

SPECIAL CALLED CITY COMMISSION MEETING
Smiths Grove Municipal Center
Thursday, February 6, 2003 7:00 p.m.

The mayor called the meeting to order at 7:00 with all commissioners present. Also in attendance were attorneys Whayne Priest and David Broderick; Jason Dooley, reporter for the Daily News; and several interested citizens.

Mayor Gilley asked the commissioners if they had read the proposals from the various attorneys who are interested in representing the City of Smiths Grove. When asked by Commissioner Pierce what his charges would be, Mr. Broderick asked to speak to the commissioners briefly. His fees would be \$125 per hour with no charges for paralegal services. He encouraged the City Commission of the need to have the City's attorney present at most meetings and stated that he is willing to do that. He stated that in a litigation situation, there are expenses other than the attorneys', and it can be very costly.

Mr. Broderick inquired as to whether there is anyone named individually in the current lawsuit. Mr. Priest advised that the caption reads "City of Smiths Grove, Kentucky and Mayor Walter McKay (*sic*) Individually." Mr. Broderick said that the only way Walt McCay could have done anything would have been in his official capacity as mayor; however, he (Mr. Broderick) would advise if he felt there was a conflict in his representation of the City. He also remarked that he does his own litigation-he makes a commitment and represents that party in court.

Mr. Priest stated that he was at the meeting in order to make the transition as smooth as possible. He asked for permission to give to the Daily News a copy of the letter that he wrote the City Commission in response to the article that appeared in the paper the previous week. The Commission granted permission.

Commissioner Pierce made a motion to go into closed session to discuss the hiring of a new attorney. Mr. Priest interrupted to advise that the Commission can not close to discuss general purposes such as the hiring of a professional. He had foreseen the likelihood that the Commission would want to go into closed session and had prepared a written motion which might be used by the Commission.

Commissioner Martin read the motion as follows: "The motion is hereby made that this meeting go into closed session for 'discussions of proposed or pending litigation against or on behalf of Smiths Grove' pursuant to KRS 61.810(i)(c)." Commissioner Pierce seconded, and the roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin yes, Pierce yes. Mr. Priest cautioned the commissioners not to make a decision nor take a straw vote in the closed session. The Commission went into closed session at 7:20 p.m.

Open session resumed at 7:35 p.m. Commissioner Cooke moved that Milliken and Milliken be hired to represent the City, and Commissioner Watt seconded the motion. Commissioner Martin moved to amend Commissioner Cooke's motion and continue until the Commissioners had an opportunity to meet with Currie Milliken. Commissioner Martin alluded to problems in communication when the Milliken firm previously

represented the City. Commissioner Pierce agreed with Commissioner Martin and said that Mr. Milliken needed to provide a written commitment as to what he would do for the City of Smiths Grove. He stated that Mr. Milliken provided no representation in the two years he (Commissioner Pierce) has served. Mayor Gilley assured the Commissioners that during his prior terms as mayor, there had been no problems in communication with Currie.

A vote was taken on Commissioner Cooke's original motion to hire Milliken and Milliken. The roll call vote was as follows: Cooke yes, Watt yes, Gilley yes, Martin no, Pierce no.

Mr. Priest stated that he had enjoyed representing "the Grove," and that it reminds him of his hometown, Hartford. He wished the City well and remarked that it is a compliment to the City that so many attorneys are interested in representing the City.

Commissioner Martin thanked Mr. Broderick for coming to the meeting and for his interest in the City. She also thanked Mr. Priest for all of his hard work on behalf of the City.

The meeting was adjourned at 7:40 p.m.

APPROVED: _____
James R. Gilley, Mayor

ATTEST: _____
Phyllis J. Bessette, City Clerk