

**Larry Elkins**  
Calloway County Judge/Executive

Calloway County Courthouse  
101 South Fifth Street  
Murray, Kentucky 42071  
(270) 753-2920 Fax: 753-2911

RECEIVED

MAR 09 2018

PUBLIC SERVICE  
COMMISSION

March 6, 2018

Brittany H. Koenig  
Public Service Commission  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, KY 40602-0615

Ms. Koenig:

This correspondence is in reply to your Feb. 22, 2018 letter per your investigation of a possible vacancy of the board of commissioners of the 641 Water District. There are three commissioners serving on the board of the 641 Water District. They are Lisa Kell, Allison Hillard-Robertson and John (Scooter) Paschall. KRS 67.710(8) provides in part that the county Judge-Executive may with the approval of Fiscal Court, make appointments to or remove member from such boards, commissions... as the Fiscal Court may create or Kentucky statues apply. I believe the minutes reflect that Calloway County has applied with the statues and has complied with Kentucky law.

If you have any further questions, contact me directly at 270.753.2920.

Sincerely,



Larry Elkins  
Calloway County Judge-Executive

LE/ldm

Enclosures

Cc:

641 Water District  
County Attorney Bryan Ernstberger  
Magistrate Don Cherry  
Hazel Mayor Kerry Vasseur  
Governor's Office

Calloway County  
Fiscal Court Regular Meeting Minutes  
Tuesday, October 17th, 2017

An adjourned regular meeting of the Calloway County Fiscal Court was held at 5:00 PM on Tuesday, October 17, 2017, in the Calloway County Judicial Building. Judge Elkins called the meeting to order and led the Pledge of Allegiance. The following duly qualified members of the Court were present: Squire Eddie Clyde Hale, Squire Johnny Gingles, Squire Tim Todd, and Squire Don Cherry. Also present were: County Attorney K. Bryan Ernstberger, Co. Treasurer Assistant Ms. Tonya Robinson, Ms. Gidget Manning, and County Clerk Antonia D. Faulkner.

The minutes of the September 15, 2017 regular meeting were reviewed. Motion made by Squire Gingles seconded by Squire Cherry to waive the formal reading and approve the minutes as presented. All voted aye and it was so ordered.

Ms. Tonya Robinson presented the Treasurer's report. Motion made by Squire Hale seconded by Squire Todd to approve the financial statement as presented. All voted aye and it was so ordered. Motion made by Squire Cherry seconded by Squire Gingles to pay the bills. All voted aye and it was so ordered. There were no transfers to report.

Judge Elkins asked the Court members to review the County Tax Rate sheet as required by State Local Finance to be of record in the Fiscal Court minutes, no additional action was to be taken.

The Court reviewed a resolution and agreement with the KY Transportation Department regarding Rural and Secondary roads. After a discussion, motion made by Squire Gingles seconded by Squire Cherry to approve the Resolution #17-1017-A and the agreement as presented. All voted aye and it was so ordered.

The Court then reviewed a resolution and agreement regarding FD 39 Funds (additional funding in excess of FLEX fund program). After a discussion, motion made by Squire Hale, seconded by Squire Todd to approve the agreement and Resolution #17-1017-B. All voted aye and it was so ordered.

The Almo Dexter water district trustees asked the Courts approval of a \$2400.00 a year salary. KAR74.020(6) allows an annual salary to be approved by the Fiscal Court. After a discussion, motion made by Squire Todd seconded by Squire Hale to approve the \$2400.00 salary. All voted aye and it was so ordered.

A request to close a portion of Watts Road aka County Road 1174. At the November meeting Judge Elkins will present the viewers as required. A discussion that a similar request may have been presented in the past with quite a bit of opposition. Co. Atty. Ernstberger reviewed with the Court actions of the Court regarding road closure request.

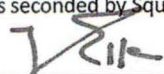
Sheriff Steger requested the Courts approval to surplus evidentiary items that had been awarded to the Sheriff Department. (See list in folder) Motion made by Squire Hale seconded by Squire Todd to approve the items as surplus. All voted aye and it was so ordered.

Judge Elkins presented an Executive Order appointing Ms. Audrey Neal to the Library Taxing District Board of Trustees. The Judge felt Ms. Neal was a nice person and met the statutory qualifications for appointment. After further discussion, motion made by Squire Elkins seconded by Squire Gingles to approve the Order. On a roll call vote of all ayes it was so ordered. In the form of a motion Judge Elkins re appointed John Paschall and appointed Lisa Kell to the 641 Water District Board seconded by Squire Hale. All voted aye and it was so ordered.

Squire Todd and Squire Cherry gave a park board update that included information regarding MSU FOOTBALL's contribution of turf for the ADA playground, bringing 'foot golf' to the park, how well disc golf and baseball tournaments were thriving, \$25000.00 in sponsorship, possibly putting in a sand volley ball court, and the fact that the park budget is \$10,000.00 in the black.

No solid waste report.

It was then time for staff/official reports. Jailer Claud, Tonya Robinson, Squires Todd, Gingles, and Cherry had nothing. Squire Hale was glad to see Squire Cherry was feeling better. Sheriff Steger reminded everyone property tax bills were being collected in his office. Pete Fox of the Road Department gave an update. Ed Davis of the Park Board commented on the great month the park had. Co. Clk. Antonia Faulkner gave a brief talk regarding filing for offices in the 2018 Election. Judge Elkins recognized former Magistrate Bobby Cee Stubblefield in the crowd. Then, after speaking highly of current and previous Court members, county employees, and different individuals he has worked with the past 20 years, he stated he will not seek reelection in 2018. He then asked for a motion to adjourn. Motion made by Squire Gingles seconded by Squire Cherry to adjourn. All voted aye and it was so ordered.

  
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Judge Executive Larry Elkins

Date Approved: 11/21/17

Calloway County  
Fiscal Court Regular Meeting Minutes  
Tuesday, January 17, 2017

An adjourned regular meeting of the Calloway County Fiscal Court was held at 5:00 PM on Tuesday, January 17, 2017, in the Calloway County Judicial Building. Judge Elkins called the meeting to order and led the Pledge of Allegiance. The following duly qualified members of the Court were present: Squire Eddie Clyde Hale, Squire Johnny Gingles, Squire Tim Todd and Squire Don Cherry. Also present were: County Attorney K. Bryan Ernstberger, Ms. Tonya Robinson, Co. Treasurer Ms. Anita Gallimore, Ms. Gidget Manning and County Clerk Antonia D. Faulkner.

The minutes of the December 20, 2016 regular meeting were reviewed. Motion made by Squire Hale seconded by Squire Todd to waive the formal reading and approve the minutes as presented. All voted aye and it was so ordered.

Co Treasurer Ms. Anita Gallimore presented her report. Motion made by Squire Gingles seconded by Squire Cherry to approve the financial statement. All voted aye and it was so ordered. Motion made by Squire Todd seconded by Squire Cherry to pay the bills. All voted aye and it was so ordered. Motion made by Squire Gingles seconded by Squire Hale to approve the transfers. All voted aye and it was so ordered.

Co. Clerk, Antonia Faulkner presented her 2017 proposed budget and annual order setting maximum salaries for deputies. After a discussion was held motion made by Squire Hale seconded by Squire Todd to approve the proposed budget as presented. All voted aye and it was so ordered. Motion made by Squire Cherry seconded by Squire Gingles to approve the order as presented. All voted aye and it was so ordered.

The Court then discussed the meeting time, date, and place of the 2017 Fiscal Court regular sessions. After the discussion motion made by Squire Hale seconded by Squire Todd to meet the third Tuesday of each month at 5 pm in the Calloway County Judicial building. All voted aye and it was so ordered.

Judge Elkins explained to the Court that County code accepts the same holiday schedule as the Commonwealth. Motion made by Squire Gingles seconded by Squire Cherry to approve the holiday schedule passed down from the State offices. All voted aye and it was so ordered.

State Representative Mr. Kenny Imes and Senator Stan Humphries gave an update on happenings in Frankfort. Judge Elkins commented on his support of off year election changes, local option election changes, Senate Bill regarding library boards, and Hwy 641 from Murray to Tennessee state line to be four lane. He asked that Local Governments be kept in mind when "tax modernization" is discussed, that the "big picture" be looked at. Judge Elkins appreciated their work. The Court was invited to come to Frankfort as often as possible. The Public was offered time to question the Senator and Representative, no comment was made.

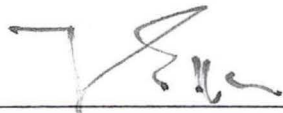
Nathan Baird of the Sheriff's department asked the Courts approval of a resolution to apply for a 100% grant to purchase a new radio system for the Sheriff's office. After the discussion motion made by Squire Cherry seconded by Squire Hale to approve the Resolution # 17-0117-A as presented. All voted aye and it was so ordered.

Ms. Rhonda Lamb, watershed coordinator presented to the Court a project at Damon Creek watershed. There will be a meeting January 30 at Kirskey Baptist Church Fellowship hall for discussion. She will keep the Court updated on the project.

Judge Elkins in the form of a motion re appointed Ms. Allison Hillard-Robinson to a 3 yr term to the 641 Water District Board. Motion seconded by Squire Gingles. All voted aye and it was so ordered.

Squire Todd and Squire Cherry gave an update on the Park Board and Mr. Jason Lovett gave an update on the upgrades to the ADA playground.

Judge Elkins asked for staff/official reports. Jailer Claud, Environmental Planner Hendricks, Rd Supervisor Edwards, Fire Rescue Chief Morgan all gave updates on their departments. Squire Hale gave an update on the McElrath and Palestine Road projects. Squires Todd, Cherry, and Gingles appreciate and pledge support to Sen. Humphries and Rep. Imes. County Atty. Ernstberger invited everyone to a discussion presented by Attorney General Andy Beshear regarding SCAMS at the Weeks Center. Judge Elkins invited everyone to the dedication of the bridge on Pottertown Road in honor of former Squire Connie Morgan. Motion made by Squire Gingles seconded by Squire Cherry to adjourn. All voted aye and it was so ordered.



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Judge Executive Larry Elkins

Date Approved: \_\_\_\_\_

02-21-17

CALLOWAY COUNTY  
FISCAL COURT REGULAR MEETING  
Tuesday, January 20, 2015 – Regular Meeting Minutes

An adjourn regular meeting of the Calloway County Fiscal Court was held at 5:00pm on Tuesday, January 20, 2015, in the Calloway County Judicial Building. Judge Larry Elkins called the meeting to order. The following duly qualified members of the Court were present: Squire Don Cherry, Squire Tim Todd, Squire Eddie Clyde Hale, and Squire Johnny Gingles. Also present were: County Attorney K. Bryan Ernstberger, County Treasurer Anita Gallimore, Deputy Judge Executive Aleshia Tabers, and County Clerk Antonia Faulkner.

The minutes from the December 16<sup>th</sup>, 2015 regular meeting were reviewed. Motion made by Squire Gingles, seconded by Squire Hale, to waive the formal reading and approve the minutes as presented. All voted aye and it was so ordered. The minutes of the December, 23<sup>rd</sup>, 2015 special meeting were reviewed. Motion made by Squire Hale, seconded by Squire Todd, to waive the formal reading and approve the minutes as presented. All voted aye and it was so ordered. The minutes of the January 5<sup>th</sup>, 2015, special meeting were then reviewed. Motion made by Squire Cherry, seconded by Squire Gingles to waive the formal reading and approve the minutes as presented. All voted aye and it was so ordered.

Ms. Anita Gallimore, County Treasurer presented the treasurer's report. After a discussion, Motion made by Squire Hale, seconded by Squire Cherry, to approve the financial statement. All voted aye and it was so ordered. Motion made by Squire Gingles, seconded by Squire Todd to pay the bills. All voted aye and it was so ordered. Motion made by Squire Cherry, seconded by Squire Hale to approve the transfers. All vote aye and it was so ordered.

Mr. Jerry Penner, MCCH CEO gave a report regarding the hospital's decision to sell Home Health and Adult Day Care to Baptist Health.

Judge Elkins presented an Executive Order reappointing Ricky Edwards as County Road Supervisor for a 2 year term. Squire Todd made a motion to approve, seconded by Squire Cherry. On a roll call vote, all voted aye and it was so ordered.

The Judge presented the Sheriff's annual order setting maximum amount for Deputies and Assistants. After a discussion, motion made by Squire Hale, seconded by Squire Gingles to approve. All voted aye and it was so ordered.

Judge Elkins discussed with the Court the negative impacts of the reduction in gasoline tax revenue. He relayed to the Court that although it is not "dooms day" changes will need to be made. Any ideas to reduce cost would be discussed.

The Court was informed that Murray Calloway County Park Report would be on the agenda each month, having a member of the board updating the Fiscal Court. This will keep better communication between the two.

It was then time for board appointments. Judge Elkins presented in the form of a motion to appoint Don Cherry, Johnny Gingles, Clayton Hendricks, and Ricky Edwards (ex officio) to the Fiscal Court Transportaion Committee, seconded by Squire Hale. All voted aye and it was so ordered. In the form of a motion, Judge Elkins appointed Eddie Hale, Tim Todd, Clayton Hendericks, and Tonya Robinson (Ex Officio) to the Fiscal Court Solid Waste Committee, seconded by Squire Gingles. All voted aye and it was so ordered. In the form of a motion Judge Elkins appointed Eddie Hale to the MCCH board Nomination Committee, seconded by Squire Todd. All voted aye and it was so ordered. In the form of a motion, Judge Elkins appointed Johnny Gingles to the Calloway County Board of Health, seconded by Squire Cherry. All voted aye and it was so ordered. Judge Elkins, in the form of a motion, appointed Brent Burchett and Connie Talent to the Calloway County Extension Board, seconded by Squire Gingles. All voted aye and it was so ordered. In the form of a motion, Judge Elkins appointed John (Scooter ) Paschall and Allison Hillard to the 641 Water District Board, seconded by Squire Cherry. All voted aye and it was so ordered. Judge Elkins in the form of a motion, appointed Dale Hughes, Clayton Hendricks, and Marty Futrell to Water District #2 Board, seconded by Squire Hale. All voted aye and it was so ordered. In the form of a motion, Judge Elkins appointed Bobby Meador, Bobby Stubblefield, Z Eniz, Mark Manning, and Ralph Darnell to the County Ethic Board, seconded by Squire Gingles. All voted aye and it was so ordered. Motion made by Judge Elkins to appoint Tim Todd, Don Cherry, Jason Lovett, Melodie Cunningham, Bill Marcum, and Christopher Hendricks to the Park Board seconded by Squire Hale. All voted aye and it was so ordered. Judge Elkins, in the form of a motion, reappointed Rob Ed Parrish to the transit board, seconded by Squire Cherry. All voted aye and it was so ordered.

It was now time for staff/official reports. Road Department Supervisor, Ricky Edwards, thanked the Court for the reappointment and gave an update on road department activities. Sheriff Sam Stegar, had no report but was still learning with the help of a supportive staff. Clayton Hendricks reported to the Court of the Health Fair in February and the website updates. Squires Hale and Todd, County Attorney K. Bryan Ernstberger and County Clerk Antonia Faulkner looked forward to working together for the community. Squires Cherry and Gingles were both glad to be here. Judge Elkins commented on the smooth transition with the newly elected officials. He gave an update on the approval of the transfer of Water District #3 to the City of Murray, and discussed with the Court HB 1, LIFT local option tax. He encouraged the Court to look into the HB and contact Rep. Imes with opinions. He presented to the Court the City of Hazel's resolution supporting the Hwy 641 four lane plan.

The time now for public comment was presented. The Court welcomed Jud and Faye Fortenbury for a new year with the Court and Squire Hale thanked Aleshia Tabers for her help with everything.

There being no further business before the Court, motion made by Squire Gingles, seconded by Squire Cherry to adjourn. All voted aye and it was so ordered.



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Judge Executive, Larry Elkins

2-17-15

Date Approved



Matthew G. Bevin  
Governor

Charles G. Snavely  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
Public Service Commission  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0815  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

Michael J. Schmitt  
Chairman

Robert Cicero  
Vice Chairman

Talina R. Mathews  
Commissioner

February 22, 2018

Lisa Mills, Public Information Officer  
Calloway County Fiscal Court  
101 South 5<sup>th</sup> Street  
Murray, Ky 42071

Re: An Investigation of a Possible Vacancy of the Board of Commissioners of South 641 Water District, PSC Case No. 2017-00426

Dear Ms. Mills,

The Commission has initiated an investigation into a possible vacancy on the Board of Commissioners of the South 641 Water District. As part of our effort to determine if a vacancy exists, it has become necessary to determine when the Fiscal Court approved John Paschall, Nancy Mieure, Lisa Kell, and Allison Hillard-Robertson as commissioners. We believe that John Paschall and Nancy Mieure were appointed to fill unexpired terms and subsequently re-appointed to terms of their own. We believe the first approval would have occurred in January 2015.

Within 10 days of the date of this letter, we respectfully request that you provide to the Commission a copy of the Calloway County Fiscal Court minutes in which John Paschall, Nancy Mieure, Lisa Kell, and Allison Hillard-Robertson were approved as commissioners, as well as the minutes reflecting any re-appointments of these individuals that may have occurred.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact me, Brittany H. Koenig, Staff Attorney, at (502) 782-2591.

Sincerely,

Brittany H. Koenig

cc: South 641 Water District, 207 Main Street, PO Box 126, Hazel KY 42047;  
Larry Elkins, Calloway County Judge Executive, 101 South 5<sup>th</sup> St., Murray KY 42071