

MINUTES OF BENTON COUNTY QUORUM COURT

November 30, 2006

The November 30, 2006 regular meeting of the Benton County Quorum Court was postponed due to inclement weather, and held on Tuesday, December 5, 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:

13 JPs Present: Adams, Allen, Harrison, Hill, Moore, Sampier, Schindler,
Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak
0 Absent:

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 October 26, 2006 and the Special meeting of November 14, 2006 as distributed, seconded by JP Hill. Motion to approve the minutes carried by voice vote.

COUNTY JUDGE'S REPORT:

County Judge Gary Black reported that Road Department employee Jerry Garrett was struck by a car while working on the icy roads Monday, and has been transferred to Little Rock for surgery on his leg.

County Judge Gary Black announced the re-appointment of Burton Stacy to a third 6-year term on the Northwest Arkansas Regional Airport Authority. Appointment ratified by unanimous show of hands vote.

ELECTED OFFICIALS REPORT:

None

COMMITTEE REPORTS:

JP Wozniak reported that the Environmental Committee met prior to the Quorum Court meeting, and voted to forward the proposed Nuisance Abatement Ordinance to the December 12, 2006 Committee of Thirteen meeting, after which it will go to the Planning Board for a Public Hearing.

JP Summers recognized Bobby Hubbard, Craig Brown, Frank Winscott, and Debra Hobbs, who will be coming onto the Quorum Court in January 2007.

PUBLIC COMMENTS:

Ace Depontee asked the Quorum Court to support the Highway 94 East Volunteer Department ordinances on the agenda tonight. He said it will make life better for the residents, allow the Volunteer Fire Department to purchase better equipment, and provide better aid for people who are in accidents. He said that the Highway 94 East Volunteer Fire Department will absorb all of the costs for the election.

Bob Kossieck stated that the job of the Quorum Court is to pass a responsible budget, and the one they are proposing tonight is irresponsible, and he does not imagine that any of their constituents support it. He said that the county should live within its income, and the county no longer has any responsibility toward Bella Vista, so they should have more revenue. He said that if they act irresponsibly he is sure they will find themselves in the unemployment line in November of 2007.

Jeff Wynant stated that the great sucking sound being heard in the county is the 16% millage increase being proposed. He said that only 2 Justices of the Peace asked their constituents their opinions on the millage rate, and those who voted for it did so out of allegiance to the king and the bloated county budget. He said that there is a supposed deficit due to the loss of Bella Vista, but that no proof of that deficit exists. He said passing this millage increase amounts to taxation without representation.

James Gately stated that the Environmental Committee is sending the proposed Nuisance Abatement Ordinance to the Committee of Thirteen, and he is in favor of it because it will ultimately protect the water supply. He said that raw sewage is flowing from leaking septic tanks which belong to people who have no concern for others. He said the government should protect the community, and cited the Annual Omnibus Survey for Northwest Arkansas conducted by the University of Arkansas, which showed that 75% of the respondents are concerned about water quality, 78% support increased controls on development, and 80% are willing to support land use restrictions in order to protect water quality. He said that based on this level of concern it is long past time for the Quorum Court to take action on passing the Nuisance Ordinance.

Debra Hobbs stated that she has not yet received training as a Justice of the Peace, but she has had years of experience as a taxpayer. She said she would like to thank the Justices of the Peace who voted against the millage rate, and hoped that others will join them. She said that her observations are that they feel a strong sense of responsibility to the county employees and want to give them a 5% to 7% pay increase; however she would like them to consider the people on assembly lines who work harder. She said she did not see how they could justify raising those peoples' taxes to pay for someone else's increase. She noted that the City of Bentonville only gave their employees a 1.7% cost of living increase, and that the re-zoning of land in Rogers from agricultural to development will result in an \$11 million increase in revenue. She said they need to tighten the budget, and take care of "needs" instead of the wants.

OLD BUSINESS:

None

NEW BUSINESS:

- (A) Proposed Resolution in Support of the County Judge's Letter to Governor Huckabee Regarding the Use of State Surplus Funds; Sponsor: JP Jerry Sheridan

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

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

- 13 yeas: Adams, Allen, Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak
0 nays:

Resolution duly adopted and assigned No. **R-2006-23**

- (B) Proposed Ordinance Establishing the *Highway 94 East Volunteer Fire Department* for Benton County and Designating the Geographical Service Area Therefor; Sponsor: JP Bill Adams

JP Sampier made motion to read by title only, seconded by JP Adams. Motion passed by unanimous voice vote. Deputy Clerk Betsy Deaton read the proposed Ordinance by title only. JP Adams made motion for approval, seconded by JP Harrison. JP Adams stated that this type of ordinance is already in place for two other districts in Benton County. He said this is the first of two ordinances dealing with the Volunteer Fire Department, and establishes the boundaries of the area to be served.

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

- 13 yeas: Adams, Allen, Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson, Summers, Tharp, Wolf, Wozniak
0 nays:

First reading passed.

JP Sheridan made motion to suspend the rules and place the ordinance on second reading by title only, seconded by JP Sampier. JP Sheridan said that the issue will be voted on, so he sees no reason to delay passage of the ordinance. He said it will be a good thing for the citizens in the area and for the Volunteer Fire Department. JP Stephenson asked for clarification that there will indeed be an election after the ordinance is passed. JP Sheridan stated that is correct. JP Adams stated that the next ordinance will call for the election, and as a point of consistency he does not normally vote to suspend the rules so he will abstain from voting on that question. He added that he will support the ordinance when it comes up for approval again. JP Moore asked when the election will be held. County Clerk Mary L. Slinkard stated that it will be held April 10, 2007.

JP Moore stated that there is no particular need to have all three meetings tonight. JP Sampier stated that he knows he has made this argument before, but when they are dealing with an item that is non-controversial, he sees no purpose in holding up the public's business by requiring readings at three separate meetings. He said the citizens in the area need to know that the election is set and ready to go, and the Fire Department needs time to prepare for the election. JP Tharp stated that he did not feel comfortable passing this along to a new Quorum Court, and he agrees with JP Sampier. JP Summers stated that he is also in favor of suspending the rules tonight, although he normally is not.

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

12 yeas: Allen, Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson,
Summers, Tharp, Wolf, Wozniak
1 abstain: Adams

Motion to suspend the rules and read by title only passed. Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Adams made motion for approval, seconded by JP Summers.

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

13 yeas: Adams, Allen, Harrison, Hill, Moore, Sampier, Schindler, Sheridan,
Stephenson, Summers, Tharp, Wolf, Wozniak
0 nays:

Second reading passed.

JP Sheridan made motion to suspend the rules and place the proposed ordinance on third and final reading by title only, seconded by JP Tharp.

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

13 yeas: Adams, Allen, Harrison, Hill, Moore, Sampier, Schindler, Sheridan,
Stephenson, Summers, Tharp, Wolf, Wozniak
0 nays:

Motion to suspend the rules and read by title only passed. Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Adams made motion for approval, seconded by JP Summers.

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

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

0 nays:

Ordinance duly adopted and assigned **No. O-2006-21**.

- (C) Proposed Ordinance Calling a Special Election on the Question of the Levy of the Annual Dues of the *Highway 94 East Volunteer Fire Department*; Designating the County Official Who Will Collect and Remit the Annual Dues Charged by the Department; and Prescribing Other Matters Pertaining Thereto; Sponsor: JP Bill Adams

JP Hill made motion to read by title only, seconded by JP Sampier. Motion passed by unanimous voice vote. Deputy Clerk Betsy Deaton read the proposed Ordinance by title only. JP Adams made motion for approval, seconded by JP Stephenson.

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

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

0 nays:

First reading passed.

JP Sheridan made motion to suspend the rules and place the ordinance on second reading by title only, seconded by JP Schindler.

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

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

0 nays:

Motion to suspend the rules and place on second reading by title only passed. Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Adams made motion for approval, seconded by JP Sheridan.

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

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

0 nays:

Second reading passed.

JP Tharp made motion to suspend the rules and place the proposed ordinance on third and final reading by title only, seconded by JP Adams.

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

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

0 nays:

Motion to suspend the rules and read by title only passed. Deputy Clerk Betsy Deaton read the proposed ordinance by title only. JP Adams made motion for approval, seconded by JP Harrison.

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

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

0 nays:

Ordinance duly adopted and assigned **No. O-2006-22.**

- (D) Proposed Appropriation Ordinance Levying 2006 Taxes for Collection in the Year 2007 for Benton County, and Each City, School District and Special Tax Unit in Benton County, Arkansas; Sponsor: JP Tim Summers

JP Wozniak made motion to read by title only, seconded by JP Schindler. Motion passed by unanimous voice vote. Deputy Clerk Betsy Deaton read the proposed Appropriation Ordinance by title only. JP Summers made motion for approval, seconded by JP Sheridan. JP Summers stated that he felt there had been adequate discussion, and the ordinance details the taxes to be levied through millage by all of the taxing entities in Benton County. JP Sheridan stated that they are not voting tonight on setting the millage rate for Benton County; that was done by Resolution at the last meeting. He said the vote tonight is to approve the millage rates for all of the cities and school districts in the county, and the law requires that it be done in November. JP Tharp stated that a millage increase is included in this ordinance, and if it does not pass, then the millage will not increase to the level proposed at the October Quorum Court meeting. County Clerk Mary L. Slinkard stated that by law the millage must be levied by the Quorum Court in the month of November. She said that the Resolution setting the County General and County Road millage was passed previously, and that was the rate used to calculate the roll back. She said the millage now listed in the ordinance is the rate that the millage rolled back to. JP Tharp stated that since he did not vote for the Resolution which increased the millage, he cannot vote for the ordinance because it includes that increase. JP Adams stated that the Resolution passed at the previous meeting is, by definition, just an opinion and not law, and did not assess anything. He said it just states their intent, and allowed the "budgeteers" to calculate the increase into the

budget. JP Adams stated that he has had questions from several constituents regarding sales tax revenues and other budget issues. He said that he wanted all of the people in the audience carrying loaded weapons to know that he thought the Sheriff's Department does a fine job and definitely deserve a raise. He said that as we continue to grow, there will be a lot of elements coming into Benton County that the Sheriff's Department will need to safeguard against, and they will need money. He said that his respect goes to Sheriff Ferguson and every other department in the county; however he looked at the budgeting process about a year ago and realized that the loss of Bella Vista was looming over them. He said he discussed it with many citizens throughout the county, and they agreed that there needed to be a proactive look at what could be done if Bella Vista incorporated. He said he has not seen that done, so his question tonight is if they have done everything possible as Justices of the Peace to look at all avenues, and he just does not see it. He distributed copies of sales tax revenue information he said he obtained from the Arkansas Department of Finance and Administration website. He said the information shows an analysis of the last four years of retail sales tax revenues, which shows that in January 2003 they garnered \$1,629,000, and in January 2006 it increased to \$2,390,000. He said that September's revenue increased from \$1.9 million in 2003 to \$2.5 million in 2006. He said that he did an analysis of Benton County's property tax earlier this year, and that his property tax went up 30% the first year after he became a JP, and doubled last year. He said that property tax values in Benton County have gone up 1,000% in the last 20 years. He said that the number of houses being built is increasing 200% per year, and that even in a down market, there are still homes being built and sold in Benton County, so we still have a good market. He said that revenue from taxes on gasoline are high because we live in a very affluent region and gasoline prices are high. He said that Pinnacle Promenade in Rogers is about to be a big shot in the arm, and we will have those numbers in two months. He said that as stewards of the county dollar they had a pretty good idea 8 months ago that Bella Vista would incorporate, and they should have started Plan "B" instead of going to the taxpayers for money to support the government. He said if it was only to support the government it would be one issue, but we are growing the government even more. He said that they have not done a good enough job in the last month, and he will vote no on the budget.

JP Sampier stated that they are confusing two issues, and this is a tax levying ordinance for the cities and school districts in Benton County as well as the county levies. He said he thinks if they vote against the ordinance, they are denying the schools and cities the tax millage rates that they have requested, and this is not a budget item. JP Sheridan stated that is correct. JP Tharp stated that if they vote yes, they are supporting a millage increase for the county, and he is not supportive of it. JP Sampier stated that he is not suggesting that anyone vote against their conscience, but an amendment or something is needed because they cannot deny the tax levies that the various entities have asked to be imposed on them. JP Allen stated that he did not think that is true, and those voting against the ordinance cannot be categorized as not being supportive of the school millages. He said in a democracy, this is the only way taxes are supposed to be enacted. He said if what JP Sampier is saying is true, there is no need to vote, and he believes he should vote according to whether or not he agrees with it. He said if they do not pass the ordinance, then they can go back tonight or tomorrow or whenever, and amend it, revise it, scrap it or do whatever the time limit allows.

County Attorney Ed Gartin quoted Arkansas law which states that "the Quorum Court at its

regular meeting in November shall levy the county taxes, city taxes and school taxes for the current year.” He said that in regards to the city and school taxes, the rates are set by those entities either by election, by Resolution, or by Ordinance. He said that with respect to the school taxes, the Quorum Court has no discretion not to pass those taxes. He said that if they want to sever the county taxes from the ordinance and consider them separately they may, but the other taxes have to be passed at the November meeting. JP Allen stated that he is not talking about the school millages, and they are voting against the County and Road millage, even though it is all in one ordinance. He said he does not think that the law says they have to be lumped together, and they can amend the ordinance, or defeat it and then levy the other millages because that is what they are required to do by law. County Attorney Ed Gartin stated that they could amend the ordinance.

JP Sheridan asked what the figures distributed by JP Adams represent, because they do not agree with the figures he has for the county’s sales tax revenue. JP Adams stated that it is the county sales tax. JP Sheridan stated that it is not. JP Adams stated that the information is on the Arkansas Department of Finance and Administration website. He said that JP Sheridan is probably looking at the county’s 1% sales tax, and he realizes that the county does not receive all of the total shown in the handout because some of it goes to the cities, but this is the total sales tax collected for the county and how it is broken down and distributed is another matter. JP Sheridan stated that they do not have a choice in how it is distributed; for example the handout shows \$2,468,000 last September, but the county only received \$928,000, so he thinks the information is misrepresenting what the county actually receives for the budget. JP Adams stated that it does not show the actual dollars, but it does show that there has been a 12% to 15% increase each month over the same month in the previous year for the last four years, and it has not stopped. He added that since we are in one of the fastest growing counties in the nation, it is not going to stop for quite some time. He said that what happened in Houston, Texas 70 years ago is what is happening today in Benton County, and Houston went on to become one of the largest metro areas in the nation. He said that if they continue to attract business, they will continue to see increases in their sales tax, property values, and every other source of revenue that the county receives, easily for the next 20 years.

JP Sheridan pointed out that last year the county’s share of the 1% sales tax dropped from 42% to 39%, and each time an annexation or incorporation occurs, that percentage is reduced. He said that the increase that the county received in October was only 0.37%, and 5.66% in November, and while sales tax revenue is increasing county wide, the county’s portion will continue to decrease. He cited figures from the Northwest Arkansas Regional Planning Commission comparing Benton County to the other 74 counties in Arkansas, which show that 33 counties have higher millage rates than Benton County, and last year Benton County was the only county that lowered its millage. He said there are 59 counties in which the Road Tax is higher than Benton County’s, and we are one of only 4 counties in the state that do not levy a Library Tax. He said that 50 of the counties levy a higher total property tax millage, 38 counties have a higher sales tax, and only 7 counties have a lower sales tax. He said that he does not think that Benton County’s millage is out of line with what it should be in a growth county, and he will be voting in support of the ordinance.

JP Summers stated that the correct way to proceed at this point would be for those opposed to the ordinance to attempt to amend it. He said the Finance Committee has done its job in preparing

the ordinance, and everyone has a right to disagree with it, but he does not think anything is going to change with continued back and forth discussion. He said someone should make an amendment, and they should vote on it and see if it passes. JP Tharp addressed JP Summers and stated that he does not think they should try to limit the discussion in these chambers by doing that. JP Tharp addressed JP Sheridan and stated that they could talk all night long about what is going on in the state of Arkansas, but the fact is that Benton County is out of money and they have just jumped out there to say they are going to put it on the taxpayers to help with our shortfall without trying to do something with this. He said that they could go to Arkansasbusiness.com and see that individual income tax collections were \$156.3 million in November, which is an increase of \$13.8 million, or 9.7% compared to last year. He added that there is a new mall in town, and we are getting a Red Lobster, and an Olive Garden, and they will be making more money on taxes. He said his beef with this ordinance is that the Personnel Committees sent a recommendation to the Finance Committee for new personnel, when in the Personnel Committee the Chair said that they should not talk about finance, and it just slid right through, with only one position being cut and it was cut in the Personnel Committee. He said he is frustrated that they have not done due diligence in attempting to deal with this. JP Tharp stated that he would like to see the ordinance amended to set the County General millage at 4.8 mills, and County Road at 1.2, and do what they are supposed to do by law and take care of the school districts and the cities, and then come back in and see what they can do with this budget. He said he does not want to offend anyone on the Finance Committee or anyone on the Quorum Court, or anyone on the county staff, but this is our budget, not the County Judge's budget, or the Sheriff's budget; it's not anybody else's but the Quorum Court's.

JP Tharp made motion to amend the proposed Tax Levy Ordinance, setting the millage for County General to 4.8 mills and County Road to 1.2 mills, seconded by JP Adams. County Clerk Mary L. Slinkard stated that if they choose to set the millage at 4.8 mills, it will roll back to 4.7. JP Tharp stated that he would like to change his amendment to read "4.9" mills for County General. JP Adams stated that is what it reads now. JP Tharp stated that he thought it was now 4.8. County Clerk Mary L. Slinkard stated that the Resolution that was passed set the millage rate for County General at 5.0 mills, which is a .2 increase. She said when the roll back calculations were done, the current millage of 4.8 was rolled back to 4.7, and the new .2 increase was then added for a total of 4.9 mills. She added that County Road does not roll back. JP Tharp stated that his intent is to get the millage set at 4.8, which it was last year, so they can go back into the budget and do whatever they need to do so they do not have to raise the millage, so if the amendment needs to say "4.9" that is fine with him.

JP Tharp withdrew his motion, JP Adams withdrew his second. JP Tharp made motion to amend the proposed Tax Levy Ordinance and set the millage for County General at 4.9 mills, and the County Road millage to 1.2 mills, seconded by JP Adams. County Attorney Ed Gartin stated that if the amendment passes, the County Clerk will have to re-calculate the roll back. JP Adams stated that by law, the county cannot gain an increase of more than 10% in property tax revenue, so the County did not graciously lower the millage last year; they were required by law to do so. He said that helps to make his point that the property values are going up, so property tax revenue will continue to increase, and they do not need to be raising the millage at this time, so he will be voting for the amendment.

JP Summers stated that he is speaking against the amendment, because the staff and Finance

Committee have put in a lot of time on the budget. He said it is not easy to vote to raise the millage, and although the sales tax has been growing, it is the most volatile source of revenue. He said that the budget they are proposing will put the county in good shape in 2007, maybe even better than expected. He added that if Bella Vista conducts a special census and their population turns out to be closer to 28,000 or 30,000 instead of 14,000, they will face an even greater loss in revenue because the county's share of the 1% county sales tax will drop accordingly. He said they could cut jobs, and not give any salary increases, but that will not take care of Benton County's needs. He said that people may not agree, but there is a very definite way they can express that disagreement at the polls. He said there are all kinds of numbers that can be discussed back and forth to support either argument, but we need this budget in order to continue the services we are providing.

JP Allen stated that he agreed with part of what JP Summers said, in that this is nothing personal against anyone on the staff. He said he thinks it is good that they are having the discussion. He noted that they were not required to roll back the millage last year, and if they pass this budget, he hopes that the new Quorum Court will consider doing what is right if there are excess funds at the end of next year and lower part or all of this increase. He said he has confidence that they will do that because it has been done in the past.

County Clerk Mary L. Slinkard stated that she wanted to be sure what JP Tharp intends the millage to be in his amendment, because if it passes she will have to go and re-calculate the roll back. She stated that the 2003 millage rate for taxes collected in 2004 was 3.3 mills for County General, and 5.0 mills in 2004 for taxes collected in 2005. She said it was then reduced by the Quorum Court to a levy of 4.8 mills. She said that the total property value increase from 2005 to 2006 was 12.45%, which is what triggered the roll back. She said that from 1989 through 1996, County General mills remained at 3.0, with a .2 mill roll back in 1987, and in 2000 the millage was raised to 3.3 mills, where it remained until it was raised to 5.0 mills in 2004. She said that it is correct that County General was reduced to 4.8 mills at the end of 2005. She added that there has not been an increase in the County Road millage since the initial roll back in 1985, and was rolled back to 1.2 with the 1997 collections.

JP Sheridan stated that he wanted to address the insinuations that due diligence was not done on this budget. He said if you look at the budget figures you will see that the overall budget increase is \$700,000, or 1.5% of the total budget, so there had to be some cuts made. He said he had a hard time with the 7% salary increase at first, but he realizes that the Sheriff's Department has lost two people in the last month who have left for higher-paying jobs after getting all of their training at the county's expense.

JP Wozniak stated that for 40 years, Benton County has taken Bella Vista's money and run with it, and now that the cash cow has gone away, the citizens do not want to pick up the slack.

JP Schindler stated that the county taxes are 1/10th of what the school districts are charging citizens. He said that 80% of the property taxes go to the schools, and yet no one resents them for building new buildings, or paying teachers' salaries. He said that there are Sheriff's Deputies who are on call 24 hours a day risking their lives, and he said he sees Road Department employees out in the extreme cold and extreme heat, working for the people of Benton County.

JP Tharp listed several departments which are showing increases over last year's budget, and noted that Fire Services is down \$34,000, and the Road Department budget is down \$983,000 and yet they are going to raise the millage. He said they can still work on the budget, and there

are places to cut, and he does not want to see Benton County residents have to pick up the slack. He said that if someone received a phone call from someone telling them to vote “yes” tonight, then they should vote yes, because you are not voting your own conscience, you are voting your constituent’s. He said that if someone has called and said “Don’t raise my taxes”, then personally he does not have the right to vote for Bob Tharp, he has to vote for his constituents. He said that people do not want new taxes, and all he wants to do is slow this thing down and look at it again.

JP Sampier stated that the compelling point for him is that the proposed budget shows an increase of a little less than 1.5%, and the current inflationary rate is 3.1%. He said that with all of the cuts, changes, the reduction in services required to Bella Vista, and the loss of revenue from Bella Vista, they are proposing a budget that is 50% under the current inflationary rate. He said he will vote against the amendment and for the budget as it is proposed because it is his responsibility to see that adequate county services are available to his constituents. He said the loss of financial responsibility to Bella Vista is about \$500,000 in road work, but the Assessor, the Circuit Clerk, the Collector, the County Clerk, the court system, the public defenders, etc. must all continue to provide services to the citizens of Bella Vista, just as they do every other town in this county.

County Judge Gary Black asked for the motion to amend the Ordinance to be read. Deputy Clerk Betsy Deaton read the motion. JP Summers stated that there is no point to amend the County General millage, because is already states “4.9”. County Attorney Ed Gartin stated that he believed JP Tharp’s intent is to amend the millage so that after the roll back is calculated it will end up at 4.8 mills. He said that typically a Resolution can only be overturned by another Resolution, and they could do it that way. He said the amendment will do basically the same thing, and if it passes, the County Clerk will have to recalculate what the actual millage will be in this ordinance. County Judge Gary Black asked for the motion to be read again. Deputy Clerk Betsy Deaton read the motion. County Attorney Ed Gartin asked if it is JP Tharp’s intention for the millage to end up at 4.8. JP Tharp stated that his intent is for the millage to end up with no change from last year. JP Sheridan stated that he could state his motion to say that there will be no millage increase. JP Tharp stated that he said “4.9” so that it will end up at “4.8” after the roll back calculation. County Attorney suggested they take a recess in order for the County Clerk to perform the calculations. JP Summers stated that it might not be necessary if the amendment does not pass. County Judge Gary Black asked JP Tharp to restate his motion one more time. JP Tharp stated that he made the motion to leave the millage identical to last year’s after the roll back is completed, at 4.8 for County General, and 1.2 for County Road, and if it means that they have to set it at 4.9 before the roll back is calculated, then that is his intention. JP Allen stated that he wants to make sure that everyone understands the ramifications of what they are voting for, and that it will take a simple majority to pass the amendment. He asked what would happen in regards to the November deadline if the amendment passes, and when the budget would have to be passed. County Attorney Ed Gartin stated that the budget has to be passed before the end of 2006. JP Tharp stated that he does not want to see this budget passed, and if the way to stop it from being considered is to stop the millage from being passed, then that is what he is trying to do. He said if the proposed millage levy passes, and the budget does not, then they are still taxing their constituents at a higher level, so this is where they need to stop it.

JP Adams stated that County General is only going up 1/10th; it is County Road that is going up

one whole mill, so they are not talking about putting a lot of money into the General Fund, they are talking about a whole bunch of money going to County Road. He said that leads him to the point he made a month ago regarding the practice of taking everyone's tax money and paving roads for people who can afford part of the cost. He said it is not fair, and until that practice ends, you are just voting for the rich to get richer. JP Tharp stated that he wanted to point out that the Road Department reduced their budget by \$900,000. JP Adams stated that 95% of the millage increase will go to the Road Department. JP Tharp stated that County General supplements the Road Department all year long. County Judge Gary Black asked that the motion be read again. Deputy Clerk Betsy Deaton read the motion.

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

2 yeas: Adams, Tharp

11 nays: Allen, Harrison, Hill, Moore, Sampier, Schindler, Sheridan, Stephenson,
Summers, Wolf, Wozniak

Motion to amend the ordinance failed.

JP Adams made motion for a 3-minute recess. Motion died for lack of second.

JP Adams called a point of personal privilege and asked for a 3-minute recess.

Court recessed.

Court back in session.

JP Stephenson stated that it his intent and desire that if things go well with the budget and expected revenue this year that the Quorum Court will lower the millage at the end of next year.

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

9 yeas: Harrison, Moore, Sampier, Schindler, Sheridan, Stephenson,
Summers, Wolf, Wozniak

4 nays: Adams, Allen, Hill, Tharp

Ordinance duly adopted and assigned **No. O-2006-23**.

(E) Proposed Appropriation Ordinance to Establish the Benton County Annual Operating Budget for the Calendar Year 2007; Sponsor: JP Tim Summers

JP Sampier made motion to read by title only, seconded by JP Moore. Motion passed by voice vote. Deputy Clerk Betsy Deaton read the proposed Appropriation Ordinance by title only. JP

Stephenson made motion for approval, seconded by JP Sheridan. JP Summers stated that there has been adequate presentation of the budget and he has nothing to add. He said the millage has been set and he understands that some do not support it, but they need to continue the work.

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

9 yeas: Harrison, Moore, Sampier, Schindler, Sheridan, Stephenson,
Summers, Wolf, Wozniak
4 nays: Adams, Allen, Hill, Tharp

Ordinance duly adopted and assigned **No. O-2006-24.**

OTHER BUSINESS:

None

ANNOUNCEMENTS:

County Clerk Mary L. Slinkard announced that the Benton County Election Commission has certified the results of the November 7, 2006 General Election, and all Elected Officials, Justices of the Peace, and Mayors will be receiving a letter from her office regarding the swearing in ceremony. She asked them to complete the enclosed Certificates of Election and return them to the County Clerk's office along with the appropriate fees so they can get them sent in to the Secretary of State. She added that all Elected Officials who appeared on the November 7, 2006 General Election ballot must turn in a final Campaign Contribution and Expenditure Report by December 7, 2006.

JP Harrison stated that he appreciated having an Early Voting location in Rogers for the General Election.

JP Adams stated that it takes two and a half weeks to get packages to service people stationed in Iraq, and asked for prayers for J.B Hunt who was injured in an accident.

There being no further business to come before the court, upon motion and second the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Mary L. Slinkard,
County Clerk

Prepared by: Betsy Deaton