

Committee of the Whole Report

April 12, 2016

The Committee of the Whole met Tuesday, April 12, 2016 at 6:00 p.m. in the Quorum Court Meeting Room, Benton County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

14 JPs Present: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, *Jones, Sandlin, Anglin, Slinkard, Chiocco, Leadabrand, Meyers, Moehring
1 JP Absent: Moore

Others Present: County Judge Bob Clinard, Assessor Linda Hambrick, Administrator of General Services John Sudduth, Major Harold Gage, Captain Adam Howard, JP-Elect Bob Bland, Sheriff Candidate Shawn Holloway, Duane Neal, Andrea Dreves

Media: Tom Sissom and Tracy Neal – Northwest Arkansas Democrat-Gazette, KNWA, 5News

In the absence of Committee of the Whole chair JP Moore, Vice Chair JP Allen called the meeting to order at 6:01 p.m.

PUBLIC COMMENTS

None.

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

Motion passed by unanimous show of hands vote.

1. Resolution Request of the Quorum Court of Benton County, Arkansas, in Appreciation for the Service of Ron Easley, Justice of the Peace, No. 1; Sponsor: JP Jerry Sheridan

JP Allen read the resolution request by title only.

JP Sheridan stated that this resolution is to acknowledge Ron Easley's service to the Quorum Court.

JP Sheridan made a motion to approve and forward this resolution request to the April 28, 2016 regular Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

2. Resolution Request Confirming the Appointment of Duane R. Neal to the 9-1-1 Administration Board, Member-at-Large, Position No. 2; Sponsor: JP J. Harrison

JP Allen read the resolution request by title only.

JP J. Harrison stated that this resolution request is an appointment by the County Judge of Duane R. Neal to the 9-1-1 Administration Board. He stated that he has known Duane for years and that Mr. Neal is in attendance if anyone has any questions for him.

JP J. Harrison made a motion to approve and forward this resolution request to the April 28, 2016 regular Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

3. Resolution Request Confirming the County Judge's Appointment of Andrea L. Dreves to the Benton County Historical Preservation Commission; Sponsor: JP J. Harrison

JP Allen read the resolution request by title only.

JP J. Harrison stated that this resolution request is the appointment of Andrea L. Dreves by the County Judge to the Historical Preservation Commission. He stated that Ms. Dreves is in attendance if anyone has any questions for her.

JP J. Harrison made a motion to approve and forward this resolution request to the April 28, 2016 regular Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

4. Resolution Request Authorizing the County Judge of Benton County to Apply for Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE) Grant to Fund Road Improvements in Benton County; Sponsor: JP Joel Jones

JP Allen read the resolution request by title only.

In the absence of JP Jones, JP Adams sponsored the resolution.

JP Adams stated that the FASTLANE Grant started out in Transportation Committee. He said that this is to alleviate some of the traffic off of Highway 71 on to feeder roads coming into the Bella Vista/Pea Ridge area.

JP Adams made a motion to approve and forward this resolution request to the April 28, 2016 regular Quorum Court agenda, seconded by JP K. Harrison.

JP Anglin asked if there is any downside if the County applies and does not get the grant.

Comptroller Brenda Guenther stated that there is not. She added that she changed the resolution draft slightly to say that it would be in the amount of \$5 million or greater. She said that the wording will be fixed and this resolution will be heard at the special Quorum Court meeting to immediately follow the Committee of the Whole meeting.

JP Adams added that this is no way commits the County to any monetary amount; it is just to apply for the grant.

JP Adams amended his motion to approve and forward this resolution request to the April 12, 2016 special Quorum Court meeting, seconded by JP K. Harrison.

Motion passed by unanimous show of hands vote.

5. Resolution Request Authorizing the County Judge of Benton County to Apply for the Transportation Investment Generating Economic Recovery (TIGER Discretionary) Grant to Help Fund Road Improvements in Benton County; Sponsor: JP Joel Jones

JP Allen read the resolution request by title only.

In the absence of JP Jones, JP Adams sponsored the resolution.

JP Adams stated that the TIGER grant is available up to \$100 million. This would supplement the FASTLANE Grant and hopefully reduce this to an 80/20 split with the County and the National Transportation and Safety Grant.

JP Adams made a motion to approve and forward this resolution request to the April 12, 2016 special Quorum Court agenda, seconded by JP Chiocco.

JP Anglin stated that, in 2010, Arkansas/Missouri got \$10 million from this grant for studying the Bella Vista Bypass. In 2010, there was a capital grant of \$15 million that went toward the Razorback Greenway.

Motion passed by unanimous show of hands vote.

6. Resolution Request Authorizing the County Judge of Benton County to Apply for the Arkansas Unpaved Roads Grant to Help Fund Road Improvements in Benton County; Sponsor: JP Barry Moehring

JP Allen read the resolution request by title only.

JP Moehring said that this is a 50/50 grant request. The County can match it in-kind and in ways other than cash. It is for a grant not to exceed \$75,000. The County Judge and the Road Department would like to use this for unpaved roads near Beaver Lake.

JP Moehring made a motion to approve and forward this resolution request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Anglin.

JP Adams stated that the \$75,000 from this grant will be used to mitigate sedimentation and run-off into Beaver Lake from many of the unpaved dead-end County roads that have been dumping directly into the lake since the lake was built. He said that the Environmental Protection Agency will eventually be handing down more rules and regulations that will cost the County a lot of money to mitigate sedimentation so this grant is a good start. There are 121 places where this is occurring and the County Judge will decide where best to address this issue first.

Motion passed by unanimous show of hands vote.

7. Resolution Request Authorizing the County Judge of Benton County to Apply for an Arkansas State Police – Selective Traffic Enforcement Program (S.T.E.P.) Grant; Sponsor: JP Joel Jones

JP Allen read the resolution request by title only.

In the absence of JP Jones, JP Moehring sponsored the resolution.

JP Moehring stated that this is a grant that the County applies for and receives annually for seatbelt and DWI enforcement. He stated that it is a 50/50 match but it can be matched with in-kind services.

JP Moehring made a motion to approve and forward this resolution request to the regular April 28, 2016 Quorum Court agenda, seconded by JP K. Harrison.

Comptroller Brenda Guenther stated that it needs to go to the special Quorum Court meeting. She said it is on the special agenda because it is due on April 28, 2016 which is the date of the regular Quorum Court meeting.

JP Moehring amended the motion to approve and forward the resolution request to the April 12, 2016 special Quorum Court Agenda, seconded by JP K. Harrison.

Motion passed by unanimous show of hands vote.

8. Resolution Request Supporting an Application to the Department of Justice's Bulletproof Vest Grant Program for the Sheriff's Department for Bulletproof Vests; Sponsor: JP Joel Jones

JP Allen read the resolution request by title only.

In the absence of JP Jones, JP Adams sponsored the resolution.

JP Adams stated that this request is for bulletproof vests. He said that, for many years, they got grants from different groups for these Threat Level 3 vests for their deputies.

Comptroller Brenda Guenther stated that it has been a few years since they have gotten the grant.

JP Adams made a motion to approve and forward this resolution request to the special April 12, 2016 Quorum Court agenda, seconded by JP K. Harrison.

JP Adams amended the motion to approve and forward this resolution request to the regular April 28, 2016 Quorum Court agenda, seconded by JP K. Harrison.

JP Meyers stated that there are vests in the Sheriff's office that may or may not work because they are expired.

Motion passed by unanimous show of hands vote.

9. Resolution Request Supporting the General Assembly Funding the Arkansas Works Program; Sponsor: JP Shirley Sandlin

JP Allen read the resolution request by title only.

JP Sandlin stated that this resolution is supporting the General Assembly funding Arkansas Works. Rather than each County having the possibility of being charged a lot of their turnback money and the loss of funds that counties can ill afford to lose, she encouraged everyone to support this at the regular Quorum Court meeting.

JP Sandlin made a motion to approve and forward this resolution request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Anglin.

JP Meyers stated that this is a form of socialized medicine and he is totally against it as this is not a socialist country.

JP K. Harrison stated that it this came through last night's Legislative Committee meeting and the majority of the members thought that this should be passed on. He said that this should be on the special Quorum Court meeting agenda because they are going to vote on this next week. If they vote against it, it will mean that they will take money from other things to fund it. He said that they need to pass this resolution and send it on to the state legislators.

JP Slinkard asked if it would be feasible for us to get this down to them so they will know Benton County's position on this issue.

JP Slinkard made a friendly amendment to the motion that it be forwarded to the April 12, 2016 special Quorum Court meeting agenda, seconded by JP K. Harrison.

JP Meyers asked if this can be done without public notification.

County Attorney George Spence said that he has no problem sending it on to the next meeting. He said there is a provision that things have to be published two hours in advance but he believes there has been notice. He said that there is also a provision that you can bring up other items at a special Quorum Court meeting.

A voice vote was recorded as follows:

13 yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Slinkard, Chiocco, Leadabrand, Moehring
1 nay: Meyers
1 absent: Moore

Motion to amend, passed.

After a short discussion on supporting this resolution, a show of hands vote was recorded as follows:

12 yeas: Sheridan, Shadlow, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin,
Slinkard, Chiocco, Leadabrand, Moehring
2 nays: Meyers, J. Harrison
1 absent: Moore

Motion passed.

10. Resolution Request in Support of the “Protecting Workplace Advancement and Opportunity Act” (S. 2707 and H.R. 4773); Sponsor: JP Susan Anglin

County Attorney George Spence read the resolution request by title only.

JP Anglin stated that this is a resolution presented by Human Resources Manager Barbara Ludwig regarding the Department of Labor adding some additional increases in salaries.

Human Resources Manager Barbara Ludwig said that this is pertaining to the Department of Labor regulation changes that will increase the minimum salary requirement to be considered except-salary from \$23,660 to \$50,440 which is a 113% increase. She stated that this is going to have a major impact on Benton County because salaries may need to be raised and overtime will have to be increased. The U.S. Congress is considering an act that will require financial analysis to be done before anything can be pushed. This resolution supports that bill in Congress. She then explained the resolution draft in more detail to the JPs.

JP Anglin made a motion to approve and forward this resolution request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Chiocco.

Motion passed by unanimous show of hands vote.

11. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Dept & Maintenance, Fund 4000; Sponsor: JP Kurt Moore

County Attorney George Spence read the appropriation ordinance request by title only.

In the absence of JP Moore, JP Adams sponsored the appropriation ordinance.

JP Adams stated that this appropriation amount is for \$2 million to do the entire jail expansion project – the F and H-pods. He stated that the jail expansion will add 12-13 additional employees and this needs to be considered for the 2017 budget.

JP Adams made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Chiocco.

*JP Jones entered the meeting.

JP Moehring asked what this will take the reserves to.

Comptroller Brenda Guenther stated that \$22 million is the overall end balance. This will leave \$20 million but, of that, there are reserves of \$7.2 million that have to be kept. This leaves a balance of \$12.8 million.

JP Moehring stated that he supports this but he hopes that, in the future, the County can look at more creative ways at funding these types of projects.

Brenda Guenther stated that there is also \$1.8 million projected cash balance to be in the Capital Funds account which is what this would come out of.

JP Allen asked if there is any other liability that needs to be funded out of that \$1.8 million or if can all go to the jail.

Brenda Guenther stated that she believes it can all go to toward the jail expansion.

JP Adams stated that this is a matter of public safety and, as such, it is money well spent.

Major Harold Gage said that, if they do not get the expansion and the female population under control, he is afraid they are going to get sued. He stated that the population is going to go back up at some point. He also said that the County Judge has gotten it down to a price that will not be seen again. Lastly, he stated that the judges cannot operate effectively if they do not have anywhere to put people in jail.

Motion passed by unanimous show of hands vote.

12. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Creating a New line Item, Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0400, County Sheriff, Fund 1000; Sponsor: JP Barry Moehring

County Attorney George Spence read the appropriation ordinance request by title only.

JP Moehring said that this appropriation to replace K-9 Deputy Tigo who retired earlier this year due to injury.

JP Meyers asked if \$9,500 is a firm number for the dog.

Captain Adam Howard stated that it is.

JP Meyers asked about insurance on the dogs.

Captain Howard stated that they are looking into it.

JP Slinkard asked if the line item "Machinery & Equipment" is correct.

Comptroller Brenda Guenther stated that it is correct; she clarified that with AAC. There is no specific line item for a dog so this is what they felt was best.

JP Moehring made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

13. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0400, County Sheriff, Fund 3029; Sponsor: JP Joel Jones

County Attorney George Spence read the appropriation ordinance request by title only.

JP Jones stated that this appropriation is for child safety seats. They typically have a grant that funds this but they do not know if they are going to receive it yet.

JP Jones made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

14. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0400, County Sheriff, Fund 1000; Sponsor: JP Barry Moehring

County Attorney George Spence read the appropriation ordinance request by title only.

JP Moehring stated that this is for docking stations for the tablets that were bought last year for the Sheriff's office.

JP Moehring made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Jones.

A show of hands vote was recorded as follows:

13 yeas: Sheridan, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin,
Anglin, Slinkard, Leadabrand, Meyers, Moehring
1 abstain: Chiocco
1 absent: Moore

Motion passed.

15. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0108, Non-Dept & Maintenance, Fund 4000; Sponsor: JP Joel Jones

County Attorney George Spence read the appropriation ordinance request by title only.

JP Jones stated that this appropriation is similar to the previous one; it is a carry-over from last year for two projects.

JP Jones made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Adams.

Motion passed by unanimous show of hands vote.

16. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0414, CIP – H.E.L.P., Fund 3706; Sponsor: JP Joel Jones

County Attorney George Spence read the appropriation ordinance request by title only.

JP Jones said that this appropriation is to allocate some grant funds for the court.

JP Jones made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Chiocco.

Motion passed by unanimous show of hands vote.

17. Appropriation Ordinance Request Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items; Creating New Line Items and Authorizing Additional Expenditures in Department 0400, County Sheriff, and Department 0418, Jail, Fund 1000; Sponsor: JP Joel Jones

County Attorney George Spence read the appropriation ordinance request by title only.

JP Jones stated that this appropriation is a transfer to correct the line items; there is no new money.

JP Jones made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

18. Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) to Amend *Schedule 1 – Revenues By Fund* to Create a New Revenue Line Item in Department 0502, Benton County Fire Services, Fund 3611, to be Named “Rocky Branch GIF Grant,” and to Appropriate Additional Monies and Authorize Additional Expenditures Therein; Sponsor: JP Barry Moehring

County Attorney George Spence read the appropriation ordinance request by title only.

JP Moehring stated that this appropriation allows the County to receive grant funds and distribute them to the Rocky Branch Volunteer Fire Department for the purchase of a rescue boat.

JP Moehring made a motion to approve and forward this appropriation ordinance request to the regular April 28, 2016 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

19. Discussion: Resolution Accepting the Resignation of Sheriff Kelley Cradduck and Declaring a Vacancy in the Office of Sheriff

County Attorney George Spence stated that he has had some discussion with the attorney who represents the Sheriff about the possibility of Sheriff Cradduck resigning from office. One of the indications made to him was, because of the Sheriff’s financial position, he might be willing to resign but he would need to receive his pay. They set forth some terms that might meet that criteria which are reflected in the letter that he received at about 1:00 p.m. today. He talked to the County Judge to make sure that he approved the addition of this item to the agenda tonight. He stated that they had to draft the appropriation ordinance at the last minute. He said that they cannot act on this resolution until it is published on Thursday, April 14, 2016, therefore, the earliest date that they can act on this resolution is Friday, April 15, 2016. There is a companion appropriation ordinance that will have to pass with 10 votes. He stated that he is putting it before them for their consideration.

Lengthy discussion was held about the resignation of the Sheriff, the terms of the resignation, the possibility of a counter-offer, and the procedure that must be followed to accept the resignation. Several JPs expressed concern with paying nearly \$80,000 for the Sheriff to leave office but were in favor of accepting it for the well-being and morale of the employees at the Sheriff’s Office.

JP Meyers made a motion to approve and forward this resolution request to the next regular Quorum Court meeting or a special Quorum Court meeting to be called to consider this resolution, seconded by JP Slinkard.

Nathan Atchison stated that he worked in the Sheriff's office for nineteen years. He said that this situation has been going on for a year and a half. He asked the JPs to consider the employees at the Sheriff's Office and urged them to take the offer.

Sue Keith Elverston of Pea Ridge also urged the JPs to accept the resignation.

Constable Keith Brummett stated that he is very proud of the Sheriff's office and what they have accomplished. He expressed concern about how the turmoil in the Sheriff's department might affect the officers' ability to do their jobs.

Motion passed by unanimous show of hands vote.

20. Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) to Appropriate \$80,000 in Funds to Hold the Balance of the Sheriff's Salary and Benefits for the Remainder of 2016

County Attorney George Spence read the appropriation ordinance request by title only.

JP Jones stated that this appropriation is \$80,000 for the Sheriff's salary that they have been discussing tonight.

George Spence said it is not quite \$80,000 – it is about \$76,000 but they wanted to appropriate enough to cover it.

JP Jones made a motion to approve and forward this appropriation ordinance request to the special April 12, 2016 special Quorum Court agenda, seconded by JP Adams.

JP Allen explained that in the Committee of the Whole, it needs a simple majority pass but, at the Quorum Court meeting to follow, it will require ten votes to pass.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

JP Jones asked if the Sheriff's vacancy process should be discussed now or at the Quorum Court meeting to follow.

JP Allen stated it should be discussed with the County Judge presiding at the special Quorum Court meeting.

ANNOUNCEMENTS

JP Anglin announced that she will be attending the Arkansas Association of Counties Quorum Court meeting this Saturday and asked the JPs to give her any questions that they would like to ask. She also announced that the Farm Bureau Dinner will be held on May 06, 2016 at the Benton County Fairgrounds in appreciation of the work that the JPs have done for the year; the legislators will also be invited.

PUBLIC COMMENTS

None.

ADJOURNMENT

JP Allen declared the meeting adjourned at 8:01 p.m.