

**Regular Session of the Daviess County Fiscal Court
held at the Courthouse in the City of Owensboro,
County of Daviess, Commonwealth of Kentucky
May 19, 2011 – 5:00 p.m.
Present were Judge/Executive Al Mattingly and
County Commissioners Jim Lambert,
George Wathen and Charlie Castlen**

Commissioner Wathen said the opening prayer and led the court in the pledge of allegiance to the flag.

PUBLIC HEARING:

Daviess County Treasurer Jim Hendrix introduced the proposed use of County Road Aid, Local Government Economic Assistance Funds (LGEA) and opened the floor for public comments.

Commissioner Castlen asked, "Is this money that can be re-directed to pay for road damage due to recent weather events?"

Mr. Hendrix, "It can be used to repair and maintain roads."

With no comments received, said hearing closed.

Judge/Executive Al Mattingly proclaimed May 15-21, 2011 as Police Week.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to Hire Martina Riney and George Carpenter as Seasonal Grounds Maintenance employees for the Parks Summer Recreation Program, commencing 5/23/11.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to Contract with Pyrotechnic Display, Inc. for the July 3rd Family Freedom Festival fireworks display at Panther Creek Park in the amount of \$7,000. Judge Mattingly thanked Kentucky Farm Bureau for sponsoring \$2,000 of the display.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

Members of Citizens for Good Government (CGG) presented an Openness and Transparency document as a guide for public offices and appointments and requested adoption of same by the court.

CGG is a work-group resulting from the 2007 "We the People" Town Meeting. They have developed and are proposing for adoption an openness and transparency document for public officials and board appointees. Members include Chair Belinda Abell, Ed Allen, Larry Bidwell, Don McCarthy, Bruce Whitmer, Rodney Berry, Tom Milton, & Shelly Nichols

Belinda Able read the following:

**Citizens for Good Government
OPENNESS & TRANSPARENCY PLEDGE**

Assumptions

The citizens of Owensboro-Daviess County embrace and support effective, efficient, and ethical government of the people, by the people, and for the people working for the public good. A governing body will share its power generously by sharing facts and knowledge of the process in which it engages. Openness and transparency works two ways. When citizens take an active role in their neighborhoods, their communities, and their governments, they have the power to impact positive action, and when necessary, to make positive change. Elected officials gain powerful allies when citizens support governmental policy they helped to shape. The citizens of Owensboro-Daviess County are asked to commit time and effort to participate with governing bodies and public boards to guarantee positive results.

Definition

A governing body, as described above, follows a public and deliberative decision-making process that includes all citizens and their views. Before determining strategies and decisions, a governing body should provide accurate, complete, candid and understandable information to its citizens.

Principles:

All public/private boards and our citizens are asked to commit to follow principles.

We, the (agency/organization/board), commit to the following:

- We will not circumvent open meetings laws intentionally. We will deliberate and decide issues publicly and share complexities of issues promptly. We will present to our citizens the options and choices under consideration, including costs, benefits, consequences, tradeoffs and differing opinions.
- We will remain sensitive to the potential impact of our actions on stakeholders and constituent groups. We will provide the opportunity for stakeholders and constituent groups to communicate with us before making decisions. We will utilize all resources available including electronic, audio, and print media- to educate our constituency on the issues for which we are responsible. "Knowledge will forever govern ignorance." (James Madison)
- We will inform and educate our citizenry on the issues facing our community and will conduct public forums, readings and votes on important decisions to encourage substantive public participation. We do not intend to dismiss the views of citizens who may be uninformed; rather, we will provide all pertinent information so they can educate themselves. We encourage citizens to present their ideas and suggestions in a welcoming and unthreatening manner and setting. We will foster a welcoming spirit of inclusion and trust between officials, organizations, and the public.
- We invite and urge citizens to participate actively in meetings, public forums, hearings, and seek to understand the truth and purpose of issues under consideration.

Judge Mattingly, "I don't think that any of us up here disagree with the principles that you have presented. This commission takes pride in the efforts that we have been putting forth in the last 4-5 months. We have been out in the community talking to the people about their concerns and addressing those concerns when possible."

Commissioner Castlen, "Two years ago, when I was beginning my term as a city commissioner, I met with you and Shelly Nichols regarding this document. I believe, at that time, you all were asking that the legislative body sign this. Is that your hope as well?"

Ms. Abell said, "Not necessarily." She said we would like to see you adopt and deliver to all court appointees as your and their guide. She said the community wants all public agencies to use this as a guideline for all their public operations.

Commissioner Castlen, "When reviewing your document, there were two places where the word "all" was used; bullet points 2 and 3. It reads, "We will utilize all resources available... and we will provide all pertinent information..." Coming from an accounting background, I am reluctant to agree to "all" as stated. Practically speaking, I think the fiscal court members and those we appoint to county boards would agree and be glad to provide anyone information with the resources we have. I do not want to put us in a situation where someone could say that the court or a board failed to give "all" information or failed to do so by utilizing "all" resources."

Ms. Abell, "We understand that there are times when those needs cannot be met or they have to be altered due to the situation's nature. I think we understand that. However, we would be glad to change the document if you would like."

Judge Mattingly, "I met with Belinda and the committee and this is a changed version of their first document. What it started out as a few years ago has changed and evolved and I think it is getting close... I do not believe there is anyone up here that would not agree with the principles that are espoused. I certainly can ask, with this body's approval, that when complete, we include the document with all new board appointment packets."

Judge Mattingly thanked the committee for their good work.

Ms. Abell, "Our main goal is to educate and inform not just the public, but also bring to officials what the public is saying."

Judge Mattingly, "Soon, we hope to have live on-line streaming of our court meetings and archived sessions for viewing. We realize that there are people that do not have cable TV but have access to the internet. Plus, we are going out into Daviess County communities and hosting court meetings for those who are unable to attend our downtown meetings."

In accordance with the provisions of KRS 67.045 and KRS Chapter 424, notice is given that the fiscal court plans to reapportion the boundary lines for the three Fiscal Court Commissioners, three Justices of the Peace, and three Constables. Boundary lines shall be laid off so that the districts are compact, contiguous, and the population of each district shall be as nearly equal as is reasonably possible. The fiscal court shall appoint three citizens as commissioners to reapportion the county into three (3) districts. The first meeting of the Reapportionment Committee is May 26, 2011 at 5:00 p.m. in the Daviess County Fiscal Court, Courtroom. A written report of such

boundary lines shall be filed with the Daviess Fiscal Court and the Office of the County Clerk within 60 days of appointment of commissioners. Within 60 days of receipt of the report establishing the three districts, the fiscal court shall adopt or amend the report. As soon as the fiscal court adopts the report, any Daviess County registered voter may bring an action in Circuit Court to enforce the provisions of KRS 67.045. Any action brought to Circuit Court must be done within 20 days from fiscal court's adoption of said report. Circuit Court shall hear the action and, on a finding that provisions of KRS 67.045 have been violated, remand the matter to fiscal court.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered approval to **Appoint Ed Allen (No. 25-2011), Laura Alexander (No. 26-2011), and John Fentress (No. 27-2011)** to the **Reapportionment Committee** for a term of 60 days beginning 5/19/2011.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

NAACP President Evan Taylor discussed the Reapportionment of Daviess County's boundary lines. He stated, "About 6-years ago something came to my attention that we could not be anything about until this year. As you all know, federal and state constitutions require a census to be taken – accounting of our electorate every 10 years. As a result, the following year lines are re-drawn. This is done locally, state-wide, and federally. My focus here is to inform you about where some of the lines have historically drawn in our 13th legislative district, currently represented by Jim Glenn. The 13th district was essentially the Owensboro single-representative and that worked very well in the past. When they re-drew the lines about 10-years ago, they decided, in theory, to add to our representatives and so we now have 4-5 representatives who each have a portion of Daviess County with the 13th legislative district still having the dominate part of the city proper. I believe that when they re-drew those lines there were some political horse-trading, some swapping, and some rational discussions, all with the purpose of figuring out how best to re-draw the lines. This last time, they moved some folks who had for years and years been in the 13th legislative district to the 7th legislative district. (Referring to a large drawing of current district lines) The 42nd and the 12th precincts had historically been in the 13th legislative district. Now, why is the NAACP here talking about this? Not all minorities live in the 42nd and the 12th precincts. If you are a minority in Daviess County, you are going to tend to live in those areas or very near that. I estimate reasonably that 85% of the minority population of Daviess County lives in those two precincts or very near it. Now those precincts are majority non-minority. There are probably more Caucasians in those areas affected by this as much as there are African-Americans. Nonetheless, it is a significant number of African-Americans we feel need to have this issue brought to your attention. Bottom line, what we are asking – when you look at the lines drawn, the 42nd and 12th precincts are largely lower economic area. A disproportionate number of African-Americans are being represented by the representative for the 7th legislative district, currently John Arnold who lives in Sturgis, Kentucky. I am not here to bad mouth John Arnold. I like him. However, Mr. Arnold should not represent the urban inner-city area of Owensboro, if we had one, nor should they be represented by someone almost 80-miles away. This problem is compounded by the fact that Mr. Arnold is not often seen nor participates in Daviess County community events. Therefore, the fact that we are represented by someone 80-miles away would not be that big of a problem if Mr. Arnold had a greater level of involvement in the happenings of Owensboro. By his actions, he is not interested in getting to know those he represents from our community. The NAACP sent Mr. Arnold a letter requesting that he give up or trade-out this precinct. We need a representative accessible to those they serve. We really cannot do that with someone who lives 80-miles away. I am not going to pretend that this is the only problem with the way our current lines are drawn from a state representative standpoint. I understand that there are many different ways in which that could be carved up and would hope that people will be paying close attention to those concerns as well. However, in terms of this issue, I do not believe it right for people to be represented by someone who resides over 80-miles from his constituency here in Owensboro; he is simply too inaccessible. What am I asking you to do? A unified voice rings louder In Frankfort and elsewhere and this body has the ability to advocate for this group by putting away the partisanship and simply supporting a change that makes sense for these folks."

Mr. Taylor, "There is an informal custom that is traditionally honored which allows Mr. Arnold and/or in-office elected officials the option of retaining or voluntarily giving up a precinct(s). This is not a legal matter, it is a practical matter."

Judge Mattingly agreed that there is a problem with the district lines and asked if the NAACP would care to compose a letter to Mr. Arnold that the court could sign in support asking that he voluntarily relinquish his Owensboro precinct?"

Mr. Taylor said he would prepare and submit a letter to the court.

Also in attendance, NAACP Executive Committee members and board members.

On behalf of the Daviess County Youth Soccer Association, Evan Taylor thanked the court for serving local children and families of soccer through the creation and development of the Horse Fork Creek Soccer Complex. It is a wonderful park and a tremendous benefit for all through their partnership with the Daviess County Youth Soccer Association.

Minutes of the May 5, 2011 meeting were submitted to the Fiscal Court members for review prior to the Fiscal Court meeting and on a motion of Commissioner Castlen, seconded by Commissioner Lambert with all the Court concurring said Minutes were approved and signed, and the Court was directed to spread upon the Fiscal Court Order Book the Minutes along with any exhibits, orders, ordinances or resolutions that pertain to same.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered approval to Advertise for a Firefighter/EMT for the Daviess County Fire Department.

This vacancy is due to Asst. Chief Tim Benningfield's retirement & subsequent promotions

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to Hire Danielle Hutchinson as an Administrative Assistant in the Department of Animal Control, commencing May 25, 2011. The court received 150 applications and interviewed 23 applicants.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to Approval to Release Locust Grove Estates streets & storm sewer Bond. This bond has been updated to \$7,400, per OMPC regulations.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval to **Award Bid No. 14-2011** to Bruce's Tri-State Roofing to replace the Knottsville Volunteer Fire Station roof.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

County Treasurer Jim Hendrix read in summary the **First Reading - A.80 (2011)** Fiscal Year 2011/2012 Daviess County Budget.

Comments:

No comments received.

County Treasurer Jim Hendrix read in summary the **First Reading - A.78.02 (2011)** Fiscal Year 2010/2011 Budget Amendment.

Comments:

No comments received.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval of all Claims for all Departments.

See File Folder dated May 19, 2011 for said claims.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.

County Treasurer Jim Hendrix presented the April 2011 Treasurer's Report.

Other business to be brought before the Daviess County Fiscal Court:

Judge Mattingly, "As you know, the president of IDA was set to present today information updating the court on the progress of the convention and events center. He had something unexpected arise and is unable to attend today's meeting. Although I am not making the presentation, I will be glad to take your questions and answer them or contact the IDA president and obtain answers as soon as possible."

Commissioner Wathen, "Do we have an estimate now on the total cost of the project and who is going to make the final decision on the size, scope, and design of the facility?"

Judge Mattingly, "I do not know a total cost but could unofficially estimate it at around \$40-45 million, including everything. The steering committee is charges with making final recommendations to IDA and IDA will make the final decisions."

Commissioner Wathen, "Did the steering committee vote on the decision to increase the facility's square footage from 80,000 plus square feet to the 143,000 square feet and is that the final and official number or are we still studying that?"

Judge Mattingly, "I was in Frankfort when the committee discussed the issue, but believe a consensus given to move forward with looking at a 143,000 square foot facility."

Commissioner Lambert, "There was not an official vote, simply a call of opposition to moving forward with looking at a 143,000 square foot facility and I recall questions being asked, but no one opposed."

Judge Mattingly, "Gateway Planning Group presented a plan for the overall project and proposed the smaller scale facility. City Visions was hired to look specifically at the convention and events center and proposed the larger facility. They believe that being able to host a greater number of large events will increase revenues, as opposed to a smaller facility's ability to only accommodate small meetings and conventions. No formal action has taken place on the size of the facility."

Commissioner Wathen remains concerned with parking issues and the size of conventions that will be marketed.

Judge Mattingly, "The Tourist Commission reports between 50,000 and 85,000 visitors attending the downtown Bar-B-Que Festival annually. Although not ideal, they are able to park and walk to the festival."

Comments:

The state is working on a solution to Western Kentucky's mosquito infestations following the recent flooding. If you are having a problem with mosquitoes, Judge Mattingly requested that you contact your county commissioner.

**Without objection, Judge/Executive Mattingly adjourned the meeting.
SO ORDERED THAT COURT STAND ADJOURNED.**

Al Mattingly
Daviss County Judge/Executive