

**Minutes of the January 19, 2023 Daviess County Fiscal Court Meeting  
Held at the Daviess County, Kentucky Courthouse  
Present elected court officials: Judge/Executive Charlie Castlen and County Commissioners  
Janie Marksberry, Christopher Castlen, and Larry Conder**

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**DOCUMENTS RELATED TO TODAY’S MEETINGS ARE FILED IN THE CORRESPONDING COURT FILE.**

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

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The court and Park’s Director Ross Leigh presented the 2022 Christmas at Panther Creek Park Checks. Mr. Leigh explained that annually, the Parks Board chooses organizations by a lottery style drawing to see who gets to participate in the annual fundraising event. The five, 2022 winter agency participants included Wendell Foster Center, Joe Ford Nature Center, Owensboro Regional Recovery, Elite SAR Training, and Southern Oaks Elementary PTO. This season’s 5-week event resulted in a caravan of 5,500 vehicles with 20,000 visitors, which resulted in a total collection of \$27,533. Each of this year’s participating organizations received a check totaling \$2,753.36. A representative from each agency expressed appreciation for the beneficial fundraising opportunity.

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County Treasurer Jordan Johnson presented the Treasurer’s Report for December 2022.

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By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; Minutes of the January 5, 2023 Court Meeting.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Conder, 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.**

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By a motion of Judge-Executive Castlen, seconded by Commissioner Conder, the court considered for approval; Treasurer’s Final Settlement for the six months ended December 31, 2022.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Annual Authorization Allowing the Judge/Executive to Execute and Submit Any and All Court Approved Documents.

Treasurer Johnson: This allows the Judge-Executive to sign and submit all court approved documents and aids in the efficiency of conducting county business. It only grants the Judge-Executive the authority to execute documents that fulfill the original intent of each court approved item.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; FY 2022/2023 Salary Schedule Update.

Treasurer Johnson: This relates to the reclassification of two existing employees, from road department utility laborers to building & grounds service technicians, and the change in grade of pay for the sign technician to reflect new supervisory duties. The updated classifications moving from Grade I to Grade II, and the modification to the sign shop technician moving from Grade III to Grade VII.

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

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By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; **Resolution 01-2023** – Daviess County Public Library District Appointments.

County Attorney John Burlew: Historically, a county library district board provided the Judge-Executive with two names of individuals from which to choose a library board appointee. With such extremely limited appointing options, a library district was basically self-appointing. Understandably, friction resulted when library districts began to raise property taxes higher than their respective fiscal courts. However, this year, state law has provided an alternate approach. The library district boards may still operate by providing two recommended individuals to the Judge-Executive, but the Judge-Executive may reject both names and request that a second list be submitted. If the Judge-Executive rejects that second list, an appointment of his/her choosing may be made.

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

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By a motion of Commissioner Marksberry, seconded by Judge-Executive Castlen, the court considered for approval; **Resolution 03-2023** – Declaring Daviess County's Support for the Second Amendment.

County Attorney Burlew: This resolution is similar to those passed by over 110 Kentucky counties and is almost identical to that which McLean County passed. Kentucky Attorney General Daniel Cameron issued an opinion in 2020, stating that these resolutions do not violate state law, in fact, they do not violate Kentucky Revised Statutes relating to local governments passing laws on firearms. I believe this resolution is legal and recommend its approval.

Without comments from Commissioners, Judge Castlen asked those in attendance to raise a hand if they attended this meeting in support of this resolution. With all courtroom seating accounted for and numerous people crowded, standing along the walls, I, Daviess County Fiscal Court Clerk, failed to see anyone, excluding county personnel, without a hand raised. Judge Castlen then opened the floor to public comments.

Representing a local Second Amendment supporters group, Jason Potts of Maceo presented information supporting this resolution. Mr. Potts believes some Federal and State elected leaders are working to remove constitutionally guaranteed rights including the right to own firearms. He said, history shows that gun control leads to gun bans and recently, Illinois passed a ban on firearms. As a result, a number of Illinois sheriffs and citizens are fighting back against that legislation. As a group, Mr. Potts asks the court to approve this resolution to help prevent such reckless laws from being enacted thus protecting citizens from having to engage in similar fights in attempts to dismantle newly approved unconstitutional laws. Disarming the citizenry appears to be, for some, a political goal, but Mr. Potts' group is here to call on the local elected leaders to be a buffer to help stop legislation which encroaches on the rights of all citizens as upheld by the US and Kentucky Constitutions, including the Second Amendment. If approved, 115 out of the 120 Kentucky counties will have approved similar resolutions expressing support for the Second Amendment.

David Fleishman opposed the resolution. He noted that the US Constitution's Second Amendment is law. With local governments passing these resolutions, he questioned if counties are sending the message that local citizens are ones to determine what is or is not legal - is or is not constitutional. He stated, "What it comes down to is who's going to decide what law that our law enforcement people will not enforce. Who is going to decide that?"

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

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By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; MOA Between the Commonwealth of Kentucky, Department of Military Affairs, Division of Emergency Management, and 120 Local Jurisdictions of the Commonwealth to Establish an Agreement for an Emergency Management Assistance Program.

Treasurer Johnson: This annual agreement relates to EMA salary reimbursements.

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

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By a motion of Judge-Executive Castlen, seconded by Commissioner Conder, the court considered for approval; KYEM Emergency Management Assistance Program Non-Supplanting Certification.

Treasurer Johnson: This annual certification states that the county will not pursue grants through this particular program for items that are already budgeted, meaning we will only request assistance for expenses we would not otherwise pursue without grant funding.

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

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By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; Annual Order of Affiliation Agreement with the Daviess County Search and Rescue (SAR) Team.

Treasurer Johnson: This annual agreement details each party's responsibilities to ensure legal compliance so SAR may assist local agencies when necessary.

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

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By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Engineering Services Agreement with WBW Engineering, Inc. for HVAC Design Replacement at the Morton J Holbrook Jr. Judicial Center.

Treasurer Johnson: This agreement is due to equipment failure and outdated equipment that is more expensive to retrofit than to replace. The Administrative Office of the Courts will reimburse the county \$38,100 for the system design cost.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Playground Lease Agreements with the Diocese of Owensboro (Knottsville), Stanley, and Whitesville Playground Associations.

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

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By a motion of Commissioner Marksberry, seconded by Commissioner Conder, the court considered for approval; Concessions Contract with Owensboro-Daviess County Babe Ruth League at Panther Creek Park.

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

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By a motion of Judge-Executive Castlen, seconded by Commissioner Conder, the court considered for approval; Award Quote for Election Equipment to Harp Enterprises, Inc. (DC Clerk).

Treasurer Johnson: This quote is for additional election equipment to accommodate Clerk McCarty's 2023 and presidential year election plans for the Daviess County Clerk's Office. When we originally purchased election equipment in 2021, it was under the assumption that there would be 56 voting locations. The state then allowed the use of voting centers, which took our number of voting locations down to 12, meaning a number of the original ADA machines went unused in the 2022 primary and general elections. Clerk McCarty found that the unused machines can be converted into on-demand ballot printing units at

a cheaper rate than purchasing new, so as to utilize the unused machines, lower election printing costs, and make more units available to the public. She is also requesting additional voting tabulation units to reduce congestion at the ballot scanning stations, and the purchase of auto ballot kits to increase efficiency in ballot retrieval, while reducing the opportunity for human error. Clerk McCarty's request is for \$178,965 and includes:

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| 15 Voting tabulation units   | 40 Auto ballot kits                                |
| 30 Conversions from ADA machines to<br>On-demand ballot printing units | 30 Printer bags                                    |
|  | 15 Verity scan drives – to transfer tabulated data |

If approved, reimbursement will be sought through HAVA and DLG funds, though that determination would not be made by the State Board of Elections until later this year. With the excess fees turned over to the court from the Clerk's Office, this expense would have no negative impact on the general fund.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Promote Christopher Taylor to Building and Grounds Service Technician Eff. 1/22/23.

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

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By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Promote Daniel Hatcher to Building and Grounds Service Technician Eff. 1/22/23.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; Promote Tom Hall to Sign Shop Supervisor Eff. 1/22/23.

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

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By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Appoint DC Sheriff Brad Youngman (Barry Smith S1T) to the Ambulance Contracting Authority (4-Yr. Term) Eff. 1/1/23.

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

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By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Appoint DC Sheriff's Office Captain Duane Harper (Barry Smith S3T) to the DC-ASAP Board (4-Yr. Term) Eff. 1/1/23.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Appoint Major DC Sheriff's Office Chief Deputy Nick Roby (Barry Smith S3T) to the DCACC Board (4-Yr. Term) Eff. 12/31/22.

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

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No Other Business received.

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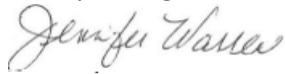
**Comments:**

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Without objection, Judge/Executive Castlen adjourned the meeting.

**SO ORDERED THAT COURT STAND ADJOURNED.**

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 February 7, 2023.



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Jennifer Warren  
Daviess County Fiscal Court Clerk