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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LEGAL QUALIFICATIONS OF JOHN HORN)	
TO CONTINUE TO SERVE AS A MEMBER)	CASE NO. 2018-00367
OF THE BOARD OF COMMISSIONERS OF)	
MARTIN COUNTY WATER DISTRICT)	

RESPONSE

Comes John Horn, a member of the Board of Commissioners of Martin County Water District, by counsel, and for his Response to the Commission’s Order of November 8, 2018, and states as follows:

That Commissioner John Horn was appointed by the Martin County Fiscal Court to serve a term as a Commissioner to the Martin County Water Board of July 28, 2016. Commissioner Horn has continued as such, and was appointed for a new three year term by the Martin County Fiscal Court on December 7, 2017 (Exhibit A).

The issue of Mr. Horn’s training (mandated by Statute) was brought before the Commission in case number 2018-00017 by way of Motion on April 27, 2018. That to date, no ruling has been made on that Motion.

At one of the Commission hearings relative to the Martin County Water District, this issue was specifically discussed. As the Commission record will reflect, the discussion on the record involved Chairman Schmitt conceding that Mr. Horn had additional time, by virtue of his reappointment to a new term.

The issue of Mr. Horn's continued service to the Martin County Water District was never questioned, until recent events apparently prompted the Commission's Order.

Mr. Horn is 41. He is the father of two teen age daughters. Mr. Horn unexpectedly lost his wife of eighteen years, Tracy, in a tragedy on May 7, 2017 (Exhibit B). Because of that tragedy, Mr. Horn's time remaining in his initial term involved coping with the grief of that tragedy, as well as parenting two teenage daughters who relied on their mother, and dealt with their grief in ways typical of teenage daughters.

Understandably, for the final few months of his initial twelve month period mandated by Statute, Mr. Horn was dealing with serious personal and family issues.

This tragedy, coupled with Mr. Horn's reappointment to the Board, should excuse his inability to obtain the training within the initial twelve months.

That a training is scheduled for December 4, 2018 and December 5, 2018, at which Mr. Horn has registered and has made plans to attend.

CONCLUSION

To remove Mr. Horn as a Commissioner from the Martin County Water Board under the circumstances, would be arbitrary, unfair, and capricious. That this has been an issue brought to the attention of the Commission by way of Motion many months ago. That Mr. Horn, and the Board of Commissioners, have worked tirelessly to improve the drastic circumstances facing the Martin County Water District, and an incredible amount of work is yet to be done. To remove Mr. Horn as Commissioner at this stage of the proceedings would be counterproductive and further jeopardize the ability of the Martin County Water District to become self-sufficient, and compliant with the most recent Order of the Public Service Commission.



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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was ^{*hand delivered*} ~~mailed, postage paid,~~ on this the 19 day of November, 2018, to the following:

Public Service Commission
P.O. Box 615
Frankfort, KY 40602



BRIAN CUMBO

MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING

THURSDAY DECEMBER 7TH, 2017 1:00 P.M.

OPENING OF THE COURT

The meeting was called to order at 1:00 P.M. by Judge Executive Kelly Callaham. Those present were: Magistrate Josh Muncy district #1, Magistrate Kenny McCoy district #2, Magistrate Darrell Mills district #3 and Magistrate Victor Slone district #5. Assistant County Attorney Lynette Muncy was present and led prayer.

ACCEPTING MINUTES OF LAST COURT MEETING

The minutes from December 4th, 2017 were approved upon motion made by Magistrate Darrell Mills and seconded by Magistrate Josh Muncy. It was a unanimous vote.

APPOINT WATER BOARD MEMBERS

Judge Executive addressed the court stating the terms of the water board members have to be staggered. He recommended a 1-year term for John Hensley and Rex Endicott. Their term will end December 2018. Jimmy Don Kerr and Jarrod Crum a 2-year term. John Horn a 3-year term. These terms will be from this day forward. This will makeup a full water board. Judge Executive Kelly Callaham told Mike Crum he would have to go up to the water company and swear in these new board members and conduct the meeting the following Monday. Motion to accept these water board members was made by Magistrate Josh Muncy and seconded by Magistrate Victor Slone. It was a unanimous vote.

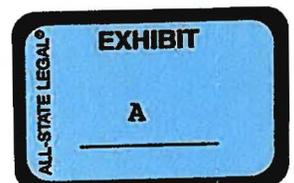
PETITION TO ADOPT ROAD EASEMENTS

Much debate went on about the KRS laws on adopting a road into the county road system. Assistant County Attorney Lynette Muncy recommended doing a petition then the county road foreman and another viewer go out and make sure the road met all the requirements and that it would serve a public purpose. If it met the requirements an easement with exact boundaries would be needed. If possible, get the petition and easement at the same time. Once the road has a CR number, the county could maintain road. Assistant County Attorney Lynette Muncy stated this is the process County Attorney Kennis Maynard has required for the past 15 years. Magistrate Victor Slone read KRS 178.080 and stated these was not the requirements that County Attorney Kennis Maynard was requiring.

Motion to accept the easement going forward and on any road in the past without a CR# can use this easement and petition was made by Magistrate Darrell Mills and seconded by Magistrate Kenny McCoy. It was a unanimous vote with Magistrate Victor Slone protesting.

MOA – BLACKTOP

Motion to accept the memorandum of agreement on blacktop was made by Magistrate Victor Slone and seconded by Magistrate Darrell Mills. It was a unanimous vote.



MOA – FLOOD CONTROL PROJECT

Judge Executive Kelly Callaham stated the flood project has been on hold for the past two years due to the federal funds not being available. The flood control project is a 95% federal money and 5% money county liability. The county funds have already been set aside in an account. The federal government has their portion for the project.

Motion to accept the Flood Control Project agreement was made by Magistrate Josh Muncy and seconded by Magistrate Victor Slone. It was a unanimous vote.

ADJOURN

Motion to adjourn was made by Magistrate Victor Slone and seconded by Magistrate Kenny McCoy. It was a unanimous vote.



KELLY CALLAHAM, JUDGE EXECUTIVE



JEANETTA GOBLE, COURT RECORDER

Mother dies in ATV crash one day after daughter's prom

By Dan Klein | Posted: Mon 6:02 PM, May 08, 2017 | Updated: Mon 6:14 PM, May 08, 2017

MARTIN COUNTY, Ky. (WSAZ) – A mother who was proudly helping her daughter go to prom this weekend is now being mourned by her family and friends.



Tracy Horn, 41, was killed in a single ATV crash Sunday evening, not far from her home. Her loved ones like Melinda Horn mourn the loss of a dedicated nurse, wife and mother of two.

Tracy was Melinda's best friend since kindergarten.

"She was one of the most caring, compassionate, calm people you'll ever meet," Melinda said.

Tracy was a beloved mother to a pair of girls, ages 15 and 13.

"She was everything in the world to them."

Their friendship so strong, they even share a last name. They married childhood friends who are distant relatives and were maids of honor for each other.

"It just had to be that we would both marry a Horn," Melinda said with a laugh.

Martin County deputies said Horn had gone for a ride on an ATV Sunday afternoon. An experienced rider, she was near her home. Other riders found her pinned beneath her vehicle.



Melinda says other family was starting to search for her when she hadn't come back at a designated time.



Investigators said when the other riders found her, she was barely alive and died before emergency responders could arrive.

"Devastating," said Melinda. "I had to make the family member tell me three times before I believed it. It was devastating."

Just last week, Tracy had gone with her daughters to Disney World to compete at Cheerleading Worlds. She had been a cheerleading and dance coach for both of them for years.

On Saturday, she had helped her older daughter get ready for prom.

"Your heart breaks. It's awful. She's leaving behind so many friends and so many family members who loved her."

For Melinda, it's sad to think her best friend for more than 30 years won't be around for another 30, along with two daughters now without a mother and a husband now without a wife.

Her message from the family, "just thank you for all the love and support that they have been shown in the last couple days."

Tracy was a registered nurse who worked at several different places in the area. One patient told WSAZ what a great nurse she was.

Her husband John is the president of the Logan Corporation in Salyersville.

Visitation is set from 6 to 9 p.m. Tuesday. The funeral will be at 11 a.m. Wednesday. Both will be at the Richmond Callahan Funeral Home in Inez.



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