

MINUTES

SEVIER COUNTY QUORUM COURT MEETING

2:00 P.M., Monday, February 13, 2023

The Sevier County Quorum Court met at 2:00 P.M., Monday, February 13, 2023, in the Sevier County Courthouse Conference Room with County Judge Sandra Dunn presiding. The roll was called with the following Justices present: Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, Greg Wright. Absent – None. Upon a motion by Roxy Stephens and second by Callie Efird, the Quorum Court voted to dispense with the reading of the minutes of the last meeting and to approve the minutes as emailed.

Committee and Other Reports –

1. Scott Simmons with the Sevier County Airport Board was present to update the Quorum on current happenings and plans coming to the Airport. Simmons stated that in September the airport sold \$54,000 worth of fuel, and in October sold \$90,000 worth of fuel. Simmons handed out a color photo that was a depiction of the future airport plans. These plans include the removal of old hangers that are too close to the centerline of the runway and replace with new ones. Simmons stated the airport has about \$300,000 worth of grants this year. These are not matching grants, but grants from the FAA which are 90% and the other 10% comes from the state aeronautics board. But we've got another \$300,000 in tax ways and another ramp that will be done out there this year. Simmons informed the board that they started the Compass Rose project but the weather has pushed it off until April. They dedicated it to Jody McCarrell, and it should be completed sometime in April. The board is looking to hire more part-time help, with the eclipse coming up in 2024. They are expecting that to be a really big thing with people flying into the airport and leaving out chasing the eclipse. Simmons stated their biggest project is going to be the hangers. They are looking at building some of those, and they have got several other airplanes that are coming out there to be based. As of right now, there is a lot of interest in the new hangers. Simmons stated that he just wanted to inform the board that it does serve the community and that there is a lot more traffic out there than we think. Patrick Massey addressed stating that the FAA says 27 planes a day on average come out of there, does that sound about right to you? Simmons said it's close, that you just don't see them, you don't notice them, but it's probably close I just don't know the exact number. Angie Walker asked out of those 27 planes if he knew how many access the courtesy car and come into town. Simmons said no because the keys are there, and if are familiar with aviation, then you know how to get the car. Without having someone out there 24 hours we would never know. Roxy Stephens asked if the airport board was expecting any more grants this year. Simmons stated yes, that they had received about \$300,000 for this year, and we've got the master plan which is over a 5-year period of different items that we are trying to do.
2. Lori House, CEO of Sevier County Medical Center was present to report on the progress of the hospital. House said on the construction side they still have a lot to do with the punch list, and with the rain that we've had this past week there were a couple of new leaks. House stated the architects did identify that the seals that were used around the drains and different things on the roof were either installed incorrectly or the incorrect seals were used. So, all of the seals have to be changed, and the construction group is supposed to be back this week to start that process along with doing the punch list. Lori said the hospital doors opened on January 23rd and she didn't have a financial statement for the Quorum this month. They are still working on it because we are still trying to reconcile everything that's coming out of our new system and didn't want to give the Quorum information that they were not 100% confident on. House let the Quorum know that toward our 30 inpatient visits that the hospital has to have before we can have our survey, we now have 15 of those patients. Lori said that this is something for the hospital because it normally takes a hospital 90 days to get their 30 inpatient stays and the hospital has done half of it in 21 days. The hospital also had 14 patients in for observations, so those are patients that usually don't stay over 24 hours. As of midnight, last night the hospital had seen 292 patients in the emergency room and one thing about those patients is they needed to be there. The hospital did not probably have more than a handful of patients that should have gone to primary care, it was a true emergency. On the first day, we flew one out to children's, and have had quite a few transfers by helicopter and several by

ambulance as well. The total outpatient visits have been over 450 and those visits included our emergency room, plus our CT, MRI, and Mammograms. House stated that this past week the hospital did 11 mammograms, so our equipment is certainly being used. Michael Barnes asked Lori House if the hospital was responsible for fixing the leaks or if the construction company coming in and fixing the issue. Lori stated that the leaks were on the construction company, and it has nothing to do with us.

New Business -

1. The first agenda item was a request for the ability of the Sevier County Medical Center to use the medical equipment of the hospital for collateral on a loan. Since this was sent as an agenda item, it has come to the Quorum's attention that this is not allowed. No action is required on this agenda item.
2. The Judge asked if anyone would entertain a motion to suspend the rules to hear a non-agenda item. Angie Walker made a motion to suspend the rules to hear a non-agenda item. The motion was seconded by Greg Wright. A roll call vote was taken. Yes – Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No – None. The motion passed. The items to be heard are two hospital matters concerning a line of credit and one concerning some funding under the state ARPA grant. Greg Revels who is the Vice Chairman addressed the Quorum about the two matters. The 1st item was the 6.25-million-dollar grant that was for equipment. That money is just to go to specially identified pieces of equipment, we have to pay those off. Some of that equipment was paid for by bond and county money, and for some of it, the hospital is going to be paying for equipment that was on leases. Revels stated that paying for the equipment that was leased will increase the hospital's cash flow for the next five years. The ARPA grant money has to go for those specific things. Out of that money, there's \$692,000 roughly that the county paid that the hospital is asking the county to allow them to pay us back that money with the hospital's ARPA money. Then for the county to turn around and give the money back to the hospital for operations. Angie Walker spoke up letting the Quorum know that the \$692,000 came from the county offsetting the sewer. She said the county had always pledged to handle the sewer part of it, but the hospital wound up paying for it. So, what happened was during the budget committee, because they had expended the \$2.1 million the county pulled over \$2.1 million worth of their expenditures and paid those for them. After further discussion between the Quorum, County Judge, County Treasurer, and the County Clerk, the 1st non-agenda item was tabled due to not having enough information on where to receive and disperse of the \$692,000. A motion was made by Angie Walker and seconded by Callie Efird. A roll call vote was taken. Yes – Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No – None. The motion passed. The 2nd non-agenda item is a resolution recommending the issuance of a \$4,500,000 hospital revenue bond. Attorney Ryan Bowman with the Friday under the Clark law firm in Little Rock presented the resolution to the Quorum. Bowman stated that the hospital board is having to come before the Quorum today to get their blessing for Sevier County Judge Sandra Dunn to move forward with the issuance of the bond. He explains what will happen to assume the Quorum agrees for the bond to be issued and when he says bond, it's because that's what the statute calls this financing, the line of credit with Farmers, is referred to it as a bond. The County Judge will need to hold a public hearing later this month on the issuance of the bond, and then there is a 30-day appeal period from the County Court Order that she would enter. At that point, the city can incur the financing through Farmers for the line of credit. It'll take 40 or 45 days to get everything done between now and Marth 30th which is the date that we would propose to close on the financing, that money would be available for the hospital to spend on operating expenses. Bowman went on to explain that the hospital board cannot go out and incur debt under our state statute because it's a county-owned facility and only the body can incur the debt is the county. He goes on to say that Dr. Steve Cole, Greg Revels, nor Lori House can go out to a bank and sign on behalf of the County. That the County Judge and County Clerk will sign things on behalf of the County. Bowman states the process is much like what we did on the sales and use tax financing except in this instance the Hospital is pledging its revenues to the debt, not a sales tax so a vote is not required and we do not have to go to the voters to ask for their approval. However, there will be a public hearing process and the County Judge can enter a County Court Order. Angie Walker asked that if the County did this, and then at the end of the time the Hospital is not able to pay that back what is held against them? Bowman stated this is only secured by Hospital Revenues, so there is no pledge of any Sales Tax Collections, Road Fund Revenues, or County General Revenues. It's what he calls a

special obligation of the county only secured by Hospital Revenues. So, if Hospital Revenues are not sufficient to repay this obligation, then the lender, or creditor in this case Farmers has no recourse against any other county revenues. Michael Barnes wanted to make sure the county wouldn't be responsible, and Mr. Bowman stated that the County would have no legal obligation. Our only obligation might be moral in that you want to make sure you don't default on an obligation of the county, but legally there is no obligation of any other revenues other than Hospital Revenues. Bowman went on to explain that this is a closed-end line of credit, so under state statutes, the law is very restrictive as it is for governmental entities, you are not able to do a revolving line of credit as an individual could. So once the hospital draws down on this \$4,500,000, they will come back before the Quorum Court to authorize this same type of financing. Angie Walker asked if the 30-day window is like an open forum where people can come in. Bowman stated that during the public hearing which is scheduled for February 27th at 9:00 in the Conference room is when the public could come and provide comments. A motion was made by Roxy Stephens and seconded by Scottie Morris. A roll call vote was taken. Yes - Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No - None. The motion passed.

3. The second agenda item is a proposed resolution adopting the Sevier County Sheriff's policy statement outlining the line of succession for the office of Sheriff and Collector in emergencies. Judge Dunn stated that the state statute requires that the Sheriff state who will fill in for him in the event of some natural disaster, which he's not able to conduct the business of Sheriff. Judge Dunn's said will this resolution will be sent to our State Department of Emergency Management. Sheriff Gentry read the resolution. A motion was made by Walter Smith and seconded by Greg Wright. A roll call vote was taken. Yes - Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No - None. The motion passed.
4. The third agenda item is a proposed resolution authorizing the County Judge to sign a contract of obligation between Sevier County and the Arkansas Department of Energy and Environment. Judge Dunn went on to explain that the Quorum adopted these back in 2022, but they need to be redone because we have a new County Judge. County Judge Dunn read the resolution. A motion was made by Greg Wright and seconded by Angie Walker. A roll call vote was taken. Yes - Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No - None. The motion passed.
5. The fourth agenda item is a proposed resolution providing authority to accept a State and Local Cybersecurity grant on behalf of Sevier County, Arkansas. Judge Dunn explained that the State of Arkansas is trying to help counties and cities prepare and avoid cybersecurity breaches. The State is providing a grant in the amount of \$33,729.00. Judge Dunn proposed that we accept the option for the state to include us in a program that they are going to develop to help teach us how to avoid cybersecurity breaches rather than develop our own. Judge Dunn read the resolution. A motion was made by Angie Walker and seconded by Greg Wright. A roll call vote was taken. Yes - Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No - None. The motion passed.
6. The fifth agenda item is an appropriation ordinance to amend the annual operation budget for 2023. This is to add funds to the capital outlay that was originally put in fund 3102 Computer Software, Support & Maintenance. County Clerk Bailey went on to explain that the money is in the budget for these expenses and that they were just budgeted in the incorrect line items. For the County to put the actual equipment into County Inventory we need to move the funds around to the correct line item. Clerk Bailey read the appropriation ordinance. A motion was made by Roger Whitmore and seconded by Roxy Stephens. A roll call vote was taken. Yes - Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No - None. The motion passed.
7. The sixth agenda item is an appropriation ordinance to amend the annual operation budget for 2023. This is to correct salaries that were not given the complete 8.5% and a mistype on the Sheriff's salary. Clerk

Bailey said the Sheriff's salary needed to be corrected due to a clerical typing issue while inputting the Sheriff's salary into the budget. So, upon passage of this appropriation, it would fix this error. Judge Dunn addressed that the OEM Director did not receive the 8.5% cost of living raise the Quorum Court had set. A discussion between members of the Quorum ensued about why the OEM was separated from other employees about the raise. A motion was made by Walter Smith to increase the OEM director's salary by 5.5% and retro back the monies owed. Judge Dunn asked if there was a second, if there's no second then it dies for the lack of a second. Motion failed. After further discussions, the resolution was read by Clerk Bailey and a motion was made by Angie Walker and seconded by Walter Smith. A roll call vote was taken. Yes – Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No – None. The motion passed.

8. The seventh agenda item is an ordinance designating the Circuit Clerk's Office as the agent to collect fines & fees assessed in circuit & chancery courts as authorized by Act 1262 of 1995. By passing this ordinance it'll move the collection of fees back to the Circuit Clerk's office instead of collecting fees from the Collector's Office. There was a discussion between Quorum, the Sheriff, and the Circuit Clerk about removing the workload from the Collector and transferring it onto the Circuit Clerk. Gentry stated that the Collector's Office would still be busy, and Smith stated that she would need to add a Deputy Clerk whose sole focus was on collecting fees. Judge Sandra Dunn read the ordinance. A motion was made by Angie Walker to suspend the rule and place it on second reading by title only. Greg Wright seconded the motion. A roll call vote was taken. Yes – Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No – None. The motion passed. Sandra read the ordinance by title only for the second reading. A motion was made by Angie Walker and seconded by Greg Wright to suspend the rule and place it on the third reading by title only. Sandra read the ordinance for the third time by title only. A roll call vote was taken. Yes – Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No – None. The motion passed. Greg Wright made a motion to approve the ordinance. The second was made by Angie Walker. A roll call vote was taken. Yes – Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No – None. The motion passed.
9. The eighth agenda item is a request for a full-time deputy Circuit Clerk's Office to be dedicated to the collection of fees, fines, court costs, and restitution. The topic of an extra deputy clerk was discussed on the seventh agenda item of the meeting. A motion was made by Greg Wright and seconded by Michael Barnes. A roll call vote was taken. Yes – Michael Barnes, Kenneth Currence, Callie Efird, Scottie Morris, Walter Smith, Roxy Stephens, Angie Walker, Roger Whitmore, and Greg Wright., No – None. The motion passed.
10. The ninth agenda item is a discussion of salary/hourly wages scheduled for 2023 by Ordinance 2022-22. Clerk Bailey address the Quorum about salaries for two new employees that were not in compliance with Ordinance 2022-22. She stated that to be able to pay these new employees at the rate the elected official assigned the Ordinance will need to be amended. There was a discussion between elected officials and the Quorum on how to move forward. After a lengthy discussion, A motion was made to Amend the hourly rate for Deputy Clerk to \$15.00 along with retro pay and to remove the Administrative Assistant's hourly rate from Ordinance 2022-22 Page 3 Section 6 2023 Base Pay for New County Employees and New Positions.

Old Business - There is no old business

Announcements - Judge Dunn informed the Quorum that at this point it doesn't look like we will have a grievance hearing. She also said that the biking trail grant was approved for \$200,000, and that group will be coming back to ask for some matching money that had been discussed a year or two ago. Judge Dunn said that it was of course up to the Quorum to decide if or how much you want it to match. Angie Walker asked how much was the match and it was a 20% match.

Adjournment - With no further business to discuss, Roger Whitmore made a motion to adjourn. The motion was seconded by Callie Efird. The motion passed with a unanimous voice vote.

Respectfully Submitted,

RENEA BAILEY

Renea Bailey
County Clerk