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**MINUTES OF THE
REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT**

Thursday, January 21, 2016
6:00 p.m.
Washington County Quorum Court Room

- 8.1 The Washington County Quorum Court met in regular session on Thursday, January 21, 2016. In the absence of Judge Marilyn Edwards, the meeting was called to order by JP Butch Pond.
- 8.2 R. Cochran led the Quorum Court in prayer and in the Pledge of Allegiance.
- 8.3 **MEMBERS PRESENT:** Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, Ann Harbison, Sharon Lloyd, Tom Lundstrum, Eva Madison, Sue Madison, Joel Maxwell, Gary McHenry, Butch Pond, and Bill Ussery.
- 8.4 **MEMBERS ABSENT:** Joe Patterson.
- 8.5 **OTHERS PRESENT:** Chief of Staff George Butler, County Attorney Steve Zega, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 8.6 **SELECTION OF PRESIDING OFFICER:** County Attorney Steve Zega explained that due to the absence of the County Judge, a Justice needed to be elected to presiding officer by majority vote and explained the procedure as set out in Roberts Rules for doing so
- 8.7 **T. Lundstrum made a motion to nominate Eva Madison to preside over the meeting. S. Lloyd seconded.**
- 8.8 **A. Harbison made a motion to nominate Butch Pond to preside over the meeting. The motion was seconded.**
- 8.9 **A motion was made and seconded to cease nominations. The motion passed unanimously by those present by voice vote.**
- 8.10 **A vote was taken by show of hands for the nomination of Eva Madison as presiding officer and she received 7 votes.**
- 8.11 **A vote was taken by show of hands for the nomination of Butch Pond as presiding officer and he received 7 votes.**
- 8.12 County Attorney S. Zega stated that the statute calls for a majority of the quorum and 7 votes is not a majority.

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- 9.1 **S. Madison made a motion to nominate Sharon Lloyd to preside over the meeting. S. Lloyd declined the nomination so S. Madison withdrew her motion.**
- 9.2 A. Harbison suggested that the Court flip a coin and County Attorney Steve Zega explained that could not be done as someone had to win by majority vote.
- 9.3 **A second vote was taken by show of hands for the nomination of Eva Madison as presiding officer and she received a majority with 8 votes.**
- 9.4 **Eva Madison was to be the presiding officer for this meeting.**
- 9.5 ADOPTION OF THE AGENDA: Presiding Officer Eva Madison asked if there were any additions or deletions to the agenda.
- 9.6 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 9.7 APPROVAL OF MINUTES: Presiding Officer Eva Madison asked if there were any corrections to the Minutes of the October Quorum Court meetings.
- 9.8 S. Madison stated that she had reviewed the minutes from the October 8 and October 12 meetings and had sent a few minor corrections to Ms. Sandidge; however, stated that these are old minutes and it was hard for her to remember some of the items on those agendas. She stated she had not had a chance to review the October 5th and 6th meeting minutes and would have to abstain from that vote.
- 9.9 **S. Madison made a motion to approve the Minutes of the October 8th and 12th Quorum Court meetings as corrected. S. Lloyd seconded. The motion passed unanimously by those present by voice vote. The October 8th and 12th Quorum Court Meeting Minutes were approved as corrected.**
- 9.10 **T. Lundstrum made a motion to approve the Minutes of the October 5th and 6th Quorum Court meetings as presented. R. Cochran seconded. The motion passed with twelve members voting in favor and one member abstaining by voice vote. The October 5th and 6th Quorum Court Meeting Minutes were approved as presented.**

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- 10.1 **OTHER BUSINESS:** S. Madison stated that the Court has just been through a budget process that seemed to go on and on; and she noted that for many of the budgets that it reviewed, the department heads felt like they had been squeezed down to their last paper clip with no wiggle room left in budgets whatsoever. She stated that ever since discovering the audio and video recording that was going on in the JP's break room last fall, she has been deeply troubled by this and feels that the court deserves an explanation for these recordings being made without its knowledge. She noted she has been assured that this recording has stopped, but requested that the Court be made aware of which budget that recording came from, how much it cost, whether new cameras were purchased, whether this was part of the security camera issue that was presented to the court, what happened to the recordings that were made, where the cameras and devices were located or hidden in the room, and lastly whether there were any laws broken.
- 10.2 County Attorney Steve Zega stated that if it is this body's wish, it can move to refer this issue to a committee and if so, he believes the Public Works Committee would be the appropriate committee for this.
- 10.3 R. Cochran stated since this occurred in an area where the JP's conduct court, he asked if the information on the video and audio recording subject to Freedom of Information Act (FOIA) laws; to which S. Zega responded that it was and that information could be requested through the FOIA.
- 10.4 **S. Lloyd made a motion to refer this issue to the Public Works Committee for further investigation. T. Lundstrum seconded. The motion passed unanimously by those present by voice vote.**
- 10.5 H. Bowman stated before he left in December he had a meeting with the Road Department and a group called Telogis Fleet Management regarding placing monitoring devices on vehicles due to concerns related to the use of county vehicles. He reported that it would cost approximately \$20,000 for the first year to put monitoring devices on vehicles used at the Courthouse and County Road vehicles that do not currently have devices installed, and about half of that cost would be defrayed until the following year. He further noted that Donnie Coleman commented that he would like to know where all of his vehicles were at any time as there has been some abuse discovered in the past and no one knows how much more there might be. H. Bowman stated that a lot of information comes off of these devices including where the vehicles are driven, how fast they are driven, breaking, accelerating, and maintenance issues. He stated that he is in favor of

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implementing these devices to monitor exactly how and where the County's vehicles are being used, but did not want to follow up on this without hearing from the Court on the matter. With the Court's approval he will proceed, as it does take a lot of time.

- 11.1 County Attorney S. Zega stated with regard to the points made by H. Bowman that this service would have to be bid out, which involves writing some specifications involving talking about exactly what data would need to be collected and in what format. As well as some other things the County vehicles would need such as bumper numbering. He stated that when he heard this idea he believed that it would cost at least \$20,000 and will require bids for that reason.
- 11.2 H. Bowman stated his perspective on this issue at this point is a matter of finding out how much support or discouragement the Court would have for even considering it because \$20,000 is a lot of money.
- 11.3 R. Dennis stated that he knows we all live in a world of technology as he lives with being monitored at his job all day long. He noted that some members of the court were just terribly offended that they were being video and audio recorded in a place where cameras and videos exist; and now those members want to turn around and tell the County's employees that they want to track their every move. This is telling those employees that the Court does not trust them and are willing to pay \$20,000 to do so. He stated if there is an employee that is believed to be using a county vehicle inappropriately, this should be handled anyway. He does not like or appreciate personally being monitored at his job and does not see the need for it in the county. He believes that this would only pull down the morale of the county's employees.
- 11.4 T. Lundstrum stated that he thinks it is important to note that the County has already had one circumstance where it was paying an employee to grade, which he obviously was not doing, and it was this very equipment that made his supervisor aware of that. He noted that he has had some experience with this in the past through his work in trucking when this equipment first came out. He stated that this goes beyond just spying on employees. With respect to the morale of the County's employees, there has been a lot said in the editorial section of the newspaper about how horrible this Quorum Court is of degrading the morality of the employees. He stated that he would challenge the editorial writer to review the minutes and recordings of the Court's meetings and find one time where a single employee was denigrated in any way. T. Lundstrum stated that what he

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would like to see with this particular system is for H. Bowman to invite a representative from the company he has spoken about to speak to the Court and provide additional information. He concurred with S. Zega that someone who knows what he or she is doing will have to monitor such a system and get the correct information from it. He further stated that he does not want to spend the \$20,000, but if it can actually help the County, then he would support it.

- 12.1 A. Harbison stated that practically all State vehicles are equipped with GPS, but she has only heard the Road Department mentioned. She inquired about the Sheriff's Department, who has more vehicles than the Road Department, because if the Court does not include all county vehicles, then it is discriminating. She further noted that the Court is easily talking about \$100,000 to implement this and it needs to decide if this is what it wants.
- 12.2 S. Madison stated that she wants to go on record that she thinks this is a fabulous idea and believes that the County could save a lot of money cutting down on side trips that would be stopped. She stated that while she understands that an employee might have occasional, incidental stops, it would be good to know how many incidental stops there might be. She further pointed out that these employees would be told that they are being tracked as they are public employees being paid with public dollars and driving public vehicles. This is very different from audio recording those employees without their knowledge in an area where they had the expectation of privacy. She stated that she would hope such a system could tell the Court if a vehicle was idling unnecessarily, noting that the City of Fayetteville has a "no idling" policy on its vehicles. S. Madison stated that this would be a good service to the public and she would like to hear from a couple of companies to see what the County would gain from it. She stated that she does not really feel the need to track Sheriff's vehicles, but concurs with A. Harbison that all departments that utilize county vehicles should be tracked. She believes this would be money well spent.
- 12.3 L. Ecke questioned whether this was an issue of trust or efficiency. She suggested that if the issue that needs to be solved is identified, then the Court will have a clearer understanding of installing these devices in all county vehicles. She believes that the employees would receive it much more readily if it was set out with clear objectives, goals, and purpose as opposed to them feeling that big brother is spying on them.
- 12.4 In response to a question from R. Dennis, T. Lundstrum responded that this device has only been used on one of the County's road graders and is not sure about any others.

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Presiding Officer Eva Madison stated that this issue is at a point where it needs to be referred to a committee with any questions, and let the committee hash it out there.

- 13.1 B. Pond stated because of the expense and value of the equipment that the County has, he can see a need for monitoring the whereabouts and usage of that equipment and this would be a handy tool for the supervisors of the Road Department as it is also a security issue. He does not believe that any county official or employee is doing anything inappropriate or dangerous in the Courthouse, but for security reasons he can see a need for having video and/or audio monitors in every room of this Courthouse including the Court's breakroom.
- 13.2 H. Bowman pointed out the primary reason he came up with this name was a good friend of his, who is the manager of a service company who took on responsibility for a very large fleet of vehicles, is using this system and obtains valuable information. This includes monitoring, maintenance issues, and how the vehicles were being driven. Further, he noted that his friend was able to use the system to come to the rescue of one of his workers in a dangerous situation. He felt that it was worth at least investigating for the county as there has always been concern over how exactly its vehicles were being used, whether they were being used appropriately, how many miles were being driven, and exactly where the vehicles were. H. Bowman stated that those employees doing their jobs out there would have nothing to be concerned about; however, if they are not doing their jobs, there might be some intimidation associated with this.
- 13.3 S. Zega cautioned the court in using the term "intimidation" when it is talking about what it does to its employees. He believes that what H. Bowman was trying to say was that for those employees who were not using the vehicles properly, there could be some disciplinary consequences.
- 13.4 B. Ussery stated that he believes that this is a good idea and that there are a lot of positive things that can come from it; however, he questioned the pay back and whether the Court would be as enthusiastic about it during the next budget process. He stated that since the newer Road Department equipment is equipped with GPS systems, maybe the Court could figure out a way to take a smaller bite and utilize the equipment only on the vehicles that need it. He stated personal experience has taught him that the cost is going to be about \$20,000 for something like this, but may well cost the county \$10,000 to \$20,000 just to have someone monitor it because that employee would be collecting a tremendous amount of information.

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- 14.1 J. Maxwell stated that he believes this is very common place as every company he knows that manages a fleet does it to keep up with its vehicles and assets, which is fair and is not an invasion of privacy. He concurred with B. Ussery concerning where the money will come from and if this is a financially responsible thing to do. He questioned what the Court's options would be as far as monitoring costs; whether it would be charged by vehicle. He noted that he suspects that the Sheriff's vehicles are already monitored by GPS for safety reasons. He noted that when it comes to monitoring, most fleets are monitored by exception so companies do not pay the cost of continued monitoring or broad spread monitoring, but sometimes knowing that this is available eliminates some of those problems. The Court could streamline the use so it would not be super labor intensive.
- 14.2 R. Cochran stated that the software capabilities that go with these GPS devices on equipment is very good and can be managed by exception. He noted that there is a feature called geofencing in the reporting, where essentially you can get an exception if the vehicle went outside of the planned route. He stated that this does help to maximize the efficiency of a fleet of vehicles and there may or may not be a payback. He believes if the County's Road Superintendent is interested, then the Court should pursue it.
- 14.3 **With no further discussion, Presiding Officer Eva Madison called for a voice vote on the motion to refer the matter onto the Public Works Committee. The motion passed unanimously by those present by voice vote.**
- 14.4 H. Bowman referred to the County Judge's statement on the County's website that the County has a state of emergency from the rain issues within the County. He was interested in those details and requested an update as he has been out-of-town.
- 14.5 County Attorney Steve Zega responded to H. Bowman stating that the County had a declaration of a disaster area from the Governor and Rick Johnson from Emergency Management gave a detailed report on this at the Finance meeting last week. He reported that the County was waiting on two different streams of funding that are FEMA guaranteed and are dependent upon whether they were residential or not.
- 14.6 Grant Administrator Renee Biby stated that at this point in time, the County is waiting on a Presidential Declaration and will keep the Court informed as soon as funds become available. She stated that the County needs to get

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\$3.35 per capita or just over \$735,000 in damages to qualify. She reported that she went on a preliminary assessment with FEMA to five sites in the county and in one day assessed a little over \$800,000. She stated the primary damage that the county had was the Dye Creek Bridge out toward West Fork, which was closed by the County Judge. There was significant damage and lost gravel on the county roads; and Elm Springs had quite a bit of damage to a couple of its bridges.

- 15.1 S. Madison asked if the County had to dip into its emergency funds for this emergency; to which R. Biby responded that it has not dipped into the County Judge's Emergency Disaster Fund, but there are funds that have been expended through the Road Department's budget. This amount is being tracked; and if those expenses are related to storm damage, then the Road Department can get FEMA reimbursements at a later time at 87.5% with the county's portion being 12.5%.
- 15.2 Chief of Staff George Butler stated that there will also be an opportunity for individual, private assistance from FEMA as well. He further noted that there was some damage to the Old Courthouse with moisture and leakage. He stated that the biggest expense will be from the huge, low-water bridge on Dye Creek.
- 15.3 E. Madison asked if the County had insurance to cover damage to the county's facilities; to which G. Butler responded that there may be, but not for damages caused from flooding.
- 15.4 L. Ecke asked if there was an update on the lawsuits against the County. Specifically, she asked if the County is found liable, what the plan of action is and where the money will come from as she knows that Risk Management only pays so much. She noted that the Attorney for Risk Management refused to settle the case, which she believes he should have done; and she is concerned with the depositions that are being disclosed.
- 15.5 County Attorney Steve Zega responded to L. Ecke stating that on the first three lawsuits that were filed, there was a dispositive motion deadline coming the next day where the County will ask for summary judgment. This means that the lawsuits will not go to court and the Judge will throw them out. He stated that since he might be a witness in the fourth lawsuit, he is not privy to it or to the scheduling order. He stated that the Plaintiffs' response is due 14 days from that; the County has 5-10 days after that to respond; and then Judge Brooks will make his decision. He noted that Mr. Braswell's case was set for a jury trial out sometime in April. S. Zega

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stated that if there is a verdict against the County, the verdict and plaintiff's attorney fees will be paid to the limits of liability out of the Risk Management Fund. If there is a verdict in excess of that amount that it is not appealed and eventually has to be paid, then the question of where the funds come from is a question for the Quorum Court. He noted that Risk Management assumes \$350,000 per case at maximum and \$500,000 per year aggregate, and makes the decisions whether to settle or try a case. He stated that depending on the decisions the Judge makes, the Quorum Court could be called again for a settlement conference on any of the pending cases. He cautioned the Court that the details of those settlement conferences by federal law are confidential and trumps FOIA.

- 16.1 J. Maxwell asked if the Court could be informed at each step of this way as the hearings are held and the Judge makes determinations. That way the Court could be a few steps ahead in thinking about how it is going to proceed, depending on the eventual outcome. S. Zega responded that there have not been any public outcomes to report at this time, but suspects the first substantive public outcome is coming soon. He will be happy to report it at that time, though the media may beat him to the punch.
- 16.2 Presiding Officer Eva Madison stated that she was asked on behalf of the Animal League to present a check of proceeds from its "Fifty Shades of Stray" event held last year in the amount of \$8,164.19 to the Animal Shelter. She stated that the Animal League is asking that the money be designated for capital purposes. It was noted that these funds would go into the Shelter Grant Fund for the Quorum Court to appropriate to the Animal Shelter. E. Madison expressed her gratitude to the Animal League and especially Carmen Nelson for the work that she put into that event. She noted from Ms. Cardwell's letter that with this check it brings the 2015-2016 support to over \$31,000 that the Animal League has provided in kind and cash support to the Animal Shelter.
- 16.3 In response to a question from S. Madison, it was explained that this check is signed by the Treasurer, goes into the Animal Shelter Grant Fund, and is appropriated to the Animal Shelter by the Quorum Court. Grant Administrator Renee Biby stated that like all grants, the funds are appropriated and have line items. Since the money is for capital projects, the County is tied to that just like it is for all grant funds. She further explained that any money donated to the Animal Shelter is handled this way and is specifically earmarked for the shelter.
- 16.4 H. Bowman stated that the Court should try to get some exposure for the Animal League for this fund-raising effort. He suggested doing a press

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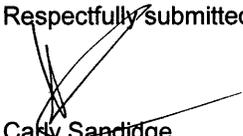
release and possibly a televised interview where the Court can publicly thank the Animal League for the donation.

- 17.1 Presiding Officer Eva Madison responded to H. Bowman stating that it is her understanding that Carmen Nelson will be working with Ms. Ledgerwood to take care of some of that in the near future.
- 17.2 L. Ecke recognized Renee Biby for the work she does as the County's Grant Administrator and all the money she pulls in for the county and thanked her for the great job she does as the value added employee to Washington County.
- 17.3 CITIZEN COMMENTS: Antone Blansett, former Constable of Springdale, addressed the Quorum Court stating two years ago the County Judge ordered the reduction of Constables from 15 down to 3. In reviewing Amendment 55 and 14-14-401, he does not see where that power exists; and on Amendment 55, subsection 2(b) states, "The Quorum Court may create, consolidate, separate, revise or abandon any elected County office or offices except during the term thereof, provided however that a majority of those voting on the question at a general election have approved said action." He further read from 14-14-01 that states, "The County Court of each county in this state shall have the authority to divide the county into convenient townships, subdivide those already established, and alter township lines", but does not say it may vacate as Amendment 55 states the Quorum Court may do. He stated that the Court can "... alter the township lines", which would be an apportionment to keep the populations fairly even across the board, so the Constables should have never been able to be abolished. Mr. Blansett stated that he would like the Quorum Court to actually study this situation and re-institute the Constables as soon as possible,
- 17.4 Robert Rodweller, addressed the Quorum Court stating that he was going to talk about the whole solicitation process for the monitoring equipment and how the Court will go about it, but he will speak with H. Bowman on this. He stated that he has heard a lot of good information and concerns, but believes that the Court needs to look at the total cost of ownership on these and what the alternative analysis is. Then, he stated it could pass the muster of being litigated or challenged if the Court goes after solicitation.
- 17.5 County Attorney Steve Zega indicated he would speak to Mr. Rodweller after the meeting on this matter.

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18.1 ADJOURNMENT: The meeting adjourned at 7:08 p.m.

Respectfully submitted,



Carly Sandidge
Quorum Court Coordinator/Reporter