

Marshall County Fiscal Court
March 8, 2019
Special Called Meeting

The Marshall County Fiscal Court met in special session on Friday, March 8, 2019 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. Elected Commissioners: Justin Lamb, Kevin Spraggs and Monti Collins, County Attorney Jason Darnall and Assistant County Attorney Jacob Ford were present. Kevin Neal, County Judge/Executive presided.

I. Judge Neal spoke about the Refuse Board appointment process. The fiscal court minutes of June 19, 2018 state Charlie Edwards and Don Copeland were appointed for four year terms and it should have been two year terms. Judge Neal read KRS 109.115 in regard to Refuse Board member terms. Judge Neal stated per KRS 109.115 no board member shall serve no more that three consecutive terms, each term being two years. Judge Neal also stated per KRS 65.008 the appointing authority must be notified a board members term is expired, the Court was notified March 1, 2019. Don Copeland will have served three consecutive terms June 30, 2019. A motion was made by Com. Lamb and seconded by Com. Collins to amend Don Copeland's term to a two year term. All voted aye. Motion carried.

A motion was made by Com. Lamb and seconded by Com. Spraggs to amend Charlie Edwards term to a two year term. All voted aye. Motion carried.

Judge Neal looking at KRS 109.115, Marvin Stokes was appointed June 7, 2016 with a term of a four year term ending June 30, 2020 and that should have been a two year term, meaning his term expired June 30, 2018. Judge Neal read KRS 65.008 and stated the Refuse District failed to notify the appointing authority Mr. Stokes term had expired. Judge Neal has the authority to appoint someone to that term and he has 60 days to do so.

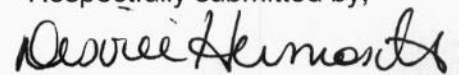
Judge Neal made a motion to appoint Steve Southern to the expired term of Marvin Stokes, Mr. Southern's term will be a two year term expiring June 30, 2020, motion seconded by Com. Lamb. Judge Neal voted aye, Com. Lamb voted aye, Com. Spraggs voted no, stating reading KRS 65.008 in its entirety he interpreted the statute that no action was taken in the 60 day time frame so Mr. Stokes will fulfill the term, Com. Collins voted no. Tie vote.

Per KRS 67.070 (3) When there is a tie vote in the fiscal court in the selection of any officer or employee to be selected by the fiscal court, and a deadlock results and continues for fifteen (15) days or longer, the county judge/executive shall cause to be entered upon the minutes of the fiscal court an order reciting the facts as to the deadlock, and the question upon which it has occurred and exists, and thereupon, unless an election is immediately made by the fiscal court, the county judge/executive shall appoint the officer or employee.

II. A motion was made by Com. Lamb and seconded by Com. Spraggs to approve payment of the bills. All voted aye. Motion carried.

III. A motion was made by Com. Collins and seconded by Com. Spraggs to adjourn. All voted aye. Motion carried.

Respectfully submitted by,



Desiree Hermsillo
Fiscal Court Clerk