

Hand delivered March 19, 2012

Mayor William S. Sheckles  
220 N. Fifth Street  
Bardstown, Kentucky 40004

Mayor Sheckles:

In mid January of 2012 the two Fire Depts. that are housed in a common building owned by the City of Bardstown, the "Bardstown/Nelson County Volunteer Fire Department **INC.** (emphasis) aka. "the Corporation" the Articles of Incorporation of which were filed with the Kentucky Secretary of State on March 30, 1966 and assigned organization number 0003133 and the entity that is a subdivision of the City of Bardstown that "shall" be known as the "Bardstown Fire Department" per Bardstown's Ordinance 36:10 held a meeting to elect a chief per the mandated of Ordinance 36:12.

If I understand this right, and I am subject to correction, the firefighters that are members of the "Bardstown Fire Department," are also members of the "Bardstown/Nelson County Volunteer Fire Department **INC.** The rosters of both departments are basically one and the same, and the election held was for a common chief that both entities would answer to.

These two separate entities, having amicably agreed in the past to jointly share a common Fire Chief, and operate under a set of city regulations, allegedly passed by the City of Bardstown in 1926, referred to in the book as an "Ordinance" Of course the Bardstown Fire Department has to follow the official mandates found in this "ordinance," it being a subdivision of the City of Bardstown, and funded via tax money. The "Corporation" on the other hand, has no legal bonds to this "ordinance" but its members have amicably allowed themselves in the past to follow the city's ordinances fire chief election process, which results in a common chief for both depts. The 'Corporation" is a non-stock corporation and funded primarily through fire dues.

Apparently this arrangement went out the door this January, when Marlin Howard was voted in and your alleged Fire Chief, Anthony Mattingly was voted out by a vote of 32 - 12. Your refusal to accept and honor the results of this **election** has resulted in more chaos and discord within the fire departments ranks in the past 2 months than in the previous 50 years put together.

Your usurpation of the election process and your failure to follow the mayor's responsibilities dictated by your own "ordinance" that was **in place at the time of the election**, (emphasis) was then amended, **after** the election with your orchestration, and **after the fact** your man had lost the election. Your failure in following the mayors requirements set forth in the ordinance in place at the time of the abovementioned election resulted in each entity having it own Chief. You weren't satisfied with this arrangement either, so you named the winner of the aforementioned election, Marlin Howard, as "**interim Chief**" even though the ordinance in place at the time of the

elections has no provisions for an “**interim Chief.**” You then went through the formalities to amend the ordinance to your favor. At this same time you initiated a search outside the current membership of the two entities for a common Fire Chief, that you could appoint with **approval** of the Bardstown City Council, that both of the aforementioned entities would answer to.

Your knee jerk reaction to the result of the firefighter’s election was you **totally ignored the mayoral responsibilities**, those duties found in the ordinance in place, at the time of the election. Instead of honoring the election and doing the job you were elected to do, you opted to amend out of the ordinance those things that didn’t suit your fancy, again **after the fact** that an election had already been held, in compliance with the ordinances mandates.

The Bardstown City Council amended the ordinance under your directions, **after the fact of the out come of the election**, to give the mayor full control of whom was to be the chief, and putting in a “relationship” clause that pertains to the “Corporation.” This only resulted in the start of firefighters talking of leaving their abovementioned membership with the **Bardstown Fire Department**, of finding a new “house” to accommodate the **Corporation**, of taking their fire fighting equipment with them, and rumors of resignations of the **unpaid volunteers** that are the core of both fire departments.

I find the relationship “clause” of yours most ironic, with you as Mayor, thru the Bardstown City Council dictating **terms** to a “Corporation”, when you as Mayor and the Bardstown City Council hold no **position** to make the **demands**. I have no doubt that the reason for the creation of the “Corporation” in the first place was the foresight of the initial incorporators to afford the fire fighters protection from power hungry politico’s, such as is the case at hand.

A blind man could see that this “relationship” clause allows you total control of not only the “Bardstown Fire Department” but also of the “Corporation” since the **chief** and **officers** of both departments have to be one and the same, via your amended ordinance **IF** the “Corporation” wants to stay “housed” and “operated” out of the building owned by the city. They (The Corporation) “**may**” stay “housed” in the building with the stipulation that the Chief of the Bardstown Fire Department and the Chief of the “Corporation” are one and the same and guess who appoints the “**Bardstown Fire Department’s**” Chief. Why none other than Mayor William S. Sheckles. How much did the city have to pay Donan to write this piece of legislative tripe?

I don’t know or care about the arrangements of these two legally separate fire departments that allowed them to share equipment, have a “Chief” in common, and to operate out of a common location, whether it was by contract, or via parol agreement, nor is that what concerns me, or for that matter what this letter is about. The arrangement was amicable and worked for 50 years and both Bardstown and Nelson County was best served by both entities operating in unison, from the date of the “Corporation’s” Articles of Incorporation inception, until your intervention.

What does concern me is I can't find where Anthony Mattingly was appointed by you as an official act of the Mayor of Bardstown as Fire Chief, or where anybody had been approved by the City Council in 2011, as Fire Chief. A quick glance at the Bardstown City Council's minutes in 2011, that you and the City Council speaks through fails to show any reappointment or appointment of a Fire Chief by you and approved by a vote of the Bardstown City Council as per a requirement of Ordinance 36:12 as it existed in 2011 when you took office as Mayor.

The ordinance in place in 2011 clearly states the appointment of Fire Chief of the Bardstown Fire Dept. was for a term of (1) **one** year. **If** your predecessor mayor made the same alleged blunders as you have, just how many **years** has it been that the Fire Departments haven't had a legally appointed Chief in place?

Additionally as sad as the alleged apparent failure of you to carry out your *elected* mayoral duties in 2011, you're now on a crusade to garner additional POWER in an attempt to allow you to bypass the results of the democratic process of a legally held election. Your attempt at leading the city council into amending a long standing ordinance, **after the fact**, to negate the results of the aforementioned election, giving ALL control to you, even putting in a "relationship" clause that borders on BLACKMAIL or more properly EXTORTION towards the "Corporation," by incorporating a "relationship" clause that now states in the amended Ordinance 36:12 as follows:

***"RELATIONSHIP TO BARDSTOWN/NELSON COUNTY VOLUNTEER FIRE DEPT, INC":***

"The Bardstown/Nelson County Volunteer Fire Dept. Inc, a fire department organized and incorporated under Chapter 273 and Chapter 75 of the Kentucky Revised Statutes, which provides services outside of the city limits of the City of Bardstown, **may** be housed in and operated out of the facilities owned by the City of Bardstown, **so long as chief and officers are the same as those of the City of Bardstown**". (emphasis mine)

I hear that everybody is entitled to an opinion, and it is mine that you have NO powers vested in you as Mayor of Bardstown, via the Kentucky Revised Statutes or any other source, other than those granted to yourself by yourself, to bring up to the Bardstown City Council any attempt to promulgate an ordinance to include anything that's not for a **public purpose**. There is nothing "public" about a "relationship" clause that's intention is wholly about coercing an incorporation to capitulate to the demands of the City of Bardstown. There is no public good that can come from you ignoring the outcome of the mandated, legally held election, nor can one turn a blind eye to the fact that the mayor had certain responsibilities to follow to the letter of the law in place at the time of the election, and didn't as it pertained to the Bardstown Fire Department's election.

Your continual attempted usurpation of the "Corporation's" bylaws, allowing you to appoint by proxy the **officers** of a "Corporation" via your newly amended ordinance with its scarcely veiled coercive "relationship" clause, is reminiscence of some punkass bully

that possesses a baseball and the other children have to play by his rules if they want to play with said ball.

It is my humble opinion that your POWERS as mayor ends as it relates to the entity that “shall” be known as, per Ordinance 36:10, as the “**Bardstown Fire Department,**” and that while you’re acting in the capacity of Mayor, you nor the Bardstown City Council have absolutely NO legal “relationship” to the entity known as **The Bardstown/Nelson County Volunteer Fire Dept. Inc.** You might own the ball, but you certainly can’t make the kids play with you!

Your having taken it upon yourself to advertise in the newspapers for a fire chief for the “**Corporation**” was a waste of taxpayers’ money. Your illegal, unsupported by law, unauthorized selection of a Chief for the “**Corporation**”, another waste of time, and money. Your announcement of your selection of Kevin Moulton of the Zoneton Fire Dept. as the Mayor’s selectee for Fire Chief for the “**Corporation**” on or about Friday, March 2, 2012, was once again nothing but a waste of time, both his and yours at the expense of Bardstown’s taxpayers.

You just couldn’t wait until the next regular scheduled meeting of the Bardstown City Council to show off your newly found POWERS, to officially seek the city councils approval of your selectee Kevin Moulton, as fire chief for the “Corporation,”

Instead you had the audacity to call for a “special meeting” on March 5, 2012, the sole purpose and item on the agenda being the “**approval of the Bardstown/Nelson County Fire Department Chief.**” (emphasis)

I am presently not questioning the legality of prior closed door sessions of the Bardstown City Council, as they relate to the “Corporation” since I wasn’t there in attendance to those meetings that have led up to all this chaos. I am going to call you out on what you now affectionately called your March 6, 2012, a “Come to Jesus,” meeting and the amended Ordinance that has a ‘relationship’ clause that involves a Corporation, incorporated into it, which is nothing more than a subliminal move by you to garner dominion over the “Corporation” by coercion.

I have never seen such chaos of a public meeting by an entity that supposedly has adopted Roberts Rules of Order, as I witnessed on March 6, 2012 that was orchestrated by you, but then again this was the first time I had unwittingly attended a “Come to Jesus” meeting. The meeting was never properly called to order other than 3 bangs of the gavel, then 10 seconds later you simply started an impromptu mayor’s address to the crowd of fire fighters and concerned citizens, in what amounted to your act of capitulation to the firefighters, for the moment.

Your looking at the anxious crowd of concerned citizens and post firefighter election participants prior to your addressing them was not unlike watching a deer in headlights. You just tossed the crowd a bone to appease them for the moment, when you stated, “I’ve since decided to withdraw this ... I put the selection of the gentlemen I had lined up ...

I've put this situation on hold," to a round of applause from the triumphant crowd. In essence that crowd stared you down, and you **BLINKED**. The very reason for the "special meeting" with its sole agenda never having the chance to materialized, the agenda just flew out the door at this point, faster than the crowd of once scorned post election firefighters leaving the council chambers some three minutes later.

Under the pressure of those stares, you allegedly started your "Come to Jesus" meeting earlier than the stated time on the agenda, which would explain why your Councilman Fred Hagan can be seen on video wandering around shaking hands with members of the crowd 42 seconds **after** you started what can only be called an impromptu speech by you to the crowd of firefighters, that you had changed your mind in midstream about your selection of Fire Chief for the "Corporation."

Which brings up the question if you had changed your mind prior to the meeting, why wasn't the meeting called off? Since the **ONLY** item on the agenda certainly couldn't and wasn't followed, and you aren't allowed the luxury to deviate from the stated agenda sans a 24 hour notice. What took place on March 6, 2012 was a media event, your telling the media under the guise of a "special meeting" that you had a change of heart with your selectee, and things were going to remain in a state of perpetual limbo, until you regrouped your lack of support from your council and came up with a plan B. No secrets in this town Mayor, your councilmen weren't behind you!

As stated above you **BLINKED** under the pressure of 40 pairs of angry constituent's eyes staring back at you. You simply told the crowd what you knew they wanted to hear, in an attempt to save face, and then you tucked your tail and ran into the safety provided by an adjournment.

Councilman Joe Buckman was nowhere to be seen in his council seat, or in the council chambers for that matter, nor was his absence questioned or noted in the audio record.

The facts are that City Attorney Tom Donan was not in his seat, nor in the room, and the audio record is absent of any mention of this also. City Attorney Donan only entered the room **after** you entertained a motion to adjourn, and had gotten a motion and second to do so. Councilman Buckman then entered the chambers allegedly about the time the meeting should have started, shortly after Donan, but not until **after** your "Come to Jesus" meeting was officially adjourned.

You would think that with your resume` that includes your prominent position on the League of Kentucky Cities Executive Board, your having been on the Bardstown City Council for 10 years, and now in your second year acting in the role as Mayor of Bardstown, you would know how to properly conduct a "special meeting" by now. Apparently that is not the case.

Since you're the Mayor of what you allegedly referred to as the "Jewel of the Commonwealth", the buck stops with you, as such the **following** (emphasis) is to be considered an **official complaint** for violations of the Open Meetings Act, as it relates to

the “special meeting” held by the Bardstown City Council on **March 6, 2012**, for failing to comply with all aspects of the Act.

1: Your “special meeting” of March 6, 2012 violated the minimum 24 hour notice provisions of the Open Meetings Act.

2: Your March 6, 2012 “special” meeting violated the Act by failing to meet all the posting requirements of notices containing the time, date, location, and agenda to be posted in a conspicuous place in the building that houses the agency, and the building the meeting is held in, if they are not one and the same.

3: The “special meeting” of March 6, 2012 was an illegal meeting in its entirety , since the only subject of the agenda, was the “approval of the **Bardstown/Nelson County Fire Department Chief**” which is not a subject under the authority or control of the Mayor, or the Bardstown City Council for having either “special” or regular meetings on. Simply put you as Mayor of Bardstown have NO legal scope of authority, control or powers granted by the Kentucky Revised Statutes to install by coercion, strong arm tactics, blackmail, extortion or otherwise any officers of a domestic non-stock Corporation. The Bardstown/Nelson County Fire Department referred to in the agenda just so happens to be a non-stock Corporation.

4: Your March 5, 2012 “special meetings” agenda’s sole subject being the “approval of the Bardstown/Nelson County Fire Department Chief was never brought up or discussed amongst the council. You did give an approximate 3:42 minute off agenda, monologue, covering several topics including your erroneous statement that you considered both departments to be one and the same, to the citizen/ fire fighter audience, in which your March 2, 2012 selectee Kevin Moulton’s name, and the alleged subject of the special meeting was never mentioned or put before the council for “approval.”

5: There was off topic conversation allowed by the Mayor, in this so called “special meeting” of March 6, 2012. One example of this verboten act in direct contradiction of Kentucky’s Open Meetings Act, occurred when you, acting as Mayor of Bardstown, opened the floor to the public for discussion, after demanding twice that a citizen speaker requesting to speak had to identify himself first before you allowed him to speak, and then your allowing him to speak off topic of the special meetings noticed agenda.

As the complainant of infractions of the Open Meetings Act that allegedly occurred at the Bardstown City Councils March 6, 2012 special meeting, I have the responsibility to give you the remedy to rectify said Open Meetings Act infractions, which are the 10 proposals as follows:

1: Since the “Special Meeting” was held illegally, in direct contradiction to Kentucky Revised Statutes, and to comply with the Open Meetings Act, I propose that you, as Mayor, within 3 days of receipt of this letter of complaint, via a return letter on official stationary to the complainant, with copies forwarded to all Bardstown City Councilmen, officially declare the “Special Meeting” of March 6, 2012, an illegal meeting in its

entirety, and as such declare this special meeting authorized by Mayor William S. Sheckles, **NULL** and **VOID**.

2: I propose that you while acting in the official capacity as Mayor, after meeting all the complainant's demands in proposal number one above, declaring the meeting **NULL** and **VOID**, publicly apologize to The Kentucky Standard, WBRT, PLG-TV, WYSB, The Nelson County Gazette and any other recipients of your March 5, 2012 notice and agenda for wasting their time and money reporting on this illegal meeting. This apology should be via the same method you initially contacted them on March 5, 2012, notifying them of your now officially declared illegal, **NULL** and **VOID** meeting.

3: I also propose that after you officially declare your actions in proposal number one, illegal & **NULL** and **VOID**; you publicly apologize to the firefighters of the "Corporation", and concerned citizens who wasted their time and money attending your illegal March 6, 2012 meeting.

4: I propose that after you have complied with the remedy set forth in proposal number one, that you then publicly apologize to Kevin Moulton, for any embarrassment, and pains and sufferings your illegal actions on March 6, 2011 my have caused him.

5: I propose that you **cease and desist** in having illegal "special meetings" in which you have no scope of authority over the subject matter, including but not limited to the "Corporation."

6: I propose that after you comply with proposal number one, declaring the March 6, 2012 meeting **illegal** & **NULL** and **VOID** that you **personally** reimburse any party that was monetarily aggrieved in anyway, by your calling for and holding an illegal special meeting on March 6, 2012, where the subject of the matter at hand was not under the authority or control of your office of mayor. This includes but is not limited to expenses incurred by the City of Bardstown.

7: I propose that you sit down with City Attorney Tom Donan, and/or a **competent** legal advisor within 3 days of receipt of this letter of complaint, and have him/her explain the in and out's of incorporations and educate yourself on why it's beyond your scope of authority as mayor to call a "special meeting" to install an officer for the "Corporation".

8: I propose that after you meet the requirements in the abovementioned proposal number one, that you as Mayor via a **Municipal Order**, to be read at the next scheduled meeting of the Bardstown City Council, that requires the Mayor, the Councilmen, and all other City of Bardstown officials, and administration personnel that have any dealings whatsoever with setting up and conducting public meetings to obtain and read until all concerned fully **comprehend** (emphasis) both of the following free publications available to public officials:

a: The Attorney General's booklet: Protecting Your Right to Know: The

Kentucky Open Records and Open Meetings Acts.

b: Outline: The Law of Open Records and Open Meetings.

9: I then propose that a series of working sessions of the Bardstown City Council be dedicated and scheduled at the next scheduled meeting of the Bardstown City Council solely for the purpose of educating all concerned on the mechanics of the Open Meeting Act, KRS 61.800 through KRS 61.850, so that these continual, ongoing, most embarrassing infractions of the Kentucky Revised Statutes by the elected officials of the City of Bardstown cease and desist.

10: I then propose an **annual working session** be set aside and dedicated as a refresher course, as a continuing educational workshop, dealing strictly with the Open Meetings statutes.

Respectfully submitted,

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