

**POWELL COUNTY FISCAL COURT  
SPECIAL CALLED MEETING  
JANUARY 13<sup>TH</sup>, 2017  
8:00 a.m.**

Present: James Anderson, County Judge Executive  
Connie Crabtree, Fiscal Court Clerk  
Danny Rogers, Sheriff  
Rog Mathew, Deputy Sheriff  
Larry Patterson, Deputy Sheriff

Judge Anderson called the meeting to order:

Judge Anderson asked the Clerk to call roll:

Magistrate Donna Gabbard – Present

Magistrate Keith Hall – Present

Magistrate Mike Lockard – Present

Magistrate Kenneth Rice – Absent (sick)

Magistrate Timmy Tipton – Present

The first item on the agenda was bills submitted for payment.

There was no objection to pay all the bills that were submitted for payment.

Powell County Sheriff Danny Rogers was present for the meeting to discuss the franchise tax along with his 2017 budget.

Judge Anderson gave the Sheriff a handout that he had received that morning that listed the franchise along with their amounts.

Sheriff Danny Rogers said he would like to explain to the court about the franchise tax.

Employee Joyce Rogers use to prepare the franchise bills. This continued until 2014 when they was written up by an auditor for doing so. He said he was unaware that it was a KRS that the County Clerk had to prepare the franchise bills.

Mr. Rogers said that once he receives the franchise taxes from the Clerk he could get them mail out within 48 hours. Magistrate Tipton said that was the kind of commitment he was wanting.

Magistrate Tipton said he bothers him that last year we only got twenty some thousand dollars. There is an issue about this cycle in 2016 but what happen to 2015?

Again Sheriff Rogers said he had quit preparing the bills due to an auditor writing him up for this.

The court moved to the discussion of the Clerk's budget. They also continued to discuss the franchise tax.

It's the Clerk's responsibility to get them prepared and submit them to the Sheriff's Department to be billed. The Sheriff did say if he received the bills he could get them out within 48 hours. Mr. Tipton considers this a commitment. There is no commitment on the Clerks side saying that she can get them out by a certain day.

Judge Anderson said is going to bring up another issue. One of his things as an elected official is to take care of tax payer's money.

Magistrate Tipton said he doesn't know what it does to the Clerk and Sheriff if their budget is not approved by the 15<sup>th</sup> of January but he is reluctant to vote on the Clerks budget and it's nothing personal but he would like to have an explanation from her.

Judge Anderson said he could call a quick recess to call Robert Brown with the Department of Local Government to see what happens if the budgets are not approved by the 15<sup>th</sup> of January. Before making the call Judge Anderson said that if we are worried about compliance we need to hold both offices accountable for the same thing. If there is money owed to the court he would ask that in the next two months that the same dog they hunt one with is the same dog we hunt the other with.

Magistrate Tipton said he agrees that we hold both offices accountable but where is the defining line of responsibility relevant to the franchise fee. He wants the Clerk to do what's she supposed to do and the Sheriff to take it and bill it like it's suppose too and the county get the revenue like we should. He went on to say that he don't want to withhold approving the budget if it does something to the employees down there or hurt's our citizens from being protected from not being able to renew their registration's.

Court calls a ten minute recess

Court resumes

The Judge came back from making the call to the Department for Local Government. The Judge was told that even if the court does not approve the Sheriff and Clerk's budget they will still continue to work off the budget that they presented to the court so therefore is ridiculous they even bring them to us. He asked the court when was the last time they saw a quarterly report from either office? One of the office is working like a coop and if they did have money they spend it verses turning any of it over to the county. When preparing a budget it is a guess but if you are doing your job it would be an educated guess. He said when we prepare the counties budget we try to make it as accurate representation to what we receive or plan to spend.

After a long discussion a motion was made by Magistrate Tipton seconded by Magistrate Lockard to approve the County Clerk's 2017 budget per the conversation with the Department for Local Government that the court had no power over the budget.

James Anderson

*Donna Gabbard*

Donna Gabbard

*Keith Hall*

Keith Hall

*Mike Lockard*

Mike Lockard

*Timmy Tipton*

Timmy Tipton