

**MINUTES of SPECIAL MEETING
of the BOARD of COMMISSIONERS
of the CITY of BOWLING GREEN, KENTUCKY
held JUNE 1, 2005**

The Board of Commissioners of the City of Bowling Green, Kentucky met in special session in the Commission Chamber of City Hall, Bowling Green, Kentucky at 8:30 a.m. on June 1, 2005. Mayor Elaine N. Walker called the meeting to order. City Clerk Katie Schaller called the roll, and the following members were present: Commissioner Mark D. Alcott, Commissioner Slim Nash, Commissioner Delane Simpson, Commissioner Brian K. Strow and Mayor Elaine N. Walker. Absent: none. There was a full quorum of the Board of Commissioners.

PERSONNEL HEARING

City Clerk Katie Schaller read the purpose of a closed session pursuant to KRS 61.810 (f) for discussion which might lead to the discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. Motion was made by Alcott and seconded by Simpson to convene in closed session pursuant to KRS 61.810 (f). Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to convene in closed session pursuant to KRS 61.810 (f) was approved by unanimous vote. Mayor Walker stated that she would preside over the hearing, but would not participate in the deliberations or vote on any action taken during the personnel hearing.

OPEN SESSION

At the conclusion of testimony and deliberation in closed session, the Board of Commissioners reconvened in open session for consideration of the following:

The City Clerk read CHARGE 1: Failing to conform with law pursuant to Section 2.10.2.2.7 (Conformance to Laws) of the Bowling Green Police Department Policy and Procedures Manual, whereby it was alleged that Police Officer Brad Fulks permitted under age individuals to consume alcohol while in his apartment and while he was present. Motion was made by Nash and seconded by Simpson to find Officer Fulks guilty pursuant to Section 2.10.2.2.7 (Conformance to Laws) of the Bowling Green Police Department Policy and Procedures Manual. Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson and Strow
 Voting Nay: None

Motion to find Officer Fulks guilty of permitting under age individuals to consume alcohol while in his apartment and while he was present was approved by unanimous vote.

The City Clerk read CHARGE 2: Violation of Section 2.10.2.2.33 (Use of Department Owned Equipment) as it relates to a PBT device being administered to others at the apartment of Police Officer Brad Fulks. Motion was made by Nash and seconded by Alcott to find Officer Fulks guilty pursuant to Section 2.10.2.2.33 (Use of Department Owned Equipment) of the Bowling Green Police Department Policy and Procedures Manual. Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Strow and Simpson
 Voting Nay: Strow

Motion to find Officer Fulks guilty of improper use of Police Department issued equipment was approved by majority vote.

The City Clerk read CHARGE 3: Violation of Section 2.10.3.5 (Insubordination) of the Bowling Green Police Department Policy and Procedures Manual. It was alleged that Police Officer Brad Fulks disobeyed a direct order given by supervisors. Motion was made by Nash and seconded by Simpson to separate Charge 3 into two parts as follows: a) Violation of Section 2.10.3.5 Insubordination; and b) Disobeying a direct order given by supervisors. Mayor Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Strow and Simpson
 Voting Nay: None

Motion to separate Charge 3 was approved by unanimous vote.

Motion was made by Nash and seconded by Strow to find Officer Brad Fulks not guilty of Charge 3 (a), violation of Section 2.10.3.5 Insubordination. Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson and Strow
 Voting Nay: None

Motion to find Officer Fulks not guilty of Section 2.10.3.5 (Insubordination) of the Bowling Green Police Department Policy and Procedures Manual was approved by unanimous vote.

Motion was made by Nash and seconded by Simpson to find Officer Brad Fulks guilty of Charge 3 (b), disobeying a direct order given by supervisors. Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson and Strow
 Voting Nay: None

Motion to find Officer Fulks guilty of disobeying a direct order by supervisors was approved by unanimous vote.

The City Clerk read CHARGE 4: Violation of Paragraph 6-11.2 (Workplace Violence) of the City of Bowling Green Administrative Personnel Policy and Procedures Manual for Classified Employees, an assault upon a Bowling Green Police Cadet, harassing behavior and other acts bordering on stalking. Motion was made by Nash and seconded by Simpson to separate Charge 4 into two parts as follows: a) Violation of Paragraph 6-11.2 (Workplace Violence) of the City of Bowling Green Administrative Personnel Policy and Procedures Manual for Classified Employees with regard to an assault upon a Bowling Green Police Cadet; and b) Violation of Paragraph 6-11.2 (Workplace Violence) of the City of Bowling Green Administrative Personnel Policy and Procedures Manual for Classified Employees with regard to harassing behavior and other acts bordering on stalking. Mayor Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Strow and Simpson
 Voting Nay: None

Motion to separate Charge 4 was approved by unanimous vote.

Motion was made by Nash and seconded by Alcott to find Officer Brad Fulks not guilty of Charge 4 (a), an assault upon a Bowling Green Police Cadet. Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash and Strow
 Voting Nay: Simpson

Motion to find Officer Fulks not guilty of an assault upon a Bowling Green Police Cadet was approved by majority vote.

Motion was made by Nash and seconded by Alcott to find Officer Brad Fulks guilty of Charge 4 (b), harassing behavior. Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash and Simpson
 Voting Nay: Strow

Motion to find Officer Fulks guilty of harassing behavior was approved by majority vote.

CLOSED SESSION

City Clerk Katie Schaller read the purpose of a closed session pursuant to KRS 61.810 (f) for discussion which might lead to the discipline or dismissal of an individual employee without restricting that employee's right to a public hearing if requested. Motion was made by Alcott and seconded by Simpson to reconvene in closed session pursuant to KRS 61.810 (f). Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson, Strow and Walker
 Voting Nay: None

Motion to reconvene in closed session pursuant to KRS 61.810 (f) was approved by unanimous vote.

OPEN SESSION

Following testimony and deliberation regarding an appropriate penalty to be sought for Police Officer Brad Fulks, the Board of Commissioners reconvened in open session. Motion was made by Nash and seconded by Alcott that based upon being found guilty of Charges 1, 2, 3 (b) and 4 (b), the Board of Commissioners determines that Police Officer Brad Fulks shall be dismissed (terminated) from employment with the City of Bowling Green Police Department. Walker called for roll call vote.

ROLL CALL: Voting Yea: Alcott, Nash, Simpson and Strow
 Voting Nay: None

Motion to dismiss Officer Fulks from employment with the City of Bowling Green was approved by unanimous vote.

ADJOURNMENT

Once all discussion concluded, and there being no further business to come before the Board of Commissioners, at approximately 11:05 p.m., Mayor Walker declared this meeting adjourned.

ADOPTED: _____

APPROVED: _____
 Mayor, Chairman of Board of Commissioners

ATTEST: _____
 City Clerk

Minutes prepared by City Clerk Katie Schaller