

The Fleming County Fiscal Court held the regular monthly meeting on Tuesday, June 9, 2015 at the Fleming County Courthouse, 100 Court Square, Flemingsburg, Kentucky. The meeting was called to order by Fleming County Judge/Executive Larry H. Foxworthy at 9:00 AM. The magistrates present: Chris Hickerson, David J. DeAtley, John Sims Jr., James Smoot, Rickey Lewis and Ray H. Money. County Attorney John C. Price and County Treasurer Kathy Dryden were also present. Fleming County Judge/Executive Foxworthy led the Pledge of Allegiance. Roll call by Fiscal Court Clerk Tammy L. Gray.

Vote Unan. Motion: Chris Hickerson Second: David J. DeAtley
A motion was made to approve the meeting minutes of May 12, 2015.

Vote Unan. Motion: Ray H. Money Second: James Smoot
A motion was made to approve the meeting minutes of May 22, 2015.

Fred Crump addressed the Fiscal Court regarding the County Judge/Executive's decision to not reappoint Mr. Crump for another Fleming-Mason Airport board term. Mr. Crump wished to inform the Fiscal Court members that he did want to be reappointed and clarified his intentions in public forum. County Judge/Executive Foxworthy stated he did not inform the Fiscal Court of Mr. Crump's desire to be reappointed but merely made his recommendation to the Fiscal Court which was voted on and approved at the May 12, 2015 meeting.

Discussion was held with Mr. Crump regarding the use of the county maintenance garage for local insurance company's recent hail clinic. County Judge/Executive Foxworthy stated that the insurance company contacted his office to request the use of the building and that if any other insurance companies requested use of the building that it would not be a problem. County Attorney Price stated that it was a public facility used for a public purpose and therefore not illegal. County Judge/Executive stated that the insurance company paid rent to use the building during normal business hours.

Discussion was held regarding the insurance premium tax revenue that had exceeded anticipated collection. Mr. Crump asked the County Judge/Executive if he planned on lowering the insurance premium tax as stated in the past. County Judge/Executive Foxworthy stated it had exceeded the anticipated revenue collection but expenses had also increased as well.

Vote Unan. Motion: David J. DeAtley Second: Chris Hickerson
A motion was made to approve the reappointment of Clay Skaggs for another term on the Ethics Board.

Vote Unan. Motion: Ray H. Money Second: Chris Hickerson
A motion was made to approve the FY2015-2016 Hanson Aggregates pricing.

Vote Unan. Motion: John Sims Jr. Second: Chris Hickerson
A motion was made to approve the KACo Workers Compensation Agreement and give the County Judge/Executive the authority to sign and execute.

Vote Unan. Motion: Chris Hickerson Second: James Smoot
A motion was made to approve Resolution 15-1193 and TENCO Interlocal Agreement and give the County Judge/Executive the authority to sign and execute all documents.

Per Steve Donovan the Park Lake Mountain Nature Preserve grant funding awarded for purchase of Wildcat Hollow property will be withdrawn due to property owners did not want to sell to Nature Preserve. Donovan will contact the state grant agency to inform them of the change.

Vote Unan. Motion: David J. DeAtley Second: James Smoot
A motion was made to approve the MOA agreement for the purchase of Browning parcel for the Park Lake Mountain Nature Preserve expansion and grant the authority to sign all documents to the County Judge/Executive.

Discussion was held regarding expediting the Browning's deed transfer. County Attorney John C. Price disclosed that he was the current Power of Attorney for the owner of the Browning tract.

Vote Unan.

Motion: Ray H. Money

Second: David J. DeAtley

A motion was made to approve the first reading of amendments to Ordinance 13-1150 Fleming County Administrative Code/Personnel Policies as follows:

SECTION 5.39 Overtime/Compensation Time

Each employee shall be placed in a classification and compensation plan based of the duties and responsibilities required of the employee. A. In order to determine whether an employee will receive overtime pay for hours worked in excess of forty (40) hours per week, each class shall be declared "exempt" or "non-exempt" in accordance with provisions of existing labor laws. Exempt employees shall not be compensated in cash for overtime worked. Non-exempt employees shall receive overtime pay at the rate of one and one-half (1.5) times the hourly wages for actual hours worked in excess of forty (40) hours in any work week. **Compensation time accrued shall be limited to a maximum not to exceed 100 (One Hundred) hours at any given time.** Non-exempt employees who are required to work all seven (7) days in a workweek shall receive overtime pay at the rate of one and one-half times the hourly wage for all hours worked on the seventh day of the work week if the cumulative weekly total exceeds 40 hours. B. Time off with pay (such as vacation leave, sick leave and holidays) shall not be considered as hours worked for overtime pay purposes. C. Overtime work shall be approved in advance by the employee's immediate supervisor whenever possible, and shall be kept at the minimum consistent with maintenance of essential services and the county's financial resources. D. Any time spent by road department employees pushing snow during hours other than regular work hours (M-F, 7:30am till 4:00pm Eastern Time) shall be paid at one and one-half of regular pay rate. This applies even if they do not have 40 hours of actual work time in that week. If time is spent pushing snow on a scheduled holiday, employees will receive regular rate for holiday time plus one and one-half of regular pay rates. **If the courthouse is closed due to snow emergency the road department employees will receive overtime pay for all hours worked during the snow emergency. This is to be paid in addition to other overtime hours accrued as stated above.**

Section 6.7 Personal Protective Equipment

A. Mandatory hard hat areas are defined as those times when any employee engaged in work activities consisting of but not limited to: 1. Overhead work such as tree trimming and/or removal; 2. Operation of overhead equipment; 3. Present during any situation where the hazards of falling or flying objects could reasonably be expected, such as working below other workers who are using tools and materials which could fall or working below machinery or processes which might cause material or objects to fall B. Mandatory requirements for the use of safety vests and/or high-visibility clothing: 1. All workers must wear high-visibility safety apparel during work hours. C. Any incidents of non-compliance of Section 6.7 (A) (B) shall be subject to but not limited to: 1. First offense: Verbal Warning. 2. Second offence: Written Warning

3. Third offense: Three day suspension without pay or termination

NEW ATTACHMENT ADD: JOB DESCRIPTION/CLASSIFICATION/CLASS TITLE WAS APPROVED BY FISCAL COURT DECEMBER 9, 2014

CLASS TITLE: Transport Officer, **Characteristics of the Class:** Under the general direction of the County Jailer, assists in prisoner transports and required administrative duties. **Duties or Responsibilities of the Classification:** Under the general direction of the County Jailer, the Transport Officer will assist in transporting prisoners to and from the designated detention centers, transporting both juvenile and adult offenders locally and across the state as needed. They will attend to the needs of inmates while being transported. They will assist in transporting persons to medical facilities and guard prisoners while in medical facilities. The Transport Officer is required to perform administrative duties including daily reports and assist with other responsibilities as assigned by the County Jailer. **Typical Working Conditions and Unique Physical Requirements:** The Transport Officer is required to work under a variety of working conditions. Physical demands include driving, walking, standing and sitting for extended periods of time. This position is a part-time on call position. While on call it is required that the officer be able to respond and or take custody of prisoner within 20 minutes if at all possible. **MINIMUM QUALIFICATIONS:** Valid Kentucky Driver's License. **Training and Experience:** Employed Transport Officers are required to have a

minimum of 16 hours of training each year. PRE-EMPLOYMENT REQUIREMENTS: All candidates must pass a Background Investigation. Pre-employment drug screening test. Overtime Status: N/A

Section 8.2 ~~Selection of Vendors and Contractors (Procedures for sealed bidding)~~

Adoption of Kentucky Model Procurement Code

- ~~A. The agency, department or person requiring supplies, services or construction shall submit to the chief executive officer a request containing specifications and quantities desired.~~
- A. The Fleming County Fiscal Court shall hereby adopt and follow the provisions of the Kentucky Model Procurement Code (KRS 45A.343 to 45A.460) effective July 1, 2015. No other statutes governing purchasing shall apply to the Fleming County Fiscal Court upon adoption of these provisions.
- ~~B. Chief executive officer shall place an advertisement in the newspaper of largest circulation in the county at least once not less than seven nor more than twenty one days before bid opening. The advertisement shall include the time and place the bids will be opened, and the time and place where the specifications may be obtained.~~
- B. The County Judge/Executive or his designee is responsible for administration of the procurement function of the Fleming County Fiscal Court.
- ~~C. The Chief executive officer shall open all bids publicly at the time and place stated in the advertisement, and shall select the lowest and best bid by a qualified bidder. If the lowest bid is not selected, the reasons for the selection shall be stated.~~
- C. The Fleming County Fiscal Court has the sole authority to award any contract which exceeds \$ 20,000 regardless of whether the award is based on competitive sealed bids, multi-step sealed bidding, competitive negotiations, or by non-competitive negotiations as long as Model Procurement Code is followed.
- ~~D. The chief executive officer shall submit the bid selected to the legislative body for approval and thereafter shall notify all bidders of the award.~~
- D. The Fleming County Fiscal Court reserves the right to reject any and all bids and to waive technicalities and minor irregularities in bids.
- ~~E. The chief executive officer shall sign the contract, if one is used.~~
- E. An invitation for bids, a request for proposals or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the county. The reasons therefore shall be made part of the contract file, and each solicitation issued by the county shall state that it may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the county's best interest. Reasons for rejections shall be provided in writing upon request to unsuccessful bidders or offerors, and set forth in the Fiscal Court minutes.
- ~~F. When items are delivered, the invoice shall be placed in a file by Account Number.~~
- ~~G. The chief executive officer designee shall enter the amount of the expenditure in the purchases ledger.~~

~~H. — The Chief executive officer shall determine the need for each item requested the approximate cost and whether or not the expenditure is provided for in the budget.~~

~~I. — Any expenditure or contract for materials, supplies (except perishable meat, fish, vegetables), equipment, or for contractual services other than (\$20,000) be subject to competitive bidding.~~

Robert Hatfield of Meadowbrook Homes, Inc. came before the Fiscal Court with the agreement mailed to him pertaining to variances for Park Place Subdivision roadway Boardwalk Avenue. Mr. Hatfield signed the agreement and stated he would be back in contact after engineering inspection within thirty days.

County Treasurer Kathy Dryden will present the financial monthly reports at the Special Call meeting set for Tuesday, June 23, 2015 at 9:00 AM.

Vote Unan. Motion: John Sims Jr. Second: Chris Hickerson
A motion was made to approve the Cash Transfer report as presented.

County Treasurer Dryden presented the insurance rates for next fiscal year. Dryden stated that KACo and another local agency declined to bid the insurance rates.

Vote Unan. Motion: Chris Hickerson Second: James Smoot
A motion was made to accept the Bluegrass Family Health insurance rates for FY2015-2016, give the County Judge/Executive the authority to sign and execute all documents and accept the County Judge/Executive's recommendation to increase the county employees' insurance match from \$ 345.00 to \$ 370.00 per month.

Vote Unan. Motion: Ray H. Money Second: David J. DeAtley
A motion was made to accept the Guardian insurance rates and Colonial insurance rates for FY2015-2016 and give the County Judge/Executive the authority to sign and execute all documents.

Vote Unan. Motion: John Sims Jr. Second: Chris Hickerson
A motion was made to approve the claims reports, carry in claims reports and polled item \$22.00 to Roger Cox.

Vote Unan. Motion: Ray H. Money Second: Rickey Lewis
A motion was made to approve payment of two registration fees at \$ 65.00 each for Morehead training on June 25th.

Vote Unan. Motion: Chris Hickerson Second: David J. DeAtley
A motion was made to approve the Fleming County Clerk's month end May 31, 2015 report.

County Clerk Jarrod Fritz stated that his office will conduct the delinquent tax bill sale on Friday, August 14, 2015 at 10:00 AM.

Vote Unan. Motion: Ray H. Money Second: John Sims Jr.
A motion was made to approve the Fleming County Sheriff Department's May 2015 monthly report as presented by Deputy Ingram.

Vote Unan. Motion: Rickey Lewis Second: David J. DeAtley
A motion was made to approve the Fleming County Jailer's report as presented by Jailer Cooper.

Vote Unan. Motion: John Sims Jr. Second: Chris Hickerson
A motion was made to approve the Fleming County Dispatch call report as presented by Supervisor Benton.

Discussion was held regarding the funding request from Maysville Community & Technical College's Build Smart Program.

Vote Unan. Motion: Chris Hickerson Second: John Sims Jr.
A motion was made to accept the County Judge/Executive's recommendation to appoint Danny Palmer to the Fleming County Hospital District Board filling the vacancy of Brad Burke till April 30, 2018.

Recommendations will be accepted at the next meeting for the Fleming County Sanitation District Board vacancy due to the unfortunate death of Patti Brown. The Fleming County Fiscal Court extended deepest condolences to the Brown Family.

County Attorney John Price announced executive session would be necessary citing KRS 61.810 (f) regarding proposed litigation.

Vote Unan. Motion: Rickey Lewis Second: David J. DeAtley
A motion was made to go into executive session at 10:05 AM citing KRS 61.810(f) regarding proposed litigation.
Vote Unan. Motion: John Sims Jr. Second: Ray H. Money
A motion was made to resume in open session at 10:31 AM.

Discussion was held regarding new road department employees and status of J. Ingram's CDL obtainment.

Vote Unan. Motion: ray H. Money Second: John Sims Jr.
A motion was made to adjourn at 10: 34 AM.

Reported by: Tammy L. Gray
Fleming County Fiscal Court Clerk