

VAN BUREN COUNTY QUORUM COURT

RESOLUTION NO. 2014-22

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

A RESOLUTION FOR THE GOVERNOR AND GENERAL ASSEMBLY TO IMMEDIATELY REMEDY STATE CORRECTIONS UNFUNDED MANDATES.

WHEREAS: Under the Arkansas Constitution and laws of Arkansas the General Assembly and Quorum Court for each County in Arkansas are each duty bound to adopt annual budgets for the anticipated annual expenses of the state and county governments, respectively;

WHEREAS: there are approximately 2,300 state inmates being held in county jails throughout Arkansas, more than the largest state prison (and this is despite the General Assembly appropriating in excess of 6 million dollars to the Department of Corrections to hold more state prisoners);

WHEREAS: over 25% percent of our county beds statewide are being used to hold state prisoners;

WHEREAS: the General Assembly appropriated and funded only \$9 million dollars under category "A" for payment of county jail reimbursement (which at @ \$28 per day for 365 days would only pay for 880 state inmates for the current state fiscal year, FY 2015);

WHEREAS: county jail reimbursement for FY 2015 will far exceed the \$9 million dollars appropriated and funded under category "A" and the State of Arkansas currently owes counties in excess of 5 million dollars for county jail reimbursement;

WHEREAS: reasonable estimates of the total jail reimbursement necessary for payment to counties for 2,300 state inmates held in county jails for fiscal year FY 2015 (July 1, 2014 to June 30, 2015; @\$28 per day for 365 days) would exceed \$23 million dollars;

WHEREAS: continued delay in payment of jail reimbursement until calendar year 2015 creates an unnecessary and severe economic hardship on county governments and local taxpayers in Arkansas;

WHEREAS: it is well documented that counties are reimbursed only \$28 per day for state inmates which is on average statewide \$17 per day per prisoner shy of what is actually costs which has inflicted a state-created UNFUNDED MANDATE upon county governments and local taxpayers in excess of \$18 million dollars for holding state prisoners over the past year;

WHEREAS: local budgets are substantially and unnecessarily burdened by increased costs for food and medical care, inmate clothing, wear and tear on facilities and equipment;

WHEREAS: the loss of fines, court costs and restitution also places additional unnecessary financial strain on our county governments and increases lawlessness;

WHEREAS: the Sheriffs of Arkansas have determined that our county jails statewide can hold collectively 1,600 inmates and a cap should be set and respected by the state in order to secure public safety;

WHEREAS: the prolonged unprecedented overcrowding and long-term detention of convicted felons in our local jails creates an unnecessary danger to the public, prison staff and inmates.

WHEREAS: many of our county officials, law enforcement officers, prosecutors, district judges and circuit judges see first-hand the revolving door of misdemeanor violators and deterioration of law and order in our communities that has been caused by the unprecedented county jail back up of state prisoners in our county jails;

WHEREAS; protecting Arkansas communities is at issue and the safety of our citizens should be a funding priority for our state officials;

WHEREAS; various quorum courts throughout Arkansas have adopted annual budgets anticipating and relying upon the State of Arkansas to fulfill the Constitutional obligation to promptly pay its just debts for housing state inmates in county jails;

WHEREAS: county governments local communities and local taxpayers can no longer afford to suffer these unnecessary state-created inflictions of economic harm and social disorder;

WHEREAS; *it is vital that the State of Arkansas take responsibility for their inmates and discharge the paramount duty under the Arkansas Constitution and laws of Arkansas to protect the public and provide for the detention of convicted felons;*

NOW THEREFORE THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS, HEREBY RESPECTFULLY REQUEST THE GOVERNOR TO CALL A SPECIAL SESSION OF THE GENERAL ASSEMBLY TO AMEND THE APPROPRIATION AND FUNDING OF COUNTY JAIL REIMBURSEMENT TO PROVIDE FOR THE IMMEDIATE PAYMENT OF THE ANTICIPATED SHORTFALL BETWEEN THE SUM OF \$9 MILLION DOLLARS APPROPRIATED AND FUNDED UNDER CATEGORY "A" AND THE ANTICIPATED COSTS TO THE COUNTIES IN ARKANSAS FOR THE REMAINDER OF FY 2015 AT THE DOCUMENTED STATEWIDE AVERAGE COST OF HOUSING A PRISONER IN AN ARKANSAS COUNTY JAIL OF \$45.00 PER DAY; TO IMMEDIATELY IMPLEMENT THE 1,600 THRESHOLD PREVIOUSLY DETERMINED BY THE SHERIFFS OF ARKANSAS TO

ALLOW USE OF OUR LOCAL JAILS FOR HOLDING MISDEMEANOR OFFENDERS; AND TO IMMEDIATELY APPROPRIATE ADEQUATE FUNDS NECESSARY FOR A CONTRACTOR OR CONTRACTORS TO HOLD STATE PRISONERS IN EXCESS OF THE STATEWIDE THRESHOLD OF 1,600 DETERMINED BY THE SHERIFFS OF ARKANSAS; AND TO OTHERWISE SECURE THE PUBLIC SAFETY AND IMMEDIATE CEASE INFLECTION OF AN \$18 MILLION DOLLAR UNFUNDED MANDATE UPON LOCAL GOVERNMENTS AND TO LOCAL TAXPAYERS;

THIS RESOLUTION ADOPTED IN REGULAR SESSION THIS 16th DAY OF OCTOBER, 2014

APPROVED: *Roger W. Hooper*
Roger Hooper, County Judge

ATTEST: *Bobbie Bennett*
Bobbie Bennett, County Clerk



C201400089

VAN BUREN CO, AR FEE \$0.00

PRESENTED: 10-17-2014 11:25:46 AM

RECORDED: 10-17-2014

BOBBY BENNETT
COUNTY CLERK

BY: JEANNIE HORTON
DEPUTY CLERK

BK: JORR G

PG: 108-111