



WASHINGTON COUNTY, ARKANSAS
County Courthouse

April 17, 2015

SPECIAL MEETING OF THE
WASHINGTON COUNTY QUORUM COURT

Monday, April 20, 2015
5:30 p.m.
Washington County Quorum Court Room

A G E N D A

1. **CALL TO ORDER.** **JUDGE EDWARDS**
2. **PRAYER AND PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL.**
4. **ADOPTION OF AGENDA.** At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added to the agenda subject to approval of the Quorum Court.
5. **AN EMERGENCY ORDINANCE DIRECTING AN INVESTIGATION INTO THE CONSTRUCTION OF THE STONEWALL AND HARVEY DOWELL BRIDGES AND RELATED MATTERS. (5.1)** **BUTCH POND**
6. **APPROPRIATION ORDINANCE: AN ORDINANCE APPROPRIATING THE AMOUNT OF \$3,000 FROM THE GENERAL FUND TO THE GENERAL SERVICES BUDGET FOR 2015 TO FUND THE INVESTIGATION OF COUNTY BRIDGES. (6.1)** **JOHN FIRMIN**
7. **OTHER BUSINESS.**
8. **CITIZEN'S COMMENTS.** Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.
9. **ADJOURNMENT.**

ORDINANCE NO. 2015-_____

**BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN EMERGENCY ORDINANCE DIRECTING AN
INVESTIGATION INTO THE CONSTRUCTION OF THE
STONEWALL AND HARVEY DOWELL BRIDGES AND
RELATED MATTERS.**

WHEREAS, it has become apparent that engineer's plans were not followed in the construction of the Stonewall and Harvey Dowell Bridges; and

WHEREAS, the goals of the County Judge and the Quorum Court are to ensure the safety of the citizens of Washington County, to determine why and how the construction of the aforesaid bridges deviated from plans and to prevent such occurrences from happening in the future; and

WHEREAS, it appears that no outside agency is willing to investigate these matters on behalf of the County;

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS:**

ARTICLE 1. The Quorum Court hereby directs an investigation into the construction of the Stonewall and Harvey Dowell Bridges by a two-person team consisting of one representative from the County Judge's office and one Justice of the Peace. The representative from the County Judge's office shall be Chief of Staff Dan Short. The Quorum Court's representative shall be Justice of the Peace Eva Madison. If Ms. Madison is unable to serve, then the Court's representative shall be Justice of the Peace Tom Lundstrum. If neither Ms. Madison nor Mr. Lundstrum is able to serve, then the Quorum Court's representative shall be Justice of the Peace Bill Ussery.

ARTICLE 2. The investigative team formed by this Ordinance shall work in tandem. They shall both be present while witnesses are interviewed and documents or other evidence is examined.

ARTICLE 3. Witness statements shall be reduced to writing and submitted in the form of sworn affidavits whenever possible.

ARTICLE 4. The investigation should answer at least the following questions:

a. Did the Road Department build the Stonewall Bridge and the Harvey Dowell Bridge to engineer's specifications? If the answer to this question is "no" for either or both bridges, also answer the following questions:

(1) In what specific way or ways did Road Department personnel fail to follow the engineer's specifications?

(2) Who, specifically, was personally responsible for not following each individual item of the engineer's specific guidance?

(3) When an individual item of the engineer's specific guidance was not followed, did anyone in the Road Department receive clearance from the engineer to deviate from his plan? And when the person from the Road Department requested deviation from the plan, did that person ensure that the variance from the engineer's plan is actually what occurred on the work site?

(4) For each item of variance or deviation from the engineer's specific guidance, why did the person or persons in charge of that decision make that decision?

(5) Who, besides the person or persons making the decision or decisions to deviate from the engineer's guidance knew about that decision? The answer to this question should include the identity of the person with knowledge that the plan wasn't followed, his or her position with the County at the time he or she was made aware the plan wasn't being followed, what exactly he or she learned about the plans not being followed, the date and time he or she came to know, the method of communication and the source of the knowledge.

b. Did anyone employed by Washington County, to include without limitation, elected officials, exempt or non-exempt staff besides George Braswell notify the County Judge, the County Chief of Staff, the County Attorney or the Judge's Executive Assistant that the engineer's plans were not being followed? If the answer to this question is "yes", provide the date and time of each notification, the method of the communication, the verbatim contents, if available, of said communication (and if verbatim recitation is not possible, an accurate summary) and the person to whom the communication was made.

c. Does there now exist or has there existed at any time relevant to the subject matter of this investigation a culture or climate within the Road Department that would give employees an impression that it is permissible to deviate from written instructions like the

engineer's plans at issue in this investigation? If so, explain the facts and circumstances relevant to this culture or climate.

d. Does there now exist or has there existed at any time relevant to the subject matter of this investigation a culture or climate within the Road Department that would give employees a reasonable, justifiable impression that legitimate concerns within the Department should not be expressed to the supervisory chain? If so, explain the facts and circumstances relevant to this culture or climate.

ARTICLE 5. All current County employees are directed to cooperate in good faith with the investigative team. The investigative team shall also have full access to County resources in order to complete a thorough and timely investigation. The County Attorney shall be available for legal advice.

ARTICLE 6. In the event the investigative team determines that there is a reasonable possibility that a criminal violation of County, State or Federal law occurred, the investigation shall be immediately suspended and the appropriate law enforcement agency notified. The investigative team shall also promptly notify the Quorum Court and the County Judge of the suspension of the investigation.

ARTICLE 7. The investigative report, together with all affidavits and exhibits, shall be due to the County Judge and the Quorum Court two weeks from the date of passage of this Ordinance. Should the investigative team require more time to complete its report, they shall request such time from the County Judge and the Quorum Court.

ARTICLE 8. Emergency clause. It is hereby determined that it is in the best interest of the citizens of Washington County that this Ordinance go into effect immediately, as the status of bridges in Washington County and the construction of the same is an area of intense and justifiable public concern. Therefore, an emergency is declared to exist and this Ordinance shall be, and is, effective from the date of its passage.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Butch Pond
Date of Passage: _____
Votes For: _____ Votes Against: _____
Abstention: _____ Absent: _____

ORDINANCE NO. 2015-_____

APPROPRIATION ORDINANCE:

**BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE APPROPRIATING THE
AMOUNT OF \$3,000 FROM THE GENERAL
FUND TO THE GENERAL SERVICES
BUDGET FOR 2015 TO FUND THE
INVESTIGATION OF COUNTY BRIDGES.**

ARTICLE 1. There is hereby appropriated the amount of \$3,000 from the General Fund to the Special Projects Line Item of the General Services Budget (10000118-3103) for 2015:

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ John Firmin

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____