

MINUTES
BRECKINRIDGE COUNTY FISCAL COURT
Regular Meeting
Monday, October 12, 2009
10:00 A.M.

RE: Call to Order

After leading in the Pledge of Allegiance and a word of prayer, Judge Powers called to order the regular meeting of the Breckinridge County Fiscal Court at 10:00 A.M. at the Courthouse Annex.

Present: Ray Powers, County Judge/Executive
James Henning, Magistrate, District 1
Danny Gedling, Magistrate, District 2
Charlie Hay, Magistrate, District 3
Ronnie Robinson, Magistrate, District 4
Sam Moore, Magistrate, District 5
Joe O'Donoghue, Magistrate, District 6
Bradley Butler, County Attorney
Todd Pate, Sheriff

Staff: Kathina Bell, Fiscal Court Clerk
Sherrie Ashley, County Treasurer
Odessa Hobbs, Finance Officer
Michelle Valora, Finance Officer
Ernie Nix, Road Foreman

RE: Minutes – September 28, 2009

Judge Powers made a motion to approve the September 28th Minutes as submitted by Fiscal Court Clerk, Kathina Bell and Esquire Moore seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Welcome Guests

After welcoming the guests who were present at the Fiscal Court Meeting, Judge Powers opened the floor to the guest who had signed the guest comment sheet.

Joe Wheeler, Fire Chief at Stephensport VFD addressed the Court regarding the fire dues ordinance. He stated that he was in full support of the fire dues ordinance and thought it was a great idea. Judge Powers thanked Mr. Wheeler for his concerns and comments.

Judge Powers added that he had received a Letter of Support from the area VFD fire chiefs in the county for the fire dues ordinance with the exception of McDaniels VFD and from his understanding they are in support of the ordinance but have not had the opportunity to sign.

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Rick Hawkins addressed the Court regarding the insurance premium tax. He stated that he disagrees with the political posturing statement and felt the Court was only doing what they had promised and voiced concerns about finding a way to rescind the insurance premium tax. Rick added that he feels residents would be intimidated into believing that the \$40 fire dues was part of the property tax bill and if not paid a lien would be placed on their property. He inquired if each fire department would receive their fire dues accordingly and asked if the sheriff's department would add additional fees to collect the fire dues and as a tax payer he was against the ordinance. Rick further added that if the county was paying an auditor yearly to audit the counties finances how were these penalties and interest overlooked and did the auditors have any responsibilities and would the tax payers be responsible for paying these fines. Judge Powers thanked Mr. Hawkins for his concerns and comments.

Judge Powers stated that he was still in favor of rescinding the insurance premium tax if the county could find a way to replace the funds and he believes that yes in his opinion this was political posturing. Judge Powers explained that he understands Mr. Hawkins concerns about the fire dues ordinance. However, this will only be a different billing process and residents have the option to opt-out. Judge Powers further explained that the state audits once every four years and they hire subcontractors to perform the other audits. They each have different practices and principals they follow and that the state audit was very thorough. Judge Powers added that we are currently working on reimbursements through errors and omissions insurance and that part of the penalties had been taken care of but they will not abate the interest.

Mr. Earl Newby addressed the Court regarding when repairs would be scheduled for Newby Lane. Judge Powers explained that we were waiting to hear from the insurance company but that we should get the damages taken care of in the next two weeks. Judge Powers thanked Mr. Newby for his concerns and comments.

Judge Powers once again thanked the guests for their concerns and comments.

RE: Transfers

Esquire Robinson moved, seconded by Esquire Henning, to approve the October 12th Transfers as submitted by County Treasurer, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "A-101209"

RE: Claims

Esquire Henning moved, seconded by Esquire Moore, to approve the Claims and one additional claim as submitted by Finance Officer, Odessa Hobbs. Esquire Gedling

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inquired about a claim on page 2 of 3 in the General Fund for conference rooms. Judge Powers stated that this was for governor's local issues conference and emergency management conference. Esquire Hay inquired about the claims for euthanization to Burke Veterinary Services and asked where we stood at this point on the purchase of an incinerator. Judge Powers stated that he had discussed the incinerator with Animal Control Officer, Mike Picente and that a vault would need to be purchased to safely store the chemicals. Subsequent to discussion, Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "B-101209"

OLD BUSINESS

RE: Fire Dues Ordinance

Judge Powers inquired if any members of the Court had any questions that had not yet been answered regarding the fire dues ordinance. Judge Powers asked PVA, Dana Bland if the fire dues would be directed to each fire department accordingly. Dana explained that each fire department had a code and would receive their fire dues accordingly.

Esquire Henning inquired if there was any other way to prevent a person who owns 10 parcels of land from receiving a \$400 fire due on their property tax bills other than to opt-out. Judge Powers inquired if the property owner could consolidate their tax bills and only receive one fire due. Dana explained to the Court that it would be very difficult to combine all parcels of land into one property tax bill.

Subsequent to brief discussion, Judge Powers made a motion to remove from the proposed ordinance, no membership charge (\$0) to any property owner of an unimproved lot of Three (3) acres or less and Esquire Robinson seconded. Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES O'DONOGHUE, MOORE, ROBINSON AND HAY VOTING AYE AND ESQUIRES GEDLING AND HENNING VOTING NAY (5-2). Motion carried

Esquire Hay made a motion to include a one time opt-out form to be included with the property tax bills and Esquire Robinson seconded. Subsequent to brief discussion Esquire Hay withdrew the motion.

Subsequent to brief discussion, Esquire Hay made a motion for the Sheriff's department to include each year with the property tax bills an opt-out form and Esquire Robinson seconded. Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES O'DONOGHUE, MOORE, ROBINSON, HAY AND HENNING VOTING AYE AND ESQUIRE GEDLING VOTING NAY (6-1). Motion carried.

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County Attorney, Bradley Butler informed the Court that the proposed ordinance states that the Sheriff shall receive from the proceeds of all membership charges and subscriber fees collected, a sum not to exceed four (4%) percent of the total amount collected and that he would change the proposed ordinance to state a sum of four (4%) percent of the total amount collected.

Esquire Henning suggested that within the next month the Fiscal Court hold a Town Hall Meeting to receive public input regarding the proposed fire dues ordinance. Subsequent to lengthy discussion, Judge Powers made a motion to table the fire dues ordinance discussion until the next Fiscal Court meeting and Esquire Henning seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

NEW BUSINESS

RE: 2nd Reading Ordinance No. 2009-0928, Budget Amendment

Esquire Henning moved, seconded by Esquire Moore, to approve 2nd Reading of Ordinance No. 2009-0928, an ordinance of the Breckinridge County Fiscal Court relating to the annual budget and amendment thereof: to increase receipts of the General Fund, account code 01-4510, State Grants by \$7,000.00 to include unbudgeted receipts and to increase expenditures of the General Fund, account code 01-8099-7420, Buildings and Construction by \$7,000.00 to include the unbudgeted expenditure within the adopted 2009-2010 FY Budget. The amounts adjusting the receipt and expenditure accounts are for governmental purposes. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "C-101209"

RE: FY 2007-2008 Fiscal Court Audit

Judge Powers explained to the Court that he had received the audit in the office Friday and Crit Luallen's Office released the audit online that following Tuesday. Judge Powers added that Charlene Daniels, Manager with the State Auditor's office was present to answer any and all questions that the Fiscal Court members may have. Judge Powers inquired if Charlene could explain to the Court how the penalties and interest were missed for so many years. Charlene explained that this was found in the payroll revolving account by performing cash procedures.

The auditors who actually performed this audit completed a proof of cash. In a proof of cash twelve months of bank statements are reviewed and in doing this things did not look correct. When noticed they looked further and this was how it was discovered. Charlene stated that all payments and filing of reports for the payroll account were made months late which resulted in penalties and interest incurred.

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Subsequent to explanation and discussion regarding comments and recommendations, Esquire Henning moved, seconded by Esquire Moore, to approve the FY 2007-2008 Fiscal Court Audit. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "D-101209"

RE: Waterline Project US60-Webb Road

Ashley Willoughby with Lincoln Trail Area Development District gave a brief update to the Court regarding the waterline project for the US60-Webb Road. He added that the waterline extension was making progress weather permitting and stated that any resident who wanted water was urged to apply at this time.

RE: Bids, Cloverport VFD

Judge Powers opened and stated the amount of each of the two bids for the Cloverport VFD 1977 Chevy Pumper Truck VIN # CKL337B154018. Dennie Armes submitted a bid in the amount of \$1313.13, and Albert Allen submitted a bid in the amount of \$500.00. Subsequent to discussion, Esquire Gedling moved, seconded by Esquire Hay, to accept the bid submitted by Dennie Armes in the amount of \$1313.13. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: McDaniels VFD, surplus

Esquire O'Donoghue moved, seconded by Esquire Moore, to declare the McDaniels VFD 1979 Model LN 700 VIN # N71CVFG5779 fire truck as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Health Board Tax Rates

Subsequent to discussion, Esquire Gedling moved, seconded by Esquire Robinson, to approve the public health tax rates for the year 2009 at the rate of 3.00 cents per \$100 of the assessed valuation of all real property; and at the rate of 3.00 cents per \$100 of the assessed valuation of all personal property; and at the rate of 3.00 cents per \$100 of the assessed valuation of all motor vehicles in Breckinridge County as of January 1, 2009. The motor vehicle tax rate will be applicable to calendar year beginning January 1, 2010. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "E-101209"

RE: Treasurer's Report

Esquire O'Donoghue moved, seconded by Esquire Moore, to approve the October 12th Treasurer's Report as submitted and explained by County Treasurer, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "F-101209"

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RE: Road Foreman’s Report

Road Foreman, Ernie Nix explained to the Court that the Road Department staff had been chip and sealing, grading and was on their third trip around the county with the bush hogs. Foreman Nix added that they had started patching at the fairgrounds, airport and the Cloverport boat ramp. Judge Powers stated that the patching would be reimbursed by FEMA. Foreman Nix informed the Court that he had received several phone calls regarding heavy rain from this past weekend that had washed dirt into the roadways causing them to be slick from waterlines being laid. Foreman Nix inquired if personal easements could be given due to problems created from insufficient room to construct waterlines on county right of ways. Judge Powers explained the progress of county roads shown in the chart below. Approximately 2-3 miles of roads are combination of asphalt and gravel.

	<u>2007</u>	<u>2009</u>	<u>Net Gain</u>
ASPHALT	216.12	245.27	29.07
CHIP/SEAL	59.15	124.49	65.34
GRAVEL	286.03	189.86	96.17

Subsequent to discussion, Esquire Hay moved, seconded by Esquire Robinson, to approve the Road Foreman’s Report as explained by Road Foreman, Ernie Nix. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: One Call Now

Esquire Gedling inquired about the One Call Now weather alert and stated that he felt it was not working correctly. Subsequent to discussion, Judge Powers explained that he was aware of the situation and had been in contact with the company.

RE: Mack Trucks

Esquire O’Donoghue inquired about the Mack Truck sale. Judge Powers explained that he was still in discussion and he felt that it was not a good time to sell the trucks because we were only guaranteed 91% and in the past we were guaranteed 97%. Esquire O’Donoghue inquired if we would still be guaranteed 91% in one year. Judge Powers stated that he was told to hold the trucks until March. Subsequent to discussion, Judge Powers added that he had requested a contract and still had not received one.

RE: Appointment: Animal Shelter Assistant, Stephanie Smith

Subsequent to discussion, Esquire Robinson moved, seconded by Esquire Henning, to hire Stephanie Smith as a full time Animal Shelter Assistant at an hourly rate of \$8.00 pending pre-employment drug testing, physical and background check. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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RE: Announcements

Judge Powers congratulated the Breckinridge County High School Archery Team for placing second in the world at the first annual National Archery in Schools Program Tournament.

Esquire Robinson thanked Road Foreman Ernie Nix for the paving work completed on Mount Merino Cemetery Lane.

RE: Adjournment

Esquire O'Donoghue moved, seconded by Esquire Hay, to adjourn this meeting at 11:44 a.m. with no further business to come before it. Judge Powers called for a vote on the motion, ALL PRESENT VERBALLY VOTING AYE (7-0).

Clerk Certification

I, Kathina Bell, having been appointed to the office of Fiscal Court Clerk, do hereby certify that this is a true and accurate record of the actions taken by the Breckinridge County Fiscal Court at the meeting of October 12, 2009.

Kathina Bell, Fiscal Court Clerk

Date: October 22, 2009