

SEBASTIAN COUNTY QUORUM COURT MEETING
JULY 16, 2013 @ 7:00 P.M.
FORT SMITH COURTHOUSE, ROOM 204
FORT SMITH, ARKANSAS

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

Linda Murry led the invocation.

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

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

Legal counsel was represented by Daniel Shue, Prosecuting Attorney

Approval of the Minutes:

June 4, 2013 Sebastian County Quorum Court Special Meeting (Mid-Year Budget Review)
June 18, 2013 Sebastian County Quorum Court Meeting

Bob Schwartz made a motion to approve the minutes as shown in the Quorum Court packet.
Dickie Robertson seconded the motion. The motion was approved by voice vote.

The next item is the Executive Report of the County Judge:

I. Enterprise Application Software Project

Implementation of the Financial System is moving forward with the plan to interface the New World .NET financial system to an upgraded version of the current Treasurer's Microsoft Access database system.

This plan has been put into effect at no cost to the project and was implemented based upon Financial Intelligence withdrawing from the project.

Coordination is in progress between programmers from New World and the Treasurer's system as interface details are finalized.

Bi-weekly system configuration sessions are ongoing with the Circuit Clerk, Court Administrator and Fort Smith & Greenwood District Courts with good progress being made identifying processing, document and report requirements.

The Detention Center continues training and parallel processing pending go-live with the Judicial System.

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II. Public Participation and Procedures for Sebastian County Quorum Court Meetings

Prosecuting Attorney Dan Shue was contacted by Quorum Court member Danny Aldridge to review the current public participation procedures for Sebastian County Quorum Court meetings.

In follow-up discussions with the Prosecuting Attorney, I provided the current background ordinances for the Quorum Court public participation procedures, which were adopted in 1977 and after reviewing the law, drafted a proposed ordinance to change our procedures moving public comments from the end of the meetings to the front-end of the meetings, placed immediately after roll call.

A copy of the correspondence sent to the Prosecuting Attorney, the two 1977 ordinances and the proposed new ordinance is attached to the Executive Report for your review.

I would recommend that we discuss this with the Prosecuting Attorney at this time.

Attachments: Memo to Dan Shue
Ordinance No. 77-9
Ordinance No. 77-18
Proposed 2013 Public Participation Ordinance

Danny Aldridge addressed Judge Hudson by stating that the Secretary of State's FOIA brochure states that Quorum Court meetings are open for public discussion and quotes law 14-14-109. 'The Citizens have a right and obligation to have input before any decision is made.' Danny stated that a citizen brought this information to his attention. I took it to mean that before we can vote on any item we must have public input, similar to what the City of Fort Smith is doing. Therefore, I sent an email to Dan Shue asking him to look at the law and see if it's still applicable and what we needed to do? I personally would like us to do something similar to what the City of Fort Smith does by having a signup sheet for citizens with the agenda posted and if they want to talk about any of the items they list it. Once the Quorum Court has had its discussion then we can ask the County Clerk if anyone signed up to speak on Item A, B or C for example. If anyone has signed up to speak, they would be allowed to speak until all of the citizens have had the opportunity to participate fully. If no one has signed up then the Quorum Court can vote on the said Item. This might take a few minutes longer but I think it will give all of the citizens an opportunity to participate fully. They can talk to us when it's relevant rather than at the end of the meeting after we've voted. I think we should have a discussion after each agenda item and before the vote. Dan I'll refer to you if that is the proper way to do it."

Dan Shue responded: "Basically it's the will of the body, whatever you want to do to pass an Ordinance. Looking at the Letter of the Law and the Spirit of the Law, it's as you stated. Before the final vote, the public must be allowed or have an opportunity to address the court. The mechanics of that is up to you.

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Obviously it's up to you on how you address the matter of the agenda. I think that opportunity should be before the decision. Moving from this day forward it's left up to you to draft it anyway you want to draft the agenda."

Judith Miller asked Danny Aldridge: "Does the citizens of Fort Smith have a copy of their agenda?"

Danny Aldridge answered: "They have a table at the door with copies of the agenda available for those who choose to have one. If they want to address any items on the agenda, they can indicate it on the sign-up sheet. There is also a separate sign-up sheet if you want to make general comments at the end of the meeting."

John Spradlin asked: "Is there a time limit on how long they can speak?"

Danny Aldridge responded: "I believe there is three minutes." The way I read the Ordinance, the discussion time for the public would be before the final decision is voted on."

Bob Schwartz asked: "Why do we want to change it? Have we had any complaints?"

Danny Aldridge commented: "I had a citizen contact me about it."

Judge Hudson commented: "If you read the law it states "...entity shall adopt rules for conducting the meeting which afford citizens a reasonable opportunity to participate prior to the final decision", if you have public comments at the front of the meeting they will be commenting before you take action. You could have comment for every item. There were various approaches taken historically. In my opinion it would probably be appropriate, at a minimum, to move it to the front right after roll call and get public comments; if you want public comments at the end of the meeting that can be done as well."

Linda Murry commented: "Well the Ordinance from 1977 says we will allow them to be heard after the first reading which is before any voting. What is wrong with that as it is?"

Bob Schwartz commented: "The Ordinance we have is in compliance with the law isn't it?"

Dan Shue replied: "No, you have two Ordinances that are in conflict. You need to clarify what you want to do or adopt a new Ordinance. You can repeal one or the other."

Judge Hudson stated: "Ordinance 1977-9 was passed in March and amended in June. If you read these closely we haven't been following this. I'm not sure when we got off track. If you read the law, we would have public comments at the first of the meeting. They would have a copy of the agenda. The agenda itself will not give a detailed list of everything you are voting on."

Danny Aldridge commented: "It might be appropriate to ask the Fort Smith City Clerk to provide us a copy of their procedure and how they get public input and see if it's something we can adopt in Ordinance form. We don't have to act on this tonight."

Judge Hudson responded: "No, it's open for discussion to the will of the body."

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Shawn Looper asked: "What is wrong with the draft Ordinance? Does someone have a problem with it? Do we want to add it to the August agenda?"

Jim Medley commented: "It seems to me getting public input would be a good thing before we vote on the various issues."

Judge Hudson stated: "At a minimum we need to move public comments to the first of the agenda."

A motion was made by Shawn Looper to put the draft Ordinance on the agenda next month (August) and also include a copy of the ordinance or procedure of what the City Fort Smith does. Jim Medley seconded the motion. The motion passed by a voice vote.

The next orders of business are the Monthly Financial Reports.

Kathy Lawrence, Comptroller, presented a Summary of the Monthly Financial Report.

John Spradlin asked for clarity on the 1% tax projection.

Kathy Lawrence stated that the actual for the months of May and June are below the projected for 2013.

Linda Murry asked: "Will it be possible to include the actual amount for 2012 in this report for future reporting?"

Kathy Lawrence responded: "Sure I can do that."

Judith Miller, County Treasurer, presented the Sebastian County Treasurer Transaction Summary. She asked for questions and/or comments.

Next order of business is to discuss the Road Department Excavator Purchase.

Judge Hudson said Allen Layne, Road Superintendent is present to answer any questions you might have. It was requested that this item be added to the July agenda for discussion.

Judge Hudson stated: "We can make arrangements for the Quorum Court to meet early next meeting at 6:00 p.m. at the Road Department and tour the department, equipment and several new constructions, take 30 minutes before the meeting."

Judge Hudson continued: "All of your questions are the basis for this recommendation to procure this equipment; the rental fee is \$5,000 a month; how many times we've had to rent; the lack of availability; the need to pay contractors to do the work; paying several thousand dollars over the last two years; all of these things were taken into account. We do have some projects coming up and if we don't have the equipment we will rent and we may re-present for the 2014 budget."

Shawn Looper made a motion to add the Excavator purchase for the Sebastian Road Department to the August Agenda for discussion and consideration. Johnny Hobbs seconded the motion. The motion passed by a voice vote.

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Next order of business is the Quorum Court Appointment to the Equalization Board.

The approval of this Board Appointment will complete the Equalization Board Members for the deliberation of the organizational meeting August 1, 2013. The County Assessor made follow up telephone contacts with two individuals; Jack Swink, Real Estate Appraiser and Lee Housewirth, retired Oil and Gas field worker.

Danny Aldridge made a motion to approve the recommendation of Jack Swink to the Equalization Board. John Spradlin seconded the motion. The motion passed with a voice vote.

Next order of business is to review the Current Classification and Compensation System and the Fox Lawson Job Evaluation and Compensation Study Presented Nov, 2012.

Judge Hudson stated for 2014 Sebastian County has two options:

1. Adopt the Fox Lawson proposed Decision Based Method System, or
2. Retain the current Point Factor System

Judge Hudson asked Steve Holtz, Director of Human Resources for Sebastian County, to present a Power Point reviewing both options. There was a handout given that outlined 22 bullet points.

Judge Hudson commended Steve Holtz and his team for the outstanding job they have done in putting this Power Point presentation together.

John Spradlin commented: "I appreciate you presenting the background and history to us. Help me to understand about the below minimum employees, will that be corrected with \$30,000?"

Judge Hudson responded: "No all that does is take the 1988 updated dollars back up to the minimum. The Fox study showed the cost to bring all salaries up to the minimum of the proposed salary range was \$268,000 in total to all funds without fringes, this appears to be a financial feasible step to move in that direction. This does not address other positions that are below minimum ranges and doesn't address some of the key positions that are out of whack. We will have to address those over time. The other issues we can deal with are policy changes so we can manage. When we implement a new system correcting the below minimum is what we work on first. As you know we are on a very tight budget. The only thing feasible is something very, very economical. Perhaps this can be an option, if the body wants to see us work with the Elected Officials and bring back to the body a potential course of action."

Linda Murry commented: "This is premature. We need to wait until we have all the information and know how much money the county will have."

Judge Hudson responded: "The Elected Officials may not support this, I don't know. This takes a lot of work to put together, lot of pressure to coordinate and manage. We need a partnership, coordination and feedback. We have a very tight budget and not enough money to fix all the issues. We need to make this a priority."

Jim Medley commented: "We need a compensation system/plan that is fair to all."

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Judge Hudson responded: "We can collaborate with the Elected Officials to bring you a balanced 2014 budget that allows you to do some type of a Cost of Living increase. We need to adopt a pay system that allows us the opportunity to operate and maintain the system which will be fair to all."

Danny Aldridge made a motion to authorize Judge Hudson to move forward and work with the elected officials to come up with a revision/plan to County Compensation Policy and Procedures." Jim Medley seconded the motion. The motion passed by a voice vote.

The next item of business is the Sebastian County Conservation District Report on 2012 Act 893 Arkansas Game and Fish Fine Money Allocated Funds.

Judge Hudson reported that 26 applicants applied for the \$ 12,125.00 available money. Each applicant will receive \$ 466.35 or their approved project. Judge Hudson stated that the checks would be issued in a timely manner to the 26 applicants.

The next item of business is "A Resolution Authorizing the Sebastian County Judge to Enter into a Memorandum of Understanding for Funding the 2013 JAG Grant Program with the City of Fort Smith".

Ray Stewart made a motion to pass the Resolution and Bob Schwartz seconded the motion. Resolution 2013-7 passed by a voice vote.

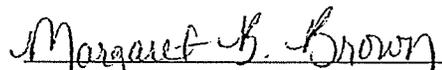
Judge Hudson asked for public comments. None

Shawn Looper made the motion to adjourn and Tony Crockett duly seconded.

Meeting adjourned.

Respectfully submitted,


Sharon Brooks, County Clerk


Margaret B. Brown, Deputy Clerk