

MINUTES
CITY COMMISSION REGULAR MEETING
SMITHS GROVE MUNICIPAL CENTER
MONDAY FEBRUARY 28, 2005 7:00 P.M.

All members were present Mayor Gilley, Commissioner Varner, Commissioner Watt, Commissioner Marr and Commissioner Pierce
There was a full quorum

Mayor Gilley called the meeting to order at 7:00 p.m.

Invocation was given by Commissioner Watt all present recited the Pledge of Allegiance

Mayor Gilley said he wanted to start off by giving this certificate to Commissioner Varner for the Leadership Training he had gone to at the Kentucky League of Cities.

APPROVAL OF MINUTES

February 24, 2005 minutes

Mayor Gilley asked if anyone had any questions on the minutes

Commissioner Pierce said he had a correction on the last page where the clerk had typed Personal matter instead of personnel that was the only question

Commissioner Marr had asked the Mayor and the Commissioner if they can hold off on approving the minutes because something has come up, that needs to be addressed. Jimmy Cline had asked Commissioner Marr not to say anything at this time, until they can get more information on this issue, that the people had elected him into this office, and resigning right now is not the right thing to do. Until the City Attorney can explain why Commissioner Marr needs to step down.

Attorney Wes Milliken addressed to the citizens that he did not know this was an issue, but he was asked last week to see what he can find out, so he had looked up what the Attorney General Opines had to say. And this is what he had found out; First of all he wanted to make it clear he has no acts of grind in it in away, his job is just find what the law is. This is what I found:

- (A) Can an Elected City Official serve as a County Employee?
- (B) Can an Elected County or City Official serve as paid worker?

Went on to read that the answer to question A. the City Council member is prohibited by (KRS 61.080) From serving at the same time as a Deputy Jailer.

Answer to question B. The mere payment for this work performed as an "employee" is not significant in this context.

Also concerning OAG 83-466 in which we concluded that a regular Deputy Jailer could not at the same time hold a city office. That KRS 61.080 expressly prohibit a person from filling at the same time a county office and a municipal office.

A citizen had asked Wes Milliken does this apply to Commissioner Marr if he had not been sworn in. Well it says a Deputy Jailer replied Wes Milliken. Several concerned citizens were addressing several questions Commissioner Watt had asked Wes Milliken can this meeting be able to be put off for 30 days, so the City can go ahead and let Wes Milliken find out more information Wes Milliken said he did not see any reason why not. Commissioner Pierce makes a motion to have the City Attorney get a ruling on this from the Attorney General to see where Commissioner Marr stands Commissioner Varner seconds the motion Varner yes, Watt yes, Mayor yes, Marr sustain, Pierce yes

Mayor Gilley called the meeting adjourned at approximately at 7:30 p.m.

APPROVED: _____
JAMES R GILLEY, MAYOR

ATTEST: _____
DONNA L LOONEY CITY CLERK

DATE: _____