

**Lewis County Fiscal Court
Special Called Meeting
July 18, 2012**

AT A SPECIAL CALLED MEETING OF THE
LEWIS COUNTY FISCAL COURT, HELD AT
THE COURTHOUSE IN VANCEBURG
KENTUCKY AT 2:00 P.M. WITH THE
HONORABLE MILT STANFIELD PRESIDING
AND WITH THE FOLLOWING MAGISTRATES
IN ATTENDANCE: ESQ. JOE BENTLEY AND
ESQ. PAUL B. SWEARINGEN .

Tom Bertram, County Attorney, called the meeting to order.

Paul Swearingen offered a prayer.

The Pledge of Allegiance was led by Milt Stanfield.

The roll was called with all members being present.

BUSINESS

Judge Stanfield informed the Court his office received resignations from four Garrison Water Board members. The resigned members were:

**Tony Pallarie
Karen Collier
Andy Lucas
Clarence Moore**

Judge Stanfield asked Magistrate Joe Bentley to make the recommendations to fill the vacancies left on the Garrison Water Board since this was his district and he knew his people.

Joe Bentley explained to the court that he had consulted KACO regarding the matter and feels that he should abide by KRS law when considering the appointments.

KRS

62.010 Oath of office -- When to be taken.

(3) Each person appointed to an office shall take the oath of office within thirty (30) days after he receives notice of his appointment.

62.990 Penalties.

(2) (b) If any person violates KRS 62.010(2) or (3) on or after January 1, 2010, his office shall be considered vacant, and he shall not be eligible for the same office for two (2) years.

County Attorney, **Tom Bertram** addressed Joe Bentley and stated that Joe's actions were inappropriate. Tom said he should have been informed beforehand and that he disagreed with those actions. He also informed the court that the 2yr disqualification did not apply.

Tony Pallarie came forward to address the court. Mr. Pallarie explained to the court that his resignation came as result of not being sworn into office within 30 days of his original appointment. He also stated that he resigned with the impression that he could simply be re-appointed and sworn in. The court approved his original appointment and he feels he has upheld his duties and sees no reason why himself and the other resigned members shouldn't be re-appointed.

Joe Bentley stated again that he felt he needed to abide by KRS law in this situation.

On a motion made by Judge Stanfield duly seconded by Paul Swearingen with Joe Bentley voting yes to approve Joe Bentley's recommendation of **Jonathan Bivens** to the Garrison Water Board.

On a motion made by Judge Stanfield duly seconded by Paul Swearingen with Joe Bentley voting yes to approve Joe Bentley's recommendation of **Gary David Esham** to the Garrison Water Board.

On a motion made by Judge Stanfield to approve Joe Bentley's recommendation of **Luke Bentley II** to the Garrison Water Board.

Tony Pallarie addressed the court again and asked that the court also abide by the same standard and not appoint **Luke Bentley II** since his last term served on the Garrison Water board has been less than two years.

The motion was withdrawn.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Judge Stanfield voting yes to approve a survey for easements and possible adoption of **Lumpy Lane** as a county road.

On a motion made by Paul Swearingen duly seconded by Joe Bentley with Judge Stanfield voting yes to approve the re-classification of **Greg D. Stone II** and **Brant J. Cunningham** to Truck Drivers with a rate of pay at \$12.81 per hour.

On a motion made by Joe Bentley duly seconded by Paul Swearingen with Judge Stanfield voting yes to approve the **claims**, for General accounts as presented. See Finance Book #3.

On a motion made by Judge Stanfield duly seconded by Joe Bentley with Paul B. Swearingen voting yes to **adjourn** the meeting.