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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE 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 KARA WILSON'S RESPONSE
TO THE COMMISSION'S ORDER OF JANUARY 11, 2018

Respondent, Kara Wilson ("Respondent"), by and through counsel, for her 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 February 7, 2017. (*See* Minutes of the Marshall County Fiscal Court dated February 7, 2017, 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, Kara Wilson, respectfully requests that the PSC issue an Order dismissing her from this proceeding.



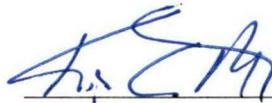
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*Counsel for Respondent, Kara Wilson,
Current Commissioner*

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

Joshua Medley
3098 Olive Hamlet 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
February 7, 2017

The Marshall County Fiscal Court met in regular session on Tuesday, February 7, 2017 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. Elected Commissioners: Dr. Rick Cocke, Bob Gold and Johnny Bowlin; County Attorney Jeff Edwards and Assistant County Attorney Dennis Foust were present. Kevin Neal, County Judge/Executive presided.

I. GUESTS:

A. Tim York, Marshall County Clerk, presented the Clerk's 2016 Financial Settlement, excess fees paid to Marshall County Fiscal Court totaled \$274,787.62. A motion as made by Com. Cocke and seconded by Com. Gold to accept the Clerk's 2016 Financial Settlement subject to audit. All voted aye. Motion carried.

B. Scott Brown, ABC Administrator, presented his Quarterly Report. Mr. Brown stated this was a short quarter and the total monies received was \$72,852.63.

C. Casey Madole with Friends of Clarks River gave a presentation on a wildlife festival stating they would like to partner with the Wildlife Refuge and Marshall County in order to put on the festival. Ms. Madole stated Marshall County's part would be an in kind contribution consisting of hosting the festival at Mike Miller Park and providing employees to assist festival workers. A motion was made by Com. Bowlin and seconded by Com. Gold to allow Marshall County to be involved with the festival. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Judge Neal read a letter regarding the 2016-17 Waste Tire Grant completion.

B. Judge Neal read a letter from 911 Board Chairman Bryan Cutsinger regarding possible funding options for 911.

III. OLD BUSINESS:

A. A motion was made by Com. Bowlin and seconded by Com. Gold to approve the minutes of the January 17th meeting. All voted aye. Motion carried.

B. Emergency Management Director Curt Curtner gave an update on FEMA reimbursements from the July flooding.

C. Shawn Miller with DLZ Engineering presented a cost estimate to replace the bridge on Shar Cal Road. The final cost of the bridge is estimated at \$652,500.00. A motion was made by Com. Cocke and seconded by Com. Bowlin to move forward with DLZ Engineering to get the new bridge in place. All voted aye. Motion carried.

D. Deputy Judge Executive Brad Warning read the county uniform bid advertisement published in the January 24th and January 31st editions of the Tribune Courier. Three bids were received. There was question on one of the bids that came in late but was sent overnight by UPS. After discussion with County Attorney Jeff Edwards it was decided the late bid needed to be looked into, if the bidder can prove it was supposed to arrive before the deadline the bid will qualify. This item was tabled for further review until the next meeting.

E. The ambulance contract with Marshall County Hospital was discussed. Jeremy Jeffery Executive Director of Mercy Regional Ambulance In Paducah spoke about managing their ambulance service and answered questions regarding transitioning taking over an ambulance service.

IV. NEW BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to appoint Kara Wilson to the Jonathan Creek Water District Board. All voted aye. Motion carried.

B. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the non-constitution elected officials new salaries. All voted aye. Motion carried.

C. There was discussion on delaying Fiscal Court Employee's payday by one week to prevent estimations of employees times worked. All three commissioners requested employee feedback on the issue before taking any action.

D. Mandatory direct deposit was discussed. All three commissioners requested employee feedback on the issue before taking any action.

E. A motion was made by Com. Gold and seconded by Com. Bowlin to accept the Marshall County District Cooperative Extension Board Audited Financial Statements June 30, 2016. All voted aye. Motion carried.

F. A motion was made by Com Bowlin and seconded by Com. Cocke to accept the 2016 Marshall County Sheriff Fee Settlement. All voted aye. Motion carried.

G. The Sheriff's Department fuel line item was discussed. Treasurer Emily Martin stated there were some funds that could be moved to that line item. A motion was made by Com. Gold and seconded by Com. Bowlin to approve distributing those funds as Treasurer Emily Martin and Sheriff Byars see fit. All voted aye. Motion carried.

H. Treasurer Emily Martin requested an Intrafund Transfer moving \$260,939.49 from the General Fund to the Road Fund (Bank ONLY – FEMA DR4278). A motion was made by Com. Gold and seconded by Com. Bowlin to approve the transfer. All voted aye. Motion carried.

I. A motion was made by Com. Gold and seconded by Com. Cocke to approve the Appropriation Transfer. All voted aye. Motion carried.

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

K. A motion was made by Com. Gold and seconded by Com. Bowlin to go in to Executive Session to discuss personnel. All voted aye. Motion carried.

L. Jude Neal called court back to order.

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

Respectfully submitted by,

Desiree' Hermosillo
Fiscal Court Clerk