

Quorum Court Minutes

9/24/2018

September 24, 2018 Quorum Court Meeting

10 Justices of the Peace Present. Justice Max Render and Billie Sue Hoggard were not present.

Judge Ed Hill presided and called the meeting to order at 5:30pm.

Minutes from previous meeting were approved by Justice Weinstock and Justice Rogers.

Committee Reports: The Public Service Committee minutes were read by Justice Rogers. A copy of same is attached as ***Appendix 1***. The Finance Committee Minutes were read by Justice Weinstock. A copy of the Finance Committee Report is attached as ***Appendix 2***. The Roads and Transportation Report was read by Justice Couch. A copy of same is attached as ***Appendix 3***.

New Business: The proposed cybercrime fee ordinance brought before the Quorum Court by Deputy Prosecuting Attorney Grant DeProw during the August 27, 2018 Quorum Court meeting was further investigated. It was found that an ordinance through the Quorum Court was not necessary; therefore, Mr. DeProw withdrew his proposed Ordinance. He further advised that research continued, and the Court would be advised if it was necessary to present the ordinance at a future date. Hand outs were provided to Justices present. Same are attached as ***Appendix 4***.

With no further business to discuss, Justice Couch made motion to adjourn to committee and Justice Cline seconded the motion.

Craighead County Quorum Court Meeting
Public Service Committee
September 10, 2018
5:30 p.m.

Public Service Committee assembled after the opening of the court meeting.

Members present: Billie Sue Hoggard, and Aaron Harris, and Fred Bowers. Richard Rogers was absent.

Justice Billie Sue Hoggard called the meeting to order. There was no business for the Personnel Members and meeting adjourned at 5:45 p.m.

Minutes prepared by Jeanne Taylor

Finance Committee Meeting

September 10, 2018

Finance Committee Members present: Chair Person Justice Barbara Weinstock, Vice Chair Justice Dan Pasmore, and Justices Josh Longmire, Anthony Martin and Angela Dickson.

Others present: Al Haines, County Treasurer Terry McNatt, Collector Wes Eddington, Administrative Assistant Marvin Day, Circuit Clerk Candace Edwards, County Assessor Hannah Towell, and other guests.

Justice Weinstock called the Finance Committee Meeting to order at 5:40 PM after the full court meeting.

Administrative Assistant Day advised the committee the Little and Associates has been selected to gather information and preliminary study on costs for construction of the Crisis Stabilization Unit building. Also, a lengthy discussion concerning disposition of a proposed ordinance establishing a local Cyber Crime Fund was visited. Treasurer McNatt believes the fund should be included in the budgeting process with more transparency and the code indicates the Prosecuting Attorney would have control of the fund and have control over spending. Day and McNatt agreed to visit with prosecutor Scott Ellington to try to resolve the issue.

Finance Committee gave approval to pay less than \$1,000 to settle a lawsuit filed by Burcham concerning fees charged on drunk and disorderly arrests with no admission of liability, to save future legal costs.

County Collector Wes Eddington advised the committee that overall tax collections are up 11% above a year ago due in part to new reappraisal revenue being up. Revenue overall is trending up in tax collections.

Treasurer McNatt brought the committee update on revenues and expenditures for current 2018. He indicated to the County General and Road revenues are trending upward. He noted that the remaining Election Commission budget is below average for this time of year.

With no other business to be discussed, the meeting stood adjourned at 6:40 PM.

Craighead County Quorum Court Meeting
Road Committee
September 10, 2018
5:30 p.m.

Road Committee: Judge Ed Hill
Road Superintendent Eugene Neff

Members present: David Tennison, Max Render, Steve Cline and Terry Couch.

Committee assembled at 5:45 p.m. Projects discussed are as follows:

1. Bridge Project on Poinsett County Road finished and road is back open.
2. Asphalt paving is going well.
3. North end of Bono Lake Road construction discussed.
4. Various other road projects discussed and future bridge project discussed.

Meeting adjourned at 6:05 p.m.

Marvin Day

From: Grant DeProw
Sent: Wednesday, September 19, 2018 3:27 PM
To: Marvin Day
Cc: Scott Ellington
Subject: Cybercrime Ordinance

Marvin,

Please accept my request to withdraw my proposed cybercrime fee ordinance from the agenda at the next Court meeting. Our office is continuing to research and review the statute at issue and we will advise whether we need to present the ordinance again at a future date.

Thank you,

Grant DeProw
Chief Deputy Prosecuting Attorney
phone: 870.972.4779
mobile: 870.219.1365
gdeprow@craigheadcounty.org

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Marvin Day

From: Eddie Jones <e.jonesconsulting@gmail.com>
Sent: Monday, September 17, 2018 6:20 PM
To: Marvin Day
Subject: Re: Ark 5-4-706

Marvin,

Although I disagree with the intent of this law [I basically disagree with bypassing the county treasury] - I would let it happen as written [although loosely]. It requires nothing to establish. It is mandatory under this state law. The circuit judge must assess a fee up to \$500 for certain crimes; it will be collected by whoever is appointed in your county to collect circuit court fines, fees, costs, etc [probably your Sheriff]; and this source of revenue should be sent directly to the Prosecutor. The law does not address a Deputy Prosecutor but says the fund will be administered by the Prosecuting Attorney. This takes absolutely no action of the county or the county quorum court. It is ready to go by operation of law. If it required a county ordinance the state code would have stated such. All the elements for operation are in the state law - even though not worded as well as it should be. - EAJ

On Mon, Sep 17, 2018 at 6:02 PM, Marvin Day <mday@craigheadcounty.org> wrote:

Eddie,

It was good to visit with you last week. In reference to this law, how would you suggest that we set this process up?

Thank you for your help,

Marvin

From: Eddie Jones [mailto:e.jonesconsulting@gmail.com]
Sent: Thursday, August 23, 2018 4:42 PM
To: Mark Whitmore <mwhitmore@arcountries.org>
Cc: Marvin Day <mday@craigheadcounty.org>
Subject: Re: Ark 5-4-706

Mark and Marvin [Judge Elect Day],

This bill which became an Act and codified in law is not written well - which is not unusual.

This code does not require a county ordinance for implementation. By operation of law [5-4-706(b)] a "circuit court shall assess an additional fee of up to five hundred dollars for each applicable felony conviction.....".

The problem comes with the lack of clarity once the fee is collected. It appears that this money is to be sent to the Prosecutor for administration by him/her. Normally when a fee or fine such as this is going to be on the county books the code will go on to say that the money must be appropriated by the quorum court, etc. [such as Drug Court Revenues 16-98-304 and Circuit Court Juvenile Division Funds 16-13-326] This code does not.

Also, when collection of any fee or fine is not to go through the hands of the Treasurer the code will normally say that the particular fee or fine is to be remitted by the collector of the fee/fine and this law does not.

The default then is for every official to settle monthly with the county treasurer on moneys collected [21-6-310]. And if the Treasurer receives it then he commissions it....even if he just forwards it to the Prosecutor. A code, under current law [21-6-302] must say that the revenue is not to be commissioned or if it is revenue that the Treasurer has no authority to handle there is no commission. But this code [5-4-706] is lacking in clarity to say that the Treasurer should not handle. And, of course, there is the law on remittance of public funds that says, "All public funds coming into the possession of any officer of the county shall be remitted to the county treasury in a manner prescribed by law [14-14-1313]. This law has been ignored in recent years to allow the collecting office to remit some sources of revenue directly to the final recipient - which I have always been opposed to. There is good reason for a central depository at the county level.

But in summation, this law does not require and does not need a county ordinance for implementation. The circuit judges should have already implemented it if there have been any of the listed type felonies come before their courts. I would also add that this law does need clarification in the handling of the money. - EAJ

On Thu, Aug 23, 2018 at 3:32 PM, Mark Whitmore <mwhitmore@arcounties.org> wrote:

Eddie:

County Judge Elect Marvin Day (not Marvin Gay) has a question. Act 1009 of 2017, section 1, created the cybercrime fee under 5-4-706. Marvin says the Craighead county is going to adopt an ordinance on this fund. Can the treasurer charge a commission? The law does not reference the funds going to the treasurer but going into a special fund (no mention of going to the treasurer or general revenue). Now that read closely, looks like the money may not go into the hands of the treasurer and therefore not able to be assessed the treasurer commission, but u can better derive the intent.

He also asked can the ordinance provide for an administrative fee (I was comfortable, that the statute does not indicate an admin fee so not seeing that a county ordinance adding an admin fee being possible). Thanks in advance. Talk soon, Mark

Mark J. Whitmore

Association of Arkansas Counties

Chief Counsel

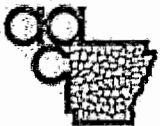
501-372-7550/office

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