

Minutes
BRADD Executive Council
Wednesday, December 19, 2018
BRADD Office Center

Regular Members in Attendance: Judge/Executive Wil Cannon, Mr. Gary Dillard, Judge/Executive David Fields, Mayor Dwayne Hatcher, Judge/Executive Johnny Hobby, Mr. Elroy Larimore, Mayor Mark Stratton, Mr. Steve Thurmond, Judge/Executive Tommy Willett, and Judge/Executive Greg Wilson (See attached sign-in sheet).

Staff in Attendance: Mr. Eric Sexton, Ms. Amy Carroll, Ms. Hong Nguyen, Ms. Michelle Hines, Ms. Emily Hathcock and Mr. Caleb Speck.

Guests in Attendance: Mr. Lanny White, Mr. Tim Flener and Mr. Don Sergent.

1. Call to Order

The Executive Council meeting was called to order by Vice Chair Mr. Steve Thurmond, in the absence of the Chairman. It was determined a quorum was present.

2. Approve Minutes

Vice Chair Mr. Steve Thurmond presented the October 24, 2018 minutes for approval. The minutes were previously emailed to the members.

Motion: Judge/Executive Tommy Willett made a motion to approve the October 24, 2018 minutes, and the motion was seconded by Judge/Executive Greg Wilson. The motion carried. (See attached)

3. Review and Approval of Clearinghouse Projects

Vice Chair Thurmond called on Ms. Emily Hathcock to present the clearinghouse projects. Ms. Hathcock reported on three regional projects for review as submitted by the BRADD staff. The first project is a wastewater facilities plan for the City of Tompkinsville. The second project is a sewer rehab and replacement project with Warren County Water District for the Plum Springs area. The last project is also for Warren County Water District for water line improvements to the Morgantown Road area. Ms. Hathcock informed the Council all projects were reviewed by BRADD staff for duplications, of which there were none.

Motion: Mayor Mark Stratton made a motion to approve the three regional clearinghouse projects as presented; the motion was seconded by Mr. Elroy Larimore. Motion carried. (See attached)

4. Financials

- **Review of Executive Directors Time Sheet and Travel**

Vice Chair Thurmond presented the October and November time sheets and travel forms on Executive Director Mr. Eric Sexton, for approval.

Motion: Judge/Executive Greg Wilson made a motion to approve Mr. Sexton's time sheets and travel forms, and the motion was seconded by Mr. Elroy Larimore. Motion carried.

- **Fiscal Year 2018 Audit Review**

Vice Chair Thurmond called on Mr. Lanny White of Carr, Riggs and Ingram to present the FY 18 year-end audit report. Mr. White began by informing the Council this is the first year the state Auditor of Public Accounts (APA) has reviewed the BRADD's audit process pursuant to new legislation. A letter was received from the state APA containing a clean review. Mr. White provided an overview presentation which included a comparison of the BRADDs year-end reports over the past year. Mr. White provided a breakdown of the general fund and the special revenue funds in his comparison. Mr. White reported that after stringent review, they were unable to report any findings in the FY 18 BRADD finances. He further stated no management letter would be issued. Discussion ensued. Members voiced praise to BRADD staff for continuous efforts of high quality work for another year.

Motion: Mayor Mark Stratton made a motion to approve the fiscal year 2018 audit, and the motion was seconded by Judge/Executive Greg Wilson. Motion carried.

- **FY 2019 Cost Allocation Plan (CAP) Revision**

Vice Chair Thurmond called on Ms. Hong Nguyen. Ms. Nguyen informed the Council a copy of the FY 19 CAP is included in the executive council packet. Ms. Nguyen stated the BRADD developed the layout for the CAP plan and submitted it to the Department for Local Government (DLG) in accordance to normal protocol. The BRADD received a letter of acknowledgment from DLG informing the CAP had been received but not reviewed. The ADD is now responsible for maintaining compliance with their CAP. Ms. Nguyen informed, the plan was sent to the auditor for advice and to the Economic Development Administration (EDA) for approval as our cognizant agency. BRADD was informed by EDA, Application VII of part 200, Section D.1.b of Uniform Guidance reads, "A governmental agency that received more than 35 million in direct Federal funding must submit its indirect cost rate". Ms. Nguyen informed the BRADD does not exceed such rate, and therefore as confirmed by the EDA, does not have to submit the Indirect Cost Allocation Plan for approval. Ms. Nguyen further informed the plan has been revised reflecting that change only.

Motion: Judge/Executive Johnny Hobby made a motion to approve the Cost Allocation Plan Revision made to Page one of the plan. The motion was seconded by Judge/Executive Tommy Willett. Motion carried. (See attached)

5. **Agreements/Contracts**

- **JFA**

Vice Chair Thurmond called on Mr. Eric Sexton. Mr. Sexton reported on the FY 18 JFA contract dispute. Mr. Sexton informed the dispute resolution final determination letter was received from DLG on December 10th, denying the request for unrestricted funds for the BRADD FY 18 JFA. Mr. Sexton informed the letter was sent to the members. Mr. Sexton stated a response letter has been drafted in efforts to address factually incorrect information. All the members voiced concern with the letter from DLG and the miss-information within. Mr. Dillard stated, today's audit report indicates the contrary to the stated "financial management" accusations in DLG's letter. All members agreed to multiple factual discrepancies in the letter and a response was warranted.

Motion: Judge/Executive Tommy Willett made a motion to approve sending a response letter from the board to the DLG Commissioner's final determination letter, addressing the factual discrepancies. The motion was seconded by Mr. Gary Dillard. Motion Carried. (See attached)

Mr. Sexton asked the Executive Council how best to proceed with FY 18 JFA dispute; including the last step outlined in the FY 18 contract, would be an appeal to the Governor. Discussion ensued and members stated the importance of having the area Legislators involved. Mr. Sexton stated he has been in communication with the BRADD area Legislators throughout the JFA FY 18 funding reduction, reminding the board of the Senate A & R meeting in January with the Commissioner. Mayor Stratton voiced the great need for the Legislators to be fully informed of the JFA FY 18 funding issue and suggested their support in an appeal to the Governor. Vice Chair Thurmond encouraged all Members to speak with their area Legislators to ensure they are well informed of the JFA FY 18 funding reduction.

Motion: Mayor Mark Stratton made a motion to send an FY 18 JFA appeal letter to the Governor, including the BRADD area Legislators. The motion was seconded by Judge/Executive Wil Cannon. Motion Carried.

Mr. Sexton continued to inform the Executive Council on the FY 2019 JFA contract. The contract was received this past Thursday during the Newly Elected Officials Training. The contract is \$16,000 less than last year but \$46,000 less than appropriated by the General Assembly. The contract language also changes to give the Commissioner full authority to modify and reduce the contract at any time with no provisions for arbitration. Mr. Sexton informed a meeting is being requested with the Commissioner by the KADD Chair and DLG Committee Chair to discuss questions and concerns with the FY 19 JFA contract. Questions were raised from the Council on how DLG has the authority over the General Assembly to change or modify allocation of funds, considering the continued reductions. Mr. Sexton asked the Council on how to proceed with the FY 19 contract. Discussion ensued including implications of signing or not signing the FY19 contract. It was a consensus of the Executive Council Members to send a letter with the contract, seeking clarification on the contract language changes and guidance on how to proceed with them. The Council also agrees for the Executive Director to continue to work with KADD, KCADD and other stakeholders to explore the best possible solutions for the agency.

Motion: Judge/Executive Greg Wilson made a motion to approve signing the FY 19 JFA contract and sending a letter requesting clarification on the contract language changes. The motion was seconded by Judge/Executive Tommy Willett. Motion carried.

6. Personnel

- Aging

Vice Chair Thurmond called on Ms. Michelle Hines, Associate Director of Aging. Ms. Hines reported to the Council aging staff changes. Case Manager Shaneeka Brewton and Support Broker Tammy Tinsley have both resigned. Both positions were advertised and the job posting closed on December 7th. The interview process is underway with hopes of making job offers soon.

7. Other

- **Comprehensive Economic Development Strategy (CEDS) Resolution**

Vice Chair Thurmond called on Ms. Emily Hathcock to present the CEDS Resolution. Ms. Hathcock informed the resolution is located in the Council's packet and an update was completed and is ready for submission; however it is still under public review until December 31, 2018. Ms. Hathcock read the resolution.

Motion: Judge/Executive Greg Wilson made a motion to accept the Comprehensive Economic Development Strategy (CEDS) Resolution. The motion was seconded by Mayor Mark Stratton. Motion carried.

- **KICK Start KY Resolution**

Vice Chair Thurmond called on Mr. Eric Sexton. Mr. Sexton informed a copy of the proposed resolution is located in the Council's packet. Mr. Sexton informed Representative Jim DeCesare and KBT are trying to increase funding for transportation and have asked local governments and like agencies to support the resolution. The resolution states that the BRADD will support the efforts of legislation to modernize Kentucky's transportation funding mechanisms to include both an increase in existing sources and also consider alternative measures to generate revenues needed for maintenance and construction for all modes of transportation.

Motion: Judge/Executive Tommy Willett made a motion to approve the KICK Start Kentucky Resolution. The motion was seconded by Mr. Elroy Larimore. Motion carried. (See Attached)

- **Executive Director 2019 Out of State Travel**

Vice Chair Thurmond called on Mr. Caleb Speck. Mr. Speck informed enclosed in the Council packet is a listing of all proposed out of state travel dates for 2019 for Executive Director Eric Sexton. Out of state travel requires Council approval however; it does not necessarily mean Mr. Sexton will attend all meetings listed; he will only do so as the budget allows.

Motion: Judge/Executive Johnny Hobdy made a motion to approve Executive Director 2019 out of state travel. The motion was seconded by Judge/Executive Greg Wilson. Motion carried.

- **2019 Board Meeting Calendar**

Vice Chair Thurmond called on Mr. Eric Sexton. Mr. Sexton informed enclosed in the Council's packet is proposed 2019 Board Meeting dates and requests approval. The schedule is similar to last year and includes no meetings in February or November with slight modifications to June and December. Due notice will continue to be given for any meeting date change.

Motion: Judge/Executive David Fields made a motion to approve the 2019 Board Meeting Calendar. The motion was seconded by Mr. Gary Dillard. Motion carried. (See Attached)

- **Vacancy of Officers Appointment**

Vice Chair Thurmond reference the Council's packet containing a list of vacant Executive Council seats and officer positions as of January 1st, 2019. Mr. Sexton informed that the BRADD has mailed letters to the counties needing to appoint a member to the Executive Council. Mr. Sexton reminded the appointments are to be signed by the Judge/Executive, Mayors and Citizen Members of each county. The appointments are due back to the BRADD by December 31, 2018. Vice Chair Thurmond further informed the need for new BRADD officers due to vacancies from the recent election. Mr. Thurmond stated the officers will serve throughout the remainder of fiscal year 2019 and will be eligible for a full two year term in accordance to the BRADD by-laws. Vice Chair Thurmond opened the floor for nominations of Chairman. Discussion ensued. Mayor Stratton recommended current offices moving up to fulfill the vacancies due to experience as an officer. Current officers are Vice Chair, Mr. Steve Thurmond and Treasurer, Judge/Executive Wil Cannon. Mr. Sexton advised when considering officer positions there should be an equal distribution of Judge/Executives, Mayors and Citizen Members represented, in accordance to standard practice.

Motion: Mayor Mark Stratton made a motion for Mr. Steve Thurmond to serve as Chairman for the remainder of fiscal year 2019. The motion was seconded by Mr. Gary Dillard. Motion carried.

Vice Chair Thurmond opened the floor for nominations for the office of Vice Chair. It was suggested current officer, Treasurer Wil Cannon who is a Judge/Executive, move up to fill the next vacant position of Vice Chair.

Motion: Judge/Executive David Fields made a motion for Judge/Executive Wil Cannon to be Vice Chair for the remainder of FY 19. The motion was seconded by Mayor Mark Stratton. Motion carried.

Vice Chair Thurmond opened the floor for nominations for the office of Secretary for the remainder of FY 2019. It was noted that the position of Mayor is preferred due to the newly elected Chair being a Citizen member and Vice Chair being a Judge/Executive. Discussion ensued.

Motion: Judge/Executive Greg Wilson made a motion for the office of Secretary to be filled by Mayor Mark Stratton. The motion was seconded by Mayor Dwayne Hatcher. Motion carried.

Vice Chair Thurmond opened the floor for nominations for the position of Treasurer. Mr. Thurmond announced that according to the need for equal representation a Citizen Member is recommended to fulfill this position, if possible. Discussion ensued.

Motion: Judge/Executive Johnny Hobby made a motion to nominate Citizen Member Mr. Gary Dillard as Treasurer for the remainder of FY 19. The motion was seconded by Judge/Executive Tommy Willett. Motion carried.

- **Other Updates**

Vice Chair Thurmond called on Mr. Sexton for further updates. Mr. Sexton announced the FY 18 annual report has been completed by BRADD staff and will be handed out today. The BRADD personnel policy updates should be ready for approval in January. Mr. Sexton reminded that the next Executive Council meeting will be held on January 23rd, 2019 at 11:30 am. Lastly, Mr. Sexton informed the KY ADD Pension Plan (BRADD's 401k Program)

has some required amendments due to regulation changes. The plan attorney drafted the changes and has sent them to be signed by the Trustees and adopted by the Board. After review, the changes appear to be in compliance and favorable.

Motion: Judge/Executive David Fields made a motion to adopt the resolution for the KY ADD Pension Plan changes. The motion was seconded by Judge/Executive Greg Wilson. Motion carried. (See Attached).

Vice Chair Thurmond called on Ms. Michelle Hines. Ms. Hines informed for information purposes that BRADD/AAAIL had Requests for Proposals available for Personal Care Attendant Care Program, Frozen/Shelf Meals, Senior Center Program, Transportation, and Hot Meals Services. These proposals were opened on December 14, 2018 at 2 pm. BRADD staff will conduct the technical reviews of those proposals. The review committee is scheduled to meet on January 9, 2018 at 10 am to discuss received proposals. Ms. Hines further informed that once the Policy and Review Committee has been assigned, the BRADD Aging staff will select remaining members of the Aging Review Committee from remaining counties not covered from the Aging Advisory Council.

10. Adjourn

Motion: Mr. Elroy Larimore made a motion to adjourn, and the motion was seconded by Judge/Executive Wil Cannon. Motion carried.


Signed