

**Minutes of the February 18, 2021
Daviness County Fiscal Court Meeting
Held at the Daviness County, Kentucky Courthouse**

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

Today's meeting was limited to essential personnel, but made publically available via the Daviness Co. Fiscal Court's Facebook live page, where public questions/comments could be posted, or by contacting 270-929-1010 (voice/text).

**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.

Judge Mattingly Proclaimed February 2021 as Teen Dating Violence Awareness Month and Black History Month.

Judge Mattingly: As a reminder, for those watching on Facebook, please post questions or comments directly to the page and we will be happy to try to address those during this meeting.

Judge Mattingly: I asked the Jailer to come and give us just a little bit of an update on the jail and what's going on out there.

Jailer Maglinger: Currently, we have 245 County, 200 state, and 94 federal inmates at the jail. In the jail, about 3-weeks ago, we had 52 active COVID cases. We are now down to 9 with 4 awaiting test results. As one of the last agencies to be hit with COVID, we were fortunate to have made it to November without an outbreak. Hats off to the jail staff and medical staff for doing a very good job.

Judge Mattingly: Thank you for what you guys have done out there. It is a tough and thankless job. People see their loved ones behind bars and, particularly during this pandemic, they are concerned about them. With COVID-related restrictions, I often hear comments regarding the jail's limited inmate visitation policy.

Jailer Maglinger: Inmates have several modes of communication, including phone, video, and digital. We offer a free email service where each inmate may receive up to 100 emails per month. During this pandemic, they are allowed 2 weekly video visitations free of charge and this helps families check on their loved ones. Inmates are also allowed a phone call during booking and then additional calls are charged 16 cents per minute. Those dollars are deposited in the commissary fund for inmate use. Regarding

COVID, beginning early in the pandemic, we increased cleaning and sanitizing procedures and, to the best of our ability, have and continue to follow all related rules and regulations.

Commissioner Castlen: Is the inmate community service program still operating?

Jailer Maglinger: Due to COVID, that program has been temporarily suspended.

Commissioner Castlen: How many of the current 245 County inmates are awaiting trial or have been sentenced to a year or less?

Jailer Maglinger: The vast majority are pre-trial felony cases. With COVID, the court system has slowed, but we are utilizing jail/courtroom video conferencing to help move that process along. Approximately 42 are probation and parole violators and then 13 are pre-trial misdemeanors.

Commissioner Castlen: The County pays for County, pre-trial inmates. Prior to COVID, we had something called the rocket docket where cases were being processed quickly through the court system. Has this stopped due to COVID?

Jailer Maglinger: Yes, it has stopped due to COVID.

Judge Mattingly: How many County inmates are in for minor offenses?

Jailer Maglinger: I show 13 pre-trial misdemeanors. These inmates usually don't stay more than a few days before they are released.

Judge Mattingly: What has prompted that question is that we see on Facebook or hear a lot of times that we need to empty the jails or we need to let everybody out because they are in there for minor offenses - minor substance abuse offenses. But, as we can see, that is not the case. Particularly since COVID began, if someone's picked up for having a joint in their pocket or if they are doing something they shouldn't do, where they might have been taken to jail in the past, now they are given a citation and go to court, never seeing the inside of a jail.

County Attorney Claud Porter: That is correct. Drug traffickers are being arrested - those making big profits and bringing havoc to our communities. As well as child molesters, sex offenders, and domestic violence offenders. Around 25 of those are being charged with violent felony assaults with strangulation.

Judge Mattingly: I've been advocating for years to do away with the bail inequity. For example, if 2 people are charged with similar "low-bail" offenses, yet one has the financial means to make bail, but the other doesn't, one is released and the other one stays in the jail, both awaiting trial. Due to COVID, I think what we need to do is continue with this "new normal". We need to continue writing citations and tickets as opposed to throwing people in jail. This may include attending mandatory citation-related programs such as substance abuse treatment. We are probably one of a few communities that have teen drug court because the city and the County put the money up for that.

Attorney Porter: We significantly reduced the number of misdemeanor charges that are awaiting because they will often go to jail because we don't have any other place to put them and we are getting a lot more of those out, as well as the felons on a pre-trial release because they need to be out as opposed to in jail. We work with the jail to help identify those inmates and get them into places that are more appropriate.

Judge Mattingly: On a lot of these issues, we don't have a choice. These are things passed by the general assembly and the administrative officers of the court then instructs us on what we are to do. While we would like to see things done a little differently, our hands are often tied. Switching topics, Jailer, when operating the community service work program, how were inmates selected?

Jailer Maglinger: Inmates are selected from having good behavior. We also prefer inmate participants who lack local ties. This prevents potential contraband from entering the jail.

County Commissioner Koger: Is the current federal inmate County lower than in the past?

Jailer Maglinger: No, it is higher than in the past. The federal government pays \$55/day per inmate and the state pays \$31.34/day per inmate.

County Treasurer Hendrix presented the Treasurer's Report for January 31, 2021.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the January 26, 2021, Court Meeting.

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; 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 Koger, seconded by Commissioner Castlen, the court considered for approval; Audit Engagement Letter with MCM CPAs.

Mr. Hendricks: This is for our required annual audit. MCM has audited us before and they do a good job. The state auditor's office performed the FY 2020 audit, but we are still awaiting the final report as it is being held up because they didn't have the guidance to do the section called 133 regarding the CARES money we received. We should have a final report in about three weeks.

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; Reinstatement and Amendment to Procurement and Service Agreement with International Paper Company.

David Smith: This is a 3-year extension of the prior agreement. Annually, they bring us about 25,000 tons of paper sludge from their paper plant in Henderson, Kentucky.

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

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Apply for the CDBG Coronavirus Response Utility Assistance Project and Authorize to execute any and all documents related to same.

Judge Mattingly: This allows us to apply for a \$200,000 CDBG Coronavirus Response Utility Assistance grant. If awarded, the court will be responsible for selecting which public agencies receive financial assistance for utility costs.

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; **Resolution 04-2021** – Street Lighting District for Bridgewood, Sec. 2.

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; Rescind the Surety Bond Release for Whispering Meadows, Unit 8 as approved on Jan. 26, 2021.

Judge Mattingly: We are rescinding this release as incorrect information was originally provided. The following item corrects the issue.

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; Surety Bond Release for Woodland Ridge Subdivision, Unit 8.

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; Award the following:

RFQ 02-2021: Finished Traffic Signs on Aluminum to Custom Products Corp.

Daviess County Fiscal Court received three (3) responsive quotes for the provision of specified quantities of finished traffic signs on aluminum for the Daviess County Road Department. Custom Products

Corporation is the lowest and best evaluated quote received, having no exceptions to the specifications. It is our recommendation to pursue the lowest and best evaluated quote submitted by Custom Products Corporation in the amount of \$10,688.76.

RFQ 03-2021: Ball Diamond Infield Crushed Red Shale to Freeman Athletic Fields

Daviess County Fiscal Court received four (4) responsive quotes for the provision of infield material for ball diamonds at Yellow Creek Park. Freeman Athletic Fields is the lowest and best evaluated quote received, having no exceptions to the specifications. It is our recommendation to pursue the lowest and best evaluated quote submitted by Freeman Athletic Fields in the amount of \$8,584.00.

Commissioner Castlen asked if they deliver and Mr. Johnson said they do deliver.

Bid No. 59-2020: West Daviess County Landfill Mowing Services to Green Eyed Monster Lawn Service

Daviess County Fiscal Court received three (3) bids for mowing, trimming, and weed eating services at the West Daviess County Landfill. Green Eyed Monster Lawn Service is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 59-2020 to Green Eyed Monster Lawn Service for \$252.00 per mowing for the contract period extending from January 1, 2021 to December 31, 2021.

Bid No. 60-2020: GPS Grade Control System for Track-Type Unit Sitech Mid-South

Daviess County Fiscal Court received three (3) bids for the provision and installation of one (1) GPS grade control system for a track-type CAT D8T WHA waste handler dozer at the West Daviess County Landfill. Sitech Mid-South is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 60-2020 to Sitech Mid-South for the 2021 Trimble Earthworks unit in the amount of \$49,915.00.

Judge Mattingly: Using the unit's GPS will allow a single person to operate the equipment.

Bid No. 01-2021: One (1) Used Motor Grader to Erb Equipment

Daviess County Fiscal Court received three (3) bids for the provision of one (1) used motor grader for the Daviess County Road Department. Erb Equipment is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 01-2021 to Erb Equipment for the 2011 John Deere 672G unit exercising the trade-in option in the total net amount of \$107,000.00.

Commissioner Castlen: It's interesting that the lowest unit bid price also had the highest trade-in.

Commissioner Wathen: Looking at the difference between a new one, it's about twice the cost. However, we really don't use a grader all that much.

County Engineer Mark Brasher: It is used several times a year particularly on our rock roads.

Bid No. 03-2021: HFCP Inclusive Accessible Playground to Miracle of KY & TN for \$149,591

Daviess County Fiscal Court received six (6) bids for the provision and installation of a playground system defined by the specifications for Horse Fork Creek Park. Miracle of KY & TN is the best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 03-2021 to Miracle of KY & IN in the amount of \$149,591.00.

Assistant County Treasurer Jordan Johnson: We are not recommending the lowest bid. The lowest bid's exception included 40 less square feet of stage structuring than we specified. Given the small differential of \$387.46, we believe the recommendation provides the greatest value to the court. It should be noted that this bid is subject to a 50/50 matching grant and since the recommendation total does not crest the reimbursement ceiling, fiscal court will be reimbursed 50% of the total cost of this project.

Judge Mattingly: This is the first all-inclusive playground in any of our County parks.

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

By a motion of Judge/Executive Mattingly, seconded by Commissioner Castlen, the court considered for approval; Reject all Bids for **Bid No. 61-2020: HFCP Restroom Facility.**

Mr. Johnson: Daviess County Fiscal Court received two (2) bids for the provision and installation of one (1) prefabricated restroom facility for Horse Fork Creek Park. The items, prices, and/or exceptions of this bid were outside the range that the County deems acceptable. It is our recommendation to reject all bids.

Judge Mattingly: We may be able to keep this project local with the use of local contractors who can design and construct a similar restroom facility for pretty much the same price. Plus, we should still be able to complete this project in time for the Horse Fork Creek Splash Pad opening.

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; Promote Ben Howerton to Heavy Equipment Operator.

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

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Hire Marissa Skarupa as Animal Control Administrative Assistant eff. upon successful completion of pre-employment screening.

David Smith: Five of 16 applicants were interviewed and Ms. Skarupa is our recommendation. She is a graduate from the OCTC Vet. Tech. program, and with her educational background, she will lend flexibility to this administrative position.

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; Hire the following Parks Seasonal Workers eff. upon successful completion of pre-employment screenings:

Panther Creek Park

Terry Robertson
John Rone
Steve Nazarak
David Jones
John Sampley

Yellow Creek Park

Roy Miller
Robert Stuart
Will Sheldon
Rickey Roberts
Darrell Roberts

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; Appoint Teresa Boarman [#2.2.2021](#) (*Carl Worthington S2T*) to the DC Property Maintenance Board - Term: 2/25/2021 – 2/25/2024.

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; Appoint Paul West [#5.5.2021](#) (*Ted Lolley S5T*) to the OMPC Building Codes Appeals Board - Term: 5/6/2021 – 5/6/2025.

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

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Appoint Cheryl Cureton-Spalding [#3.2.2021](#) (*David Johnson S2T*) to the Ethics Board - Term: 3/1/2021 – 3/1/2024.

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; **Second Reading of KOC 220.34 (01-2021)** – An Ordinance Relating To Imposing And Collecting An Insurance Premium License Fee On Insurance Companies For The Privilege Of Doing Business In The County Of Daviess Outside Of The City Of Owensboro Effective July 1, 2009, As Amended by KOC 220.22 (2009).

Comments:

Treasurer Hendrix: This ordinance amends the prior ordinance and only deals with the 4% piece to finance the convention center. We anticipate having collected enough from this 4% to service that by the end of fiscal year 2022. If we don't lower the rate, we will over collect. This ordinance lowers the 4% rate to 2.3%. This prevents us from grossly over collecting, yet still allows us the ability to terminate this piece by the end of fiscal year 2022. A year from now, I anticipate doing this same thing, but instead of reducing the rate, we should be removing it. We are required to provide the Department of Insurance a minimum of 100 days' notice when changing this rate. That is why we are doing this now instead of closer to the end of this fiscal year.

Judge Mattingly: Former Judge/Executive Reid Haire emailed me to thank the court for carrying out the wishes of the court who created this funding stream.

his court who originally created and approved this funding stream, which included a sunset clause. I am pleased that we have been able to do this during our term and look forward to moving the other part of it out of the way next year.

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

Public Comments

No comments received.

Comments by Daviess County Fiscal Court

Court members thanked the county road department employees for a job well done during the recent heavy snow event.

Judge Mattingly: When appointing county board members, I try to consult with commissioner liaisons. However, recently, a Daviess County appointed Airport Board member left without completing his term, and needing to expedite his replacement, I signed an Executive Order appointing Commissioner Castlen to fill the Airport Board member's remaining term. He thanked Commissioner Castlen for agreeing to serve.

Judge Mattingly: We are seeing lower numbers of COVID positive tests. Thousands of additional vaccines are arriving and the schedule 1C group is now open. Next week, Kentucky Secretary of Transportation Jim Gray, who has been instrumental in the logistics of rolling out the vaccine, will provide a COVID update. I appreciate Audubon Area's GRITS for providing free transportation to those needing transportation to a vaccine site.

Without objection, Judge/Executive Mattingly adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.

Judge-Executive Al Mattingly *Al Mattingly* Commissioner Charlie Castlen *Charlie Castlen*

Commissioner Mike Koger *Mike Koger* Commissioner George Wathen *George Wathen*

I, duly appointed Daviess County Fiscal Court Clerk Jennifer Warren, hereby certify that the above corresponding Order Book minutes were approved by the court on March 4, 2021.

Jennifer Warren

Jennifer Warren
Daviess County Fiscal Court Clerk