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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

JAN 31 2018
PUBLIC SERVICE
COMMISSION

In the Matter of:

JONATHAN CREEK WATER DISTRICT)
AND ITS INDIVIDUAL COMMISSIONERS,)
JIMMY TUBBS, BARRY HILL, JOSH)
MEDLEY, MARK HOLT, AND KARA)
WILSON)
_____)
ALLEGED FAILURE TO COMPLY WITH)
KRS 278.300)

CASE NO.
2017-00469

RESPONDENT JOSH MEDLEY'S RESPONSE
TO THE COMMISSION'S ORDER OF JANUARY 11, 2018

Respondent, Josh Medley ("Respondent"), by and through counsel, for his response to the Commission's Order of January 11, 2018 ("Commission's Order"), states as follows:

FIRST AFFIRMATIVE DEFENSE

The Commission's Order fails to state a claim against the Respondent upon which relief may be granted. The Respondent was not a commissioner of the Jonathan Creek Water District ("District") at the time the alleged violation occurred.

On May 3, 2016, the date of the alleged violation, the District's Board of Commissioners ("Board") consisted of Larry Conner, Barry Hill, Mark Holt, Leon Lovett, and Jimmie Tubbs. (See Minutes of the District's Board of Commissioners dated April 26, 2016 attached hereto as **Exhibit A**). The Respondent did not join the Board until July 1, 2016. (See Minutes of the Marshall County Fiscal Court dated June 21, 2016, attached hereto as **Exhibit B**). Accordingly, the Respondent could not have violated KRS 278.300(1), and therefore, this proceeding should be dismissed as it relates to the Respondent.

SECOND AFFIRMATIVE DEFENSE

To the extent the Commission's Order is intended to lead to the initiation of criminal proceedings, any offense created under KRS 278.300(1) is barred by the statute of limitations established by KRS 500.050(2). The alleged violation occurred more than one year ago.

THIRD AFFIRMATIVE DEFENSE

Alternatively, the Respondent has been compelled by the issuance of the Commission's Order to file this Response and to participate hereafter in the PSC proceedings as a result of the Order. Accordingly, KRS 278.350 provides statutory immunity to, and thus bars, any attempt to criminally prosecute for any purported violation of KRS 278.300(1).

FOURTH AFFIRMATIVE DEFENSE

Alternatively, these proceedings, as initiated and to be conducted hereafter by virtue of the Commission's Order pursuant to KRS Chapter 278 and pertinent regulations thereunder, violate the Respondent's rights pursuant to the Kentucky Constitution Sections 2 & 7, and the Due Process Clause of the 14th Amendment to the United States Constitution.

WHEREFORE, the Respondent, Josh Medley, respectfully requests that the PSC issue an Order dismissing him from this proceeding.



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*Counsel for Respondent, Josh Medley,
Current Commissioner*

CERTIFICATE OF MAILING

The undersigned hereby certifies that he overnighted the original copy of the foregoing and exhibits thereto, along with ten (10) copies of same, to the following on this 30th day of January, 2018:

Gwen R. Pinson, Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615



MARTIN W. JOHNSON
KIP C. MATHIS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following by U.S. first class mail, postage prepaid, on this 30th day of January, 2018:

Jonathan Creek Water District
P.O. Box 414
Benton, KY 42025

Jimmie Tubbs
510 Green Acres
Benton, KY 42025

Barry Hill
281 Wildwood Ln.
Benton, KY 42025

Mark Holt
415 Nelson Ln.
Benton, KY 42025

Kara Wilson
586 Forest Rd.
Benton, KY 42025



MARTIN W. JOHNSON
KIP C. MATHIS

**JONATHAN CREEK WATER DISTRICT
BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
April 26, 2016**

The Jonathan Creek Water District Board of Commissioners met in regular session on Tuesday, April 26, 2016 at the Jonathan Creek Water District Office, 7564 U.S. HWY 68 East, Benton, Kentucky.

BOARD MEMBERS PRESENT: Barry Hill, Mark Holt, Leon Lovett, and Jimmie Tubbs. Chairman Larry Conner presided.

ATTENDANCE: Superintendent David Lovett, Jinner Lovett, Jada Harrison, Larry Gipson, Jim Dossett and Beth Hull.

I. CALL TO ORDER

A. Chairman Larry Conner called the meeting to order at 5:30pm.

II. GUESTS

A. Beth Hull

Regarding the situation for which she was hired and not wanting to be the office manager.

III. APPROVAL OF THE MINUTES & FINANCIAL REPORT

A. A motion was made by Barry Hill and seconded by Mark Holt to approve the minutes of the March 22, 2016 meeting and the special meeting of March 30 and April 7th. All voted aye. Motion carried.

B. A motion was made by Jimmie Tubbs and seconded by Larry Connor to approve the financial report. All voted aye. Motion carried.

IV. SUPERINTENDENT'S REPORT

A. Superintendent update

a. Waiting for Reed tank final inspection before we put water in it.

b. Jack Tres line is laid put water in it. Waiting for samples to come back.

c. .

V. OLD BUSINESS

A. Leon Lovett asked about the progress of the well cleaning. David Lovett said the pump was bad And five pieces of the pipe had holes. They are taking it back to St. Louis and sand blasting to checkout how much is bad and how much is good. They will let us know and how much. Barry wants David to check on price of new pump.

B. Barry Hill asked David Lovett about trencher prices. Appox 8000.00

VI. NEW BUSINESS

- A. Bank draw down loan. Talked about raising to \$600,00.00, Also the loan would be signed by Larry Conner, Barry Hill and David Lovett. Motion made by Mark Holt seconded by Jimmie Tubbs. All voted aye. Motion carried.
- B. Talked about maybe changing the pay period and time cards and rules.
- C. Discussed the Reed tank invoice part 1 57,000.00 and part 2 153,000.00 To pay 57,000.00 the remainder to be paid after inspection approval. Motion made by Jimmie Tubbs seconded by Mark Holt. All voted aye. Motion carried.

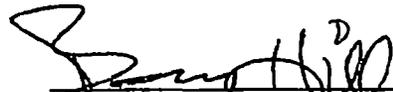
6:25 to 7:30 went into executive session.

After session the motion was made to authorize Larry Conner to sign and execute the Agreement with Christina Mathis. Motion made by Barry Hill and seconded by Jimmie Tubbs. All voted aye. Motion carried.

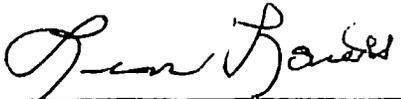
Recorded and transcribed by:
Beth Hull



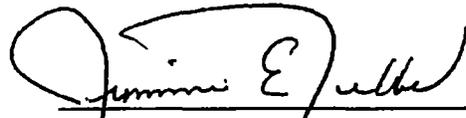
Larry Conner, Chairman



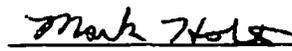
Barry Hill, Treasurer



Leon Lovett, Vice Chairman



Jimmie Tubbs, Secretary



Mark Holt, Member



Date Signed

Marshall County Fiscal Court
June 21, 2016

The Marshall County Fiscal Court met in regular session on Tuesday, June 21, 2016 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. Elected Commissioners: Bob Gold, Dr. Rick Cocke, and Johnny Bowlin; County Attorney Jeff Edwards and Assistant County Attorney Jason Darnall were present. Kevin Neal, County Judge/Executive presided.

I. GUESTS:

A. ABC Administrator Scott Brown presented his quarterly report.

II. CORRESPONDENCE:

A. Judge Neal presented an ad for The Lake News Ameribraton celebration, the cost of the ad is \$819.00. A motion was made by Com. Cocke and seconded by Com. Gold to place the Ameribraton ad in The Lake News. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Cocke and seconded by Com. Gold to approve the minutes of the June 7th meeting. All voted aye. Motion carried.

B. The County Road Aid Cooperative Program Agreement and Resolution was presented. A motion was made by Com. Bowlin and seconded by Com. Gold for Judge Neal to sign the agreement. All voted aye. Motion carried. A motion was made by Com. Cock and seconded by Com. Gold for Judge Neal to sign the Resolution. All voted aye. Motion carried.

C. After discussion regarding fire protection and maintenance bids a motion was made by Com. Gold and seconded by Com. Cocke to accept the bid from FirstLine Fire Extinguisher Co., Paducah, KY. All voted aye. Motion carried.

After discussion regarding random and post accident drug screens a motion was made by Com. Cocke and seconded by Com. Gold to accept the bid from Ensite, LLC, Paducah, KY. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the building inspector agreement with the change of mileage to reflect the GSA POV mileage rate. All voted aye. Motion carried.

B. Judge Neal read a summary of Ordinance #2016-06 Administration Code, 2nd reading. A motion was made by Com. Cocke and seconded by Com. Bowlin to accept and approve the ordinance as presented. All voted aye. Motion carried.

C. After discussion, a motion was made by Com. Bowlin and seconded by Com. Cocke to reappoint Donald Kilby to the Palma Briensburg Fire Department Board. All voted aye. Motion carried.

D. A motion was made by Com. Cocke and seconded by Com. Gold to appoint Judy Price and Mikel Green to fill the positions of Aundrea Fralicx and Amanda Holley who are both resigning effective June 30, 2016 to the West Marshall Fire District Board. All voted aye. Motion carried.

A motion was made by Com. Cocke and seconded by Com. Bowlin to reappoint Rhonda Henson to the West Marshall Fire District Board whose term expires June 30, 2016. All voted aye. Motion carried.

E. A motion was made by Com. Bowlin and seconded by Com. Gold to appoint Brett Edwards to the East Marshall Fire Department Board effective July 1, 2016. All voted aye. Motion carried.

F. A motion was made by Com. Cocke and seconded by Com. Bowlin to change the Fiscal Court bank account signees to Treasurer Emily Martin, Judge/Executive Kevin Neal and Deputy Judge Brad Warning. All voted aye. Motion carried.

G. A motion was made by Judge Neal and seconded by Com. Cocke to appoint Josh Medley to the Jonathan Creek Water District Board to replace Larry Connors. Com. Cocke and Com. Bowlin voted aye. Com. Gold voted no. Motion carried.

H. Judge Neal stated the committee that conducted interviews for the Road Department open positions recommended Wendy Greer to take the place of Russell York and Roy Wadkins to take the place of Frankie Sledd, both effective July 1, 2016. A motion was made by Com. Cocke and seconded by Com. Gold to approve those recommendations. All voted aye. Motion carried.

I. A motion was made by Com. Gold and seconded by Com. Bowlin to approve payment of the bills. All voted aye. Motion carried.

J. A motion was made by Com. Gold and seconded by Com. Bowlin to go in to Executive Session to discuss personnel at Fairdealing-Olive Fire Department. All voted aye. Motion carried.

K. Judge Neal called court back to order.

L. The July 12th Fiscal Court meeting was rescheduled to July 11th at 9:30 a.m.

M. A motion was made by Com. Gold and seconded by Com. Cocke to adjourn. All voted aye. Motion carried.

Respectfully submitted by,

Desiree' Hermosillo
Fiscal Court Clerk