

HARDIN COUNTY FISCAL COURT

REGULAR MEETING JANUARY 13, 2015

Judge/Executive Harry L. Berry called the Hardin County Fiscal Court Meeting to order and requested a roll call vote. Voting: Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes.

The invocation was given by Squire Thompson.

Squire Wiseman led the court in the pledge of allegiance.

Department/Office Reports were presented by:

Wesley Wright, Planning and Development

Vicki Meredith, Engineering Department

Ronnie Goodman, Road Department

Former Sheriff Charlie Williams thanked each of the court members for their cooperation over the past 12 years and asked them to extend the same cooperation to the new sheriff John Ward.

Deputy Sheriff Donna Cross, Sheriff Charlie Williams Tax Settlement

Written reports were provided by Animal Control, Emergency Management, and Solid Waste.

Brad Richardson, Executive/Director of Hardin County Chamber of Commerce, presented the Chamber Update.

Jim Waters, President of Bluegrass Institute, presented information on right-to-work. His presentation explained the benefits of the county voting to pass a right-to-work ordinance. He also noted that counties have the full legal authority to pass right-to-work ordinances.

Squire Goodman inquired when Russell County Fruit of Loom facility moved did they move to a right-to-work state. Mr. Waters replied they moved to Honduras.

Squire Goodman inquired about the Kentucky Attorney General's ruling about the right-to-work. Mr. Waters replied the Kentucky General's ruling is just an opinion. He noted that two retired Chief Justices of the Supreme Court say that Kentucky has a right to do this,

Squire Goodman noted that someone from the National Right To Work Committee says that right-to-work does not produce super economic performance. He wanted to know if this was a personal opinion or the groups' opinion. Mr. Waters says he does not know that. Squire Goodman needs to ask the person who said this.

Squire Goodman wanted to know who funded the Bluegrass Institute. Mr. Waters replied they were funded by people who believe in their mission and they are 501c3 and are non-profit and non-partisan.

Squire Goodman wanted to know would it be difficult for companies wanting to come to Kentucky to have different counties having the right-to-work. Mr. Waters stated that he felt it would give them more options.

Squire King wanted to know if the union has the right to choose to represent a company. Mr. Waters noted that a union has a choice when they apply to represent a company as either exclusive representation or members' only representation. Mr. Waters says most companies do not apply as members only because other unions could come in and compete for the other people who are not members of the union.

Squire King wanted to know how is it possible for a union to represent members only and not represent other people in the same facility. Mr. Waters says he does not know of this ever happening. He says it is a choice but it mostly always is exclusive representation but if it did happen the union would negotiate for the union members only and the other people have to negotiate their own terms.

Bill Londrigan, President of AFL-CIO Kentucky, says he represents people from all over Kentucky in every occupation and trade. He says he is glad to have the opportunity to address the court and talk about what he says is an illegal ordinance. He says the City of Shelbyville tried to pass a right-to-work ordinance in 1965 and it was rejected by the Court of Appeals – which was the highest court in the state at that time. He says the people trying to pass this ordinance are setting the court up for a legal challenge.

Jason Enmes, a Louisville lawyer, says the court unequivocally has the authority to pass this ordinance.

Squire King requested Hardin County Attorney Jenny Oldham to give her opinion on the right-to-work ordinance.

Ms. Oldham says it bothers her to hear the term illegal – that it is not illegal. She says there are issues open to interpretation. She noted the first issue can union membership be a condition of employment and that federal law says it can unless the state has prohibited it. The second issue is does the county have the same authority as the state and the Kentucky Home Rule does give the county authority in her opinion. She does believe there will be litigation.

Squire King feels that the right-to-work ordinance will be challenged.

Chris Ormes, Elizabethtown, says he has been a union member since 1997 and has never wanted to move to a right-to-work state. He feels unions are the most democratic process he has ever been involved in.

Richard Stevens, Radcliff, feels right-to-work laws were passed in the south as a way to keep African Americans from working. He feels the right-to-work will create scabs in union work places. He feels people come to union jobs to get union pay and union benefits.

Ann Zachery, Hardin County, works with the group Take Back Kentucky which represents about 120 counties of ordinary citizens which represents different views in the legislation on constitutional issues. She says Section 2 of the Kentucky Constitution gives the county the right to pass the right-to-work ordinance.

Bill Redmond, President of Local 970 union of Dow Corning, says he feels that Bluegrass Institute misrepresents how unions and companies interact. He invited the court to come to Dow Corning to see how well the union works. He said the right-to-work did not sit right with him and he felt the court was taking a jab at Dow Corning.

Joe Sexton, Seminole Lane, says if the average worker wanted the right-to-work they would be at court today and they are not. He noted he has been a union steward the last 11 years at UPS.

Chris Riggs, Leitchfield Road, says he is not a union member, but his father was, and he himself is against right-to-work. He says economic and globalization reasons are why we do not need right-to-work.

Craig Atcher, a member of 2727 International Brotherhood of Teamsters, has been a member for about 18 years at UPS, and he feels that right-to-work sends the message to future employers that our people are willing to work for less than anybody else.

Ray Mansfield, Louisville, a union member of Local 191, says he feels there is no coercion to become a union member. Workers become union members because they want to be. He feels his union dues go to representation for wages.

Judge Berry moved and Williams seconded to approve the second reading and adoption of Ordinance 300, Series 2014 relating to the promotion of economic development and commerce by regulation of certain involuntary payments required of employees in Hardin County.

Magistrates' comments on Ordinance 300, Series 2014:

Squire Goodman says he is not anti right-to-work but he would like to see a judge make a ruling before the court proceeds on voting.

Squire Easter would like to thank the people who made presentations today, all the people who called him personally and talked to him and set him tons of data about right-to-work and all the research that has been done about right-to-work. He also noted that that this is the area in all the years he has served on Fiscal Court and served in law enforcement that a lot of research has been done.

Voting on Ordinance 300, Series 2014: Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman no, Williams yes, Clem yes, Wiseman yes, Thompson yes.

Easter moved and Goodman seconded to approve Sheriff Charlie Williams Tax Settlement as presented. Voting: King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes.

Morgan moved and Goodman seconded to approve Resolution No. 2015-001 approving the reappointment of all county employees. Voting: Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes.

Thompson moved and Morgan seconded to approve Resolution No. 2015-002 approving the reappointment of Ronnie Goodman as Road Supervisor. Voting: Easter yes, Goodman yes, William yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes.

Williams moved and Wiseman seconded to acknowledge the reappointment of Doug Finlay as County Emergency Management Director. Voting: Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes.

Clem moved and Thompson seconded to approve Resolution No. 2015-008 approving county line of succession for emergencies in the absence or disability of the Judge/Executive. Voting: Williams yes, Clem yes, Wiseman yes, Thompson yes, Morgan yes, King abstain, Judge Berry yes, Easter yes, Goodman yes.

King moved and Morgan seconded to approve Resolution No. 2015-003 approving change order no. 4 relating to the new county government building. Voting: Clem yes, Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes.

Thompson moved and King seconded to approve Resolution No. 2015-010 approving a vehicle as surplus property and transferring it to the Planning and Development Commission. Voting: Wiseman yes, Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes.

Clem moved and Wiseman seconded to approve the Consent Agenda to include approving Claims Batch Nos. 06-7003, 06-7004, 06-7015, 06-7099, 07-7001 and 07-7013, approve Resolution No. 2015-009 relating to financial transfers, approve Resolution No. 2015-

004 relating to Finance personnel (Sarah Lutz), approve Resolution No. 2015-005 relating to EMS personnel (Patrick Tiernan), approve Resolution No. 2015-006 relating to Judge/Executive's personnel (Maggie A. Vogel and Amber Daniels), approve Resolution No. 2015-007 relating to Road personnel (Joshua C. Sherrard), approve Public Works Committee 01/06/15 minutes, and approve Fiscal Court Minutes dated 12/23/14. Voting: Thompson yes, Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes.

Squire Thompson noted that each time he asked the state Cabinet of Economic Development about recruiting for the Glendale mega site he said the number one response was we were not at right-to-work state. He hopes the vote today will attract industries to the Glendale mega site.

Squire King announced the next Resources and Community Support Committee meeting will be January 20th.

Squire Clem announced the next Solid Waste Committee meeting will be January 21st.

Judge Berry announced the next regular meeting of Hardin County Fiscal Court will be January 27th.

Easter moved and King seconded to go into Closed Session pursuant to KRS 61.810 exceptions to Open Meetings paragraph 1b – deliberations on the future acquisition or sale of real property by a public agency but only when publicly would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency. Voting: Morgan yes, King yes, Judge Berry yes, Easter yes, Goodman yes, Williams yes, Clem yes, Wiseman yes, Thompson yes.

In open session:

Court was adjourned, without objection, Judge/Executive Harry L. Berry presiding.


HARDIN COUNTY JUDGE/EXECUTIVE

ATTEST: 
CLERK, HARDIN COUNTY FISCAL COURT