

**DAVISS COUNTY FISCAL COURT MEETING
DAVISS COUNTY, KENTUCKY COURTHOUSE
THURSDAY, JANUARY 23, 2020 – 5:00 p.m.**

**Present elected court officials included
Judge/Executive Al Mattingly and County Commissioners
Mike Koger, George Wathen and Charlie Castlen**

**DOCUMENTS RELATED TO TODAY'S DISCUSSIONS
ARE FILED IN THE CORRESPONDING FISCAL COURT FILE**

The meeting opened in Prayer and the Pledge of Allegiance to the Flag.

The Christmas at Panther Creek Park 2019 Checks were presented to the following organizations for just over \$2,000 each for their participation:

- Saint Benedict's Homeless Shelter
- Burns Middle School Dance Team
- Sorgho Elementary PTO
- Daviess Co. Diabetes Coalition
- Knights of Columbus Hall

Treasurer Hendrix presented the Treasurer's Report for December 2019.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the January 9, 2020 Court Meeting.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; All Claims for All Departments.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Apply for the FY 2020/2021 Kentucky Ambulance Block Grant Program.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; [Rescind](#) prior Awarding of Bid No. 33-2019: New Front End Loader.

Purchasing Agent Jordan Johnson explained, “This awarded bid was found to have undisclosed exceptions and I recommend rescinding said award.”

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; Award the following Bids:

- No. 33-2019: New Front End Loader to Erb Equipment for \$216,080.
- No. 50-2019: Judicial Center Elevator Repair to DC Elevator for \$10,600.

Regarding Bid No. 33-2019, Mr. Johnson stated, “Originally, Erb Equipment bid a 644 WH Loader, however, this model is no longer manufactured new. Their current 2020 model is a 644L WH and its specifications have been evaluated by the respective departments to determine that the machine is equivalent/superior to the original bid.”

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Promote Chris Howard to permanent part-time in the Parks Department effective 1/24/2020.

The vote was called and with all present members voting in favor, said motion passed.

Judge Mattingly read the First Reading of KOC A.96.02 (2020) [#1-2020](#) – Budget Amendment #2.

Judge Mattingly explained, following a recent grant award, the budget must be amended to reflect those new dollars and this ordinance allows for that amendment.

Comments:

No comments received.

Public Comments:

Jason Potts of Maceo stated, “I am here tonight with a nonpartisan group of your fellow Americans, Kentuckians, and Daviess Countians to bring to you a concern and ask for your help. Judge Mattingly, I know you’re a competitive shooter. Judge and Commissioners, in the past, I’ve heard you all express your support for the Second Amendment. We appreciate that support. You share that common ground with us. Our Second Amendment rights have been under attack at the federal level for decades. Historically, Kentucky has been a relatively friendly place

to be a law-abiding gun owner. There have been bills proposed in the 2020 Kentucky regular legislative session that, if passed, would infringe upon your constituents' Second Amendment rights. In a large, unprecedented, grassroots movement; Kentucky's Second Amendment supporters are contacting their state representatives and holding rallies in Frankfort to make their opposition to these bills known. In addition, opponents of these bills have been working with the elected county officials in each of Kentucky's 120 counties to designate their counties a Second Amendment sanctuary. To say that effort has been a success, especially in such a short time, would be a massive understatement.

As of earlier today, elected representatives in 93 counties have voted to designate their county a Second Amendment sanctuary, including 4 counties that passed a resolution but are still working to strengthen it. Additionally, 20 counties have either a meeting or a vote scheduled, 6 counties are currently working with their county officials in preparation for a meeting or a vote, and 1 county hasn't taken any action yet. Notably, no counties have voted against the Second Amendment sanctuary designation. It's awesome to see the elected representatives in so many counties taking a stand to protect the Constitutionally-guaranteed rights of the citizens of their counties. Some will argue that the bills being considered in the state legislature – including red flag laws and bans on ownership of common, legally-owned semi-automatic rifles – are “not really all that bad.” We would disagree. But we're not concerned only about this current batch of laws. As we've seen both in the US and elsewhere, the opponents of gun rights take an incremental approach; and will not be satisfied until all legal gun owners are disarmed. Today's semi-automatic rifle ban will inevitably lead to tomorrow's ban on your over-under shotgun you use for sporting clays or the revolver you keep in your nightstand to defend your family. Plus, a governor can bypass the legislative process and issue an executive order to enact Second Amendment infringements. It could take months or years for the legislature to right the wrongs of previous legislators or of a misguided governor. In Western Kentucky, we've had a longtime, legitimate complaint that we're invisible to Frankfort. This issue is no exception. To the people in Frankfort who support these sorts of bills, we're a bunch of nameless, faceless obstacles standing in the way of their dreams of a disarmed Kentucky. But look out in this crowd. I know that we're anything but that to you all. We're your neighbors and friends. We go to the same churches as you and shop at the same stores. Our kids are in the same classes at school. We need to be a buffer between us and the unconstitutional laws that could come out of Washington and Frankfort. We know you have some concerns about taking this action. You have stated that you want to keep Daviess Co.'s executive branch out of matters that you feel should be left to the federal- and state-level legislative and judicial branches. But if those bodies pass an unconstitutional law, Daviess Co.'s executive branch will, in fact, become involved in it by being called upon to enforce it. If you are OK with that, then do nothing. If you are not, then we urge you to pass this resolution and state your opposition to unconstitutional laws. I've heard it said that a Second Amendment Sanctuary sounds too much like an Immigration Sanctuary, as some communities across the nation have designated themselves. There is a key difference. While illegal immigrants do have some Constitutionally-protected rights, the act of illegal immigration itself is not a right protected by the Constitution. We're asking you to resolve to protect a right that is guaranteed by the Constitution. Proponents of Immigration Sanctuaries are not. There has been some concern that a resolution has no legal standing and is just a symbolic gesture. But let me remind you of the power of symbolic gestures. The Declaration of Independence was a symbolic gesture. Rosa Parks refusing to move to the back of the bus was a symbolic gesture. The 93 other Kentucky counties already declaring themselves Second Amendment sanctuaries was a symbolic gesture. You doing the same for Daviess Co. will be a symbolic gesture. What all of these have in common is that they draw a line in the sand. They loudly and clearly state, we do not agree with oppressive laws, and we will not comply with them. The representatives in the 93 other counties that have already taken this step have overcome the concerns you have expressed, and we are confident that, working together, we can overcome them in Daviess Co. Locally, we have a Facebook group with more than 2,200 members, and we have gathered more than 2,500 signatures on a petition, both in support of this effort. The large group gathered here tonight, the members of the Facebook group, and the large group who have signed this petition want you to do whatever it takes to make Daviess Co. number 94 on the list of Kentucky counties whose elected representatives have resolved to protect their constituents from unconstitutional laws. We formally request that you sign a resolution declaring Daviess Co. a Second Amendment Sanctuary.”

Mr. Potts presented to the court a suggested resolution for them to consider.

Originally from California, now residing in Daviess County, Bruce Pierce expressed his fondness of living in Kentucky and appreciates the freedom given to him and protected by the State of Kentucky particularly regarding gun ownership and his rights to defend and safeguard him and his family with such weapons.

The court expressed appreciation to the group represented tonight and said they will take it under advisement.

Comments by Daviess County Fiscal Court:

Judge Mattingly announced that the court will host 2 public forums to allow the public to comment on the proposed non-discrimination ordinance. The first forum is set for Jan. 30, at OCTCS and the second on Feb. 24, at Brescia University. Both will begin at 6:30 pm. All citizens are encourage to attend these forums and to participate in the debate. As the courtroom is limited to 140 people, these 2 locations were selected to accommodate a large crowd. If it is found that these 2 forums are not sufficient in order to receive all necessary public comments, there will be subsequent forum(s) scheduled. However, Judge Mattingly noted that following the forums and when the ordinance is presented in court for a first and second reading, no public comments will be taken.

Without objection, Judge/Executive Mattingly adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.

Judge/Executive:  Commissioner: 

Commissioner:  Commissioner: 

I, duly appointed Clerk of the Daviess County Fiscal Court, do hereby certify that the above Minutes for the corresponding Order Book were approved by the members of the Daviess County Fiscal Court at the regular session of said Court on this 4th day of February 2020.

Jennifer Warren, Daviess County Fiscal Court Clerk