

UNION COUNTY FISCAL MEETING
March 30, 2021

All supporting documents to these Minutes may be found in the office of the County Judge/Executive.

The meeting opened at 5:30 p.m. with a Prayer by Judge O’Nan, and the Pledge to the American flag.

The Union County Fiscal Court met in regular session with the Honorable Adam O’Nan presiding. Due to the Corona Virus the Union County Fiscal Court met in the upstairs Courtroom so that social distancing could be practiced and the meeting was livestreamed on Facebook. Magistrate’s present were Wyatt, Floyd, Ricketts, Byrnes and Clements.

The minutes from the March 23, 2021 meeting were accepted as read.

Judge O’Nan opened Court by having County Clerk, Garrick Thompson introduce Executive Director, Jared Dearing from the State Board of Elections. Jared came before the Court to share with us some ideas that are going on in elections at the State level, the National level and more importantly, at the County level. He also shared what we as a county are going to need to be doing in moving forward with our election systems. He stated that there are two voting systems in Kentucky that are certified to sell to counties and that it’s up to each County to decide on which election system to purchase. However, they have to be purchased from a pre-approved list that is certified by the State. Before the State approves them, the State of Elections Board require that the vendor is approved at the National level as well as through the Election Assistance Commission, and they go through extensive testing and independent testing laboratories to verify that their equipment is secure and operated in the way that it’s intended to operate. After this, it comes to the State for the Board to certify and after certification, it’s available to be purchased. Union County is using the Hart Intercivic System, with E-Slate and E-Scans, which is a combination of two things: It allows our voters to vote on a paper ballot where they fill it in with pen, then they scan the ballot in and the scanner will count and calculate their votes to aggregate them with the County Clerk’s Office, then release them for election night results. We also have E-Slates, which are a system that is not based on paper, but rather allows our disability community to be able to come in and access voting independently. Approximately two years ago the State Board of Elections, made a regulation that says that any new election equipment purchased in any county has to adhere to what is called a voter verified paper audit trail compliance system, which means there has to be some paper records. The lifespan of the system we are currently using, is about 15 years and it does not meet the standard, that both the

State as well as the Federal government is leaning towards. Jared said that what we want to be able to do in moving forward in voter confidence in the Commonwealth, is that after everyone has cast their ballot, the voter has the ability to review it so that they can verify, YES, that is who they intended to vote for, then they put it in the scanner and it will tabulate their vote. Now afterwards, at the State level, the Board of Elections can come back in and ask the Clerk's to do a Risk Limiting Audit which is where a small percentage of these ballots will be taken at random sample and they will verify that it matches the larger number on the machine count. Some computer technology is used to count the ballots, but the Board will also go back to the paper and be able to say, that they've evaluated the paper ballots, they have a confidence level that tells them that this election is secure, safe and that the ballots that were cast were counted as they were intended to be.

Magistrate Clements asked if the percentage of the ballots that were cast, that the State Board may randomly pull out, were they supposed to match the percentage of the election results that night? Jared said that that is a very good way to put it. What they will do is pull specific races at random, specific precincts at random, in every single county and ultimately what they'll be able to determine is if the confidence level in the difference between the race itself, justifies the results. He said that if there's a problem or anomaly within the vote count, they can go in and do a full hand recount that then justifies the election results.

In regards to the type of E-scan system that we are currently using, Jared said that although our election equipment is aging and a little slower than some of the newer equipment, it is still working. The amount of volume that we'll be pushing through our machines is probably not huge enough that we're going to need that extra speed, but that our E-slates are probably going to need to be updated. He stated that the two vendors that currently sell in the State are ES & S and Hart Intercivic. Hart Intercivic sells their equipment to a company called HARP and HARP is the local vendor here in the Commonwealth. They actually service both the election equipment and a lot of our election processes within the county.

Jared also stated that prior to the general and primary election, one of the things that the State did is told every county that they wanted them to be on a base paper system. Every county had the ability to say that most of their voters voted on paper. The exception being that some voters were using the ADA system on the old E-Slates, and because they were still in use, the State didn't decertify anything. They are still allowed to be used but out of 120 counties over 27 counties were using entirely E-Slates with no paper at all being used. In order to be able to effectively run that election the State used C.A.R.E.S. Act dollars from the federal government to go into those counties and provide them with the opportunity to purchase new election equipment, with the county still being allowed to use the vendor of their choice. The State now has 100% compliance throughout the entire Commonwealth with every county using at least the minimum threshold paper level balance. Because Union County was already primarily on paper,

we did not receive any of the money. However, Jared said that the State Board of Elections has squirreled away what they call HAVA or Security Grant dollars from the federal government that was supplied to them in 2018. They tucked those funds aside and used primarily as much C.A.R.E.S. dollars as they could to get them through a successful election in the 2020 Presidential. They still have a small amount of money left over and their intention is to provide that to counties that can show them that there is an active plan to update and purchase new equipment. The State Board of Elections specifically wants to concentrate on the counties that need to get rid of the old E-Slate systems and are willing to make updates that will bring them up to a national best practice that will allow them to do risk limited audits and will give them a more modern system that is both secure and also usable for a lot of their voters.

Judge O’Nan asked, if we’re looking to replace some of our machines, but with the way the election was held last year, with fewer precincts and with voters being allowed to use the most convenient precinct for them, will we see that moving forward? Is there any consideration, moving forward, on the number of units that we’d have to buy as opposed to precincts that we did have and what precincts may look like moving forward? Jared answered by stating that the number of precincts we had and the use of specific vote centers in the primary and general election was done through an emergency regulation that allowed the State Legislature to give the State Board of Elections, the Governor in the state and the Secretary of State the ability to change the election in an emergency, so clearly, in a pandemic they wanted to make sure that every voter still had access to be able to pass their ballot and do so safely. An emergency regulation goes away as soon as the election is over and we will go back to the statute that covered us in all the elections prior to the emergency. However, he stated that the State Legislature just passed House Bill 574, which is an omnibus bill that has a multitude of different things that will allow them to change some of their election systems in the state. One of the things House Bill 574 does is it allows for the flexible use, to the determination of the county board, of whether or not you want to use vote centers and it also allows you to condense polling locations. Under the previous law, it mandated that the four poll workers that you had per precinct would have to only serve the voters of that precinct, every precinct had to have its own election equipment, and you couldn’t intermingle those differences. This law now says that as long as the machine that you’re using has the ability to segregate those precinct level results, you can condense those precincts into one location. This law also allows for 3 days of early voting, Thursday, Friday, Saturday, you’ll have Sunday and Monday off, and then election day would be as a normal election. This too, may be a way to save on costs. Our election plan is built by the Clerk and our Board of Elections and it has to be approved by the State. Jared said that one of the things that he’s telling County Clerk’s right now, is that while cost savings and taxpayer dollars and being good stewards of taxpayer’s dollars is obviously an integral part of the mission of

County Officials, their job is also to make sure voters have access to the ballot and you're not impacting one group of voters over another.

In regards to the newer voting machines, Magistrate Floyd wanted to know what the advantages of the newer machines were. Jared said that every voter now will cast their ballot on a voter record that's on paper, that will be a permanent record kept by the county so the voter doesn't keep that record. With our E-Slates, the voter goes up to the computer, types in who they want to vote for on the screen itself, and it tallies the votes right there in the computer. There's no paper record and at the end of the night, it will print a receipt that tells how many votes there were. One of the benefits of a ballot marking device, is that the machine that you mark your ballot on is not the same machine that counts the ballots. All that machine does is mark the ballot for the voter. This saves the County costs in pre-printing all the ballots and at the end of the day the voter will get their own ballot paper that will come out of the ballot marking machine, they will get to review it to make sure that what is marked is who they intended to vote for, then they will put that paper in the ballot box that is through the scanner. Our machines are still secure, they still function the way they were intended to do, they're not connected to the internet, there's no wireless capability, the physical ports themselves, where you can upload and download the data for the election, are both under lock and seal. Jared said that we now have, in 2021, different best practices. Nationally they say that every voter should have some paper record that they can evaluate for themselves to say that this is who they intended to vote for and then that paper record is kept by the county so that at any point in time they can go back and do a full recount if need be.

Jared said once again, that not only does the State have some money that they might be able to send down to counties to help support them in purchasing new equipment, KACo is also offering low interest financing over a number of years, so as opposed to the County budget having to take one hit all upfront in one budget cycle, they're allowing counties to separate that over three, four or five years.

Next on the agenda was a presentation of the Jail budget. Judge O'Nan stated that it is statutorily required that the Court is to receive a copy of this by the end of March. This was obviously a first draft and there will be some changes on it as we move forward. He asked the Magistrates to look through it and we can talk to Jailer Elder moving forward and he'll be included in the process as we work to set our budget. Judge O'Nan said that he will be working with Lissa, Kim and Jill on a rough draft of the budget that he will give to the Court and will take input from them as to where the budget stands. He hopes to have the rough draft to them by the second meeting in April to try to be ahead of the game. Magistrate Floyd made a motion to accept the Jail budget as presented, seconded by Magistrate Ricketts, motion carried.

Next on the agenda was to hire Jail Transport staff. Judge O’Nan stated that in our last meeting, a week ago, County Attorney, Julie Wallace and Jailer Elder reminded the Court that there were some things that we needed to do in order to get this switched over. On April 1, they will come over under the control of the Fiscal Court. He then read the salaries that the employees are currently up to now:

- Transport Officer, Shawn Elder - \$91,795.65
- Jason Newton - \$21.38 an hour
- Mary Ann Buckman - \$13.18 an hour
- Christina Biggers - \$11.66 an hour
- James Biggers - \$11.69 an hour
- Danny Dempsey - \$15.60 an hour

The Judge stated that Danny Dempsey is being moved over to the Transport Officer candidate as well, because he needs to be under that classification in order to pick up the jail inmates from Webster County. Magistrate Clements made a motion to accept these salaries, seconded by Magistrate Byrnes, motion carried.

Judge O’Nan then presented to the Court, the Jail Contract Extension between the Union County Fiscal Court and Webster County. The Judge stated that if the Court didn’t want to change the contract it would automatically be extended for three years. Magistrate Floyd made a motion to accept the 3year Contract Extension beginning on March 3rd, seconded by Magistrate Wyatt, motion carried.

Judge O’Nan presented to the Court the Transportation Plan for Transporting Union County Prisoners which was prepared by Union County Attorney, Julie Waller and Jailer Shawn Elder. The plan states that as of April 1, 2021, the Union County Jailer will be designated as Transportation Officer and will be responsible for the transportation of Union County prisoners to the Webster County Detention Center upon their arrest and will provide transportation to and from court appearances in Union County.

The Union County Fiscal Court will employ additional Transportation Officers to assist the Union County Jailer in fulfilling the duties of transporting Union County prisoners. Transportation Officers are under the supervision of the Union County Jailer and are subject to the Union County Fiscal Court Administrative Code and the Policy and Procedures Manual established by the Union County Jailer. The Union County Jailer is responsible for the scheduling of the Transportation Officers. Magistrate Wyatt made a motion to accept the Transportation Plan, seconded by Magistrate Byrnes, motion carried.

Next up was the approval to purchase a new mower for the Community Crew. The Judge stated that Jerry Dempsey, head mechanic at the County Road Department, came to the Fiscal Court saying the Danny Dempsey and Richie Jones had a mowing unit that they'd like to replace and move out to Moffit Lake. Magistrate Ricketts went over the quotes for this mower with the Court. Ricketts noted that there was a price differential of \$1,325 between a 25 horsepower John Deere tractor that is a higher price of \$4,375 versus the Kubota price of \$13,050. With the John Deere they've listed, that should the mower go down, they will provide a loner and it has a 3year warranty versus the Kubota, which has a 2year warranty. The John Deere has the heaviest deck on the market and they are willing to provide the winter service, and free pickup and delivery valued at \$500. Magistrate Ricketts made a motion to approve the purchase of a 25horsepower, John Deere tractor for the Community Crew, seconded by Magistrate Byrnes, motion carried.

Next up on the agenda is the hire recommendation for the EMA Director position. Judge O'Nan noted that the hiring committee interviewed 10 applicants for this position and from those interviews came the recommendation that the County hire Rick White, as the new EMA Director. Rick White is currently employed with the Morganfield Fire Department and he already has a wealth of FEMA certifications. Judge O'Nan stated that this is an appointment hire that he is allowed to make under KRS statute but he wanted to go through the interview process. Pat Hardesty with Kentucky Emergency Management and Jeremy Moore who is the Webster County EMA Director, joined in for the interviews. The Judge also asked the Court for their approval in setting the EMA Director's salary at \$50,500. With this salary being more than what our current EMA Director, Greg Noel was making, Judge O'Nan wanted to explain how he came up with this figure. He stated that because all of the applicants who had jobs that were interviewed, were already making more than the current EMA Director salary and after looking at surrounding counties and some in our GRADD region like Ohio County with a salary of \$50,412, Pendleton County at \$52,000 and for counties of our budget size, they had an average of \$56,304 with a range from around \$38,000 to around \$100,000, that in order to attract and retain good people, he made the recommendation to raise the salary. Magistrate Byrnes made a motion to accept the EMA Director's salary at \$50,500, seconded by Magistrate Ricketts.

Magistrate Clements stated that he will have to vote against raising the salary rate, because his policy has always been, that when you hire a new employee and they are taking the place of someone else, you don't raise them up immediately above what the former employee was making. After six months or a year he could maybe see raising them up, but not immediately.

Magistrate Ricketts stated that he thinks that the Judge has done a good job with managing the physical business of the County and that he can support his recommendation and

that he will be voting in favor of it. All Magistrates voted YES to the new salary recommendation, except for Magistrate Clements who voted NO. The motion was carried.

Judge O’Nan presented to the Court an Agreement between the Union County Fiscal Court and Deaconess Wellness. He noted that roughly between 15 to 20 of the County’s employees participate in this program. This is an extension of the agreement that we currently have with them. The screenings and the nurse visit per hour rates are all the same, but there is an increase of around \$3 for blood draws which is optional as to whether or not you choose to have that done. Magistrate Floyd made a motion to accept this Agreement extension, seconded by Magistrate Clements, motion carried.

All claims are to be paid as presented. Judge O’Nan then asked for a motion to be able to include the invoice for the Community Crew’s mower in today’s claims so that we can go on and pay for it and take delivery of it. Magistrate Ricketts made a motion to approve that the new mower claim be included in today’s claims, seconded by Magistrate Floyd.

Magistrate Clements made a motion to approve transfers, seconded by Magistrate Floyd, motion carried.

Judge O’Nan stated that we need a new quarterly committee to go over the claims. Magistrate Wyatt and Magistrate Floyd agreed to be the new quarterly committee.

Judge O’Nan told the Court that Jailer Elder has been in touch with Webster County and has worked out a detailed plan on how we’re going to handle our trustees to pick up trash. We sent the initial plan to the Health Department for their approval, which they did approve, and now it is in the hands of the State. This means that we could have prisoners out working quicker than what we had originally anticipated. Judge O’Nan also spoke with Clay Horton, our Regional Green River Health Director, and according to Clay, we are just five shots shy of having immunized 3,300 people with their first and second doses of the vaccine here in the county and as a total the State is just one shot short of reaching 40,732 vaccinations. The Judge encouraged our County residents who are so inclined to get vaccinated and to check with the Health Department or the Union County Deaconess Hospital. He was made aware that there are lots of appointments available. He also stated that he can’t wait to go to the Judges Conference to brag on our wrestlers once again for being State Champs for the sixth time in a row. He’s hoping to have the wrestlers come to our next Court meeting on April 13th to honor their Championship. The Judge also noted that Union County has a proud distinction of having the only 7th grader to ever win the State High School Wrestling Championship, right after winning the Middle School

State Championship. He also gave a shoutout to our Union County Bravettes Basketball team for the great season that they had this year.

Magistrate Wyatt commended our wrestlers for their sixth Championship in a row and the boys and girls' basketball teams. He also commended the Sturgis Police Departments, the State Police and our Sheriff's Department for the wonderful job that they've done with several drug busts in the Sturgis and Uniontown areas. They have been very busy and are doing a wonderful job.

Magistrate Ricketts echoed those same sentiments across the board to the Bravettes and the Wrestlers. He said that he was pretty proud to have 2 grandsons on the wrestling team.

Magistrate Floyd commended our Bravettes and our Wrestlers, also. He said that he was fortunate to be able to attend most of the Bravettes games and that the following for them is just unbelievable. He noted that he was setting the date of June 5th as the day for Uniontown's Cleanup Day and he checked with the City Council and they are in approval of this date. He will also be talking with the other Magistrates to set their dates as well.

Magistrate Byrnes gave a shoutout to our Wrestling Champs. He also Thanked Judge O'Nan for the taking the time out to attend the American Legion meeting the night before. Judge O'Nan said that it was an honor to be able to attend. He always feels like he's in the company of giants when he's around those veterans. The Judge noted that March 29th was Vietnam War Veterans Day. This is a commemoration that started under President Obama. This commemoration will last for 13years, so it will end in 2025. He said that at the meeting, all of the Griggs post were recognized nationally and a retired Lieutenant Colonel from the State Veterans Affairs was in attendance as well. Magistrate Byrnes stated that there use to be a Veterans Affairs Representative that came to the Courthouse once a month to help aging veterans with any issues that they might have had. He was going to check and see why they were no longer coming. Judge O'Nan stated that Amelia Wilson use to be our representative, so he was going to reach out to her to see how we can pick that back up now that things are freeing up a little bit. Magistrate Clements suggested checking with Melissa Polites at the Senior Citizens Building, she may know something about this. The Judge also stated that the Senior Citizens Building can start opening up more in July.

Magistrate Clements said that he is trying to get Whispering Meadows Cleanup Day set for June 12th and he wanted to check with Road Supervisor, Tony Ratley to make sure that would be ok with him and his crew. Tony said that date would be fine with him. Judge O'Nan asked if


all of the Magistrates could get together and set all of the districts Cleanup dates before our next meeting on April 13th so that we can announce them? Magistrate Clements wanted to know if all of the County's equipment was up and running for the tree and limb trimming. Tony stated that they are not down on the tree trimming but they are behind on the ditching and the culvert work. Since they are trying to work around the farmers getting their crops in, that affects the way they can do the ditching. Clements asked if Tony thought he was good with help for the summer or if having to pull his crew from road work to start mowing, was going to throw him off? Tony said that they would be fine since he has a pretty full crew right now. Clements congratulated our Wrestlers for their Championship and our Bravettes for being runner-up in the region and Good Luck to the Boys Baseball Team and the Girls Softball Team this season.

Magistrate Wyatt made a motion to go into Executive Session, under KRS: 61.810(1)(c), seconded by Magistrate Clements, motion carried.

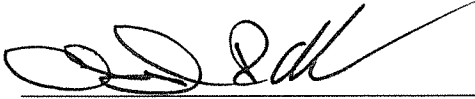
Magistrate Clements made a motion to go back into regular session, seconded by Magistrate Byrnes, motion carried.

Magistrate Wyatt made a motion to proceed with the foreclosure of the Python Ridge Road property, seconded by Magistrate Floyd, motion carried.

There being no further business to come before the Court, a motion to adjourn was made by Magistrate Floyd, seconded by Magistrate Wyatt, motion carried.



Fiscal Court Clerk
Kim Nance



Adam O'Nan
County Judge/Executive