but extending it by vote of the court if the subject matter demanded additional time. He said that he would also like to see comments limited to subjects that the quorum court actually has the authority to address, and did not feel that the quorum court meetings should become a dumping ground for anyone wishing to complain about things that have nothing to do with county government.

County Judge David Bisbee stated that as chair of the quorum court meetings, he will not allow that to happen, nor will he allow any berating, belittling, or insulting of the quorum court as occurred at a recent meeting.

JP Hubbard stated that he believes the limits for the total period for public comments is set out in ordinance for both the Quorum Court and Committee of Thirteen, but he does not think the time limits per person are. JP Stephenson stated that they need to decide what they want to do as the current quorum court. JP Lewis stated

that when there are certain topics of special interest, she favored allowing time to those individuals who wish to express their comments, and asked how that could be done. Judge Bisbee explained that if a JP is aware of several constituents who wish to speak to a certain subject, they may ask to be recognized. He said that there are times when he will ask for what purpose they wish to be recognized, because in a heated situation, someone might be attempting to make a motion to adjourn. However, they can suspend their own rules at any time. JP Sandlin made motion that individuals be given 5 minutes to speak during public comments, with a 30-minute period of public comments prior to Quorum Court meetings, and a 30-minute public comment period both before and after Committee of Thirteen meetings. JP Stephenson expressed concern that they could be required to sit for 30 minutes following a meeting in case someone decided during that time that they wished to speak. JP Hubbard stated that he believes the current language in the Committee of Thirteen ordinance contains the phrase "up to 30 minutes" and "up to 15 minutes" in order to avoid that. He added that in the past they have allowed individual committee chairs to set out guidelines on time limits for committee meetings. JP Allen stated that he would like to see the 5-minute time limit for individuals codified, because he does not think it is fair for a taxpayer to not be able to speak, and some people are very nervous when they are speaking before the court and need more time. JP Sandlin stated that her intent was to set the maximum time for public comments under normal circumstances, whether individuals speak for 1 minute or 5 minutes each. Motion passed by unanimous voice vote.

Following discussion concerning a misunderstanding of the motion, JP Stephenson made motion to expunge the previous vote, seconded by JP Hubbard. Motion passed by unanimous voice vote.

JP Hubbard made motion that a period of *up to* 30 minutes for public comments be allowed prior to business at Quorum Court meetings, *up to* 30 minutes of public comments be allowed prior to business at Committee of Thirteen meetings, and a period of *up to* 15 minutes of public comments be allowed following business at Committee of Thirteen meetings, with each individual being allowed 5 minutes in which to speak, seconded by JP Stephenson. Motion passed by unanimous voice vote.

County Judge David Bisbee stated that the county is facing a looming issue with ambulance service that the Long Range Planning-Machinery/Equipment Committee will need to address very soon.

**Announcements:**

JP Moore announced that the Finance Committee will meet Tuesday, January 6, 2009 at 5:30 p.m.

County Judge David Bisbee asked all of the Elected Officials in attendance to stand and introduce themselves. Those in attendance were County Clerk Tena O'Brien and Sheriff Keith Ferguson.

After motion and second the meeting adjourned at 7:13 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk

Prepared by Betsy Harrell

