

# Justices Of The Peace Explain Duties

## Position Name Confuses Many Residents

Last updated Saturday, November 25, 2006 10:40 PM CST in News

By Wanda Freeman  
Times Record

FORT SMITH -- What does a justice of the peace do? A reader of the Times Record recently asked that question, and several local justices of the peace answered.

Two Sebastian County justices of the peace think people are rightly mystified by the name. Unlike the titles mayor, governor, circuit judge or sheriff, "justice of the peace" doesn't convey a clear image of the job, they contend.

"We don't keep justice or make peace," quipped Leo Faulkner, District 6 justice of the peace.

"Our main function, more realistically, is that of a county legislator. It parallels what state legislators do. They appropriate money for the state, and we do it for the county. All the monies for the county are appropriated by the Quorum Court," Faulkner said.

Like Faulkner, District 8 Justice of the Peace Don Carter thinks the job title confuses people: "We should be called administrators, or commissioners. Something people would understand better."

"Each county office prepares a budget ... and they submit it to the county judge," Faulkner said. "By state law, we appropriate 90 percent of anticipated income. We do this quarterly, based on estimated taxes. We're very conservative in Sebastian County."

Faulkner said the Quorum Court's fiscal conservatism enabled it to finance the building of the county jail and its \$40 million expansion as well as the planned new courts building.

"We're not allowed deficit spending. ... As long as I've been there, we've never been short," said Faulkner. As the county's representative to the Arkansas Association of Counties, Faulkner said he knows other counties are not so well situated.

"I had one county telling me they had to borrow money to make payroll," he said.

To defend against unexpected contingencies, such as a spike in heating costs that once caused the courthouse to go \$60,000 over budget, he said the justices of the peace put \$100,000 in reserve at the first of every year.

Carter said the Quorum Court appropriates money in response to departmental needs.

"The elected officials let us know what they need to satisfy the public. The Sheriff's Office is the biggest department we have," he said.

Faulkner said the jail's operating budget runs about \$4.5 million to \$5 million a year. The 1,400-acre Ben Geren Regional Park, which he said is the state's biggest publicly owned park, operates on about \$1 million a year.

"That's a real asset to the public. And it's a money-maker," he said of the park.

The Quorum Court is responsible for ambulance service, the rural fire department and county roads, for which the county bought its own asphalt machine. Faulkner said 93 percent of the county's roads are

paved, and the other 7 percent are unpaved because the residents didn't want to pay for the easements.

Faulkner, whose district is in Fort Smith city limits, said he sometimes hears criticism from rural county residents, but he thinks the complaints are misplaced.

"I've heard folks say 'You guys don't do anything for us.' But we do everything for the rural and small-town constituents. The county has not spent one penny in my district. In one sense, why are we there? We don't do anything for the city," he said.

In Sebastian County, the Quorum Court consists of 13 justices of the peace, a number based on county population. They serve two-year terms, with no term limits.

Faulkner estimated he has served as a justice of the peace for about 25 years. Carter estimated a total of 30, with a break after he lost an election by 40 votes, then reclaimed it by 40 votes from the same opponent the next term. Tom Craft, District 10 justice of the peace, said he finishing his 14th year on the Quorum Court.

Craft said Quorum Court members meet every month by law and attend several "called" meetings as well. A typical monthly meeting includes an executive report and reports from the county treasurer, the sheriff's office and the regional park board as well as special reports, he said. He said a recent agenda included reports and presentations by Fort Chaffee, the National Guard and the district Game & Fish Commission, plus appropriation of school millages.

"We're overseers of all that. We have to watch out for the balance," Craft said.

Although Quorum Court meetings are open to the public, Faulkner said, few people attend.

"Except once, when they were messing with the golf course (at Ben Geren), changing tee times. I got more calls on that than anything in all the years I've been on the court," he said.

When they're not overseeing the bottom line, some justices of the peace officiate over nuptials. Craft serves on-site or on-call at the courthouse on alternate Fridays.

Carter does the same and is also available most other days. He said Sebastian County attracts a large number of couples from Oklahoma because it requires no blood test or waiting period. Couples can obtain a marriage license and be married minutes later.

Sometimes couples don't show up after Carter has made a trip to the courthouse for them. But on popular days for weddings, business is brisk enough to keep two or three officiants busy.

"I've seen 45 couples show up on Valentine's Day," Carter said.