

**SEBASTIAN COUNTY QUORUM COURT  
SPECIAL MEETING  
NOVEMBER 12, 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.

Johnny Hobbs led the prayer.

Sharon Brooks, County Clerk called the roll. 11 members were present.

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

Absent Members were Bob Schwartz and Phil Hicks

Judge David Hudson asked if there were any comments from the public. There were no Public Comments.

Judge Hudson presented two items on the 2014 Budget Review to be discussed.

First Item: To review the Plan to Balance the Budget. Pages 72-83 from Book 1 are attached to the regular agenda. He suggested that we all go over the plan and review it with all the present officials, and make arrangements and follow up with the ones that are absent.

Second Item: To review Budget materials set forth in Books 1 and 2 for questions and answers. This agenda has categories so you could go through and vote on each one of them, which may be what you want to do in the meeting next Thursday (11-14-13)." He stated that if we don't finish, this agenda can serve as the agenda for Thursday's meeting. Judge Hudson stated it is up to the body. He went through the plan and asked: "What would you like to do? Do you want to get off of Item 3 and go to Item 4? If you don't have any questions, we'll go to the next item. The discussion that came out of an Election Commission meeting we had yesterday. The County Board Election Commission is recommending that the Quorum Court consider funding a third Early Voting site. This would be an increase in the Election Budget of \$12,937, and it would involve the staffing and the Operating Cost to have an Early Voting site at the Dallas Street Branch Library."

Judge David Hudson stated: "This amount was not included in the Proposed Budget so that we can keep overhead down. Lee Webb is here from the County Board Election Commission.

Lee Webb addressed the Quorum Court: "This is a proposal we had several months ago for the potential off site early voting throughout the County. The first site we wanted was experimental for the midterm following elections. This would be for the Primary, as well as for the 2014 Midterm Elections. This is going to be for the fall General Election, Presidential Elections, the even years. The third off site we feel is needed because of the Population Shift. Right now, we are Early Voting in the downstairs Courtroom and in the Greenwood Courtroom. We have not changed those since we started Early Voting. It's been a long time. The population is growing to the East and to the South and they don't come downtown as much as they used to." He gave the example from the Barling Election, a Special Election to fill a seat from a death where 0 people showed up for Early Voting. His argument was that this would allow voters more flexibility and more convenience. The only way this could happen is if the

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vote from the Election Commission was unanimous. We would rather have funding in place if this does happen. We have to notify the Clerk within 10 days. The first one would be an experiment. It's a move toward Voting Centers as you might have read in the paper. Prime example would be Greenwood has two Major Polling Sites less than a half a mile apart. He suggested combining the two and have everyone come to the same place to cut cost. The main goal right now is to make the Dallas Street Library the 3<sup>rd</sup> Early Voting site for 2014, which would cost \$12,937 which is well worth it for the convenience of the taxpayer to go vote. "What we are requesting is that we put it back in the Budget. It was taken out of the Budget. The Elections Commission feels strongly about it. I will answer any questions you might have."

John Spradlin wanted to make sure that this was primarily for the convenience of the voters who live on the East side of town and the additional expense would be about \$13,000.

Shawn Looper asked: "What's costing the \$13,000?"

Lee Webb stated that is the amount they came up with. It includes extra computers, equipment and Poll Workers would add approximately \$7,000 to the cost, Judges \$3,600 which would equal almost \$13,000. He added, the Early Voting last about 2 weeks.

Jim Medley asked: "How many regular polling places are there for a regular voting day?"

Lee Webb answered by saying that it depends on what kind of elections are going on.

Sharon Brooks, County Clerk stated that there are 47 polling places on Election Day.

There was discussion between Jim Medley, Shawn Looper and Lee Webb about the absentee ballots and the postage that has to be paid. Jim Medley stated that people can still Absentee Vote. Shawn Looper agreed and commented: "Just the cost of the Absentee postage is getting out of control. I don't know what percentage we get back from what we send out. Do you know Sharon?"

Sharon Brooks stated: "You need to consider on the Absentees that a lot of those people are in Nursing Homes. Those are your Absentee Voters and military which go overseas. It's over half, when we get them back."

Jim Medley stated: "Early voting right now is available in Greenwood and Fort Smith Courthouses.

Sharon Brooks stated: "Yes and we have 47 polling places on Election Day."

Jim Medley stated that whoever wants to vote has plenty of Election places. Lee Webb commented that it's one day.

John Spradlin, stated he doesn't want to be misinterpreted. The American people on either side are pretty disgusted about everything and he raised the question of how do we protect against Voter Fraud when you are open for two weeks, plus the cost of it.

Lee Webb responded that it would be prevented the same way they do it in other places. He also stated that there has never been a problem here. We would only do this on Major Elections, this fall and in the Presidential Election in 2016. That's the huge turnout.

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Judge David Hudson asked if there are any questions on the third Early Voting site.

Lee Webb stated that the three members on the Election Commission Board agreed to do this but without the funding it creates problems. "We could get the funding and change their mind and not vote for it and the funding would still be there. We have to move pretty quick to have it in place for the Fall."

Judge Hudson clarified: "This vote has not been taken. The vote yesterday was to see if the Quorum Court would put the money up."

Shawn Looper commented: "So, if we put the money up this has to be approved by the Election Commission and it has to be unanimous by all three members. If, the vote is not unanimous, you won't use the money."

Sharon Brooks, County Clerk, suggested that the Quorum Court should consider her Budget would need to be increased due to purchasing equipment, hiring extra workers and the need of space.

John Spradlin asked: "Your additional costs are on top of that 13,000, not part of it?"

Sharon Brooks stated: "Yes, that's not a part of that 13,000."

Linda Murry asked: "Lee, is any of this reimbursed if you have various Elections? I know some of them pay."

Lee Webb stated that we do get State money back for some of the Elections. For the number of votes, it would be a great convenience. In his opinion it's worth it. He also stated that Fort Smith is stuck in a rut and all other Metropolitan areas in the State have been doing early voting sites for 10-15 years and we are not. The Counties of Pulaski and Benton are some examples. We are the only one, who has the same Early Voting sites we started with.

John Spradlin asked the Judge about how many Early Voters we have. Sharon Brooks, County Clerk, stated that, depending on the Election that number is about 3000.

John Spradlin commented that it would come out to an average of 200-225 votes a day if there is a heavy turnout.

Linda Murry stated that it would potentially increase if it was more accessible.

Sharon Brooks stated that this has not been proven. All it does it spreads them out, but not increase voter turnout. All the clerks have talked about this. The voter turnout stays the same.

Lee Webb made the argument again that it was for the voters' convenience. Some of them struggle to drive downtown from other places. The population on the Eastside and Barling area is increasing.

Ray Stewart added that there was a 50% growth in that area in the last 20 years.

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Sharon Brooks stated that we have Early Voting at the courthouse. You can't just move an Early Voting location. The computers have to be secured. They have to go through the internet, so you can't just move it.

Lee Webb disagreed with Sharon stating that they do it all over the State, and that Sebastian County is far behind other Counties technologically.

John Spradlin stated again that he is concerned about fraud, as someone who has had his identity stolen twice. Also, there is concern about the financial aspect.

Shawn Looper made a motion to put the Third Early Voting Site in the Budget for review. Linda Murry seconded the motion.

Lee Webb stated: "We are hoping to get the Election Coordinator on board. We will vote in the first quarter of the year so we will have it for this fall." He also answered Jim Medley's question about who are the other two Election Commission members: "David Damron and Rita Howard Watkins."

Sharon Brooks stated that the early voting for Barling Election today turned out no voters and there was no advertisement.

Lee Webb replied that it is common for elections not to have advertisement.

The biggest cities in Sebastian County are Greenwood, Barling and Lavaca. Most cities have in their Budget a Special Line Item for Elections.

The County Clerk, Sharon Brooks call the roll.

The motion Passed with 7 Yes Votes and 4 No Votes (John Spradlin, Jim Medley, Dickie Robertson, Donald Carter).

The next item Review Recommendation by the Election Commission to Fund Training of a New Election Coordinator prior to the May, 2014 Primary

This item brought up another discussion from yesterday's meeting with the Election Commission related to the process of interviewing and selecting a new Election Coordinator. He stated that they talked to three individuals yesterday, keeping the process in motion. There is the option of having Jerry Huff, the current Coordinator train the new one, in one of two ways:

- A. 100 hours at \$25.97/hour, for a total cost of \$3,182
- B. 240 hours at \$25.97/hour, for a total cost of \$7,637 (three months)

David Hudson stated that he spoke with Jerry Huff. If, he trains his replacement, Jerry Huff wants to be paid at his current rate and benefits. The Coordinator doesn't do the programming of the ballots. The confirmation that it is set up properly determines the effectiveness of the Election. There are a couple of employees hired to program the machines instead of a contractor due to lower cost. A contracted service may give you more security. The primary goal is to make sure we

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have a good election next year in May. Judge Hudson stated, the last time he brought this up to the Quorum Court to have someone promoted; the Quorum Court members did not embrace it. This time it is someone out of the system. "If we have problems with Elections, it's everybody's fault. It's not going to be just the Election Commission; it's going to be every Elected Official. We had problems before. This is an insurance measure and a transition to a new employee."

Lee Webb suggested that Jerry Huff should be training the new Coordinator for three months, starting sometime in March to get us through the May Elections. This is basically an insurance policy to make sure that the Elections are going smoothly. The interview process included Judge Hudson and all three Commissioners.

Jim Medley asked the Judge which option he recommends.

The Judge express his concern that the new employee will need someone to hold their hand. If this plan is not in place, there would be a need to hire ES&S to check the ballots. The Judge stated that he prefers contract labor to employees, due to the added security whenever you are not hands-on. "For \$7,600 is it worth having a good transition to an Election process? I am thinking about what's good for the people we work for. Either plan can work. We kept the IT Department at arm's length to maintain the integrity of the Election process from any Elected Official's direct involvement. We either had contractors or employees in the past. We may want to bring in ES&S to make sure the ballots are programmed properly.

Jim Medley asked the Judge's opinion, to which Judge Hudson replied that he doesn't know for sure but either way this is a one time expense. He also stated that the Commission liked the 100 hour plan but the employee did not embrace that plan. The other numbers came from further discussion.

Shawn Looper made the motion to include the 240 hours at \$25.97 per hour-Total Cost \$7,637 in the Budget. Dickie Robertson seconded the motion.

Sharon Brooks, County Clerk called the roll.

The motion passed with 10 Yes Votes and one No Vote (Danny Aldridge).

Linda Murry referred to Page 7 in Book 1. She asked if the statement "That there is no increase in the Insurance on Page 3, other than the tax" correct. It states that at the bottom of Page 3. It says, "The Health and Dental Plan for 2014 has no increase in Premium except the tax of \$63.00 per Insured Life" which Steve Hotz explained that is for every person Insured. Linda asked: "\$63.00 one time for 2014, correct?" Judge Hudson confirmed. He asked Kathy Lawrence, Comptroller to explain why the numbers came out this way. \$10.55 is the cost per month of the Affordable Care Act. The yearly was \$126.50. Add \$601.01+\$75.07+\$258.54=\$945.62 to get the Family Plan.

Shawn Looper commented on Kathy Lawrence's statement that a Family Plan would cost \$945.62 a month: "Almost \$1000 a month? Are we sure about that? Kathy replied that she is positive about that. She stated that right now the County is paying \$601.01 for a Family Plan and \$75.07 for anyone who has a Family Plan. The employee is paying \$258.54. This is what is being paid right now, the only difference in the \$10.55 a month. \$63.00 is per life.

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The cost to the County for the Affordable Care Act 2014 is \$47,565 has to be divided by the 375 employees (policies), which equals \$126.50, because we can't go out and charge the individual. The information on the handout is correct but not in the book.

Shawn Looper asked, how does the 945 compare to market? Judge Hudson replied that he doesn't think that's unusual, it depends on the type of plan design, deductible and all that.

Danny Aldridge shared the quote he got from his Blue Cross Blue Shield agent for his family and depending on the plan the cost ranged from around \$450 to \$1000 a month. They all had HUGE deductibles, \$10,000 to \$12,000.

We can't take off the Employee Share; we can only take off the County share.

Rhonda Royal expressed concern about the high cost of the Insurance Premium, and made a motion to keep the plan for 2014 the same as the 2013, including dependents. Danny Aldridge seconded the motion.

Judge Hudson deferred to Daniel Shue, Prosecuting Attorney to speak on behalf of this motion.

Dan Shue stated, "Taking into consideration the letter from Mike Rainwater, which was previously discussed by the Quorum Court members. The policy would conflict with Rainwater's advice. He wanted to make sure everyone understood that."

Judge Hudson restated the motion to continue to cover dependents the same way next year that we are this year, with the County paying the difference in cost.

Linda Murray stated there was discussion in the meetings that there needs to be clarifications to why you can pick out one set of Elected Officials versus others and/or employees and treat them separately. There needs to be further study on that, legally. "When we ran for office that was a benefit we had, can that be changed in the mid term?"

Judge Hudson stated that he will not answer those questions, this needs to be discussed with Mike Rainwater and Daniel Shue. He said that a motion was passed to follow Rainwater's advice. The only thing missing was the calculations cost. Rainwater is advising that there is no conflict with the Quorum Court as a member being included in the insurance plan because the Arkansas Code specifically enables that. There is no problem with the 30 hour employee rule and no other issues. The issue identified by Rainwater was Dependent Coverage. Refer questions to Dan.

Dan stated he is not an Insurance Expert, ask Rainwater. His comment was that if the Quorum Court Members do something different, there will be consequences, not certain what kind, because taxpayer money would be used to pay for Dependents' Coverage.

Danny Aldridge asked: "Why treat Quorum Court members different than other officials, when the law says they should be treated equal?"

Dan Shue's answer was that it is because of the Federal Law which has to do with the 30 hour week.

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Danny Aldridge's reply to Dan Shue was: "We don't challenge your time card, should you challenge ours? It would be a legal challenge either way and right now we have an attorney who is a paid Lobbyist to write a piece of paper. We don't have an Attorney General's Opinion; we don't have a Court Case. Arkansas Law states that the compensation can not be decreased during the term."

David Hudson stated that the only question came from Jim Medley, and has been sent to Mike Rainwater, with no response as of today. The question was if part time Quorum Court Members would be in conflict with the ACA 1-1-2014. Insurance Commissioner, Attorney General should be able to answer the question.

Judge Hudson stated that he talked to Mike Rainwater around 4 p.m. and there is nothing in print yet, and that he also didn't intend to come to the meeting.

John Spradlin stated that the whole Country is in turmoil about the Healthcare and nobody can answer these questions.

The concern that Jim Medley has is that the Federal Government would fine the County for offering insurance to Quorum Court Members working part time as opposed to other County Employees working part time and even if the members are not Employees they are under the Employee Coverage.

Shawn Looper stated that there is no moving forward until we receive answers in writing on the concerns raised by Jim Medley and Danny Aldridge.

Judge asked if Rhonda Royal wants to withdraw the motion or vote on it.

Rhonda Royal kept her motion before the board

The roll was called by Sharon Brooks, County Clerk.

The motion passed with 8 Yes Votes and 3 No Votes (Jim Medley, Ray Stewart, Johnny Hobbs)

Judge Hudson stated that the Water Park will affect the Budget. The plan is being reviewed by the Construction Manager and the Architect. The estimate is \$11 million for the Concept of the Aquatics Facility that included all of the features. There is discussion on what kind of facility can be built for \$8.8 million. We will meet with the City of Fort Smith to discuss this further.

Linda Murry asked about Appropriations and which Departments are running short.

Kathy Lawrence, Comptroller stated the Jail Maintenance and the EMS, not sure about regular Jail.

Judge Hudson reminded the members about the Financial Analysis, and stated that there was \$45,000 has been held back since April for Appropriations but none of them are for the Park.

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Linda Murry asked what percentage from the Sales Tax goes to Department 421, Senior Citizens (Page 451). \$109,000 is a portion of the Sales Tax. She asked, if that is the same thing as the Area Agency on Aging?

Judge Hudson responded that they are two separate programs.

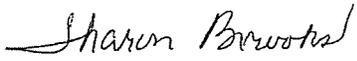
Jim Medley explained that AAA has been funded with a portion of the County Sales Tax. This involves about 5000 people a day in 22 Counties. Administrative costs are around 5%.

John Spradlin asked Kathy Lawrence how far back she can go back on the Golf Course Records; he was interested in reviewing the last 10 years. He requested a report for his viewing.

Shawn Looper made the motion to adjourn the meeting and Johnny Hobbs seconded the motion.

Meeting adjourned at 8:08 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Sharon Brooks, County Clerk

  
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Marcela White, Deputy Clerk