

**Sebastian County Quorum Court Meeting
February 19, 2013 @ 7:00 PM
Fort Smith Courthouse, Room 204
Fort Smith, Arkansas**

Judge Hudson called the meeting to order and led the Pledge of Allegiance.

Rhonda Royal gave the Invocation.

County Clerk Sharon Brooks called the roll with all members present.

John Spradlin	Tony Crockett	Shawn Looper
Phil Hicks	Johnny Hobbs	Donald Carter
Rhonda Royal	Dickie Robertson	Linda Murry
Bob Schwartz	Ray Stewart	Jim Medley
Danny Aldridge		

Judge Hudson introduced Rick Young, Veterans Service Officer.

Approval of Minutes:

January 15, 2013 Meeting

Bob Schwartz made a motion to approve the minutes. Danny Aldridge seconded the motion. The motion passed by voice vote.

Executive Report of County Judge

I. Aquatics Facility Project

The first item on the Agenda tonight is the second reading of the Appropriation Ordinance for the \$8 million Aquatics Facility project that was approved by the Quorum Court and the City Board of Directors by Interlocal Agreement in 2012. The Aquatics Facility design presented in the public hearings and discussed in the Joint City/County Meeting is based upon \$8 million funding under this Agreement.

The second item on the Agenda presents additional funding of \$820,000 for the Aquatics Facility. The funding for the \$820,000 comes from Unobligated 25% Sales Tax funds from the 2013 Budget of \$260,000, \$60,000 in the 2013 Sales Tax Account earmarked for aquatics, and the transfer of \$100,000 from the Safe Shelter project budget that was not needed to complete that budget, using County matching funds. This totals \$420,000 of funds in the 2013 Budget.

The Ordinance then states an additional \$400,000 will be appropriated in the 2014 Budget from the 25% County Sales Tax Account for the funds generated from that account for the months of

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January through June, 2014. Re-allocation of the 25% Sales Tax for the next ten (10) years will become effective July 1, 2014.

Funding of the \$820,000 to restore features deleted from the Aquatics Facility will involve redesign of the facility by the architect and a follow-up Joint City/County Meeting to approve the redesign before the project is bid.

II. Resolution Allocating County Sales Tax Proceeds for the Next Ten Years

Enclosed is a Resolution allocating the County share of the County 1% Sales Tax for the next ten years. These allocations are intended to become effective July 1, 2014 for the next ten years and include increased funding of 10.5% to hire 11 more jailers in the Adult Detention Center, as well as 2% funding for EMS, 1% funding for Parks and increasing the Rural Fire allocation from 4.5% to 5%. The result of these allocations reduces the Capital Projects' allocation from 25% to 11%.

In the event that the 11% allocated to Capital is needed to satisfy the US Justice Department concerning jail operations, these funds could be reallocated to jail operations by the Quorum Court. However, it is recommended that this allocation be adopted at this time based upon the ongoing need to have capital funds set aside to address various capital needs over the next ten years.

III. Briefing on the Freedom of Information Act

Based upon the email of salary compensation options to the Quorum Court and related email discussion of these options by the Quorum Court, Dan Shue has agreed to review the Freedom of Information Act with the Quorum Court as a discussion item in the March Regular Meeting. If you have specific questions concerning the Freedom of Information Act, please submit those to the County Judge's office by March 4, to be forwarded to the Prosecuting Attorney. The Prosecuting Attorney will provide an overview of the Freedom of Information Act, and answer Quorum Court questions in this presentation.

Prosecuting Attorney Dan Shue stated that he will have an open discussion with Questions & Answers of the Freedom of Information Act at the March Meeting.

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The next item was An Appropriation Ordinance amending Budget Ordinance 2012-22 to appropriate additional funds and approve additional expenditures for County Offices and Departments in the 2013 Budget; and for other purposes (Second Reading)

John Spradlin stated that we need to build what the people want if we are going to build it. The public has spoken and said what they want.

Bob Schwartz expressed concern about the City doing their part of in-kind work on roads, etc.

Linda Murry expressed concern with the financial situation saying she does not want to see the project stopped but loose ends need to be tied up showing the costs and what the expected losses will be.

Shawn Looper stated that we simply cannot afford this.

Danny Aldridge made a motion to approve the County's 4 million part of the 8 million dollar project as agreed in the Interlocal Agreement with the City of Fort Smith.

Jim Medley seconded the motion. The motion passed with 7 voting yes and 6 (Tony Crockett, Shawn Looper, Phil Hicks, Johnny Hobbs, Bob Schwartz and John Spradlin) voting NO.

The third reading of the Ordinance will be at the March meeting.

The next item was An Appropriation Ordinance amending budget Ordinance 2012-22 in order to appropriate additional funds and approve additional expenditures for County Offices and Departments in the 2013 Budget and for other purposes. (Additional Funding for Aquatics Facility)

The ordinance is for the County to finance the City's part of the additional money needed to fund the Aquatics Facility. The City would repay the County as agreed by the County and City.

Danny Aldridge made a motion to approve the ordinance. Jim Medley seconded the motion. The motion failed by a roll call vote of 8 to 5. Shawn Looper, Phil Hicks, Johnny Hobbs, Rhonda Royal, Linda Murry, Bob Schwartz, John Spradlin and Tony Crockett voted NO.

The next item was An Ordinance dissolving the Milltown-Washburn Water Users Association of Sebastian County and Prescribing Other Matters Relating Thereto:

Shawn Looper made a motion to approve the Ordinance. Phil Hicks seconded the motion. Ordinance 2013-3 was approved by a unanimous Roll Call Vote.

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The next item was An Ordinance calling for a Special Election in Sebastian County, Arkansas on the Question of the Continuation of the Levy of a County-Wide one Percent (1%) Sales and Use Tax; and Prescribing Other Matters Pertaining Thereto.

Shawn Looper made a motion to approve. Phil Hicks seconded the motion. Ordinance 2013-4 was approved by a unanimous Roll Call Vote.

The next item was A Resolution of Commitment by the Quorum Court of Sebastian County Involving the Continuation and Dedicated use of County Sales and Use Tax Proceeds.

Shawn Looper made a motion to add a sentence to # 4 the Capital Account. 11% of the revenues will be designed for capital expenditures. (Added sentence) In the event that the 11% allocated to Capital is needed to satisfy the US Justice Department concerning jail operations, these funds could be reallocated to the jail operations by the Quorum Court. Tony Crockett seconded the motion to add the sentence. The motion passed by voice vote.

Shawn Looper made a motion to approve the Resolution. Johnny Hobbs seconded the motion. Resolution 2013-2 passed by a voice vote.

The next item was a Review of 2013 Capital Deferred from Budget Meetings: An Appropriation Ordinance Amending Budget Ordinance 2012-22 in order to appropriate additional funds and approve additional expenditures for County Offices and Departments in the 2013 Budget and for other purposes.

Linda Murry made a motion to remove \$25,000.00 for Buildings & Improvement Remodel as needed # 14 on Exhibit A. The motion was to remove this until plans for remodeling are presented to the Quorum Court. Dickie Robertson seconded the motion. The motion passed by voice vote.

Dickie Robertson made a motion to approve the ordinance. Danny Aldridge seconded the motion. Ordinance 2013-5 passed by a unanimous Roll Call Vote.

The next item was 2013 Employee Compensation Plan: Discuss options and pass motion to present a Pay Plan for Adoption in the March Meeting:

Bob Schwartz made a motion to approve Option 3B which is a 2% Cost of Living raise for full time employees. Dickie Robertson seconded the motion. The motion passed with 10 Yes votes and 3 NO Votes, Linda Murry, Rhonda Royal and Danny Aldridge.

Shawn Looper made a motion to put this on the agenda for the March Meeting. Dickie Robertson seconded the motion. The motion passed by voice vote.

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The next item was An Ordinance Regulating Citizens Owned Animals within the Boundaries of County Parks; Establishing Exemptions from such; Providing the Penalties for Violation Thereof: and for other purposes.

Danny Aldridge stated that he would like to read the Ordinance 99-20. A copy of the ordinance was included in the member's packet.

Shawn Looper made a motion to approve the Ordinance for the first reading. Bob Schwartz seconded the motion. The motion passed with 12 members voting yes and 1 member John Spradlin, Abstained. The Ordinance will be on the March agenda for the second reading.

The next item was An Appropriation Ordinance amending budget Ordinance 2012-22 in order to appropriate additional funds and approve additional expenditures for County Offices and Departments in the 2013 Budget and for other purposes.

Shawn Looper made a motion to get rid of the truck rather than add another to the fleet and get one that could pull the trailer. Bob Schwartz seconded the motion. The motion passed by voice vote.

Jim Medley made a motion to approve the Ordinance. Dickie Robertson seconded the motion. Ordinance 2013-6 passed unanimously by Roll Call Vote.

The next item was A Resolution of the Sebastian County Quorum Court certifying Local Government Endorsement of Umarex USA, Inc. to Participate in the Tax Back Program (as Authorized by Section 15-4-2706 (d) of the Consolidated Incentive Act of 2003)

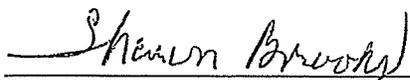
Shawn Looper made a motion to approve the Resolution. Johnny Hobbs seconded the motion. Resolution 2013-3 was approved by voice vote.

Judge Hudson asked if there were any public comments.

There were no public comments.

Bob Schwartz made a motion to adjourn. Rhonda Royal seconded the motion. Meeting adjourned.

Respectfully submitted:



Sharon Brooks, County Clerk



Ann Selig, Deputy Clerk