

## Committee of the Whole Report

October 13, 2015

The Committee of the Whole met Tuesday, October 13, 2015 at 6:00 p.m. in the Quorum Court Room, Benton County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

14 JPs Present: Easley, Shadlow, J. Harrison, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Allen

Others Present: County Judge Robert Clinard, Administrator of General Services John Sudduth, Administrator of Public Services Jeff Clark, Circuit Judge Doug Schrantz, County Clerk Tena O'Brien, County Assessor Linda Hambrick, Comptroller Brenda Guenther, Human Resources Director Barbara Ludwig

Media: Tracy Neal – Northwest Arkansas Democrat-Gazette

JP Kurt Moore called the meeting to order at 6:00 p.m.

### **PUBLIC COMMENTS**

County Clerk Tena O'Brien read a statement regarding longevity pay. She began by saying that it seems to be the logic used when applying for a job, that a person argues that they are the best person for the job. Applicants often cite the value of their years of experience, even if that experience does not relate to the employment they are seeking. Employment applications devote an entire section to work experience. She asked the court how it can then be concluded that experience has no value. She stated that inexperience costs money. Errors have to be corrected. Processes are repeated instead of progress being made on a project. The productivity of one employee ceases when a new employee is being trained and questions are being answered. Some offices have multiple areas of operation and it takes many years for an employee to gain proficiency in all areas. Once that proficiency is obtained, it is in the county's best interest and, therefore, its citizens' best interest for those employees to be retained. Under Benton County's current pay scale, employees cannot be rewarded for simply doing an outstanding job beyond the requirements listed in their job descriptions unless the elected official is willing to sacrifice his or her other employees' merit raises in order to adequately reward that one special employee. The employee must move up a grade in order to receive any substantial increase. If there is no open position at a higher range, they are stuck. She stated that the County Judge, Sheriff, Collector,

Assessor, Treasurer, County Clerk and Circuit Clerk are accountable to every single citizen in Benton County, not just a portion as is the case with the Justices of the Peace. The employees of the elected officials are called ‘deputies’ because every function these employees perform reflects directly upon the office holders. The elected officials’ jobs are in the employees’ hands and yet they have very little control over how those employees are rewarded. She stated that the elected officials of Benton County in unison have requested the court’s assistance and, if for no other reason than respect for those offices, longevity pay should be given due consideration.

County Judge Robert Clinard agreed that the justices should take up longevity pay and give it one more time for consideration. He said that there is an issue with employees maxed out in the range and they need to do something. He stated that he doesn’t see a simple solution for the issue and he doesn’t expect the court to have a simple solution for it; he is simply asking them to take it up one more time and have more discussion on the subject.

County Assessor Linda Hambrick stated that they do need longevity pay/career service recognition for the employees. She stated that these are valuable people; without the employees the elected officials could not do their jobs.

Bob Bland of Centerton stated that there has been a lot of discussion about the new Benton County courthouse. He said that an overwhelming majority of JPs believe that the courthouse should remain in downtown Bentonville. Not having been at the Public Safety Committee meeting when it was discussed, he is not sure why. When he asked himself what the considerations should be, they include accessibility, available parking, future growth, and safety to name a few. He stated that the downtown location comes up short. He appreciates that the downtown advocates want to promote continued vibrancy of the downtown area but he believes that is an outdated, pre-Crystal Bridges mentality and very far down on the list of considerations for the people of Benton County. He heard at the last meeting when this was discussed to not put the cart before the horse but he questioned if they aren’t already doing that by not getting hard costs on one location versus another. He asked what if it is \$5 to \$10 million or more to build downtown; that’s a lot of roads that could have been paved and new roads would stimulate far more growth than building downtown. He understands that the Walton Foundation is donating money that could likely make up the difference but congestion and parking issues still need to be considered. He stated that the current courthouse has served the people well for over eighty years and, with proper planning, maybe the next one will to. He added that, if the area keeps growing, 14<sup>th</sup> street may be downtown someday.

JP J. Harrison made a motion to suspend the rules and read the ordinances and resolutions by title only, seconded by JP Meyers.

Motion passed by unanimous show of hands vote.

JP Jones made a motion to move the Convenience Center Pilot Program discussion from the end to the beginning of the meeting agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

## **OTHER BUSINESS**

- Discussion: Convenience Center Pilot Program (Forwarded from Finance Committee)

Administrator of General Services John Sudduth introduced Environmental Manager Teresa Sidwell who presented the Convenience Center Pilot Program summary from the dashboard. She stated that the county's responsibilities are to pay the cost of bulky waste disposal, the cost of household hazardous waste disposal, to pay the salary and benefits of a district employee to operate the Rogers and Siloam Springs sites, and assign workers from the county work program, inmate crews, and/or volunteers. The host site's responsibilities will be to provide a site for the collection and storage of materials and they will keep the revenue generated from the sale of the metal collected from the pilot program. The Solid Waste District is also partnering on this and they will use grant funds to advertise the Convenience Center program. They projected that this will be about \$30,000. They will also transport and process materials collected which saves a lot of money considering that the county spends a lot of money for household hazardous waste at the clean-up events; it is about a third of the cost to process it at their facility. They will start heavily advertising the program starting in November 2015 on television, radio and in newspaper advertising. The site locations are at the Rogers Recycling Center, Siloam Springs Transfer Station and the Solid Waste District in Centerton. The hours will be dependent upon the host site which will vary but, in general, it will be around 8:00 a.m. to 5:00 p.m. In Centerton it will be Tuesday through Saturday every week. In Rogers it will be every Tuesday and Thursday and the 3<sup>rd</sup> Saturday of each month and in Siloam Springs it will be every Wednesday and Friday and on the 4<sup>th</sup> Saturday of each month. The reason for this is that they have to use one employee to rove in between the three sites. The items accepted are all the same items accepted at the clean-up events that they currently do twice a year. They propose a quarterly program update to be presented to the Quorum Court to make them aware of how the pilot program is progressing. After the second quarter, they can make a decision at that time if they want to have a clean-up in the fall.

Teresa Sidwell then reported that the 2015 fall clean-up had a record number of volunteers and over 900 visitors. The number of was down from around 1,500 at the spring event but she noted that the spring event is always bigger than the fall event. However, the numbers are also down from what they usually see in the fall. She said that they collected over 700 tires in Bentonville and around 400 tires in Garfield and Decatur together. She stated that the amount of other materials collected was down from what they normally collect but that is not surprising because they had fewer visitors. She said that the numbers weren't down due to advertising, in fact, they

did more advertising than they have done in the past. More people were aware of the Convenience Center and that could be why the numbers were down for the clean-up event.

JP Moehring stated that the event on Saturday was great and he likes the approach of taking the first two quarters to see how the pilot program is going and, if they need to do a clean-up in the fall they can but, if not, that's fine as well. He asked how they will determine when the Convenience Center is successful enough that the clean-ups are no longer necessary.

John Sudduth said that around March, 2016 they will look at the numbers and be able to give an update to the Quorum Court as to where they stand. He noted that in the environmental budget, he put in \$115,000 for two clean-ups and \$160,000 for the pilot program. Obviously this would be discussed during the budget process as to whether they would have one, two or no clean-ups but their goal is to see how it takes off, give a review to the Quorum Court and seek direction at that time.

JP Moehring inquired about the advertisements for the Convenience Center pilot program handed out at the clean-up.

John Sudduth provided copies of this advertisement flyer to the committee.

JP Leadabrand asked if any Benton County resident can take items to any of the locations.

John Sudduth said yes and that this is the biggest advantage of the pilot program because people do not have to wait in long lines as with the county clean-ups. They are going to try to create flyers with location maps to make the locations easier to find.

JP Moore asked about signs on Highway 102 in Centerton to help people find the location and if they will be getting better signage in the future.

John Sudduth admitted that it is not marked very well and is somewhat difficult to find. They are going to look into getting more signage to make it easier for citizens to find the Convenience Centers.

JP Anglin said that Centerton Mayor Bill Edwards is very interested in helping to increase the signage in the Centerton area for the pilot program.

John Sudduth stated that they would definitely be in contact with Mayor Edwards about improving the signage.

JP Meyers stated that, if it takes eight weeks to plan a clean-up, this wouldn't be much time to see how the program is doing, in terms of the numbers.

John Sudduth gave clarification that Teresa Sidwell needs at least eight weeks before a clean-up date is set to plan the event. He said that they will know how they are doing well before the second quarter.

Teresa Sidwell stated that they will also provide numbers after the first quarter and monthly updates as well.

## **1. Request for County Judge to Issue Request for Qualifications for Architects for Downtown Courthouse Project; Sponsor: JP Joel Jones**

JP Jones made a motion to move the Request for Qualifications to the Quorum Court for discussion, seconded by JP Sandlin.

JP Jones stated that the language in the Request for Qualifications (RFQ) document is not specific enough to get the details requested. He stated that, in previous administrations, there have been instances wherein the JPs have asked for a certain type of information and they did not receive it. He said that they were looking for them to evaluate, not just the sites, but the current architectural conceptual drawings. He said there is no mention in the RFQ that they already have some plans. He stated that, in the Finance Committee, they had discussed not saying anything about the “hardening” and letting the firms use their judgment as far as whether or not that subject needs to be addressed. He thinks this will be a point of contention going forward.

Benton County Judge Clinard said that he noted the previous architectural drawings and studies from at least two architects and also the National Center for State Courts (NCSC) study; these would be available for the entity selected for this project. As far as the NCSC and how they didn’t get what they asked for, he admitted that he didn’t know what to expect from the NCSC study. He said that NCSC is nationally recognized and has designed courthouses all over the United States. One of the things that he was disappointed in with the NCSC study is that they only projected growth out to 2030. NCSC felt that this was the most reasonable amount of time to project but Judge Clinard disagrees. Even though it may be an educated guess, he feels that they need to project past the year 2030. NCSC also didn’t touch on any of the issues concerning the circuit judges’ letter; however, he reminded the court that they were not asked to do that. Judge Clinard stated that this RFQ is general but he has tried to include everything that has been mentioned that they need to consider. He reminded the committee that this is not a set of specifications. He included the ‘hardening’ or ‘set-back’ because he thinks the firms will look at it and the circuit judges specifically mentioned it. This will be discussed when these firms come back and bring their presentations of what they will do.

JP Jones stated that he disagrees with the ‘hardening’ being in there. He thinks that it is not necessary to bomb-proof the building with the current situation in the county. He said that the concern is not set-back from the road for a bombing-type situation but from a security standpoint; the security staff needs to have enough visibility so that if someone looks suspicious, they can stop them before they get into the lobby. He stated that he would like the language to be modified to get that kind of information out of the firms responding to the RFQ.

Judge Clinard stated that he is not advocating that they do any of this in this RFQ but, if these companies design courthouses in the United States and they don’t consider these things, then the county would not want them to build their courthouse. So, by saying that they want them to consider it, it doesn’t necessarily mean that the firms will want to do it. He stated that they may say it isn’t necessary but emphasized that they are the professionals and it is up to them to determine that.

JP Jones stated that the biggest issue with the RFQ is the inclusion of the Highway 102 plan. The Quorum Court has said that they only want to keep the focus on the downtown location and he does not want the Highway 102 site to be included in the RFQ.

Judge Clinard stated that, from what he's heard from the architects he has talked to and the concerns of the circuit judges, he has not yet had a good opportunity to determine what may be required to build downtown. He does not want to go through a three or four month process to get an answer and find out that they may have to spend another eight to ten million dollars to build downtown. He wants to keep both of the options open so that, when the time comes for him to present his final recommendation to the court as to the design and the cost, they have looked at both of the sites. This will look at not trying to design something on Highway 102 or downtown specifically, but those issues that the circuit judges are concerned about – the safety, the security, the setback – if it is different or the same depending on the location. He is trying to keep options open so that, when they get through this, they won't have to start over. He is not ready to recommend the downtown site until he gets the study and is able to present it to the Quorum Court as to whether it will work or not. He then reviewed the potential locations of the downtown site for the courthouse. He stated that there is no interior design needed in the first analysis.

JP Jones voiced his concern that the size specification in the RFQ is 100,000-125,000 square feet but it is still unknown exactly how many judges will be in the building. He said he has heard anywhere from eight to seventeen.

Judge Clinard said that this is to be determined by looking at the information already available. He stated that the NCSC study said there would be nine circuit judges by 2030 and that Circuit Judge Schrantz has estimated fourteen circuit judges by 2050. Judge Clinard stated that the most he's seen in the preliminary designs is seven which would give them two extra courts now. They don't want to get to 2050 and leave the space issue for the next generations to deal with. Things may change due to technological improvements but they need to consider that, if they don't change drastically, they may need more than nine courts and should prepare for that possible outcome.

JP Jones stated that, if they provide the firms with the NCSC study, they're not giving them the projected date to go to 2050 or 2080.

Judge Clinard said that he can add the projection date to the RFQ.

JP Jones questioned if they should add a date or just go with fourteen or seventeen projected judges.

Judge Schrantz stated that he never said fourteen; he just said that in 2025 Benton County will be larger than Pulaski County which currently has seventeen circuit judges. He can't project that they will need seventeen but he knows they will need more than they have now. He stated that an expert who performs a needs analysis could give a better estimate. He agrees that they do not know what technology is going to do in terms of speeding along the process but he does not

think they will see a change in the fundamental idea that people physically come to court for their cases.

JP Jones asked how to get the needs study in there. He stated that they are looking at the site plan but they aren't looking at need.

Judge Clinard said that he can add something but it is just going to be a guess. He can put anything the court feels comfortable with but he can also get the point across to the firms to help the county find out what they do not know. He would ask the firms what they see happening around the United States of America with court facilities. He added that, when there is growth, it is necessary to expand horizontally; it is difficult and expensive to build vertically.

JP Jones discussed collegial courtrooms. He stated that in all the plans that they have looked at, all the court rooms have been the same size. In a sharing situation, there is a possibility of having different sized courtrooms for different uses. He stated that he agrees that any company that meets these requirements but does not talk about these issues is not worth considering. However, he noted that NCSC did not talk about it at all. He is concerned that, if they do not put it in there that help is needed in these specific areas, these firms might be missing crucial pieces. He would like to know that whoever is chosen has implemented things like collegial courtrooms, different sized courtrooms for different uses, and technology to help the judges be efficient in the courtroom.

Judge Clinard stated that he can put all of that in the RFQ but they are looking for a firm that will tell them that. He said that he can add the years, possibility of collegial courtrooms, and size of courtrooms. He stated that, in the last presentation that he saw, there were two larger courtrooms, four that were about the same size and one in between, but that is not a design yet; that is just a concept. The design of the courtroom sizes will be what these companies determine. NCSC spoke to all of the judges about courtroom sizes and that, combined with their experience, is how they arrived at those numbers. Judge Clinard stated that they don't know and the state doesn't know what the requirements will be in the future so a lot of it will be educated speculation on what is going to happen in the next forty years. He thinks that hiring an expert is the next step.

JP Sandlin stated that, since in this point in time it is pure conjecture, they do need to have the experts come in and review it; they need a minimum of fifty years of life expectancy projected for the building.

Judge Clinard stated that Benton County has not stopped growing; it will be the largest county in the state in a few years. He stated that it would be very short-sighted to assume that this growth is going to stop any time soon. And, if it does, then they will have a facility that never has to be expanded in the future.

JP Leadabrand quoted a maxim that says 'anticipate the contingency rather than react to the catastrophe.' He stated that this sums up his feelings on the matter at hand.

JP Moehring reminded the court that this is an RFQ and not an RFP. In terms of evaluating the qualifications, he understands the point system but wants to know how Judge Clinard will ultimately determine which firm is the best.

Judge Clinard stated that he would use his own personal experience in getting answers to all of these questions. He would also consider forming a committee with at least one member of the Quorum Court to help select the firm. He reminded the justices that they cannot base it on pricing. Once they select someone, they can then negotiate the price with them.

JP Moehring expressed concern that they will end up with a very similar study like they ended up with in January 2014. He wants to make sure this RFQ is different. He read a portion of the RFQ which states “it is preferred that the firm selected will have an office in Northwest Arkansas and employ a verifiable national firm as consultant in County Court Facility design.” He stated that, when he read that, he wondered why they would necessarily need two firms and, if they do need two firms, if they would present as a team or how that would work.

Judge Clinard stated that this is what the Quorum Court and the circuit judges asked for and he believes that this is wise. He does not know of any firms in Northwest Arkansas that have designed and built courthouses. He stated that this is not meant to be disrespectful to any of the architectural firms in Northwest Arkansas; they simply have not done it. This is why it was decided that any local firm should consult with an architectural firm with experience in county courthouses in the United States. He stated that he specifically put in ‘county’ courthouse because that it is the type of courthouse they need a consultant for; they do not need an expert in building federal courthouses. Local architects that he has spoken with have told him that they would do this anyway. It was the same with the jail and the Juvenile Detention Center; both projects used consultants. He stated that he was asked to put the ‘local’ specification in there; he tried to be fair so that everyone who wanted to be involved would have a reasonable chance.

JP Moehring asked if a firm from Pittsburg having no affiliation with the area would be disqualified because they are not local.

Judge Clinard said that the RFQ says ‘preferred.’ He stated that this is a common language in all kinds of purchasing for counties and federal government; it does not mean ‘required.’

JP Moehring questioned the notification dates in the RFQ because he is concerned about the October 28<sup>th</sup> deadline if it has to go to the Quorum Court.

Judge Clinard stated that those dates are variable. He reminded the court that this RFQ process does not cost the county anything. He outlined the process as follows: they will do the RFQ, get the results in, and then do interviews. It will be six to eight weeks before a selection is ready to be made. At that point, he will make a decision, come to the court and state the firm’s fee, which be phased. The first phase will be site analysis and general information about court facilities. Then, if they like that, they will pick a site and move into the design phase.

JP Moehring asked about the ads going out about the RFQ and if they will be local ads.

Judge Clinard said that they are only required by law to put them out locally. He stated that they will not do that, however, because they do not want another situation like the ambulance service

where people were disappointed that they didn't get notification of it beforehand. They are going to send it out nationwide.

JP Moehring stated that the circuit court judges may be a good resource as to where to send the RFQ. He noted that the existing court facilities are not mentioned in the RFQ. He stated that they have two court facilities now plus the facility where Judge Schrantz is located. He asked how this should be addressed and how it will be part of the criteria.

Judge Clinard said that the firms will look at the current county facilities. He does not feel like this needs to be specifically included in the RFQ because it will all be included in the discussion anyway.

JP Adams reminded the committee that, when this RFQ is sent out, nothing is set in stone. He supports the formation of a committee to help with this decision to get something done by November, 2016. He understands that the final decision on the property is Judge Clinard's alone, however, the court was tasked with helping in the beginning and he feels that they did that. He said that ultimately the goal is to get this new complex built as soon as possible. If Judge Clinard is on board with having Quorum Court members be on a committee to help select this firm, he would support that.

Judge Clinard stated that he would have to think about the best way to approach the committee idea. If more than two justices of the peace are there, the media has to be informed and this is not the normal procedure for an RFQ. Narrowing it down to one Quorum Court member to help select a firm would be a better approach so that it does not have to be a press conference.

JP K. Harrison stated that some of the court members have concerns with how this is proceeding. He feels that the more input Judge Clinard has from the Quorum Court, the faster things will move on the project. He also thinks this will help keep things from possibly being overlooked. He stated that everyone on the Quorum Court needs to be informed when it comes to this decision.

Judge Clinard stated that he feels it is cumbersome and unnecessary to form a committee of Quorum Court members. He stated that they need to trust him to make a good decision.

JP Adams stated that it does not have to just be the Quorum Court; it can be a community group as long as someone is involved from the court.

JP K. Harrison said that, during this process, no money is going to be discussed. He stated that it does not matter if someone from the court is involved because only well qualified firms will be submitting the RFQ. He said that this portion of it is not as bad as when the financial aspect has to be considered.

Judge Clinard stated that, when they selected Treanor Architects to do the jail expansion, he, John Sudduth and others listened to the presentations. Afterward they had a secret vote. Treanor was first on everyone's list so that told them that they all heard the same thing. There were differences further down the line but the top spot was very clear. He thinks it would be simpler to have one member of the court on the committee so that the newspaper does not have to be

involved as he feels that this is not a good way to do business. He has every confidence that this process will work.

JP Jones said that if there are one or two JPs involved in the selection process, going back to the Quorum Court or the Committee of the Whole would be much easier. He stated that it is not a matter of trust, but it is a matter of one of them being able to say that they heard the same information. He stated that there are two different factions in the Quorum Court – the JPs who support a downtown location and those who want to build out on Highway 102. He said that it might be good idea to include a JP from each point of view. He also feels that one of the circuit judges should also be included in any committee that is formed.

Judge Clinard stated that he has no problem with any of that.

JP Adams stated that this is what he wants to see, as well.

Judge Clinard reiterated that, if there is more than one JP there, it is a meeting and the press must be called. He stated that he is trying to protect the firms coming in because they don't want to give one an advantage over another because the details could potentially be released in the press. He asked what changes the court would like him to make to the RFQ before the next Quorum Court meeting.

JP Jones asked if the RFQ needs to be amended.

JP Moore stated that this is not a resolution so it does not have to be amended. The court only needs to tell Judge Clinard what they want added.

JP Sandlin stated that there are several items included in the RFQ that there is no way of stipulating for certain until the company has been selected and they have heard their recommendations. She said that, at this point, all the court is doing is giving Judge Clinard permission to make sure a couple of criteria are met and then they will wait and see what the results are. She feels it needs to be moved on to the Quorum Court but if it needs a date change first, that is reasonable.

JP Moehring stated that they need to have tighter criteria than the way it is currently written. He believes they need to look at firms that have experience in downtown urban courthouses because the court has stated that they only support a downtown option. With the Highway 102 option included, he cannot support it.

JP Adams stated that he was involved in the War Eagle bridge process. Three groups came in and gave their presentations, he asked questions and the county judge asked questions. He did not vote in that particular group. He stated that he knew the best group when he walked out of the door, and he knew that the county judge made the right decision when he found out who was chosen. He feels like they are getting ahead of themselves. They need these groups to come in, do their best sales pitch, and he is confident that a good decision will be made. A lot of the things being discussed will not even come to play until after a decision is made. He is comfortable with the language as it is written in the RFQ because these firms have to prove themselves as the best firm for the job to the county and Judge Clinard. He supports moving it on to the Quorum Court and feels that these issues will be dealt with later in the process.

JP Jones agreed with JP Moehring that the language in the RFQ needs to be more specific and he can't support it as it is currently written.

JP Shadlow called the question.

Judge Clinard asked the court to make a list of what they would like to have included in the RFQ. He cautioned that the more specific they are on the details, the more they will limit their options for finding qualified architects. He stated that he can attach an addendum to the RFQ if need be.

JP Moore called for the vote:

11 in favor  
3 opposed (Anglin, Jones, Moehring)  
1 absent (Allen)

Motion to forward to Quorum Court passed.

**2. Resolution Request: Authorizing the County Judge of Benton County to Apply for an FY 2015 Economic Development Administration Grant for Construction of the Spanker Creek Bridge Project; Sponsor: JP Kurt Moore**

JP Jones stated that this request is for a 50/50 match grant for a bridge that has flooded several times and is a major problem; this will get it above the twenty-five year flood plain.

JP Jones made a motion to approve this resolution request and forward it to the Quorum Court, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

**3. Appropriation Ordinance Request: Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Department 0101, County Clerk Cost Fund, Fund 3005; Sponsor: JP Mary L. Slinkard**

JP Slinkard made a motion to approve this appropriation ordinance request and forward it to the Quorum Court, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

**4. Appropriation Ordinance Request: Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Department 0417, Public Defender, Fund 3024; Sponsor: JP Joel Jones**

JP Jones stated that this request is to appropriate some money for travel that was a legislative audit suggestion.

JP Jones made a motion to approve this appropriation ordinance request and forward it to the Quorum Court, seconded by JP Adams.

Motion passed by unanimous show of hands vote.

**5. Appropriation Ordinance Request: Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Department 0108, Non-Dept. and Maintenance, Fund 1000; Sponsor: JP Barry Moehring**

JP Moehring stated that this request is for damage caused by an incident involving a motor vehicle; the county has been reimbursed and this request appropriates these monies.

JP Moehring made a motion to approve this appropriation ordinance request and forward it to the Quorum Court, seconded by JP Shadlow.

Motion passed by unanimous show of hands vote.

**6. Appropriation Ordinance Request: Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) to Amend *Schedule 4 – Personnel and Compensation Authorization* by Adding an Additional Position, Department 0400, Sheriff’s Department, Fund 1000; Sponsor: JP Joel Jones**

JP Joel Jones explained that this request is to amend Schedule 4 to add another Sheriff’s deputy for proper security coverage for the administration building.

JP Jones made a motion to approve this appropriation ordinance request and forward it to the Quorum Court, seconded by JP Shadlow.

JP Meyers asked if this deputy will only be on duty during business hours and not for any evening meetings or after hour events.

JP Jones stated that whoever is down at the station at closing time stays down there at the door so that there is coverage for anything going on after hours. The main security concern is day coverage because there are so many people around. With the addition of this deputy, if one of the officers needs to go out for any reason during the day, another will be there.

Human Resources Director Barbara Ludwig stated that the deputies normally volunteer for overtime to cover the evening meetings.

Motion passed by unanimous show of hands vote.

**7. Appropriation Ordinance Request: Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0400, Sheriff's Department, Fund 1000; Sponsor: JP Joel Jones**

JP Jones stated that this request is the second part of the request to add the additional Sheriff's deputy; this allocates the required monies.

JP Jones made a motion to approve this appropriation ordinance request and forward it to the Quorum Court, seconded by JP Anglin.

JP K. Harrison left the meeting.

Motion passed by unanimous show of hands vote.

**8. Appropriation Ordinance Request: Amending Appropriation Ordinance No. O-2014-84 (2015 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items, Department 0100, County Judge, Fund 3751; Sponsor: JP Joel Jones**

JP Jones stated that this is request is for unused dollars from the SAMSHA grant that they are reallocating so that they can be used. He stated that this came up after the Finance Committee meeting and that is why it came directly to the Committee of the Whole.

JP Jones made a motion to approve this appropriation ordinance request and forward it to the Quorum Court, seconded by JP Sandlin.

JP K. Harrison returned to the meeting.

Motion passed by unanimous show of hands vote.

## **9. Resolution Request: Setting the Number of Justices of the Peace to Participate in Planning Appeals; Sponsor: JP Sue Shadlow**

County Attorney George Spence stated that they have a planning appeal tentatively set for November 3, 2015. The court must determine the number of justices of the peace to hear it; they have typically had three in the past.

JP Meyers asked the subject of this hearing.

Administrator of General Services John Sudduth stated that this is for a case within a few feet of the Rogers city limits given to the county; the City of Rogers did not want to hear this case. He said that it is a construction company that wants to use this land to park their construction vehicles and they also want to create a small building there in which to service vehicles. There is some residential around it and the planning board denied it based on compatibility standards; the company is appealing this decision.

JP Shadlow made a motion to approve this resolution request and move it to the Quorum Court, seconded by JP Jones.

JP Adams asked if the court decides how many justices to appoint.

George Spence stated that the county judge appoints the justices. The court will set the number of JPs as three by approving this resolution.

JP Moore stated that the only difference between this and how it has been done in the past is that the county judge will be sitting in as chair, but he will not get a vote.

George Spence stated that this statute is a fairly recent addition and this may be why it was done differently in the past.

Motion passed by unanimous show of hands vote.

### **OTHER BUSINESS**

Human Resources Director Barbara Ludwig spoke about the vehicle policy that was addressed at the Legislative Committee and forwarded to the Committee of the Whole. She stated that the codified ordinance says that a county vehicle cannot be used for personal use but that was not the exact language in the employee policy manual. She said an ordinance is not needed to adopt this new language; she will send the language out to all employees and gain their signatures on it as a change to the employee manual.

JP Moore asked if this new language will prevent the situation that they just had and, if it happened again, if there would be any recourse.

Barbara Ludwig stated that it is an employment policy so it would fall under the elected official's purview. She said it does state very clearly that a county vehicle cannot be used for personal use.

JP K. Harrison said that the county's ethics policy is under ordinance. It is his understanding that an ordinance is law and, as such, the elected officials must obey it.

Barbara Ludwig stated that any disciplinary action would fall back to the elected official.

JP K. Harrison said they may be able to set the discipline but the policy must be obeyed and there is a state law on top of that. They set this by ordinance and it was done a long time ago.

Barbara Ludwig stated that this was already covered under the ethics policy but it will be in there clearly twice if it is added to the vehicle policy as well.

JP Jones stated that he has similar concerns about having a county vehicle policy that says a vehicle cannot be used for personal use if the elected officials do not have to follow it.

Barbara Ludwig stated that if an elected official chooses not to follow the policy, they would have to come out publicly as they answer to the taxpayers and the voters. She does not want to go back and change the ordinance because it was just codified. She also stated that she believes the instance in question was an isolated incident and not the norm.

JP Moore asked what it would take to make it a criminal offense.

Barbara Ludwig stated that there would have to be a lot of qualifiers in there as to what constitutes proper vehicle use. She said that they must trust that it is very clear and the prosecutor stated that it was very public.

JP Leadabrand said that it should constitute the crime of theft and should be handled by the prosecuting attorney.

JP Shadlow stated that this really bothers her that people do this and she agrees that there should be repercussions.

Barbara Ludwig said that there is no policy in the book that dictates prosecution or termination. However, there are potential criminal actions that would be pursued by the prosecutor.

JP Shadlow stated that it should not be up to the elected official. She emphasized that this is theft.

Barbara Ludwig stated that these concerns should be voiced to the prosecutor.

JP Shadlow stated that, if an elected official doesn't uphold the policy, it makes them all look stupid if they allow it to happen.

JP Moehring stated that he is as appalled as everyone else but he thinks it is very clear in the manual and that is as far as the Human Resources department can take it. He said they need to take it up with the prosecuting attorney.

JP K. Harrison said that he wants it known that not every employee is doing this; it was only one person who should have known better. He said that there are a lot of hard working men and women in the county and he wants to make sure that whatever they do does not reflect poorly on these employees. He said that he was shocked that this happened and that there was no disciplinary action taken. He stated that he talked to the elected official and the prosecutor before he took it to the attorney general. The attorney general said there was no doubt that it was a crime.

JP Slinkard asked for clarification on the fact that the policy is already in the code which was passed by an ordinance and now they are saying that, if there are changes to be made to this wording, it wouldn't require an ordinance.

Barbara Ludwig stated that it would not take an ordinance to send this language out to all the employees and have it them sign off on it because it is already codified. She said that if they make any changes to make it a misdemeanor or anything like that, it will take three readings and the codified ordinance would have to be changed to do that.

JP Anglin said that theft of property by anyone in the county is reason for termination of employment. Elected officials are up for election every two years so if the elected official is not abiding by what is stated, there are ways to change it. She added that she believes it is up to the elected officials to do the right thing and most of them do that.

### **ANNOUNCEMENTS**

JP Jones announced a budget meeting Thursday, October 15, 2015 at 6:00 p.m. in the Quorum Court meeting room.

JP Moehring asked what would be covered in this meeting.

Comptroller Brenda Guenther said there would be an overview of all the expenditures and capital requests. She added that no departments will be coming in to report.

JP K. Harrison announced a Legislative Committee meeting for Monday, October 19, 2015 to cover the septic ordinance.

JP Moore stated that he would like to get the Election Commission involved in the Legislative Committee meeting regarding poll workers. He said that the number of poll workers required in the state of Arkansas is high; there are rural areas that have to have five poll workers and he would like to see that number lowered.

JP Meyers requested an item to be added to the Legislative Committee agenda to look at the minimum amount of time that an ordinance or resolution can be presented to the Quorum Court before it is to be voted on.

### **PUBLIC COMMENTS**

Administrator of General Services John Sudduth thanked the JPs for their service to the citizens on the Benton County clean-up. He asked the committee to share with him any thoughts and ideas they may have about the clean-up.

JP Jones thanked John Sudduth and his staff for the successful clean-up event.

### **ADJOURNMENT**

JP J. Harrison made a motion to adjourn.

Meeting adjourned at 8:02 p.m.