

**Minutes
Grant County Fiscal Court
September 8, 2015
6:00 P.M.**

CALL TO ORDER

Judge Wood called to order the September 8 meeting of the Grant County Fiscal Court and advised inasmuch as there were three members of the court present, the court was legally constituted to do business.

Those in attendance were:

Judge/Executive Stephen Wood, Magistrates Jacquelyn Riley, Bobby Newman and Shawna Coldiron, County Attorney Joe Taylor, Deputy Judge Scott Kimmich, Deputy Sheriff Mike Webster.

Guests were: Susan Nimersheim (Grant County Librarian), Bob Hall, Vance Mitchell (Trace Construction), Josh Shuster and Eric Chambers (Brandstetter Carroll), Thomas Neinaber (Attorney representing the County in litigation), Mattie Gutman, and Carol Moss.

INVOCATION AND PLEDGE OF ALLEGIANCE

Judge Wood called forward Doug Miller, Pastor, Crittenden Baptist Church, to offer the invocation after which Judge Wood led in the Pledge of Allegiance.

REVIEW AND APPROVAL OF THE AGENDA

Judge Wood advised the magistrates, that he would respectfully request the indulgence of the court in asking for approval of the agenda this evening with authorization to move the Executive Session on the Agenda dependent upon time, based on the need of third party counsel who needs to address the court in Executive Session concerning pending litigation.

Magistrate Coldiron moved approval of the agenda and Magistrate Riley seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

APPROVAL OF THE MINUTES

Judge Wood presented the Minutes of the Meeting held August 17, 2015 for approval. Magistrate Coldiron moved approval of the minutes and Magistrate Riley seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

DELEGATIONS:

Judge Wood advised there were no delegations scheduled to appear before the court.

EXECUTIVE ORDERS:

Judge Wood presented Order 15-57 providing for the appointment of Mattie Gutman as Director

of Recreation and Community Outreach, a full-time, at will position, with an annualized salary of \$34,000.

Judge Wood spoke of Mrs. Gutman's qualifications and Mrs. Gutman addressed the court as to her vision and leadership style.

Magistrate Riley said she feels the county has slipped in the area of parks and recreation and looks forward to Mrs. Gutman getting started in her new role.

Magistrate Coldiron moved approval of Mrs. Gutman's hiring and Magistrate Riley seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

FISCAL MATTERS:

Claims List-

Judge Wood presented the claims list dated September 8, 2015 against the General, Road, and Jail Funds.

Magistrate Riley moved approval of claims lists and Magistrate Coldiron seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

Transfer Order-

Judge Wood presented the Transfer Order for consideration of the court. Magistrate Coldiron moved approval of the Order and Magistrate Riley seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

Voided Check-

Judge Wood presented for acknowledgement that check #014432 drawn on the Road Fund has been voided due to the fact the check was prepared but not mailed to wrong vendor.

Treasurer's Cash Position Report-

Judge Wood presented the Treasurer's Cash Position Report for August 31, 2015

Judge Wood explained the county's aggregate cash position is down by \$832,353.07. He said it should be noted that of this amount, \$500,000 was a certificate of deposit cashed in and placed in the road and jail funds to cover ongoing operations in August of last year.

Judge Wood stated that to date the county has not borrowed against or cashed in the Certificates of Deposit, however there will be actions requested to day to take a similar action to borrow against savings this evening to maintain a positive cash flow.

Short term borrowing-

Judge Wood presented a request of the Treasurer for authorization to borrow an amount not to exceed \$500,000 from Forcht Bank, against the \$910,000 certificate of deposit, for cash flow

purposes, until such time as the Sheriff's collection of property taxes begin to be deposited into the county treasury.

Judge Wood explained each year, in most counties, it is common for the Treasurer to seek approval of the Fiscal Court to borrow funds from investment accounts, banks, or in some cases the Kentucky Association of Counties, for the purpose of providing cash flow until such time as the receipts of the tax collections begin to be turned over to the Treasurer.

Furthermore, if not but for the joint budgeting process it would be necessary for the Sheriff to borrow funds independent of the court to maintain his office operations.

Secondly, Grant County, as is the case with so many counties, has the situation of running a detention center based predominately on receipt of state funds, creating cash flow issues if the state is not prompt in payment.

The methodology of short term borrowing is provided for in the state statute as long as county repays all borrowed funds within the same fiscal year.

Judge Wood asked for a motion to authorize the borrowing of funds against the Certificates of Deposit, in an amount not to exceed \$500,000 and that \$100,000 of the loan amount be made available on an as needed basis to insure cash flow as part of a transfer, between the General Fund the Jail Fund, contingent upon state receipts.

Magistrate Riley moved approval of the request for the short term borrowing plan and Magistrate Coldiron seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

ORDINANCES AND RESOLUTIONS

Judge Wood presented for First Reading, Ordinance 09-2015-684, and requested the clerk to report the Ordinance on first reading.

The clerk reported the summary of the ordinance as follows:

AN ORDINANCE OF THE FISCAL COURT OF THE COUNTY OF GRANT, KENTUCKY, ADOPTING THE RECOMMENDATION AND FINDINGS OF FACTS OF THE GRANT COUNTY PLANNING AND ZONING COMMISSION FOR A REQUEST OF DENNIS AND YVONNE BUCHER FOR A ZONING MAP AMENDMENT, SUCH ZONING AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ONE (A-1) TO RESIDENTIAL ONE-A (R1-A) FOR A 1.011ACRE SITE LOCATED ON THE NORTH SIDE OF KY #467 (WARSAW ROAD), 5.4 MILES WEST OF KY ROUTE #22, GRANT COUNTY, KENTUCKY.

Judge advised there would be no action required as this is first reading.

NEW BUSINESS:

Judge presented a request for approval of a contract with Walmart as part of the Mobile Health Fair Immunization Program.

Under the terms of this contract attendees at the Senior Bash as well as county employees will be eligible to receive their flu shots and the cost of the shots will be covered by the recipient or their health insurance carrier.

In the case of individuals with Medicare Part B, Walmart has advised that they have secured confirmation that the cost of the immunization will be covered by their plan.

After a short discussion in which Magistrate Riley expressed concern that other pharmacies had not been invited to perform this service, there was no action taken.

EXECUTIVE SESSION:

Judge Wood requested a motion to retire to Executive Session pursuant to 61.810(f) for discussion with counsel concerning the case of Ballard v Grant County.

Magistrate Riley moved approval of the requested Executive Session and Magistrate Coldiron seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

The members returned to the courtroom and Judge Wood requested a motion to reconvene in open session. Magistrate Coldiron moved to come out of executive session and Magistrate Riley seconded the motion. There being no discussion Judge Wood requested the clerk to call the roll whereupon all members voted in the affirmative.

Judge Wood, expressing strong personal objections to the spending county funds to settle lawsuits brought based on allegations beyond the control of the county, requested a motion of the court to authorize legal counsel to settle the case of Ballard vs Grant County for an amount not to exceed \$25,000.

Magistrate Riley moved approval of the request motion advising she was very reluctant to spend funds to settle this case, but on the advice of counsel would move forward. Magistrate Coldiron seconded the motion.

There being no discussion Judge Wood asked the clerk to call the roll whereupon Magistrate Newman said YES, but very reluctantly, and only on the advice of counsel that this was in the county's best interest. Magistrate Coldiron voted YES and echoed the comments of reluctance expressed by Magistrate Newman. Magistrate Riley reiterated her objection to having to do this but acting on the advice of counsel would vote YES. Judge Wood said he is disappointed that the county has to spend taxpayer money in this fashion, but that on the advice of counsel he would vote YES.

Judge Wood returned to New Business:

Jail policies and procedures manual-

Judge Wood advised that as everyone is well aware, the court has been working with the Jailer on a Policies and Procedures Manual for the Grant County Detention Center. In conversation with counsel at KACO, it was suggested that until such time as there is a fully approved plan in place it would be appropriate for the court to adopt the 2014 policies with the January amendment attached thereto.

Magistrate Newman said he was not approving such a plan and eliminating the responsibility of

the jailer to provide the court with a plan.

Magistrate Riley explained she has not had time to review the 2014 document and because it was enacted by a previous Jailer, she would not be in favor of taking this action.

No action was taken.

Jail payroll schedule-

Judge Wood presented a plan for payroll administration at the Grant County Detention Center which is modeled after the action taken in 2014, setting the positions and salaries for each, without getting into the issue of approving a specific organizational chart.

Again, the magistrates expressed this was not consistent with their requests that the Jailer submit a revised plan.

Magistrate Newman further explained he would not vote for something that he has been advised was not accurate based on the actions of the jailer concerning personnel on this very date.

No action was taken.

OLD BUSINESS, IF ANY:

Judge Wood invited Vance Mitchell, Josh Shuster, and Eric Chambers to present concerning their findings at the jail, related to the ongoing renovation.

Following a report that indicated there would be a need for a complete replacement of the roof, Magistrate Newman questioned whether this was a result of faulty construction or poor maintenance and Mr. Mitchell advised it was a combination of the two.

Mr. Chambers advised the majority of the required work on the security system is a result of failed maintenance over the life of the system. He explained there will be a two week assessment period of all the planned work followed by a bidding process.

It was explained the kitchen will require a complete replacement of equipment and work on the floor; laundry equipment will need replacement; and significant repair would be needed in the control room. Mr. Chambers explained it will be necessary to clean all the locks and mechanisms to determine which are in need of replacement.

The architects and construction management firm advised the roof replacement may or may not be completed this winter, dependent on weather, and the official start date.

Mr. Chambers reiterated previous comments to the court that having a full-time maintenance person on staff is critical to the success of the proposed plan.

Magistrate Riley expressed the court has been strongly encouraging the Jailer to fill the position so that the individual can be engaged in the remodeling process.

Mr. Mitchell advised the team would ask for approval of the court to proceed in the design phase of the project. Magistrate Newman moved approval of the request to proceed and Magistrate Coldiron seconded the motion.

After an ongoing discussion during which each member of the court expressed frustration with the ongoing lack of maintenance, it was agreed that unless maintenance protocols are put in place there is little chance for long term success as it relates to protecting this asset.

Magistrate Newman questioned whether there had been any consideration given to outsourcing some of the things that are big ticket items in the renovation, such as laundry.

Mr. Kimmich explained there are a number of hospitals that outsource linens and patient wear, and this is something the team can look at.

It was also discussed that the court is not required to provide three hot meals each day, and are not doing so at the present time. It was agreed looking at additional opportunities for Aramark to outsource this to other kitchen facilities and was something the court should consider.

There being no further discussion Judge Wood requested the clerk to call the roll on the motion to authorize the team to proceed with all aspects of due diligence including but not limited to the evaluation of outsourcing services where fiscal efficiencies can be achieved versus replacement cost of current non-functioning equipment, whereupon all members voted in the affirmative.

ADMINISTRATIVE/DEPARTMENTAL REPORTING

There was no administrative reporting.

JUDGE EXECUTIVE'S REPORT

Judge Wood recognized Magistrate Coldiron who expressed a desire to return to the Wal Mart Contract for flu shots. She expressed that just because other pharmacies had not chosen to perform this service is not, in her mind a reason not to allow the shots to be given at the Senior Bash. Judge Wood agreed that it was really an individual business decision.

Magistrate Riley said that her experience had been this was a service that had been provided at the library at the past and also by the health department. The librarian advised the library will not be doing it this year as part of the annual Health Fair, which is where it had been provided in the past.

Magistrate Coldiron moved approval of the contract and Magistrate Newman seconded the motion. There being no further discussion Judge Wood requested the clerk to call the roll on the motion. Magistrates Newman and Coldiron voted YES, Magistrate Riley voted NO and Judge Wood voted YES, motion carried.

Judge Wood commented on how nice the Clerk's offices look after the exterior painting has been completed.

The Librarian commented on how nice the front doors of the courthouse look after restoration.

CITIZEN'S ADDRESS

There were no citizens seeking recognition of the court.

ADJOURNMENT

Judge Wood advised there was no further business to come before the court and asked for a

motion to adjourn court until Tuesday, September 21, 2015, or until the call of the Chair. Magistrate Coldiron moved to adjourn and Magistrate Riley seconded the motion. The court adjourned on a voice vote.

SIGNED:

Stephen P. Wood
Grant County Judge/Executive