

**SEBASTIAN COUNTY QUORUM COURT MEETING  
DECEMBER 17, 2013 @ 7:00 P.M.  
FORT SMITH COURTHOUSE, ROOM 204  
FORT SMITH, ARKANSAS**

Judge David Hudson called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and the Invocation.

Sharon Brooks, County Clerk called the roll with all 13 members present.

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

Legal counsel was represented by Prosecuting Attorney, Daniel Shue.

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

Mr. David Lavard from Fort Smith addressed the Quorum Court concerning the Golf Course. He stated that he had concerns about leasing the Golf Course, due to the negative experiences of other Golf Courses. He stated at the end of the lease the property was left in worse shape than when the leasing company took over.

He also, stated that the Ben Geren Golf Course definitely needs to generate more income to pay its way and is operating under handicap against the competition. The other establishments offer Alcoholic Beverages and other amenities that Ben Geren Park may not have in full beyond the Adult Beverages. He stated "I would suggest to you that this is a minor area of profit that the course would benefit from, if it had it. The great factor that this affords is that a greater number of people would be coming to play here instead of taking their business somewhere else. That is nearly 100% profit. The fixed cost to run the course is already there." He stated that he believes that the Ben Geren Golf Course can be facilitated in order to compete with the other courses and not just bringing in the day to day players but corporate events, which, speaking from personal experience, don't take place like they used to. It would benefit the course and it would not cost that much more.

Approval of minutes from the Quorum Court Special Meetings for the following dates:

November 7, 2013  
November 12, 2013  
November 14, 2013  
November 19, 2013  
November 25, 2013

Bob Schwartz made a motion to approve the minutes. Dickie Robertson seconded the motion.

The motion passed unanimously by voice vote.

The next item was Opinion No. 2013-151 from Attorney General Dustin McDaniel to Senator Jake Files concerning the question about the Quorum Court's authority over the County Treasurer's Commission Fund presented by Prosecuting Attorney Dan Shue.

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Dustin McDaniel stated that the answer to whether a Quorum Court's appropriation of money from a Treasurer's Commission Fund is for "administrative costs" will vary depending on all the relevant facts and circumstances. I have neither the resources nor the statutory charge of authority to act as a finder of fact in connection with rendering written opinions because the question actually underlying your opinion request is so fact-intensive and because the facts are unclear and apparently in dispute. I cannot render an opinion answering the question.

Executive Report Presented by Judge Hudson:

I. 2014 Budget Message

As we close out the 2013 Budget, the plan for 2014 includes maintaining a General Fund balance that will cash flow this fund. In consideration of the increases in 2014 personnel, the projected General Fund balance to be maintained is approximately \$5,500,000. This balance recognizes the additional staffing authorized for 2014 and the ongoing cost of a 2% Cost of Living adjustment in salaries.

Extensive financial analysis was completed in 2013 to review the past five years' growth in the County Budget.

Budget issues for 2014 include:

- Continue to implement budget policy from the April 4, 2013 Financial Report to maintain an appropriate Combined General Fund balance for cash flow purposes.
- Continue to closely evaluate new personnel to be paid from the General Fund, which exceeds new General Fund revenue
- New personnel cost in 2014 is \$68,980 from the General Fund, which exceeds additional sales tax revenue to hire 11 Detention Deputies for the jail.
- Transfers of Year-End Balance to Capital Reserve must be based upon maintaining an appropriate General Fund balance for cash flow purposes.
- Carryover appropriations are eliminated in the 2014 Budget with projects incomplete in 2013 included in the Proposed 2014 Budget.

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The largest areas of growth in the General Fund over the past five years are the Jail and EMS. The Jail has been allocated an additional 10.5% of the County sales tax to help increase staffing.

Personnel Policy and Procedures need to be addressed during the 2014 Budget year to modify and repeal County Ordinance 2005-15, and clarify and establish procedures to maintain our classification and compensation system. An approach and policy concerning salary ranges and position classification needs to be established to revise the current system.

The five year reappraisal cycle impacts the growth of the County property tax revenue which impacts the ability of the County to increase the cost of the budget for new personnel or operating costs. Property taxes are the number one revenue source for the County General Fund.

Implementation of the ten year renewal of the County sales tax begins in July, 2014. Over the past five years, revenues from sales tax have fluctuated, which impacts the County budget to offset increases in operating cost or growth in the Budget.

Capital for 2014 is recommended for deferral to the February Quorum Court Regular Meeting for consideration after year-end balances are evaluated.

The Golf Course has been reorganized to reduce operating cost from personnel and operating line items to help bring this budget closer to projected golf revenues in 2014. The 2014 budget is \$766,235, a reduction of \$221,699 from the 2013 Budget.

The 2014 EMS budget is \$1,370,452 with \$750,000 revenue and \$620,452 from the General Fund. The \$18 ambulance fee has been in effect for 27 years and was implemented when EMS had one basic level EMT seven days, 24 hour crew with one basic level ambulance. The current system has been upgraded to two advanced life support paramedic crews for seven days, 24 hours coverage with four advanced life support paramedic ambulances.

Next Item:

Danny Aldridge made a motion to move Items A and B from the Agenda's Old Business to the end of the meeting. Bob Schwartz seconded the motion.

The motion passed unanimously by voice vote.

Next Item:

Judge David Hudson asked Sharon Brooks, the County Clerk to read an Ordinance dissolving the Sebastian County Park Advisory Board and Repealing Ordinance 2010-15 and Ordinance 2013-18.

Judge Hudson advised that he does not recommend repealing the Board.

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Shawn Looper made the motion to approve the Ordinance. John Spradlin seconded the motion.

Sharon Brooks called the roll.

The motion failed with 7 NO Votes and 6 Yes Votes (NO votes, Danny Aldridge, Jim Medley, Ray Stewart, Bob Schwartz, Dickie Robertson, Rhonda Royal, Donald Carter).

Next Item:

A Review of the Golf Course Request for Proposal (RFP).

Based upon a motion passed in the November 2013 Special Quorum Court Meeting, a Request for Proposal has been developed to solicit Golf Course Proposals to operate the Ben Geren Golf Course.

There will be a report to the Quorum Court at the March 2014 meeting.

Next Item:

Judge David Hudson asked Sharon Brooks to read an Appropriation Ordinance Amending Budget Ordinance 2012-22 in order to Appropriate Additional Funds and Approve Additional Expenditures for County Offices and Departments in 2013 Budget, and for Other Purposes.

Shawn Looper made the motion to approve the Ordinance. Bob Schwartz seconded the motion.

County Clerk, Sharon Brooks called the roll.

Appropriation Ordinance 2013-21 passed unanimously.

Next Item:

Judge David Hudson asked Sharon Brooks to read an Appropriation Ordinance Appropriating Funds, Establishing County Salaries and Positions, Adopting a Classifications System and Salary Schedule for County Employees and Approving the 2014 Budget for Sebastian County; and for Other Purposes.

Dickie Robertson made the motion to approve the Ordinance. Danny Aldridge seconded the motion.

Judge David Hudson asked the Quorum Court Members if they wanted to entertain consideration on Page 5, concerning the 2014 Budget.

Dickie Robertson withdrew his motion to approve the Ordinance and Danny Aldridge withdrew his second.

Dickie Robertson made a motion to add Page 5 to the Appropriation Ordinance. Danny Aldridge seconded the motion.

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County Clerk, Sharon Brooks called the roll.

The motion passed to add Page 5 with 7 Yes Votes and 6 No Votes. (NO votes, Linda Murry, Johnny Hobbs, Phil Hicks, Shawn Looper, Tony Crockett, John Spradlin).

County Clerk, Sharon Brooks called the roll on the Appropriation Ordinance.

Appropriation Ordinance 2013-22 passed with 10 Yes Votes and 2 No Votes. (NO votes, Linda Murry and John Spradlin. Jim Medley Abstained).

Tony Crockett made a motion to remove the funding for the Third Early Voting Site. John Spradlin seconded the motion.

County Clerk, Sharon Brooks called the roll.

The motion passed with 7 Yes Votes and 6 No Votes. (NO votes were Linda Murry, Rhonda Royal, Donald Carter, Phil Hicks, Shawn Looper, Danny Aldridge).

Next Item:

Judge David Hudson asked Sharon Brooks to read an Ordinance Authorizing the County Judge to Enter into an Amendment to the Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park.

Danny Aldridge made a motion to approve the Ordinance 1<sup>st</sup> Reading. Bob Schwartz seconded the motion.

County Clerk, Sharon Brooks called the roll.

The motion passed with 9 Yes Votes and 4 No Votes. (NO votes, Johnny Hobbs, Tony Crockett, John Spradlin, Linda Murry).

County Clerk, Sharon Brooks read the 2<sup>nd</sup> Reading of the Ordinance.

Shawn Looper made a motion to approve the 2<sup>nd</sup> reading of the Ordinance. Danny Aldridge seconded the motion.

County Clerk, Sharon Brooks called the roll.

The motion passed with 10 Yes Votes and 3 No Votes. (NO votes, Tony Crockett, John Spradlin, Linda Murry).

County Clerk, Sharon Brooks read the 3<sup>rd</sup> Reading of the Ordinance.

Dickie Robertson made a motion to approve the Ordinance. Bob Schwartz seconded the motion.

County Clerk, Sharon Brooks called the roll.

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Ordinance 2013-23 passed with 8 Yes Votes and 5 No Votes. (NO votes, Johnny Hobbs, Phil Hicks, Tony Crockett, John Spradlin, Linda Murry).

Judge David Hudson asked Sharon Brooks to read an Ordinance Designating the Fine Collection Responsibility for the Collection of Fines Assessed upon Defendants in the Circuit Courts and District Courts as Required by ACA 16-13-709.

Shawn Looper made a motion to approve the Ordinance 1<sup>st</sup> Reading. Dickie Robertson seconded the motion.

County Clerk, Sharon Brooks called the roll.

The motion passed unanimously.

County Clerk, Sharon Brooks read the 2<sup>nd</sup> Reading of the Ordinance.

Shawn Looper made a motion to approve the 2<sup>nd</sup> reading of the Ordinance. Johnny Hobbs seconded the motion.

County Clerk, Sharon Brooks called the roll.

The motion passed unanimously.

County Clerk, Sharon Brooks read the 3rd Reading of the Ordinance.

Shawn Looper made a motion to approve the Ordinance. Johnny Hobbs seconded the motion.

County Clerk, Sharon Brooks called the roll.

Ordinance 2013-24 passed unanimously.

Meeting adjourned at 8:07 p.m.

Respectfully Submitted,

  
Sharon Brooks, County Clerk

  
Marcela White, Deputy Clerk