

**SEBASTIAN COUNTY QUORUM COURT
SPECIAL MEETING
NOVEMBER 25, 2013 @ 6:30 P.M.
FORT SMITH COURTHOUSE, ROOM 204
FORT SMITH, ARKANSAS**

Judge David Hudson called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

Ray Stewart led the invocation.

Nesa Bishop, Chief Deputy, called the roll with all 13 members present.

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

Legal counsel was represented by the Prosecuting Attorney, Daniel Shue.

Judge David Hudson asked if there were any comments from the public.

There were no public comments.

First Item: Review the 2014 Cost Allocation Plan. This has quite a bit of background material attached. The County Treasurer, Judith Miller, is present to answer any questions from Quorum Court members or from the public. Judge David Hudson reviews prior meetings agendas.

Judge Hudson mentioned the November 19, 2013 meeting which contained the document he sent to Mike Rainwater and the other attachments, including e-mails, the October 2011 report, specifically Page 59. On Page 103 there is a copy of the Cost Allocation Plan, which is also found in Book 1 of the 2014 Proposed Budget. The agenda contains a copy of the memo from the Treasurer, sent to her on November 14 and 15, 2013, regarding the \$115,961.

There are three options to address the Treasurer's Commission support of the IT Department of \$115,961.

1. Appropriate the funds following the current plan.
2. Delete the Treasurer's Commission from the Cost Allocation Plan and replace those funds from the County General Fund. This means that this amount will need to be funded from one of the other categories proposed for funding in the plan to balance the Budget.
3. Cut the operations of the County IT Department by \$115,961. This will have an impact on the ability of the IT Department to support the ongoing operations of the County Finance System, Law Enforcement System, and Court System.

All of these systems were implemented and upgraded based upon the proposed Cost Allocation Plan adopted and approved by the Quorum Court in the 2012 and 2013 Budgets.

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Judith Miller addressed the Quorum Court regarding the \$115,961. She stated that she previously agreed and compared the plan with a "beautiful car, with all the bells and whistles and it looks like a perfect package but the engine did not work." After 16 months, when I see that there is no engine to run my office, I said I'm pulling out. I'll get my own system that has a Treasurer's package. " She stated that her office does not use the IT Department, nothing in that office is connected to the IT Department. She also stated that the previous Treasurer used a different method. "I'm trying to change the service to a local vendor." For \$18,000 I can have all my PCs taken care of, and data backup by a local company that pays local taxes. They are paying us, why shouldn't we use them? I think that should be looked at."

We brought in \$200,000 more in taxes this year than last year and I have not seen that mentioned.

2011 Treasurer's Budget was \$33,000, now it is \$115,000, and I, the Treasurer's office is getting nothing from the IT Department. "I don't see me paying for something I am not getting." The legal advice from AD Jones, guru of AAC, was that someone else can't tell the Treasurer how to spend the money. The Treasurer's office has two funds: Commission and Automation. Judith Miller stated that Mr. Jones' comment to her was that in 1992 the Fort Smith School District sued Sebastian County over this very same item being discussed tonight and the School System won the lawsuit. Ms. Miller commented that if she is not getting any services she shouldn't put out any money. That money belongs to the schools, the cities, whoever pays the taxes. She is holding their money and will return it. Ms. Miller stated that she gave the school an \$18 million check in November. "They give me 50% of the commission. I give them back 50% of what I have left."

Treasurer's IT Department 2011 Budget was \$33,000, and 2012 was \$109,000. John Spradlin stated "That's a 400% increase."

Judge Hudson referred to Page 103, and stated that there is a disagreement between the County Judge and the County Treasurer on how to proceed regarding computer operations.

Bob Schwartz asked Judge Hudson if New World, the IT Company proposed to provide the service, is local. The Judge stated that New World is not local. They are from Michigan.

Judith Miller stated that she wants to save money by switching service to a local vendor. It would cost \$13,000 for Treasurer, \$5,000 for the Collector.

Johnny Hobbs commented that two years ago the Quorum Court decided how to spend this money. Even though Ms. Miller has a very valid argument and she has paid over \$700,000, it is really late in the year to bring this up, it puts everyone in a bind.

Ms. Miller stated "I wanted to be a team player, I paid them \$500,000 but they worked and worked and couldn't produce it. I had to do something." She is not even on the New World System and this has been going on for 16 months.

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Jim Medley made a motion to approve the 2014 Cost Allocation Plan and follow the Judge's recommendation to use \$115,961 for the New World IT Department and every three months the County Judge's office submit a written report to the Quorum Court as to how the County Judge's office is working with the County Treasurer's office and to show that progress is being made.

Danny Aldridge seconded the motion.

Nesa Bishop called the roll to vote.

Motion passed 8 to 5 (NO votes were Phil Hicks, Shawn Looper, Tony Crockett, John Spradlin, Linda Murry).

Next Item: Follow up to discussions from the past couple of meetings regarding the Park Advisory Board.

Judge Hudson asked the Quorum Court whether he should abolish or keep working with the Park Advisory Board. Danny Aldridge spoke in favor of keep working with the Board, Bob Schwartz spoke against it. Shawn Looper suggested the Judge appoint 3 Quorum Court members to replace the Park Advisory Board.

Bob Schwartz made the motion to abolish the Park Advisory Board.

Shawn Looper seconded the motion.

Nesa Bishop called the roll to vote.

The motion passed 7 to 6. (NO votes were John Spradlin, Danny Aldridge, Jim Medley, Dickie Robertson, Rhonda Royal, Donald Carter).

Next Item: Annexation of the Golf Course to the City of Fort Smith and consideration to sell alcohol.

Shawn Looper made a motion to follow the Judge's advice to not pursue the annexation of the Golf Course to the City of Fort Smith and to not sell alcohol.

Dickie Robertson seconded the motion.

Nesa Bishop called the roll to vote.

Motion passed 9 to 4 (NO votes were Jim Medley, Donald Carter, Johnny Hobbs, Phil Hicks).

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Next Item: Pass Items A-E on the agenda.

Tony Crockett suggested there should be a limit on the raises depending on the Employees' income.

John Spradlin stated he wanted to hear Steve Holtz's recommendations. Mr. Holtz stated that he would have to evaluate all jobs and make sure they are graded properly. This will be time consuming and he cannot make a recommendation for this time period. To Linda Murry's question on what the City is doing this year, Mr. Holtz responded that the City is not giving raises this year.

Phil Hicks referred to the attached handout he requested last meeting. He was asking Judge Hudson if there is a possibility that some of the vacant positions that have been vacant for 6 or more months could be eliminated in order to save money to be put in the General Fund and be able to give raise to Employees.

Judge Hudson responded that some of the jobs have not been filled by choice, trying to keep overhead down. Some of the jobs are seasonal.

Sebastian County Sheriff Hollenbeck commented that there is a challenge to filling some positions. The jail lost 3 jailers due to pay.

Bob Schwartz made the motion to approve Items F, G and H.
No one seconded the motion.
The motion was removed.

Jim Medley made the motion to approve Item F to consider 2% raise for Employees.

John Spradlin seconded the motion.

Nesa Bishop called the roll to vote.

Motion passed unanimously 13-0.

Danny Aldridge made a motion not to approve Items G and H (not to have 2% raise for adjustment to the Cost of Living for Elected Officials and for Quorum Court Members).

Phil Hicks seconded the motion.

Nesa Bishop called the roll to vote.

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Motion failed 6 to 7. (NO votes were Jim Medley, Ray Stewart, Bob Schwartz, Dickie Robertson, Rhonda Royal, Donald Carter, Tony Crockett).

Jim Medley made the motion to approve Item G, which is to approve 2% raise for Elected Officials.

Bob Schwartz seconded the motion.

Nesa Bishop called the roll to vote.

Motion passed 8 to 5. (NO votes were Phil Hicks, Shawn Looper, Tony Crockett, John Spradlin, Danny Aldridge).

Jim Medley made the motion to not approve Item H (not to give raises to Quorum Court Members).

Johnny Hobbs seconded the motion.

Nesa Bishop called the roll to vote.

Motion passed 12 to 1 (NO vote was Tony Crockett).

Dickie Robertson asked if this motion put the Quorum Court members under the state minimum.

Dickie Robertson made a motion to approve Item I, Delete four full time positions and create five part time positions.

John Spradlin seconded the motion.

Nesa Bishop called the roll to vote.

The motion passed unanimously 13-0.

Bob Schwartz made a motion to approve Item J, Non Profits for 2014 at the same level as 2013, Book 1 page 74.

John Spradlin seconded the motion.

Nesa Bishop called the roll to vote.

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The motion failed 6 to 7 (NO votes were Linda Murry, Dickie Robertson, Rhonda Royal, Donald Carter, Johnny Hobbs, Phil Hicks, John Spradlin).

Danny Aldridge stated that his research leads him to believe that an abstained vote goes to the majority.

Johnny Hobbs made the motion to revote to approve Item J.

Bob Schwartz seconded the motion.

Nesa Bishop called the roll to vote.

Motion passed 10 to 3 (NO votes were Dickie Robertson, Rhonda Royal, Donald Carter).

Shawn Looper made the motion to approve cuts of \$46,440 to the Operating Budget.

Johnny Hobbs seconded the motion.

Nesa Bishop called the roll to vote.

The motion passed unanimously 13-0.

Shawn Looper made a motion to defer Capital Proposals until February 2014 to review after the balances will be in.

Dickie Robertson seconded the motion.

The motion passed unanimously 13-0.

Shawn Looper made a motion to approve Budget with all the changes.

Bob Schwartz seconded the motion.

Nesa Bishop called the roll to vote.

The motion passed unanimously 13-0.

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Bob Schwartz made the motion to adjourn the meeting.

Johnny Hobbs seconded the motion.

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,



Sharon Brooks, County Clerk



Marcela White,