

Marshall County Fiscal Court
Special Called Meeting
August 1, 2012

The Marshall County Fiscal Court met in a special meeting on Wednesday, August 1, 2012 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

The purpose for the meeting was to discuss hiring special counsel to represent the Fiscal Court on matters pertaining to the Marshall County Refuse District Board.

Judge Miller said he had two questions:

1. How are we going to pay for it?
2. What scope or purpose – are there charges we are looking at bringing against the board members and former board members?

Judge Miller added that the Refuse Board members have hired Denny Null to serve as their counsel.

Judge Miller opened the floor for discussion.

County Attorney Jeff Edwards asked to clarify his standing. He said he has tried to advise the Refuse Board for years, even though there is not a provision in KRS Chapter 109 that states that the County Attorney represents the board. He has always represented the board and there has never been a conflict until now.

Judge Miller said until last week, Jeff's father, Galen Edwards, was a member of the board and due to declining health, Galen Edwards resigned.

Com. Drew said when the Court was looking into the North Marshall Water District, the Court was fortunate to have Bobby Gifford, who reviewed the facts and reported to the Court. In this case, there have been so many different stories from so many different people, on her part it would be helpful to have one person – if you want to call it an investigation – to assemble the facts and report back to the Court.

Judge Miller has spoken with the Commander of the State Police, who said if there was anything specific for KSP to look into, he would be willing to take on that responsibility. Judge Miller added that he believes they would want to know specifically they would be looking for – is the Court accusing the Board of wrongdoing?

Com. Drew said that when the issues at the North Marshall Water District were being looked into, the Court was fortunate to have Bobby Gifford, who reviewed the facts and reported back to the Court. In this situation, there have been different stories

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from different people and on her part, it would be helpful to have one person who could investigate and report back to the Court.

Judge Miller has spoken with the Commander of the State Police and he said that if the Court had anything specific we wanted them to look into, he would be willing to take on that responsibility. Judge Miller asked if the Refuse Board members are being accused to which Com. Drew replied that she doesn't think we are accusing anyone. Judge Miller replied that we are talking all around it.

Com. Drew said from her understanding of the law, in the last court meeting, Jeff Edwards was asked if it was allowable for a county entity to give away surplus materials and he said not to his knowledge. In this situation, we have board members who allegedly or to the best of her knowledge for a period of time gave all of the surplus material and aluminum to a business person and in addition to that, paid a monthly sum, all without a written contract. She said she didn't see that as anything but a breach of the law as a board member. There is somebody other than her that can tell her whether or not that was a breach of the law. She didn't know if it was, but that's why she did not vote to reappoint the board members – because she felt like the conduct was not becoming of a board member.

Jeff Edwards informed that the procedure followed on the North Marshall Water District was first a complaint was filed and that's when Bobby Gifford stepped in and looked into the situation.

Com. Drew suggested that the Court have someone lined up to deal with issues like these.

Com. Anderson said that all he knew is at the end of the day, the taxpayers own this property and it's gone and we can't show we got anything for it. He pounded and pounded this for two years and he asked Jeff Edwards to get involved and it finally did stop.

Judge Miller