

January 5, 2009
Special Meeting

The City of Cynthiana Board of Commissioners met in a special session on January 5, 2009 at 11:00 A.M. in the Commissioner's Room at City Hall. Present were Attorney Lair, Commissioners Keith, Mattmiller, Moore, and New.

Mayor pro-tem Keith called the meeting to order. He stated that since Mayor Brown is still recuperating, it was mutually agreed that Commissioner Keith should chair the meeting to appoint the department Commissioners and the Mayor pro-tem.

MEETING CALLED TO
ORDER –
COMMISSIONER
KEITH PRESIDING

Commissioner Keith stated that it was his understanding that Commissioner Mattmiller wanted Property and Finance to oversee. Commissioner New advised he wanted to stay in Public Works. Commissioner Moore advised she would like to oversee the Public Safety Department. Commissioner Keith stated he would like to stay in Public Utilities.

DEPARTMENT
APPOINTMENTS

Commissioner Keith advised that he would entertain a motion to appoint the Commissioner of Public Property and Finance.

Commissioner Moore made a motion to appoint Commissioner Mark Mattmiller to serve as the Commissioner of Public Property and Finance. Commissioner New seconded. In favor: Commissioner Keith: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner New: yes; Opposed: none. Motion carried.

COMMISSIONER
MATTMILLER
APPOINTED TO SERVE
AS COMMISSIONER OF
PUBLIC PROPERTY &
FINANCE

Commissioner New made a motion to appoint Commissioner Amanda Moore to serve as the Commissioner of Public Safety. Commissioner Mattmiller seconded. In favor: Commissioner Keith: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner New: yes; Opposed: none. Motion carried.

COMMISSIONER
MOORE APPOINTED
TO SERVE AS
COMMISSIONER OF
PUBLIC SAFETY

Commissioner Mattmiller made a motion to appoint James R. New to serve as Commissioner of Public Works. Commissioner Moore seconded. In favor: Commissioner Keith: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner New: yes; Opposed: none. Motion carried.

COMMISSIONER NEW
APPOINTED TO SERVE
AS COMMISSIONER OF
PUBLIC WORKS

Commissioner Mattmiller made a motion to appoint John M. Keith, Jr. to serve as Commissioner of Public Utilities. Commissioner New seconded. In favor: Commissioner Keith: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner New: yes; Opposed: none. Motion carried.

COMMISSIONER
KEITH APPOINTED TO
SERVE AS
COMMISSIONER OF
PUBLIC UTILITIES

Commissioner Keith noted the next item on the agenda was the appointment of a Mayor pro-tem.

DISCUSSION ON
MAYOR PRO-TEM
POSITION

Commissioner Mattmiller requested the floor. Commissioner Mattmiller advised that during a discussion last week, he expressed his desire to be the Mayor pro-tem because that is the will of the people as indicated by their vote.

COMMISSIONER
MATTMILLER
REQUESTED POSITION
OF MAYOR PRO-TEM

Commissioner Mattmiller stated that Commissioner Keith also expressed his desire to continue in the position of Mayor pro-tem, but

Commissioner Mattmiller felt that if anyone was appointed but himself, it would be against the will of the people. Commissioner Mattmiller felt the Board appears to be stymied on this issue, however, he has given the issued a lot of thought. He stated he felt it was tradition to offer the top vote getter the position of Mayor pro-tem. Commissioner Mattmiller acknowledges there is no law or regulation on this matter, but it is a long held tradition/custom that the top vote-getter is offered the position. He also stated that there have been times when the top vote getter did not want the position. In actuality, it does not matter what either Commissioner wants, but what the people want: count the votes.

The vast majority of people voted for Mark Mattmiller because they wanted change. He was voted in because of problems that they wanted fixed. Everyone heard the same thing when going door to door campaigning.

Commissioner Mattmiller stated that Commissioner Keith has cited his reasons to maintain the position. Commissioner Mattmiller continued that he has no problem with Commissioner Keith's experience, but does have an issue with using experience as an end to all.

Commissioner Mattmiller stated the public voted and showed how important or unimportant they believe experience to be in this political office. In his opinion, the Board could do one of two things: Take this time tested tradition and continue it or throw this tradition out.

Commissioner Mattmiller urged the Board to look at the vote count; the will of the people needs to be noted. The will of the people, tradition, and rationalization should all be considered.

Commissioner Mattmiller made a motion to appoint Mark Mattmiller as Mayor pro-tem. Commissioner Moore seconded.

MOTION TO APPOINT
MATTMILLER TO
POSITION OF MAYOR
PRO-TEM

Commissioner Keith spoke that tradition is one thing, but the City is a business to be run. Commissioner Keith acknowledged that Commissioner Mattmiller has an excellent career in education, but Commissioner Keith stated that he has served for the last two years on the Board and is familiar with the issues, has the knowledge and the ability to best serve the Board. Commissioner Keith advised that the City will be without a Mayor for a period of time. The City has a number of long developing programs going on right now that needs to come to fruition. These projects need to be supervised by the Mayor pro-tem.

COMMISSIONER
KEITH EXPRESSES
REASONS HE SHOULD
BE MAYOR PRO-TEM

Representations have been made over the past two years for the future of the City. Commissioner Keith felt there is not time for on-the-job training. Commissioner Keith also stated that there is nothing in statutes that says top vote getter is Mayor pro-tem. He cited the order of finishes of the candidates and noted that the position of Mayor pro-tem is not on the ballot. He stressed that the issues are too big and too significant for Commissioner Mattmiller to have the background and foreknowledge to handle.

Commissioner Mattmiller advised our form of government started in 1900 in Galveston, TX to deal with the hurricane. The judicial and legislative branches of the government were consolidated then divided into areas because it was too much for one person to oversee. Our Mayor is an equal to the other Commissioners. He serves as a figurehead to preside

CONTINUED
DISCUSSION

over meetings and represent the City at functions. Commissioner Mattmiller said he had two words: People and Change. He stated that the ex Mayor pro-tem came in second place in the vote count. The City is in a place where we need to listen to the people or go on as usual.

Commissioner Keith said the ballot said "Commissioner" not "Mayor pro-tem". Commissioner Keith called for the vote:

In favor: Commissioner Mattmiller: yes; Commissioner Moore: yes;
Opposed: Commissioner Keith: no; Commissioner New: no.

MOTION DEADLOCKED
ON APPOINTING
MATTMILLER AS
MAYOR PRO-TEM

Commissioner Keith commented that he had contacted the Kentucky League of Cities and they advised that they do not have an answer in the event of a tie on this matter. Commissioner Keith requested an opinion from Attorney Lair.

OPTIONS AND LEGAL
POSITION UNDER
KRS 63.190

Attorney Lair advised that he had done some research, and found one case from 60-70 years ago, however, the duties of the Mayor pro-tem were different than those of today.

Attorney Lair stated the gist of the case is that Commissioner Keith's position as Mayor pro-tem would not carry over. There will have to be a new one appointed. Under KRS 63.190, if the Commission is unable to resolve this issue, then the Governor could appoint a Mayor pro-tem after 30 days. Attorney Lair advised it would be a good thing for the Board to appoint someone to this position without resorting to the Governor.

Commissioner Mattmiller stated that he does not have an alternative plan. He feels that he has been charged by the people to serve in this position. He does not feel it is about Mark Mattmiller or John Keith, Jr., but about the will of the people. He expressed his hope for unity, teamwork and the spirit of cooperation.

Commissioner Keith stated he had hoped for the same thing.

Commissioner Mattmiller suggested the Board postpone until the next regular scheduled meeting on January 13, 2009. This will allow time for the people to voice their opinions to the Board members.

DECISION ON MAYOR
PRO TEM POSTPONED
UNTIL JANUARY 13,
2009 MEETING

Commissioner Keith questioned if there was any pressing business that must be handled before the January 13, 2009 meeting. City Clerk McIlvain stated there was nothing that she was aware of at this time.

Commissioner Mattmiller made a motion to adjourn. Commissioner New seconded. In favor: Commissioner Keith: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner New: yes;
Opposed: none. Motion carried.

ADJOURNMENT

Charleen McIlvain, City Clerk

John M. Keith, Jr.
Commissioner of Public Utilities