

**NOTICE OF MEETING  
BENTON COUNTY QUORUM COURT  
COMMITTEE OF THE WHOLE**

**WHEN:** Tuesday, November 10, 2020

**TIME:** 6:00 P.M.

**PLACE:** Quorum Court Meeting Room  
Benton County Administration Building  
215 East Central, Suite 324  
Bentonville, AR 72712

NOTICE IS HEREBY GIVEN THAT A COMMITTEE OF THE WHOLE MEETING WILL BE HELD TUESDAY, NOVEMBER 10, 2020 AT 6:00 P.M. IN THE QUORUM COURT MEETING ROOM PER COMMITTEE CHAIR KURT MOORE

**NOTICE**

Due to health concerns related to COVID-19, and the current Federal recommendations to avoid gatherings of 10 or more people, some or all of the members of the Quorum Court, as well as County staff members, may attend meetings by phone or other remote means. That being said, the Quorum Court Room will be open for the public to attend. Those who do attend should observe the CDC recommendations concerning hygiene, the use of masks or other facial coverings, and social distancing (keeping at least 6 feet away from other persons present at the meeting). Moreover, no one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing, or coughing, or shortness of breath.

Those wishing to make public comments who do not want to attend the meeting may do so in written form, submitted to [betsy.harrell@bentoncountyar.gov](mailto:betsy.harrell@bentoncountyar.gov) by at least 4:30 p.m. on the day of the meeting and those comments will be communicated to the members of the Quorum Court and County Judge by email. Written public comments will not routinely be read at the meeting but they will be appended to the meeting minutes when approved, though the Clerk may choose instead to merely mention that a written public comment was made by an individual if the written comment is more than three pages in length. While emailed comments are encouraged, accommodation has also been made to allow Benton County citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. Those who prefer to participate in this fashion may get details about doing so by contacting the IT HelpDesk at 479-271-1711 by 4:00 p.m. on the day of the meeting. Making comments will require you to register with your name, address, phone number and email address. The pre-existing limitations (3 minutes) and procedures with respect to oral public comments will still apply.

## **PUBLIC COMMENTS:**

- Public Comments are allowed after discussion by the committee members on each item on the agenda. Public comments are limited to a total of 15 minutes for each item and are limited to three (3) minutes per person.

## **LIAISON REPORTS:**

### **AMENDED AGENDA**

- 1) Resolution Request:** Ordering a Special Election on the Question of Sunday Alcohol Sales in the City of Gentry on February 9, 2021; Sponsor: JP James Furgason
- 2) Resolution Request:** Approval of Destruction of District Court Records
- 3) Appropriation Ordinance Request:** 2021 Annual Budget;  
Sponsor: JP Susan Anglin

## **OTHER BUSINESS:**

**ANNOUNCEMENTS**

**PUBLIC COMMENTS**

**ADJOURNMENT**

**RESOLUTION NO. 20-637**

**CITY OF GENTRY, ARKANSAS**

**A RESOLUTION CALLING A SPECIAL ELECTION ON THE QUESTION OF AUTHORIZING OFF-PREMISES SALE OF ALCOHOL ON SUNDAYS WITHIN THE CITY OF GENTRY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

WHEREAS, Charles Jech and Jerah Jech have filed a petition seeking to authorize the sale of alcoholic beverages for off-premises consumption on Sundays between the hours of 10:00 a.m. and 12:00 midnight within the City of Gentry, Arkansas, pursuant to the provisions of Arkansas Code Annotated § 3-3-210; and

WHEREAS, the City Council, having previously determined that said petition was signed by at least fifteen percent (15%) of the qualified electors within the City who cast a vote in the city for the Office of Governor in the last general election, directed in Resolution 20-631 that the petition be referred to the voters at the November 3, 2020 general election;

WHEREAS, the deadline for placing items on the ballot for the November 3, 2020 general election ran prior to the passage of Resolution 20-631, thus preventing the petition from being referred to the voters at the general election;

WHEREAS, on October 5, 2020, the City Council passed Resolution 20-634, calling for the issue to be referred to the voters at a special election to be held December 8, 2020;

WHEREAS, the City has since learned that the Benton County Clerk was unable to bring the matter before the Benton County Quorum Court in time for a special election to be called on December 8, 2020, in accordance with Arkansas Code Annotated §§ 3-9-206 and 7-11-205;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENTRY, ARKANSAS:

1. The following issue shall be submitted to the electors of the City at a special election to be held February 9, 2020:

Whether to authorize the sale of alcoholic beverages for off-premises consumption on Sundays between the hours of 10:00 a.m. and 12:00 midnight within the City of Gentry, Arkansas.

2. The issue shall be placed on the ballot for the election in substantially the following form:

- FOR the off-premises sale of alcoholic beverages on Sundays in Gentry, Arkansas, as authorized by Arkansas Code § 3-3-210.
- AGAINST the off-premises sale of alcoholic beverages on Sundays in Gentry, Arkansas, as authorized by Arkansas Code § 3-3-210.

3. Said election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for in accordance with the initiative and referendum laws of this state applicable to cities, and only qualified voters of the City shall have the right to vote at the election.

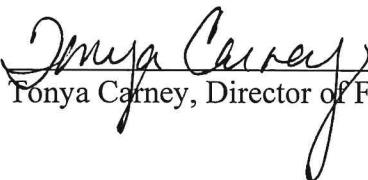
4. The results of the election shall be proclaimed by the Mayor, and his proclamation shall be published one time in a newspaper having a general circulation in the City, which proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within 30 days after the date of publication.

5. A copy of this Resolution shall be filed with the Benton County Clerk so that she may forward the matter to the Benton County Quorum Court to enter an Order calling the election and directing the Benton County Election Commission to prepare the necessary election officials and supplies.

PASSED and APPROVED this 2nd day of November 2020.

  
\_\_\_\_\_  
Kevin D. Johnston, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonya Carney, Director of Finance



**RESOLUTION NO. R 2020-\_\_\_**

**BE IT RESOLVED BY THE QUORUM COURT OF BENTON COUNTY, STATE OF ARKANSAS, A RESOLUTION TO BE ENTITLED:**

A RESOLUTION ORDERING THAT AN ELECTION BE HELD ON FEBRUARY 9, 2021 INVOLVING THE ISSUE OF THE SALE OF ALCOHOLIC BEVERAGES IN GENTRY, ARKANSAS

**WHEREAS**, the requisite number of signatures have been obtained in Gentry, Arkansas to place the issue of the sale of alcoholic beverages in certain situations on the ballot on February 9, 2021; and,

**WHEREAS**, pursuant to A.C.A. §3-3-210 the Quorum Court is required to order that the election be held.

**NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF BENTON COUNTY, ARKANSAS:**

**ARTICLE 1.** That the Benton County Quorum Court hereby adopts the order attached hereto regarding said election and directs that such be published in accordance with law.

APPROVED:

\_\_\_\_\_  
BARRY MOEHRING, COUNTY JUDGE  
DATE SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
BETSY HARRELL, COUNTY CLERK

Sponsor: JP James Furgason

Date Adopted: \_\_\_\_\_

Votes For: \_\_\_ Votes Against: \_\_\_\_\_

Abstain: \_\_\_ Present: \_\_\_ Absent: \_\_\_\_\_

**ORDER**

**The Benton County Quorum Court hereby orders that the Benton County Election Commission hold an election on the issue of the Sunday sale of alcoholic beverages for off premises consumption in the City of Gentry, Arkansas on February 9, 2021.**

**This Order shall be published in a newspaper of general circulation in the county by at least two insertions, the last being not less than ten days prior to the election.**

**BARRY MOEHRING, COUNTY JUDGE**

**DISTRICT COURT OF BENTON COUNTY, ARKANSAS**  
**BENTONVILLE DIVISION**  
2706 SOUTH WALTON BLVD.  
BENTONVILLE, AR 72712

**Ray Bunch**  
District Court Judge

Court Clerk (479) 271-3120  
Fax: (479) 271-3134

## Memo

To: City Council, Mayor Orman  
From: Jennifer Jones  
Date: July 15, 2020  
Re: City Council approval of Affidavit of Destruction of District Court Records

The Bentonville District Court would like to clear out some of the items being currently stored in their sally port. This consists of approximately forty four (44) boxes containing old citation books, receipts, receipt books and financial records.

All of the items in questions have previously been through the auditing process. The items all fall outside of the period for which they must be kept according to the governing statute, a copy of which is attached. District Court is requesting approval to shred the items listed which will make room for other records that are still within the required period for retention.

Should you have any questions regarding this request please feel free to call me at 479-271-5923. Alternatively, you may email me at [jenniferj@bentonvillar.com](mailto:jenniferj@bentonvillar.com) .

## MEMORANDUM

TO: Quorum Court members  
for November Committee of the Whole  
CC: Judge Moehring, Betsy Harrell, County Clerk  
FROM: George Spence  
DATE: October 12, 2020  
RE: Destruction of District Court records

Attached are some documents I recently received from the Bentonville District Court Clerk. She is wanting/needing to destroy some old records and the statutory process requires she get approval from the governing bodies that contribute to the Court's budget.

Attached is her memo to the Bentonville City Council that has already approved the destruction, along with a copy of the statute and the affidavit she has signed which details what will be destroyed.

I have drafted an appropriate resolution to adopt, although all that is required is a record of approval of the action in the minutes, so you could ignore the resolution and simply adopt the following motion: "I move that the Bentonville District Court Clerk be approved to destroy the records as detailed in the affidavit of the Court Clerk presented to the Quorum Court and that such affidavit be included with the minutes."

Please contact me if you have questions, as I likely will not be able to be present for the Committee of the Whole meeting.



## 16-10-211. Record retention schedule.

(a) All towns, cities, and counties of the State of Arkansas shall maintain records for the district courts and are to:

(1) Permanently maintain:

(A) Case indices for all district courts;

(B) Case dockets for all district courts;

(C) Active warrants;

(D) Waivers;

(E) Expungement and sealed records;

(F) Files concerning convictions under the Omnibus DWI or BWI Act, § 5-65-101 et seq.; and

(G) Domestic battering files;

(2) Maintain for a period of at least seven (7) years and in no event dispose of before being audited:

(A) Complete case files and written exhibits for all district courts, not including civil or small claims division cases in which the judgment is not satisfied;

(B) Show cause orders;

(C) Case information, including arrest reports and affidavits; and

(D) Files concerning cases resulting in a suspended imposition of sentence; and

(3) Maintain for a period of at least three (3) years and in no event dispose of before being audited:

(A) Bank reconciliations;

(B) Check book registers and check listings;

(C) Cancelled checks;

(D) Bank statements;

(E) Receipts;

(F) Deposit collection records;

(G) Receipts listings;

(H) Distribution reports;

(I) Receipt and disbursement journals;

(J) Time payment records;

(K) Citation book logs;

(L) Citation books from each police department and sheriff's office;

(M) Served, recalled, or quashed arrest warrants;

(N) Copies of citations;

(O) Alternative service or community service time sheets;

(P) Uniform filing fees collection remittance forms and fine reports;

(Q) Miscellaneous fee and fine collection reports; and

(R) Served or unexecuted search warrants.

(b) After a town, city, or county has maintained records for the time periods required by subdivision (a)(2) or subdivision (a)(3) of this section and after the records described in subdivision (a)(2) or subdivision (a)(3) of this section have been audited, the records may be destroyed.

(c) When records are destroyed under subsection (b) of this section, the town, city, or county shall document the destruction by the following procedure:

(1) An affidavit is to be prepared stating:

(A) Which records are being destroyed and to which period of time the records apply; and

(B) The method of destruction; and

(2) The affidavit is to be signed by the town, city, or county employee performing the destruction and one (1) employee of the governing body or, if applicable, governing bodies that contribute to the expenses of the court.

(d) In addition to the procedure described in subsection (c) of this section, the approval of the governing body or, if applicable, governing bodies that contribute to the expenses of the court shall be obtained before the destruction of district court records and an appropriate note of the approval indicated in the minutes of the governing body or bodies along with the destruction affidavit.

**RESOLUTION NO. R-2020-\_\_\_\_\_**

BE IT RESOLVED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS A RESOLUTION TO BE ENTITLED:

**A RESOLUTION APPROVING THE DESTRUCTION OF DISTRICT COURT RECORDS**

WHEREAS, the Clerk of the Bentonville Division of the District Court of Benton County has requested approval to destroy certain outdated records, and

WHEREAS, the Clerk has provided an affidavit of the records she proposes be destroyed which is attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED BY THE QUORUM COURT OF BENTON COUNTY, ARKANSAS:

Section 1: That the destruction of the records described in Exhibit "A" are hereby approved.

APPROVED:

\_\_\_\_\_  
BARRY MOEHRING, COUNTY JUDGE

DATE SIGNED \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
BETSY HARRELL, COUNTY CLERK

Sponsor: \_\_\_\_\_

Date Adopted \_\_\_\_\_

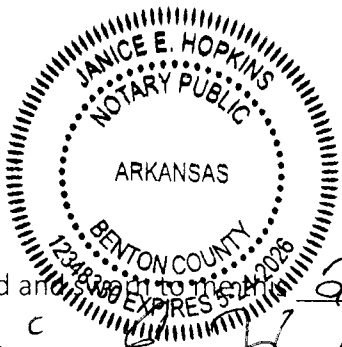
Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_

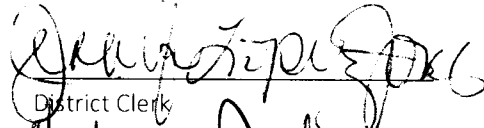

Abstain: \_\_\_\_\_ Present: \_\_\_\_\_ Absent: \_\_\_\_\_

## AFFIDAVIT OF DESTRUCTION OF DISTRICT COURT RECORDS

I, Jennifer Lopez-Jones, do hereby certify that the following records of the Bentonville District Court, have been retained for at least the three (3) years as specified Under Arkansas Code Ann. 16-10-211 and have been audited as required by law. The records listed below, covering the time period stated, are to be destroyed on or after August 15<sup>th</sup>, 2020 by burning/shredding said records.

TYPE OF RECORD	TIME PERIOD
Bank reconciliations	
Check book registers and check listings	
Cancelled checks	
Bank statements	
Receipts & Receipt books	1997-2016
Deposit collections records	
Receipts listings	
Distribution reports	2000-2009
Receipts & disbursement journals	2000-2009
Time payment records	
Citation book logs	
Citation books from XNA Police Department	2000-2003
Citation books from Bella Vista Police Department	2007-2015
Citation books from Bentonville Police Department	2007-2013
Uniform filing fee and fines remittance forms & fine report	2000-2009
Miscellaneous fee and fine collection reports	2000-2009



  
 District Clerk  
  
 City Council Member

Subscribed and sworn to me this 28<sup>th</sup> day of July, 2020.

  
 Notary Public

\_\_\_\_\_  
Quorum Court Member

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**APPROPRIATION ORDINANCE NO. O-2020-\_\_\_**

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON,  
STATE OF ARKANSAS, AN APPROPRIATION ORDINANCE TO BE ENTITLED:

AN APPROPRIATION ORDINANCE TO ESTABLISH THE BENTON  
COUNTY ANNUAL OPERATING BUDGET FOR THE CALENDAR YEAR  
2021

ARTICLE 1. ANNUAL BUDGET ADOPTED BY REFERENCE. The annual budget for calendar year 2021, consisting of five (5) separate documents as listed below is hereby adopted by reference. A copy of said budget shall be filed in the Office of the County Clerk and shall be available for inspection and copying by any person during normal office hours.

- A. Schedule 1 – 2021 Revenues by Fund
- B. Schedule 2 – 2021 Summary of Expenditures by Fund, Department, & Category
- C. Schedule 3 – 2021 Budget Recapitulation by Fund
- D. Schedule 4 – 2021 Personnel and Compensation Authorization with Salary Range Pay Scale attached
- E. Schedule 5 – 2021 Expenditure Appropriations by Department/Fund

ARTICLE 2. NONRESTRICTED EXPENDITURE CATEGORIES. Expenditures of funds appropriated by this Appropriation Ordinance will not be restricted to line item expenditure codes comprising the five major categories of expenditures - Personnel Services, Supplies, Other Services and Charges, Debt Service, and Capital Outlay, but may not exceed the total amount appropriated for the category as specified by this appropriation ordinance, or amendments hereto.

ARTICLE 3. EXPENDITURES RESTRICTED TO SPECIFIED FUND. No expenditure of appropriated funds will be made from any fund other than the fund specified in this Appropriation Ordinance or amendments hereto.

ARTICLE 4. TRANSFERS. Any transfers of monies between the various funds of the County and the expenditure categories of Personnel Services, Debt Service, and Capital Outlay will be made only with prior approval of the Benton County Quorum Court. Any transfer of monies between two of the five major categories of expenditures (Supplies and Other Services and Charges) may be made at the discretion of the elected official or designated representative, and the County Judge by issuance of an Administrative/Court Order. Provided, however, all transfers budgeted for in the annual budget will be exempt from the provisions of this section.

ARTICLE 5. MAXIMUM APPROPRIATED AMOUNTS. The maximum appropriated amount for the various funds and the projected revenues for each are shown on the Schedules and Recapitulation sheets included in this Appropriation Ordinance.

ARTICLE 6. PERSONNEL AUTHORIZATION AND RATES OF PAY. Personnel expenditures shall not exceed the dollar amounts, number of employees, salary or wage rates specified in this Appropriation Ordinance or amendments hereto.

For the 2021 budget year only. This year's merit raise allocation is set at 3% merit with an overall cap of 5%. The employee's annual rate of pay will be increased only up to the maximum of the salary range.

ARTICLE 7. SEVERABILITY. If any provision of this Appropriation Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications of the Appropriation Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Appropriation Ordinance are declared to be severable.

APPROVED:

\_\_\_\_\_  
BARRY MOEHRING, COUNTY JUDGE

DATE SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
BETSY HARRELL, COUNTY CLERK

SPONSOR: JP Susan Anglin

DATE ADOPTED: \_\_\_\_\_

Votes For: \_\_\_\_\_ Votes Against: \_\_\_\_\_

Abstain: \_\_\_\_\_ Present: \_\_\_\_\_ Absent: \_\_\_\_\_