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JUN 25 2019

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF A POSSIBLE VACANEY	)	CASE NO.
ON THE BOARD OF COMMISSIONERS OF	)	2019-00132
KNOTT COUNTY WATER AND SEWER	)	
DISTRICT	)	

**RESPONSE TO REQUEST FOR INFORMATION**

Pursuant to the Order of the Public Service Commission, the following responses are provided as true and accurate to the best of my/our knowledge, information and belief formed after a reasonable inquiry:

1. List the name of each current Knott District commissioner and the date on which their term expires.

**RESPONSE:** See Attachment 1.

2. Provide a map of Knot District's territory.

**RESPONSE:** See Attachment 2.

3. Provide the ordinances and resolutions of Knott County Fiscal Court that establish Knott County Water and Sewer District's territorial boundaries.

**RESPONSE:** See Attachment 3.

4. Provide all orders of the Knott County Judge/Executive that address the appointments to Knott District's current Board.

**RESPONSE:** See Attachment 4.

5. Provide all orders of the Knott County Judge/Executive that address appoints to the Knott District's Board to replace Mr. Dale Hamilton whose term allegedly began on April 16, 2012 and expired on April 16, 2014.

**RESPONSE:** See Attachment 5.

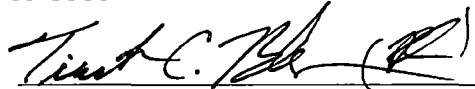
6. Provide all correspondence with the Knott County Judge/Executive regarding the expiration of the term of Mr. Dale Hamilton.

**RESPONSE:** See Attachment 6.

Respectfully Submitted,

KNOTT COUNTY ATTORNEY  
P.O. BOX 470  
HINDMAN, KENTUCKY 41822  
(606)785-5355

By:



TIMOTHY C. BATES  
KNOTT COUNTY ATTORNEY

**CERTIFICATE OF SERVICE**

This is to certify that on the 21<sup>st</sup> day of June 2019, the original and five (5) copies (pursuant to the directive of the Order) of the foregoing was mailed, postage prepaid, to the Public Service Commission at the address below, with a true and correct copy of the foregoing also being mailed at the same time to any other individual listed below:

Gwen R. Pinson  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

Hon. Calvin R. Tackett  
Attorney at Law  
40 Main Street  
Whitesburg, KY 41858



TIMOTHY C. BATES

ATTACHMENT 1

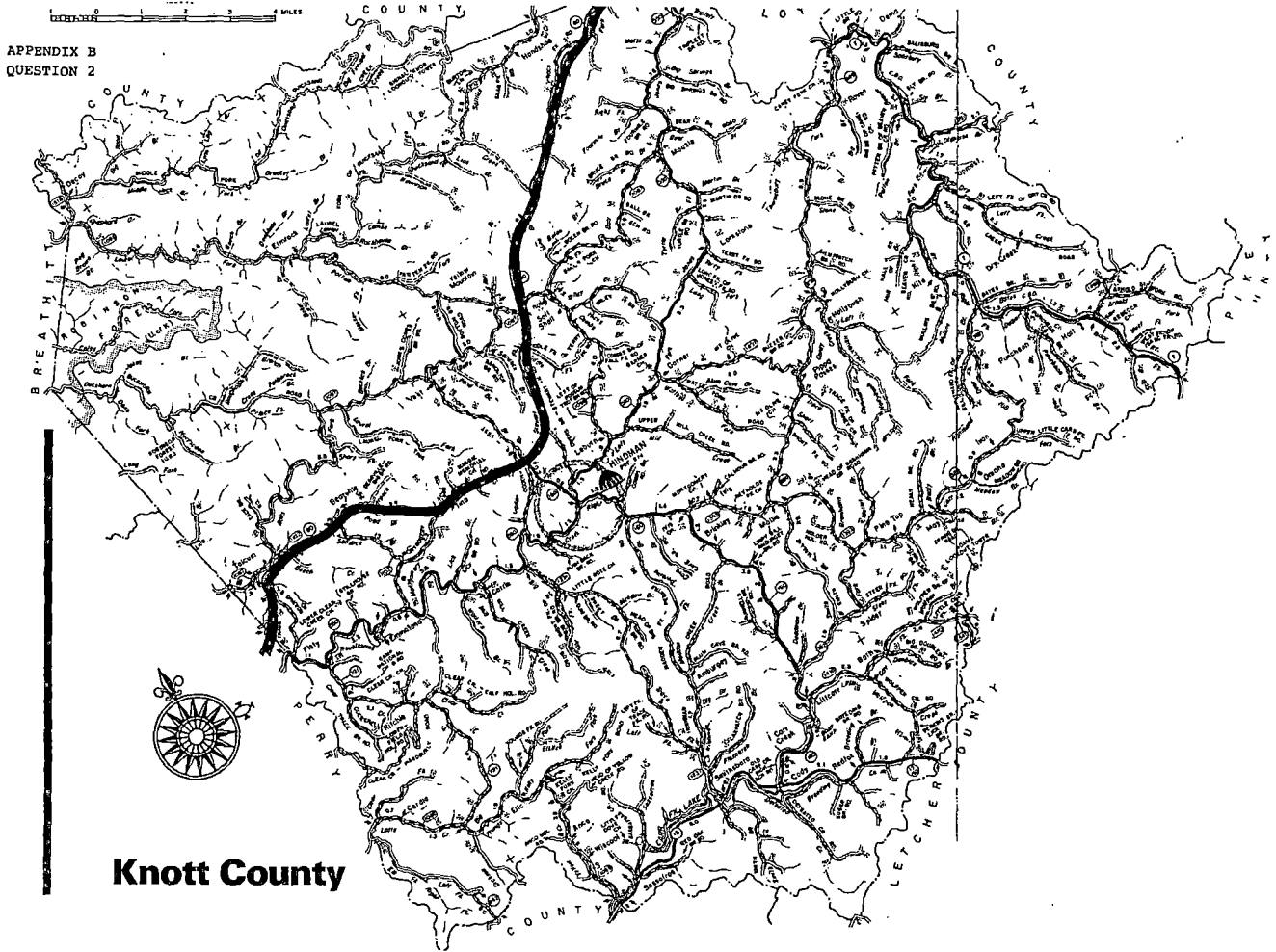
APPENDIX B  
QUESTION 1

BOARD MEMBERS

<u>Name/Address</u>	<u>Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Position</u>
Spencer Dale Hamilton P.O. Box 34 Topmost, KY 41862 <a href="mailto:spencerh6205@yahoo.com">spencerh6205@yahoo.com</a> 606-339-7730	4/16/2014	4	4/16/2018*	Vice Chair
David K. Smith 474 Hwy. 1087 West Leburn, KY 41831 <a href="mailto:dks1958leburn@gmail.com">dks1958leburn@gmail.com</a> 606-438-0031	11/17/2014	4		Chairman
Greg Mullins P.O. Box 1567 Hindman, KY 41822 <a href="mailto:gmullins.knottky@gmail.com">gmullins.knottky@gmail.com</a> 606-497-5108	5/16/2016	4	5/16/2020	Member
Ricky McDaniel 606-497-7666 <a href="mailto:rmcdaniel@knottky.com">rmcdaniel@knottky.com</a>	5/20/2019	4	5/20/2023	Member
Terry D. Jacobs P.O. Box 991 Hindman, KY 41822 <a href="mailto:terrydjacobs@hotmail.com">terrydjacobs@hotmail.com</a> 606-634-9876	5/16/2016	4	5/16/2020	Member

\*Asserts he is a holdover for additional four year term thru 4/16/2022

ATTACHMENT 2



MEMBERS PRESENT - COUNTY JUDGE EXECUTIVE - DONNIE NEWSOME  
MAGISTRATE DIST. 1 - HASKEL RITCHIE  
MAGISTRATE DIST. 2 - RONNIE ADAMS  
MAGISTRATE DIST. 3 - RAY BOLEN  
MAGISTRATE DIST. 4 - JAMES HUFF

AGENDA:

- C. APPROVAL OF MINUTES - RAY BOLEN MADE THE MOTION TO APPROVE THE MINUTES OF THE PREVIOUS MEETING. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.
- D. TREASURER'S REPORT - RAY BOLEN MADE THE MOTION TO APPROVE THE TREASURER'S REPORT. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.
- E. BUDGET AMENDMENTS - FIRST READINGS - HASKLE RITCHIE MADE THE MOTION TO APPROVE THE FIRST READING. RONNIE ADAMS SECOND. ALL VOTE YES. MOTION CARRIES.
- F. NEW BUSINESS
  1. CATHY GUESS - NO MOTION MADE
  2. DAVID COOLEY - USA WASTE - DID NOT APPEAR.
  3. APPOINTMENT OF DOG WARDEN - RAY BOLEN MADE THE MOTION TO APPOINT ROGER HICKS. RONNIE ADAMS SECOND. ALL VOTE YES. MOTION CARRIES.
  4. KNOTT COUNTY WATER AND SEWER DISTRICT - RAY BOLEN MADE THE MOTION TO APPROVE A SPECIAL DISTRICT TO PROVIDE WATER AND SEWER SERVICES FOR KNOTT CO. AS SITED IN THE ATTACHED RESOLUTION TO THE MINUTES. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.
  5. PERSONNEL - HIRING OF BILLING SPECIALIST - RAY BOLEN MADE THE MOTION TO HIRE MALANIE LITTLE. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.
  6. PERSONNEL - HIRING O PART-TIME JAIL EMPLOYEE - RAY BOLEN MADE THE MOTION TO HIRE CAROLYN NICKLES. RONNIE ADAMS SECOND. ALL VOTE YES. MOTION CARRIES.
  7. PERSONNEL - HIRING OF ROAD - RAY BOLEN MADE THE MOTION TO HIRE ROGER SHRUM AND DOUGLAS SPARKMAN AT \$6.86/HR. RONNIE ADAMS SECOND. ALL VOTE YES. MOTION CARRIES.
  8. PERSONNEL - HIRING OF EMT'S - RONNIE ADAMS MADE THE MOTION TO HIRE BRANDON R. THOMAS AND DALLAS L. ANDERSON @ \$7.38/HR. RAY BOLEN SECOND. ALL VOTE YES. MOTION CARRIES.
  9. SHERIFF'S TAX AUDITS - 1996AND 1997 - RONNIE ADAMS MADE THE MOTION TO REIMBURSE TO THE KNOTT COUNTY SHERIFF 106.37 FOR OVERPAYMENTS SHOWN THRU HIS 1996 AND 1997 AUDITS. RAY BOLEN SECOND. ALL VOTE YES. MOTION CARRIES.
  10. OLD VOTING MACHINES - DECLARE SURPLUS - RONNIE ADAMS MADE THE MOTION TO APPROVE THE DISPOSAL OF ALL OLD OBSOLET VOTING MACHINS. HASKEL RITCHIE SECOND. ALL VOTE YES. MOTION CARRIES.
  11. COUNTY ROAD SYSTEM ADDITIONS - RAY BOLEN MADE THE MOTION TO ADD 6 SPOTS TO 911 SYSTEM. HASKEL RITCHIE SECOND. ALL VOTE YES. MOTION CARRIES.

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12. BID OPENING - EQUIPMENT LEASES - RONNIE ADAMS MADE THE MOTION TO APPROVE WAYNE SUPPLY'S EQUIPMENTS BID ON A BACKHOE. JAMES HUFF SECOND. ALL VOTE YES EXCEPT FOR HASKLE RITCHIE VOTES NO. MOTION CARRIES.

RONNIE ADAMS MADE THE MOTION TO APPROVE WHAYNE SUPPLY'S BID FOR A GRADER. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.

13. BID OPENING-ROADWAY/ROADWAY SHOULDER REPAIR - RAY BOLEN MADE THE MOTION TO ACCEPT AND SPLIT EQUALLY PREMIER CONSTUCTION'S BID AND DON'S ESCAVATING BID ON ROADWAY SHOULDER REPAIR. IF EITHER COMPANY DOESN'T WANT TO PARTICIPATE THE WHOLE JOB WILL BE GIVEN TO THE OTHER PARTY. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.

14. APPOINTMENT OF FUNDS RECEIVING AGENT - RAY BOLEN MADE THE MOTION TO APPOINT EDDIE CAMPBELL. RONNIE ADAMS SECOND. ALL VOTE YES. MOTION CARRIES.

15. CREATION OF EMERGENCY MANAGEMENT AGENCY - RONNIE ADAMS MADE THE MOTION TO APPROVE. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.

16. NEW JUSTICE CENTER - RONNIE ADAMS MADE THE MOTION TO APPROVE THE RESOLUTION. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES. SEE ATTACHED.

17. CLAIMS LIST - JAMES HUFF MADE THE MOTION TO APPROVE THE CLAIMS LIST AS PRESENTED. RAY BOLEN SECOND. ALL VOTE YES. MOTION CARRIES.

18. TRANSFERS - RAY BOLEN MADE THE MOTION TO APPROVE ALL TRANSFERS. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.

G. COMMENTS FROM CITIZEN'S - HASKEL RITCHIE MADE THE MOTION TO LEASE A LOT BESIDE THE COUNTY GARAGE FOR \$200 A MONTH. JAMES HUFF SECOND. ALL VOTE YES. MOTION CARRIES.

MEETING ADJOURNED.

JUDGE EXECUTIVE - DONNIE NEWSOME  
MAGISTRATE DIST. 1. HASKEL RITCHIE  
MAGISTRATE DIST. 2. RONNIE ADAMS  
MAGISTRATE DIST. 3. RAY BOLEN  
MAGISTRATE DIST. 4. JAMES HUFF

*Donnie Newsome*  
*Haskel Ritchie*  
*Ronnie Adams*  
*Ray Bolon*  
*James Huff*

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2-10-99

A RESOLUTION ESTABLISHING AND CREATING  
A SPECIAL DISTRICT TO PROVIDE WATER AND SEWER  
SERVICES TO THE RESIDENTS OF KNOTT COUNTY, KENTUCKY

BE IT RESOLVED BY THE KNOTT COUNTY FISCAL COURT  
AS FOLLOWS:

WHEREAS, the legislature of the Commonwealth of Kentucky has delegated responsibility to the local governmental units to adopt and implement ordinances and resolutions to take action promoting the health, safety and general welfare of the citizens of Knott County, Kentucky and,

WHEREAS, many rural areas of Knott County do not have adequate potable water and suitable sanitary sewer septic systems to the meet the needs of the citizens and residents of those areas, and ,

WHEREAS, the lack of such organized water and sewer systems has lead to extremely critical environmental problems such as pollution to the streams, rivers and aquifers, which further creates contaminated drinking water in Knott County, Kentucky,

NOW, THEREFORE, BE IT RESOLVED BY THE KNOTT COUNTY FISCAL COURT that there is hereby created a special district to be known as THE KNOTT COUNTY WATER AND SEWER DISTRICT, and shall be governed and operated under the rules and procedures established under KRS Chapter 74, relating to water districts and KRS Chapter 220 relating to sanitation districts.

Petition for Creation of a County-Wide Water & Sewer District

We the undersigned all being property owners and residents of Knott County do hereby petition the Knott County Fiscal Court to Create a County-Wide Water and Sewer District for the residents of Knott County.

Name	Address	Date
Bill R Francis	Box 205 Maurice, Ky	1-28-99
Roger D. Hicks	36 left Dry Creek	1-28-99
Eva Huff	134 Sater State Knob	1-28-99
Amy D. Collins	Jarrett, Ky. 41630	
Hope A. Collins	57 Resort Rd. Sarsapar, Ky.	2-11-99



A RESOLUTION TO APPOINT RICKY MCDANIEL TO THE KNOTT COUNTY WATER AND SEWER DISTRICT (KCWSD) BOARD

WHEREAS, the Knott County Fiscal Court has been notified by KCWSD that the term of board member Larry King expired on April 20, 2019, and

WHEREAS, in accordance with KRS 65.008, the Knott County Fiscal Court is required to appoint a board member to fill the vacant term within 60 days, and

WHEREAS, the Knott County Fiscal Court desires to appoint Ricky McDaniel to a 4 year term as a board member of the Knott County Water and Sewer District Board.

THEREFORE, Be it resolved by the Court that Ricky McDaniel be appointed to a 4 year term as a board member of the Knott County Water and Sewer District Board.

Motion for adoption of this resolution was made by Kenny Dyer, seconded by Jeff Dobson, and vote taken as follows:

FOR	AGAINST
<u>Kenny Dyer</u>	_____
_____	_____
<u>Calvin Waddles</u>	_____
_____	_____

THEREUPON, said motion was declared passed and the resolution adopted, this 20th day of May, 2019.

Attest:  
By: [Signature]  
Knott County Fiscal Court Clerk

[Signature]  
Knott County Judge-Executive

Corey Shum      Abstain

**RESOLUTION**

A RESOLUTION TO RE-APPOINT DAVID SMITH TO THE KNOTT COUNTY WATER AND SEWER DISTRICT BOARD

WHEREAS, the Knott County Fiscal Court desires to re-appoint David Smith to a four year term as a board member of the Knott County Water and Sewer District.

THEREFORE, Be it resolved by the Court that David Smith be appointed to serve a term of four years as a member of the Knott County County Water and Sewer District Board.

Motion for adoption of this resolution was made by Largus Martin, seconded by Kenny Dyer, and vote taken as follows:

FOR

AGAINST

Kenny Dyer  
Largus Martin  
Calvin White

Calvin White

THEREUPON, said motion was declared passed and the resolution adopted, this 22nd day of January, 2019.

Attest:

By: [Signature]  
Knott County Fiscal Court Clerk

[Signature]  
Knott County Judge-Executive

Quay Shum - Abstain

RESOLUTION

A RESOLUTION TO APPOINT Terry Dean Jacobs AND Greg Mullins  
TO THE KNOTT COUNTY WATER AND SEWER DISTRICT BOARD

WHEREAS, the Knott County Fiscal Court desires to appoint Terry Dean Jacobs  
and Greg Mullins to four year terms as board members of the Knott County Water  
and Sewer District.

THEREFORE, Be it resolved by the Court that Terry Dean Jacobs and  
Greg Mullins be appointed to serve terms of four years as members of the Knott  
County County Water and Sewer District Board.

Motion for adoption of this resolution was made by Calvin Waddles, seconded  
by Jeff Dobson, and vote taken as follows:

FOR

AGAINST

\_\_\_\_\_  
\_\_\_\_\_  
Jeff Dobson  
Calvin Waddles

James Motley  
\_\_\_\_\_  
\_\_\_\_\_

THEREUPON, said motion was declared passed and the resolution adopted, this **16th**  
**day of May, 2016.**

Attest:

By: [Signature]  
Knott County Fiscal Court Clerk

[Signature]  
Knott County Judge-Executive

**A RESOLUTION TO RE-APPOINT ALICE RITCHIE, JIM CHILDERS, DELORES ALLEN AND DALE HAMILTON TO THE KNOTT COUNTY WATER AND SEWER DISTRICT BOARD**

WHEREAS, the Knott County Fiscal Court desires to re-appoint Alice Ritchie and Jim Childers to four year terms as a board member of the Knott County Water and Sewer District, and

WHEREAS, the Knott County Fiscal Court desires to re-appoint Delores Allen to a three year term as a board member of the Knott County Water and Sewer District, and

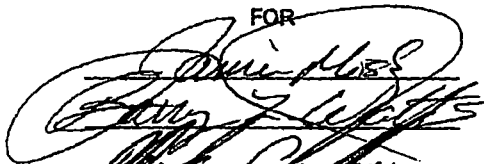

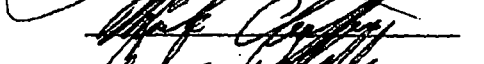

WHEREAS, the Knott County Fiscal Court desires to re-appoint Dale Hamilton to a two year term as a board member of the Knott County Water and Sewer District.

THEREFORE, Be it resolved by the Court that Alice Ritchie and Jim Childers be appointed to serve terms of four years as a member of the Knott County County Water and Sewer District Board, and

Be it further resolved that Delores Allen be appointed to serve a term of three years as members of the Knott County County Water and Sewer District Board, and


Be it further resolved that Dale Hamilton be appointed to serve a term of two years as members of the Knott County County Water and Sewer District Board, and

Motion for adoption of this resolution was made by Calvin Waddles, seconded by Barry Watts, and vote taken as follows:

FOR	AGAINST
   	<hr/> <hr/> <hr/> <hr/>

THEREUPON, said motion was declared passed and the resolution adopted, this 16<sup>th</sup> day of April, 2012.

Attest:   
By: \_\_\_\_\_  
Clerk of the Fiscal Court of Knott County

  
\_\_\_\_\_  
Judge/Executive

RESOLUTION

A RESOLUTION TO MAKE A REQUEST TO THE PUBLIC SERVICE COMMISSION TO APPOINT DION SLONE TO THE KNOTT COUNTY WATER AND SEWER DISTRICT BOARD

WHEREAS, Dale Hamilton's term as a board member of the Knott County Water and Sewer District expired in April 2018, and

WHEREAS, the Knott County Fiscal Court did not vote on the renewal of Mr. Hamilton's term, and

WHEREAS, the Knott County Fiscal Court desires to make a request to the Public Service Commission to remove Dale Hamilton as a member of the Knott County Water and Sewer and to appoint Dion Slone to serve as a board member for the remainder of the term.

THEREFORE, Be it resolved by the Court to make a request to the Public Service Commission to remove Dale Hamilton as a member of the Knott County Water and Sewer and to appoint Dion Slone to serve as a board member for the remainder of the term.

Motion for adoption of this resolution was made by Kenny Dyer, seconded by Langus Martin, and vote taken as follows:

FOR

AGAINST

[Signature]  
[Signature]  
[Signature]

[Signature]  
[Signature]  
[Signature]

THEREUPON, said motion was declared passed and the resolution adopted, this 19th day of February, 2019.

Attest:

By: [Signature]  
Knott County Fiscal Court Clerk

[Signature]  
Knott County Judge-Executive

Abstain [Signature]



## KNOTT COUNTY FISCAL COURT

PO Box 505  
54 West Main Street  
Hindman, KY 41822

Telephone: 606-785-5592  
Fax: 606-785-0966  
Website: www.knottky.com

April 30, 2019

Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

RE: Reappointment of Water District Member

The Knott County Water and Sewer District has a board member that had a term expire in April 2018. The Knott County Fiscal Court did not vote on or approve this member to be reappointed at that time. There was also no vote or motion to name a replacement member.

On February 19, 2019 the Knott County Fiscal Court passed a motion to officially request that the PSC consider removing Dale Hamilton as a member of the Knott County Water and Sewer District Board. The Fiscal Court made the recommendation that Dion Slone be appointed to replace him as a board member for the remainder of the term.

A copy of the minutes from our February 19, 2019 meeting is enclosed with the discussion of the board member term highlighted. Please contact our Fiscal Court Clerk, Michael Sturgill, with any questions or concerns at 606-438-2946 or by email at [msturgill@knottky.com](mailto:msturgill@knottky.com).

Respectfully,

A handwritten signature in black ink that reads "Jeff Dobson".

Jeff Dobson  
Knott County Judge Executive

**SPECIAL MEETING OF THE KNOTT COUNTY FISCAL COURT  
FISCAL COURT MEETING ROOM  
TUESDAY, FEBRUARY 19, 2019  
6:00 PM**

A. CALL TO ORDER - Jeff Dobson

B. ROLL CALL

Present - Kenny Dyer, Avery Shrum, Jeff Dobson, Langus Martin, Calvin Waddles, Tim Bates, Kevin Jacobs, Michael Sturgill

C. PRAYER - Jeff Dobson

D. PLEDGE OF ALLEGIANCE

E. APPROVAL OF MINUTES – January 22, 2019

Avery Shrum made a motion to approve the January 22 meeting minutes. Kenny Dyer seconded the motion. Everyone voted in favor of the motion.

F. AGENDA

1. Ordinance 2019-0219A, 2% Occupational Tax, First Reading

Jeff Dobson stated that the Court has cut every expense they can. The Court is not looking to add any more debt than it has. The Court still has to have funds to pay its bills. Jeff Dobson asked for any input on the idea of a 2% Occupational Tax.

Kenny Dyer stated that he doesn't think there are enough people working in the County to bring in enough revenue.

Avery Shrum stated that if he had to pick one, he would choose the Occupational Tax. He stated that he cannot be in favor of the Insurance Tax because people on fixed incomes have to pay it. He stated that neither tax is good but the County has to do something to keep going.

Langus Martin stated that he hates to tax anything but feels the Occupational Tax would take too much work on the Court's part to collect. The Occupational Tax would also be a harder hit on working people with low incomes. He doesn't think the Occupational Tax would work.

Calvin Waddles stated that the Occupational Tax was discussed in 2011 and 2013. Cuts were made back then. The budget in 2011 was around \$14,000,000.00. Now it's down to \$8,000,000.00, almost half of what it was. He has tried to explain the situation to the public but they insist they don't want either tax. He was told they only want a minimal road crew. Calvin Waddles stated he is not in favor of either tax. His recommendation was to consider a fee pool with other offices and no tax.

Jeff Dobson stated that the Court has around \$14,000,000.00 in outstanding debt, counting the Justice Center. He doesn't want either tax but the Court has to do something before July or there could be a huge increase in property taxes to make the

Sportsplex bond payment. He thinks that would be much more devastating to the residents than either tax would be. In 2017 there was a bond for \$395,000 to work towards relocating the County garage, \$525,000 for road repairs and \$627,000 for the Sportsplex payment. The Court is tied to the Regional Jail. It would be much too expensive to try to run a local jail.

Calvin Waddles stated that the State actually encourages rural counties to partner together as regional jails. It's not feasible to try to operate with less than 125 beds. Calvin Waddles stated that he would like to put the Sportsplex ordinance on Facebook so citizens can see how it was written. People don't realize that the Court doesn't own the property to get businesses up there. He doesn't believe estimated revenue for an Occupational Tax that were presented in the past were correct.

Kevin Jacobs stated that the Insurance Tax brings in around \$150,000.00 for each percentage point. An Insurance Tax at 4% would be functional but leaves no room for a disaster or unexpected expense. If the Jail bill stays at \$35,000 then 4% would not be enough.

Langus Martin asked how much property taxes would increase if neither tax is passed. Jeff Dobson stated that the Soil Conservation District gets \$45,000 for 1%. The Sportsplex bond is \$700,000 so it would take around an additional 16% bringing the total tax rate for the Court to around 34%. It would basically double the rate.

Jeff Dobson stated that the County has roads slipping and breaking. Three State of Emergencies have been declared for over \$100,000.00. One of those roads had to be shut down and the other two could be lost at any time. The Court has no intention of passing both taxes. It will be one or the other.

Michael Sturgill read a summary of the Occupational Tax Ordinance as required for the first reading.

2. Ordinance 2019-0219B, 4% Insurance License Fee, First Reading  
Michael Sturgill read a summary of the Insurance Tax Ordinance as required for the first reading.
3. Ordinance 2019-0219C, Continuity of Government, First Reading  
Langus Martin made a motion to approve the first reading of the Continuity of Government Ordinance. Calvin Waddles seconded the motion. Everyone voted in favor of the motion.
4. Ordinance 2019-0122C, January County Road Changes, Second Reading  
Jeff Dobson made a motion to approve the second reading of the January Road Changes. Avery Shrum seconded the motion. Everyone voted in favor of the motion.
5. Resolution - Clerk 2017 Excess Fees  
Langus Martin made a motion to accept the 2017 excess fees from the County Clerk. Avery Shrum seconded the motion. Everyone voted in favor of the motion.



6. Resolution - Sheriff Corrected 2017 Franchise and Telecommunications Tax Settlement  
Avery Shrum made a motion to approve the Corrected 2017 Franchise and Telecommunications Tax Settlement of the Knott County Sheriff. Kenny Dyer seconded the motion. Everyone voted in favor of the motion.
7. Resolution - Sheriff 2018 General Fee Account Settlement  
Calvin Waddles asked if the Court will receive \$55,000 in addition to the excess fees. James Ratliff stated that it will not be in excess of \$55,000. He doesn't expect to have that much in excess fees but the Court will receive it if it is available. Avery Shrum made a motion to approve the 2018 General Fee Account Settlement of the Knott County Sheriff. Kenny Dyer seconded the motion. Everyone voted in favor of the motion.
8. Resolution - Sheriff 2018 Excess Fees  
Avery Shrum made a motion to accept the 2018 excess fees of the Knott County Sheriff. Kenny Dyer seconded the motion. Everyone voted in favor of the motion.
9. Resolution - TEA Board Appointment  
Jeff Dobson made a motion to table this item. Avery Shrum seconded the motion. Everyone voted in favor of the motion.
10. Resolution - Water Board Appointment  
Jeff Dobson stated that one of the board members at the Knott County Sewer and Water District had expired in April 2018. The deadline has passed for the Court to name a replacement so that term renewed automatically. The Court can make a recommendation to the Public Service Commission to replace a board member. The PSC then has the option to accept it or not. Avery Shrum stated that he talked to the PSC and was advised that they have regulations that state they should advertise and appoint members when a term expires. Tim Bates stated that he would like to do some research before advising the Court on this issue. He has heard different opinions but has never researched it. Avery Shrum stated that he has documentation that states the PSC has to advertise and appoint a member 90 days after a term expires. Tim Bates asked if the Court was aware the member's term had expired. Jeff Dobson stated that the KCWSD is required to notify the Court prior to the expiration. He is not sure if that happened but the Court did not vote on it. He is unsure if the PSC would even accept a recommendation at this point. Tim Bates stated that it would be fine to go ahead and make a recommendation to the PSC. If it is inaccurate then they won't accept it. Kenny Dyer made a motion to recommend Dion Stone in place of Dale Hamilton. Langus Martin seconded the motion. Jeff Dobson and Calvin Waddles voted in favor of the motion. Avery Shrum abstained due to his employment with KCWSD. The motion passed by a majority vote.
11. Resolution - LKLP Board Appointment  
Avery Shrum made a motion to appoint Jeff Dobson and Zach Sandlin to the LKLP Board. Langus Martin seconded the motion. Everyone voted in favor of the motion.
12. Resolution - Tourism Commission Appointments  
Michael Sturgill stated that some of the members of the Knott County Tourism Commission were not approved by the Fiscal Court. This resolution would make the

appointments legal so the Commission can hold an election for new officers. Calvin Waddles stated that the Tourism Commission does not receive any compensation. Everyone involved is a volunteer. Calvin Waddles made a motion to approve the appointments of Tourism Commission members. Avery Shrum seconded the motion. Everyone voted in favor of the motion

**13. Resolution - Pool and Skate Park Lease**

Tracy Niece stated the agreement for operation of the pool is for 4 years with an option for 4 more. Calvin Waddles stated that APT repaired the leak so it should be more efficient. Tracy Niece stated he had someone look at it and it still leaks. Calvin Waddles asked if there was a verbal agreement that the City would pave around the Courthouse if the County paved Tadpole Hollow. Tracy Niece stated there was no agreement. The City always removes snow around the Courthouse because people use it and it's in town. Tim Bates stated that verbal agreements are not valid. Any legal agreement must be in writing.

Tim Bates stated that he did some research on the road around the Courthouse and determined it was a City road. Tracy Niece stated that it has never been a part of his road system. The road from the Justice Center over to the Settlement School is not part of the City road system either. Jeff Dobson stated that he has worked well with the City and any issues can be worked out.

Tim Bates stated that he has a few issues with the pool agreement. Avery Shrum stated that he would like to read through it before voting on anything. Tracy Niece stated the longer it goes it delays being able to open the pool. Calvin Waddles stated that he is against it. Tim Bates stated that it likely needs a contingency clause in case the agreement doesn't work out for both parties.

Jeff Dobson stated that the Court is trying to save money and the pool was a huge expense. If the Court tries to keep the pool open then the tax amounts discussed are not enough. The City would be able to keep it open for people to use. The Court still owes the last bill from 2018. The City has agreed to cut that bill down to the minimum amount as well. Tracy Niece stated that he isn't opposed to adding a clause to the agreement but doesn't want to put money into it if the County is going to take it back. Avery Shrum stated the main objective is for people to be able to use it. Tim Bates stated that he thinks the agreement is close to the way it needs to be but not complete. Avery Shrum made a motion to authorize Jeff Dobson to enter into an interlocal agreement with the City of Hindman for operation of the swimming pool pending approval of the agreement by Tim Bates. Kenny Dyer seconded the motion. Everyone voted in favor of the motion

**14. Budget Amendment 2019-03, Second Reading**

Langus Martin made a motion to approve the second reading of Budget Amendment 2019-03. Calvin Waddles seconded the motion. Everyone voted in favor of the motion

**15. Resolution - Checking Account Transfers**

Kenny Dyer made a motion to approve the checking account transfers. Langus Martin seconded the motion. Everyone voted in favor of the motion

16. Discussion - Rumpke Contract

Jeff Dobson stated that the previous agreement with Rumpke called for a \$2.75 increase over a 5 year period. He has tried to negotiate with them to reduce that. The current offer from the Court is a cap of \$20.50 per month for residential and \$12.50 per month for seniors with an 8% increase on commercial over 5 years. They are asking for 11% on commercial customers. Avery Shrum stated that the contract was not approved by the Court. Jeff Dobson stated that it was not voted on and he told Rumpke the contract was not valid. Rumpke provides good service to the County but they have to work with the Court on the pricing. Avery Shrum asked if the Franchise fee stays the same. Jeff Dason stated that it would stay at 10%. Avery Shrum stated that he thinks 5 years is too long and the next Fiscal Court should not be locked into that contract.

Avery Shrum asked if they plan to buy new equipment. Jeff Dobson stated that they said they will consider buying new equipment with a longer contract. Avery Shrum asked if the Rumpke employees would get a raise. Jeff Dobson stated that he isn't sure about that. Calvin Waddles stated that he heard they plan to make some upgrades at the Transfer Station and wanted a longer contract for that. Jeff Dobson stated that he has a conference call with Rumpke tomorrow. Kenny Dyer said he heard from some of the workers that they plan to buy new equipment. Calvin Waddles stated that previous companies had bad service. The only complaints with Rumpke are the price increases.

Kenny Dyer made a motion to approve a 4 year contract with Rumpke at a price point of \$20.50 for residential, \$12.50 for seniors and an 8% increase for commercial customers if Rumpke agrees to it. Avery Shrum seconded the motion. Everyone voted in favor of the motion.

17. Discussion - Fiscal Court Meeting Times

Calvin Waddles made a motion to move the regular Fiscal Court meetings to the third Monday each month at 6pm. Avery Shrum seconded the motion. Everyone voted in favor of the motion.

18. Discussion - Declaration of State of Emergency - Hummingbird Ln, Calf Hollow, Watts Fork

Jeff Dobson stated that he has declared a State of Emergency for Hummingbird Ln, Calf Hollow and Watts Fork Rd. Meadow Branch Rd was picked up by AML for repairs. Calf Hollow had to be closed. Calvin Waddles stated that the Court can't control how fast the State repairs its highways. Jeff Dobson stated that Wiley Fork also has major damage.

G. CLAIMS LIST

The Jail bill increased by \$10,000 this month. The Court can't afford to keep paying that much. Calvin Waddles made a motion to approve the claims list. Langus Martin seconded the motion. Everyone voted in favor of the motion

H. TREASURER'S REPORT

Kevin Jacobs stated that he is still waiting on money from FEMA. All previous bills have been paid. The severance checks stayed about the same. The Court also got a Jail bill for medical

expenses that was \$47,000. The Court shouldn't owe anything on medical. The Court has no control over the cost of the Jail bills. Calvin Waddles stated that part of the tax revenue funds the Jail. Kevin Jacobs stated that it takes over \$500,000.00 from the General fund to pay the Jail expenses. Calvin Waddles made a motion to approve the Treasurer's Report. Langus Martin seconded the motion. Everyone voted in favor of the motion

I. NEW BUSINESS

There will be a special meeting on March 11 at 6pm to hold the second reading of the tax ordinances.

Calvin Waddles stated that the Court cannot enact a sales tax. Kevin Jacobs stated that the only options the Court has are property taxes, the insurance tax or an occupational tax. Avery Shrum stated that it would be up to the state legislature to pass a law authorizing counties to collect a sales tax.

Michael Sturgill stated that the Court needs to approve payment for its share of the Regional Jail bond payment. Kevin Jacobs stated that it works out to around \$12,000 per month. Jeff Dobson made a motion to approve the Jail bond payment. Calvin Waddles seconded the motion. Everyone voted in favor of the motion.

J. PUBLIC COMMENTS

There were no public comments.

K. CLOSED SESSION

Avery Shrum made a motion to go into closed session to discuss legal issues. Kenny Dyer seconded the motion. Everyone voted in favor of the motion.

Calvin Waddles made a motion to return to open session to discuss legal issues. Kenny Dyer seconded the motion. Everyone voted in favor of the motion.

L. ADJOURNMENT

Langus Martin made a motion to adjourn. Kenny Dyer seconded the motion. Everyone voted in favor of the motion

M. SIGNING OF RESOLUTIONS