

Committee of Thirteen Report

April 12, 2011

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, April 12, 2011 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: King, Winscott, J. Harrison, Allen, Hawkins, Jones,
Sandlin, Douglas, Blaty, Curry, Carr, Moore
1 JP Absent: K. Harrison

Others Present: County Judge Bob Clinard, County Attorney George
Spence, County Clerk Tena O'Brien, Treasurer Deanna
Ratcliffe, Assessor Glen "Bear" Chaney, Sheriff Keith
Ferguson, Circuit Clerk Brenda DeShields, Collector Gloria
Peterson, Comptroller Richard McComas, Administrator of
General Services Elizabeth Bowen

Media: Tom Sissom – Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

Several residents from Rogers, Bentonville, Bella Vista, Little Flock and other surrounding communities came forward expressing their appreciation for Ozark Regional Transit and the benefits they receive from using the system. Concern was also expressed for people that will not have transportation if Ozark Regional Transit has to stop service in Benton County.

JP Carr made motion to read all resolutions and ordinances by title only, seconded by JP Harrison

Motion passed by unanimous show of hands.

1. Resolution Request: Simmons Pet Food, Inc. Tax Back Request

JP Carr stated this proposed resolution request is to allow Simmons Pet Food, Inc to apply for a refund of all local sales taxes associated with the expansion of their plant. JP Carr made motion to approve the resolution request and forward to the April 28, 2011 Quorum Court agenda, seconded by JP Douglas

Motion passed by unanimous show of hands

Public Discussion – None

2. Resolution Request: Ozark Regional Transit – One-quarter Cent Sales Tax Election

JP Douglas stated that the Ozark Regional Transportation system is losing some of its federal funding because of the census and that they are asking for a one-quarter cent sales tax increase to be placed on the ballot at a special election this fall. He stated that the Quorum Court has to approve an ordinance to call a special election.

JP Douglas made motion to forward the resolution request to the April 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

JP Allen stated that listening to all of the comments tonight was very eye opening, but that Benton County has not been responsible for the funding of Ozark Regional Transit. He stated that Ozark Regional Transit has been funded by the federal government, but they will lose \$750,000 of federal funding because of the growth in the area. He stated that local communities need to step up to replace the federal funding.

JP Douglas stated that this was considered in the Transportation Committee, and that one question the committee raised was who would be responsible for the costs of a special election.

County Clerk Tena O'Brien stated that Benton County would be responsible for the cost of the election. She added that she understands that Washington County has a verbal agreement with Ozark Transit to help pay for some of the costs.

JP Douglas asked if the cost of holding a special election would be somewhere from \$100,000 to \$120,000.

County Clerk Administrative Assistant, Christine Southard stated that would be a close estimate to what it would cost, but the County Clerk's office has not prepared the election billing for the last couple of years. She added that it would be close to the cost of a general election, minus some of the ES&S costs associated with preparation of the ballot. She added that there would still be the same expenses for the polling sites and poll workers due to it being a countywide election.

JP Moore asked County Clerk Tena O'Brien if there could be some other election held at the same time, or would it have to be a special election. Tena O'Brien stated that the only scheduled election in 2011 is the Annual School Election, and no other issues can be placed with that election.

JP Hawkins stated that he appreciated the comments from the public and that there isn't any question that the transit is a very noble, good, and sufficient service to the community. He added that the question is not whether we are going to cut it, it is whether or not we are going to put a tax increase on the ballot to help fund some of the lost funding from the federal government. He stated that a lot of the opposition that he has heard is mainly against the tax increase. He stated that the resolution request was something the Committee of Thirteen needed to look at, but that he is still opposed to going any further with it. He added that his constituents are struggling a lot in the county and he felt that a quarter-cent sales tax would not be appreciated in any sense of the word. He stated that during discussion at the Transportation Committee meeting, JP Moore had mentioned the possibility of the cities sponsoring this on their ballot. He added that since Ozark Regional Transit serves the cities more than the outlying county areas, it would be a much more appropriate move at this point.

JP Allen stated that it seemed most of the people that spoke tonight were from Rogers, Bentonville, Little Flock but he did not recall hearing from anyone from the outlying areas like Gravette and Decatur. He added that Ozark Regional Transit is a great service but that he agrees with JP Hawkins, it is not fair to the people, where 75% of the mass of the county will be paying a sales tax that they are not going to be using or be served by. He stated the service is mainly for people in Rogers and Bentonville, and he would like to see the idea of the majority of the users paying the brunt of the tax and the cities have more of a demand for Ozark Regional Transit. He stated that there is a voucher system in Bentonville, but he does not know if it works with the disabled.

JP Douglas stated that there is no doubt that Ozark Regional Transit is a needed service, especially in light of gasoline prices approaching \$4 per gallon, and that more people could utilize the public transportation system. He stated that he agrees with JP Allen that we have heard from a lot of people who are basically from around the I-540 corridor that Ozark Regional Transit serves. He stated that he is not against Ozark Regional Transit, or public transportation; he is against an unfair tax, because people in areas that cannot use it will still be paying for it, so therefore he would vote against holding a special election.

Discussion was held on Ozark Regional Transit contacting city councils and mayors of surrounding cities to ask for a city tax.

Ozark Regional Transit Executive Director Phil Pumphrey stated that he generally works through ORT's board members and mayors and judges before he goes to any city council. He added that ORT does a voucher program for all of the cities, and that part of Bentonville's voucher program was funded with an \$8,000 grant that Senator Kim Hendren helped obtain, and that it went directly to Bentonville.

Phil Pumphrey stated that there appears to be some misunderstanding about the program; where it serves, how much it costs, and why it costs so much. He stated that it will cost \$25 for every \$10,000 spent in sales taxes; if someone spends \$100 dollars it is twenty-five cents. He said as far as need is concerned, as identified in the 2035 Northwest Arkansas Regional Transportation Plan developed by Regional Planning, and the Transit's Development Plan, that there is a tremendous need for public transportation. He added that the people who spoke tonight said volumes more that he could ever say about the need for public transportation. He stated that this is the third time that he has been before the Quorum Court, but there is nothing that he could tell them that is more important than what these folks have said tonight. He added that the reason there are not a lot people here from the rural area is because ORT only serves the rural area two days a week. He stated that there the number of people with disabilities, the number of seniors and students who need their independence is going to continue to increase. He added that Arkansas ranks 49th in the country for higher education; we need to get people to school. He stated this is something that we need to do for the good of the entire community.

Phil Pumphrey stated that ORT also conducts a Kids Ride Free program during the summer, and that in 2010 the program was up 32% over the year before. He added that the program had received an national award from the Federal Transit Authority, and that ORT works with the communities, the Boys' and Girls' Clubs, and all the nonprofits in the area.

JP Blaty questioned if Ozark Regional Transit would go into Bella Vista. Phil Pumphrey stated that Bella Vista has had a Dial-a-Ride program for 20 years. He stated that there is not a lot of public property available for a bus stop in Bella Vista, but they are able to use church property. He added that they have talked with the Arkansas Transportation and Highway Department about making a right of way available in order to do a public partnership.

JP Carr stated that if Ozark Regional Transit's request for a special election for a sales tax increase could be put on the May 2012 Primary Election ballot, he did not have a problem with the request. Phil Pumphrey stated that he did not have a problem with having the election with the Primary Election in May.

County Clerk Tena O'Brien stated that it would still be considered a Special Election, held in conjunction with the Primary Election, but that the costs would not be the same. JP Allen asked Phil Pumphrey if they had done any polling to determine what the general voting population thinks of this issue. Phil Pumphrey stated that preliminary results of a 2010 Northwest Arkansas Omnibus survey conducted by the University of Arkansas Research Center showed that 9% of the people polled knew of Ozark Regional Transit's problem, and 49.5% were in support of ORT. He stated that 79% of those responding said that they would support a sales tax for public transit; 80% would support a tax for transportation for the disabled; 80% were in support of the tax for transportation for older adults; 72% would support it to provide access for people to get to work; and 71% supported the tax to provide an alternative to cars with the gas prices increase; and 69% would support it as a way to ease congestion of car travel; all with a plus or minus 4% margin of error. He added that the University of Arkansas Research Center is conducting a poll at this time, only in Benton and Washington Counties, with 33% of the responses to be from a cell phone survey, which will help with the accuracy.

JP Jones thanked Phil Pumphrey for explaining how Ozark Regional Transit is planning to work with Bella Vista. He stated that ORT would have an easier sell if they established one route which would run once a day, early in the morning and after work out to the smaller areas, such as the cities on the east and west side of the county, just to get people to and from work. He stated that people in the county need to see a benefit for the whole county, not just the I-540 corridor.

Phil Pumphrey stated that the areas that are growing are going to need more service. He added that this is a plan that starts to meet those needs and has the ability to grow, and where there is a need, ORT is going to try to fill it – they are there to meet the needs of the community.

JP Winscott stated for the benefit of those in the audience that he appreciated their comments and that they had presented him with a real problem. He said they do not know the war that is going on within him, because his district does not show any support for this. He added that the cities are the ones who should be supporting this – Bentonville, Rogers, Fayetteville, Springdale, because they are the ones that benefit from this. He added that as an elected official representing his constituents, he has a responsibility to them and he would have to vote no for this proposed resolution.

JP Moore stated that the possibility of having this placed on the Primary Election is an intriguing idea, and he would like more information on the costs to the county. He stated that there is information that members would like to have before voting yes or no, and

that it would be better to postpone the final decision until the next Committee of Thirteen, where more information would be forthcoming.

JP Sandlin stated she would like to see this postponed until next month. She stated to those who spoke during public comments that this is only one part of getting what they are asking for, and that they are going to have to go out and find others across the county that will support it.

JP Curry stated that he understands that there is a need out there, but that his constituents in District 11 have made it clear that they do not want this tax, and he is going to listen to them.

JP Carr stated the democratic process, the electoral process, is what makes our democracy great, and makes our county work. He added if that if they can save the money and move this to the Primary Election in May, then he does not have a problem in supporting the resolution. He stated that the people need to make the decision regardless whether they are for or against it, because that is what makes us a democracy and that is what makes us America – that we allow our people the chance to vote. He stated if the election could be moved to the Primary Election in May he does not have a problem supporting the resolution request and letting the people make the decision. He stated that it is not we who make the decision; it is the electors. He added that we have an opportunity to do something good.

Discussion was held on moving the Special Election to the May 2012 Primary Election.

JP Harrison made motion to table the proposed resolution request until the May 10, 2011 Committee of Thirteen agenda, seconded by JP Carr.

Motion passed by unanimous voice vote.

Public Discussion

C. J. Malone of Bella Vista commented on the Ozark Regional Transit request and asked the court to move forward and allow the people of Benton County to vote.

Chairman JP Kurt Moore called for a 10-minute recess.

Meeting reconvened.

3. Resolution Request: Conversion to Compressed Natural Gas

JP Douglas stated this proposed resolution was forwarded from the Transportation Committee meeting and it is to support County Judge Bob Clinard in allowing Blue Energy Fuels to do a study on the cost for conversion of county vehicles to CNG.

JP Douglas made motion to forward a proposed resolution to the April 28, 2011 Quorum Court agenda, seconded by JP Winscott.

Motion passed by unanimous show of hands.

Public Discussion – None

4. Resolution Request: Confirming Appointment of Cindy Jones to the Benton County Planning Board

JP Allen made motion to forward a proposed resolution confirming the appointment of Cindy Jones to the Benton County Planning Board to the April 28, 2011 Quorum Court agenda, seconded by JP Douglas.

Motion passed by unanimous show of hands.

Public Discussion – None

5. Resolution Request: Confirming Appointment of Starr Glenn to the Benton County Planning Board

JP Allen made motion to forward a proposed resolution confirming the appointment of Starr Glenn to the Benton County Planning Board to the April 28, 2011 Quorum Court agenda, seconded by JP Curry.

Discussion was held on Starr Glenn's qualifications for the Planning Board appointment.

Motion passed by show of hands vote:

10 in favor: King, Winscott, J Harrison, Allen, Hawkins, Sandlin, Douglas, Curry, Carr, Moore

2 opposed: Blaty, Jones

Public Discussion – None

6. Resolution Request: Posting of the Ethanol Content of Fuel

JP Curry stated that this resolution is to make retailers aware that they are to post the Ethanol content wherever gasoline is sold, so that consumers are aware of what they are putting in their vehicles.

JP Curry made motion to approve and forward to the April 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

County Attorney George Spence stated that this is a just reminder to retailers, that the posting of Ethanol content is actually a federal standard that the state enforces, and that this is a reminder to everyone.

Motion passed by unanimous show of hands vote.

Public Discussion – None

7. Appropriation Ordinance Request: Health Department

JP Allen stated this appropriation is for tables and chairs for the Health Department that were budgeted in 2010, but not received until 2011.

JP Allen made motion to approve and forward to the April 28, 2011 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

Public Discussion – None

8. Proposed Appropriation Ordinance Request: Capital Projects Fund 440-Juvenile Justice Center

JP Allen stated this was forwarded from the Finance Committee and that this appropriation is for additional funds for expenses for the Juvenile Justice Center project.

JP Allen made motion to approve and forward to the April 28, 2011 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

Public Discussion – None

9. Discussion: County Employee Nonrecurring Salary Adjustment

Comptroller Richard McComas presented the committee with a spreadsheet showing the range of salary adjustments and their cost.

JP Allen made motion to approve the nonrecurring salary adjustments based on the distribution formula in the spreadsheet provided, seconded by JP Carr.

Richard McComas further explained the spreadsheet, noting that Benton County has 678 full and part time employees. He stated that the total cost for the salary adjustment to the General Fund will be \$493,400.

JP Allen stated that he is going to support the adjustment.

JP Moore stated that there is a possibility that they may not be able to do permanent percentage-based raises during the budget process next fall, and it will depend on how the property tax numbers come in.

JP Douglas stated that they have been conservative and concerned about the future, and that the court has been waiting to see how the year-end reserves, final numbers on sales tax, and property tax reevaluation come out. He stated that because raises have not been given to the employees previously, they are certainly deserving of this adjustment.

JP Sandlin stated that Benton County does have a lot of good employees that have worked diligently on behalf of the county, and that she is very much in support of this motion.

Sheriff Keith Ferguson stated that his department has become a training school for other area law enforcement agencies. He stated we get them trained and certified and then some other police department hires them, and that is very expensive. He stated that

Benton County will continue to train and lose its employees to better-paying jobs throughout the area if we do not reward them for the jobs that they do. County Clerk Tena O'Brien, Circuit Clerk Brenda DeShields, Assessor Bear Chaney, Treasurer Deanna Ratcliffe, and Collector Gloria Peterson all encouraged the court to approve the nonrecurring salary adjustment request, and to also make employee raises a priority during the 2012 budget process this fall. Further discussion was held concerning employee salaries, private sector salaries, and pay ranges.

County Judge Bob Clinard stated that the past actions of the Quorum Court had been wise and conservative in how they handled the budget. He added that the county needs quality people in order to get quality work and to be competitive in the industry in whatever the job may be.

Motion passed by unanimous show of hands vote.

Public Discussion – None

OTHER BUSINESS

JP Allen made a motion for the Committee of Thirteen to approve and show support for moving the responsibility of supervising the Election Commission employees and budget from the County Judge to the County Clerk, seconded by JP Jones.

Motion passed by unanimous show of hands.

ANNOUNCEMENTS

JP Winscott announced that the Public Safety Committee meeting will be held Thursday, April 14, 2011 at 5:30 p.m. at the Benton County Jail.

PUBLIC COMMENTS

None

ADJOURNMENT

Upon motion and second meeting adjourned at 9:03 p.m.