



Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
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Frankfort, Kentucky 40602-0615
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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Linda K. Breathitt
Commissioner

August 21, 2013

Mr. Bernal Atkins
Sandy Hook Water District
P. O. Box 726
Sandy Hook, Kentucky 41171

Mr. Gary Atkins
173 N. Ky. 7
Sandy Hook, Kentucky 41171

Mr. Joe Montgomery
95 John Street
Sandy Hook, Kentucky 41171

Re: Case No. 2013-00149
Sandy Hook Water District

Gentlemen:

The enclosed electronic mail message and attachment have been filed in the record of the above-referenced case. Any objections to this action should be submitted to the Commission within five days of receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

gw
Enclosure

From: [Heather Stevens](#)
To: [Wuetcher, Jerry \(PSC\)](#)
Subject: Public Service Commission
Date: Thursday, August 08, 2013 1:23:40 PM
Attachments: [PSC information.pdf](#)

Gerald,

Here is the information that Mr. Darren Fannin asked I sent to you. It is a "timeline" that tracks Barry Blair's appointment, reappointment and resignation to the Sandy Hook Water Board. Upon his resignation, Joe Montgomery was appointed to fill the unexpired term of Mr. Blair. However, as the resolution was adopted those who adopted it had conflicting information. In the resolution it said that Mr. Montgomery would serve for the unexpired term which would end in the year 2012, however in the resolution it also lists that his appointment would end in 2014. County attorney sent a letter to the court advising them of the fact that Mr. Montgomery's appointment did expire in 2012. If you have any questions concerning this matter, please contact Mr. Fannin at 606-738-5826.

Thanks.

Heather Stevens
Elliott County Treasurer
Phone: 606-738-5821
Fax: 606-738-4509
hmstev01@hotmail.com



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DAVID BLAIR
ELLIOTT COUNTY
JUDGE EXECUTIVE
P.O. BOX 710
SANDY HOOK, KY 41171

Phone: (606) 738-5821 or 738-5826 • Fax: (606) 738-4509

Elliott County Fiscal Court
Resolution # FY 07-08-003

Elliott County Court
Elliott County, Kentucky

In Re Sandy Hook Water District

Order as to terms of Office of the Commissioners of Sandy Hook Water
District

Whereas, The Sandy Hook Water District was created by an Order and
Judgment entered by the County Court of Elliott County, Kentucky on
January 1, 1957

Whereas, therefore from time to time certain members of the board of
Water Commissioners were duly appointed by this Court

WHEREAS, due to resolution # FY 07-08-002, an Order correcting the
term of office for Water Commissioner which is held by Jimmy Whitt,
which expired January 2, 2007

Whereas, it is contemplated by KRS 74.020 that the terms of Office of
the Commissioners of the Water District shall be for four years each and

WHEREAS, an Order of the Elliott Fiscal Court is entered to appoint Dewey Moore to fill the water commissioners position held by Jimmy Whitt which expired January 2, 2007 to a term of four years commencing January 2, 2007 to January 2, 2011.

NOW THEREFORE, it is hereby ordered that the members of the Board Of Commissioners of the Sandy Hook Water District and their respective terms of office shall be and are as follows:


Reggie Dickerson HC Box 203 Sandy Hook Ky 41171	July 27, 2010
David Peters HC 75 Box 990 Sandy Hook Ky 41171	June 01, 2011
Ira Vest 211 Hwy 173 West Liberty Ky 41472	June 01, 2010
<u>Barry Blair P.O.Box 343 Sandy Hook Ky 41171</u>	<u>August 06, 2008</u>
Dewey Moore HC 81 Box 605 Sandy Hook Ky 41171	January 2, 2011

It is Further Ordered that upon expiration of said respective terms, their successors shall be appointed for terms of four years.

It is Further Ordered that the Bond executed by each of the commissioners heretofore is hereby approved.

It is Further Ordered that the question of salary of each of the commissioners is deferred until a further time when the court will be able to evaluate the manner more intelligently

Dated this 13th day of September 2007



DAVID BLAIR
ELLIOTT COUNTY JUDGE EXECUTIVE

I hereby certify that I am the Fiscal Court Clerk of the Elliott County Fiscal Court, Kentucky and that the foregoing is a true copy of an Order filed with the fiscal court minutes in the county clerks office.

IN TESTIMONY WHEREOF, witness my signature this 13th day of September 2007



Trina Sartaine
Fiscal Court Clerk

Fiscal Court Order

By Order of the Elliott County Fiscal Court, Dewey Moore is hereby appointed Commissioner of the Sandy Hook Water District

Dated this 13th Day of September 2007



DAVID BLAIR
ELLIOTT COUNTY JUDGE EXECUTIVE

ATTEST:

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ORIGINAL

Elliott County Fiscal Court
Resolution # FY 08-09-005

Elliott County Court
Elliott County, Kentucky

In Re Sandy Hook Water District

Order as to terms of Office of the Commissioners of Sandy Hook Water
District

Whereas, The Sandy Hook Water District was created by an Order and
Judgment entered by the County Court of Elliott County, Kentucky on
January 1, 1957

Whereas, therefore from time to time certain members of the board of
Water Commissioners were duly appointed by this Court

Whereas, Barry Blair's appointment to serve on the Sandy Hook Water
District Board expired August 8, 2008

Whereas, the County Judge Executive has the power to appoint said
water commissioners

Whereas, David Blair Elliott County Judge Executive hereby reappoints
Barry Blair to serve another 4 year term on the Water District Board

NOW THEREFORE, it is hereby ordered that the members of the Board
Of Commissioners of the Sandy Hook Water District and their respective
terms of office shall be and are as follows:

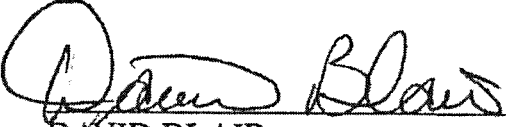
Dale Howard HC 75 Box 390 Sandy Hook Ky 41171	July 27, 2010
David Peters HC 75 Box 990 Sandy Hook Ky 41171	June 01, 2011
Ira Vest 211 Hwy 173 West Liberty Ky 41472	June 01, 2010
Barry Blair P.O.Box 343 Sandy Hook Ky 41171	August 06, 2012
Dewey Moore HC 81 Box 605 Sandy Hook Ky 41171	January 2, 2011

It is Further Ordered that upon expiration of said respective terms, their successors shall be appointed for terms of four years.

It is Further Ordered that the Bond executed by each of the commissioners heretofore is hereby approved.

It is Further Ordered that the question of salary of each of the commissioners is deferred until a further time when the court will be able to evaluate the manner more intelligently


Dated this 16th day of October 2008



DAVID BLAIR
ELLIOTT COUNTY JUDGE EXECUTIVE

I hereby certify that I am the Fiscal Court Clerk of the Elliott County Fiscal Court, Kentucky and that the foregoing is a true copy of an Order filed with the fiscal court minutes in the county clerks office.

IN TESTIMONY WHEREOF, witness my signature this 16th day of October 2008



Trina Sartaine

Fiscal Court Clerk

Fiscal Court Order


By Order of the Elliott County Fiscal Court, Barry Blair is hereby
appointed Commissioner of the Sandy Hook Water District

Dated this 16th Day of October 2008



DAVID BLAIR
ELLIOTT COUNTY JUDGE EXECUTIVE

ATTEST:



TRINA SARTAINE
FISCAL COURT CLERK

**ELLIOTT COUNTY FISCAL COURT
RESOLUTION #FY-10-11-0024**

**ELLIOTT COUNTY COURT
ELLIOTT COUNTY, KENTUCKY**

IN RE: SANDY HOOK DISTRICT

Order as to terms of Office of the Commissioners of Sandy Hook Water District.

Whereas, the Sandy Hook Water District was created by an Order and Judgment entered by the County Court of Elliott County, Kentucky on January 1, 1957.

Whereas, therefore from time to time certain members of the board of Water Commissioners

Whereas, due to the resignation of Barry Blair, the chairman of the board of Water Commissioners were duly appointed by this Court

Whereas, this creates a vacancy on the Sandy Hook Water District Board

Whereas, the County Judge Executive has the power to appoint said water commissioners

Whereas, David Blair, Elliott County Judge Executive hereby appoints Joe Montgomery to fill the vacancy on the Water District Board

NOW THEREFORE, it is hereby ordered that the members of the Board of Commissions of the Sandy Hook Water District and their respective terms of office shall be and are as follows:


Dewey Moore HC 81 Box 605 Sandy Hook, Ky 41171	January 02, 2011
David Dennis 532 Hwy 173 West Liberty, Ky 41472	June 01, 2011
Bridgette Howard Rt 5 Box 1580 Sandy Hook, Ky 41171	June 01, 2014
Dale Howard HC 75 Box 390 Sandy Hook, Ky 41171	July 27, 2014
Joe Montgomery P O box 133 Sandy Hook, Ky 41171	August 06, 2014

It is Further Ordered that upon expiration of said respective terms, their successors shall be appointed for terms of four years.

It is Further Ordered that the Bond executed by each of the commissioners heretofore is hereby approved.


It is Further Ordered that the question of salary of each of the commissioners is deferred until a further time when the court will be able to evaluate the manner more intelligently.

Dated this 12th day of August 2010.


DAVID BLAIR
ELLIOTT COUNTY JUDGE EXECUTIVE

I hereby certify that I am the Fiscal Court Clerk of the Elliott County Fiscal Court, Kentucky and that the foregoing is a true copy of an Order filed with the Fiscal Court minutes in the county clerk's office.

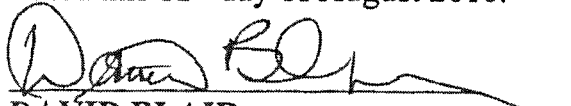
IN TESTIMONY WHEREOF, witness my signature this 12th day of August 2010.


Trina Sartaine
Fiscal Court Clerk

FISCAL COURT ORDER

By Order of the Elliott County Fiscal Court, Joe Montgomery is hereby appointed Commissioner of the Sandy Hook Water District.

Dated this 12th day of August 2010.


DAVID BLAIR
ELLIOTT CO JUDGE EXECUTIVE

ATTEST:

Trina Sartaine
TRINA SARTAINÉ
FISCAL COURT CLERK



John D. Lewis, Jr.
Elliott County Attorney

ELLIOTT COUNTY ATTORNEY
Post Office Box 796
Sandy Hook, Kentucky 41171

Office (606) 738-6046
Facsimile (606) 738-4486

July 25, 2012

Carl Fannin
Elliott County Judge-Executive
P.O. Box 710
Sandy Hook, KY 41171

Sandy Hook Water District
ATTN: Joe Montgomery
P.O. Box 726
Sandy Hook, KY 41171

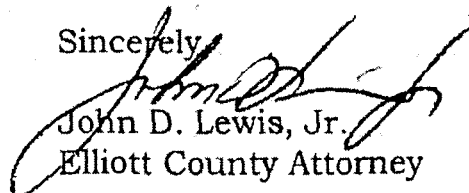
RE: Water Board Term

Judge-Executive Carl Fannin and Mr. Joe Montgomery:

Upon review of KRS 74.020(4), which states that vacancies on a Water Board caused by circumstances other than expiration of a term shall be for the unexpired term only, and upon consultation with Andrew Hartley, General Counsel for the Kentucky Department for Local Government, it is our shared opinion that the vacancy created by the resignation of Mr. Montgomery's predecessor could be filled by appointment for the unexpired term only. Resolution FY 10-11-002 specifically states that Mr. Montgomery was appointed "to fill the vacancy." Any action by the fiscal court to extend the term of the new appointee beyond the unexpired term was invalid and in violation of the statute above.

The unexpired term of Mr. Montgomery's predecessor will end on August 6, 2012, per Elliott Fiscal Court Resolution FY 08-09-005, dated October 16, 2008. Therefore, Mr. Montgomery's current term will end that day also.

Sincerely,



John D. Lewis, Jr.
Elliott County Attorney

JDL/mmi