

MINUTES OF BENTON COUNTY QUORUM COURT

July 27, 2006

A regular meeting of the Benton County Quorum Court was held on Thursday, July 27, 2006 at 5:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Gary Black called the meeting to order.

Deputy Clerk Betsy Deaton called roll as follows:

11 JP's Present: Adams, Harrison, Hill, Moore, Sampier, Schindler, Sheridan,
Stephenson, Summers, Tharp, Wozniak
2 Absent: Allen, Wolf

The presiding officer led the pledge of allegiance to the flag, and Jeff Odom of the Word of Life Fellowship led the prayer.

MINUTES:

JP Stephenson made motion to approve the Minutes of the regular meeting of June 22, 2006 as mailed, seconded by JP Adams. Motion to approve the minutes carried by voice vote.

COUNTY JUDGE'S REPORT:

Assistant County Administrator Travis Harp gave a progress report on various road construction projects. He added that Road Superintendent Dale Russow is very ill and in need of a heart transplant, and asked everyone to remember him in their prayers.

GIS Coordinator Elizabeth Bowen gave a presentation on GIS capabilities and how emergency services and various departments in the County are utilizing GIS data. JP Sheridan stated that he wanted to commend the GIS Department, and noted that they are one of the most progressive in the State of Arkansas.

County Judge Gary Black stated that Deputy Prosecutor Brandon Carter is substituting for County Attorney Ed Gartin.

County Judge Gary Black announced the appointment of William R. Kneebone to another 4-year term on the Benton County Planning Board, and asked for a motion to confirm the appointment. JP Summers made motion of same, seconded by JP Tharp.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: Adams, Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wozniak
2 absent: Allen, Wolf

Appointment confirmed.

County Judge Gary Black read a copy of a letter to Governor Mike Huckabee, in which he suggested setting aside a portion of the State's \$700,000 surplus for a rainy day fund to be used in the event of a disaster, with an additional portion to be divided based on population of each of the 75 counties and the cities within them, and a third portion to be made available for a Capital Projects Infrastructure Discretionary Grant Fund, to which counties and cities could apply. He stated that he also sent a copy to Mark Whitmore, General Counsel for the Arkansas Association of Counties, who has forwarded it to the other County Judges and Legislators.

County Judge Gary Black stated that he has written a letter to future and potential JPs suggesting how they can prepare for their upcoming terms if elected. He said he has encouraged them to attend as many meetings as possible and has given them information concerning the A.A.C. website and seminar in November which is a must for all newly-elected JPs. He said he has also encouraged them to meet with Comptroller Richard McComas and to attend as many budget meetings as possible.

County Judge Gary Black read a statement, in which he said that financial abnormalities had been discovered in the Benton County Planning and Development Department, and that after a review by Comptroller Richard McComas, Prosecuting Attorney Robin Green was notified and an investigation was conducted by the Benton County Sheriff's Office. He said that Michelle Crain, Director of Planning and Development, was arrested earlier today for theft of property and subsequently terminated. He said he has written a letter to the Legislative Audit and requested a full audit of the Benton County Planning Office and their assistance in setting up internal control procedures.

ELECTED OFFICIALS REPORT:

Sheriff Keith Ferguson stated that he is concerned about a program located in Decatur, in which convicts are being housed and allowed to work in return for room and board and transportation to their jobs. He said the Director, Raymond Jones, initially promised that the inmates would all be first time offenders in need of rehabilitation for drug and alcohol use. He distributed copies of profiles obtained from the Oklahoma Department of Corrections website and noted that several were repeat offenders. He said that the participants are sentenced to the program by judges in Oklahoma, and are sent to prison if they violate any of the program rules. He said that he is very concerned about the safety of County citizens, because the program is being supervised by civilians, and its director did not follow any of the requirements for public notification and licensing, including the guidelines of the Interstate Compact System. He noted that the buildings they are being housed in are next to an apartment complex. He said he has contacted Larry Norris, the Director of the Arkansas Department of Corrections, the Attorney General, and the Prosecutor's Office. He said he has also contacted the Department of Corrections Housing Director, and he and some of his staff will be coming to Decatur next week to see if the program is following regulations. He also stated that he is concerned because the director of the program keeps all of the money that they earn, and they are bringing in a total of about \$9,000 a week, which is more than it should cost to feed and house the participants. He said he is supportive of the program if it is legitimate and above board, but he does not believe the owner has been honest with the citizens of Benton County. He addressed JP Tharp, and noted that it was in his district.

JP Tharp asked to respond. He said that Decatur officials had been notified and had taken a tour

of the facility when it opened. He said he was not aware of any complaints, and has seen the participants doing maintenance work in the City Park on Saturdays. He said that Sheriff Ferguson had raised some very good points that he would like to see addressed. JP Sheridan asked that the results of the meeting next week be brought back to the Quorum Court. JP Schindler asked if it was not unusual to send prisoners out of state. Sheriff Ferguson stated that it was not uncommon, but the state that is receiving the prisoners is supposed to be notified, and local officials were not in this case. JP Harrison asked if these were all first-time offenders. Sheriff Ferguson stated that is what they were told initially, but they have been lied to. JP Sampier stated that opening any kind of detention facility requires the approval of several state agencies and several public hearings obviously did not occur in this case.

COMMITTEE REPORTS:

JP Moore reported that the Long Range Planning/Properties and Equipment Committee met on July 20, 2006 and forwarded two recommendations to the Finance Committee. He said one is a proposal to install a fire notification system in the Courthouse Building, which they consider to be an emergency situation, and the second is a recommendation to accept a bid from Caterpillar for the buy back of 11 road graders purchased in 2001. He said they also heard a presentation from the Sheriff's department concerning expansion of the county jail.

JP Stephenson reported that the JESAP and Personnel Committees met twice during the last month, and will be forwarding their recommendations on personnel requests to the Finance Committee and Committee of Thirteen in August.

PUBLIC COMMENTS:

Bob Kossieck commended County Judge Gary Black for the letter to Governor Huckabee, and suggested following the money trail at the detention facility in Decatur to see if the participants are getting any of the money they are earning. He also asked if they were restricted to the dormitories, or if they were free to wander the area.

James Gately spoke in support of hiring the most qualified person for the position of Director of Planning and Development, and said it might reduce lawsuits against the County due to the actions of the Planning Board and also decrease annexations by groups of citizens who believe the County no longer protects their interests. He read a letter addressed to the Director of Planning and Development which listed several concerns about Planning Board actions.

OLD BUSINESS:

None

NEW BUSINESS:

- (A) Proposed Resolution Authorizing the County Judge to Sign an Interlocal Agreement Providing for the Distribution Formula for the Funds Generated by the One Percent (1%) County Sales and Use Tax Levied on Aviation Fuel Sold at Northwest Arkansas Regional Airport; Sponsor: JP Tim Summers

Deputy Clerk Betsy Deaton read the proposed Resolution in full. JP Summers made motion for approval, seconded by JP Sampier.

There being no discussion, a roll call vote was recorded as follows:

11 yeas: Adams, Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wozniak
2 absent: Allen, Wolf

Resolution duly adopted and assigned No. **R-2006-14**.

OTHER BUSINESS:

JP Sheridan stated that he has distributed a copy of an email from the Arkansas Association of Counties, which stated that the A.A.C. will be lobbying to get back some of the Turnback Funds that the State Legislature has cut since 2001, and will be seeking reinstatement of those funds. JP Summers stated that the Finance Committee has given permission to the County Coroner to purchase a cooler for up to \$5,000 for body storage at the Coroner's Office. He also said that the Committee of Thirteen approved a recommendation from the Finance Committee allowing the Planning Department to get bids for a software program which will cost approximately \$40,000 and will provide a method to track permits and fees.

JP Summers stated that JP Wolf asked him to make public her support of the rehabilitation of War Eagle Bridge, and to explain that she voted against a Resolution authorizing the County Judge to get bids for the project because she had questions about the grant process.

ANNOUNCEMENTS:

JP Wozniak announced that the Environmental Committee would be meeting on August 15, 2006 at 5:00 p.m.

JP Adams thanked all those who participated in the viewing of the Vietnam Veterans Memorial Moving Wall at the VFW Post in Rogers last week, and thanked County Judge Gary Black for helping with the contributions. He also asked for prayer for his brother who will be leaving next week to begin a tour of duty in Afghanistan.

JP Summers announced that the Finance Committee would be meeting on August 1, 2006 at 2:30 p.m., and the Committee of Thirteen would be meeting on August 8, 2006 at 5:00 p.m.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton