

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF JESSAMINE-)	
SOUTH ELKHORN WATER DISTRICT AND ITS)	CASE NO.
INDIVIDUAL COMMISSIONERS, JAMES F. HALL,)	2022-00344
JERRY HAWS, THOMAS BEAL, AND CLAY CORMAN,)	
ALLEGED VIOLATION OF KRS § 278.300)	

OFFER OF SETTLEMENT

Jessamine South Elkhorn Water District (“JSEWD”), Commissioner James F. Hall, Commissioner Jerry Haws, Commissioner Thomas Beall, and Commissioner Clay Corman (“Respondent Commissioners”) (collectively “Respondents”) submit the following Offer of Settlement to resolve this matter.

The Respondents propose that this matter be resolved in the following matter:

1. The Public Service Commission shall assess each Respondent Commissioner a penalty of \$500.00, which shall be suspended for a period of two years and be vacated at the end of that two-year period if the Respondent Commissioner does not engage in any conduct that is a violation of KRS Chapter 278 or a lawfully promulgated regulation or lawful Order of the Public Service Commission.

2. If during the suspension period, a Respondent Commissioner fails to comply with an Order of the Public Service Commission or a provision of KRS Chapter 278 or a lawfully promulgated Public Service Commission regulation, the penalty assessed against such Respondent Commissioner shall become immediately due and payable.

3. If during the suspension period a Respondent Commissioner ceases to hold the office of water district commissioner as a result of resignation, failure to obtain reappointment or other reason,

the suspended penalty assessed against him shall be vacated immediately upon his departure from office.

4. No penalty shall be assessed against JSEWD.

5. The Public Service Commission will not enter any Order in this proceeding in which it finds that any of the Respondents willfully violated KRS 278.300 or willfully aided and abetted a violation of KRS 278.300.

6. JSEWD will adopt and enforce the attached policies regarding mandatory commissioner attendance at accredited water management training programs and the issuance of evidences of indebtedness. See Attachments A and B.

7. Should JSEWD modify or rescind either of the attached policies, it will notify the Public Service Commission in writing at least 30 days in advance of the proposed modification or rescission.

8. If this Offer of Settlement is accepted, Respondents individually and jointly will not petition the Public Service Commission for rehearing or bring an action for review of any order accepting this Offer of Settlement.

9. Should the Public Service Commission issue an Order accepting this Offer of Settlement and any Respondent fail to comply with the terms of this Offer of Settlement, such Respondent's failure shall be deemed a failure to comply with a lawful order of the Public Service Commission and such Respondent may be subject to additional penalties pursuant to KRS 278.990(1).

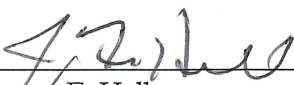
In making this Offer of Settlement, the Respondents do not admit or acknowledge that JSEWD or the Respondent Commissioners willfully violated KRS 278.300 or that any Respondent Commissioner aided or abetted any willful violation of KRS 278.300.

Dated: October 4, 2023


Respectfully submitted,

_____/s/ Bruce E. Smith_____
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Counsel for JSEWD and Respondent Commissioners




James F. Hall



Thomas Beall



Jerry Haws



Clay Corman

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, and the Commission's Order of ~~July 22, 2021~~ in Case No. 2020-00085, I certify that this document was submitted electronically to the Public Service Commission on October 4, 2023 and that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding.

_____/s/ Henry E. Smith_____

_____/s/ Bruce E. Smith_____

Counsel for JSEWD and Respondent Commissioners

ATTACHMENT A

POLICY REGARDING ISSUANCE OF EVIDENCES OF INDEBTEDNESS

EXHIBIT A
JESSAMINE SOUTH ELKHORN WATER DISTRICT
FISCAL MANAGEMENT

Issuance of Debt/Borrowing Funds

PUBLIC SERVICE COMMISSION AUTHORIZATION

KRS 278.300 requires a utility to obtain Public Service Commission authorization prior to its issuance of any securities or evidences of indebtedness, or the assumption of any obligation or liability with respect to another's securities or evidences of indebtedness. Evidences of indebtedness include: promissory notes, bonds, installment purchase agreements, or any contract in which the Water District agrees to pay a sum of money over an extended period of time. The Water District will not issue any evidence of indebtedness or securities or assume any obligation or liability with respect to the securities or evidences of indebtedness of another without first obtaining written authorization from the Public Service Commission for such issuance.

EXCEPTION(S)

The Water District may issue notes for proper purposes and not in violation of law, that are payable at periods of not more than two (2) years from the date thereof, or to like notes, payable at a period of not more than two (2) years from date thereof, that are issued to pay or refund in whole or in part any such notes, or to renewals of such notes from time to time, not exceeding in the aggregate six (6) years from the date of the issue of the original notes so renewed or refunded.

LEGAL REVIEW

Prior to issuing any securities or evidences of indebtedness, or assuming any obligation or liability in respect to the securities or evidences of indebtedness of any other person, the Water District shall consult with legal counsel to determine if the Water District must obtain the Public Service Commission's prior approval to issue the securities, borrow the money, or assume another's obligations or liabilities. The Water District shall obtain and maintain in its records written evidence of counsel's advice regarding the proposed issuance.

REVIEW

The Board of Commissioners shall review this policy annually and shall note such review in the minutes of the regular meeting in which the review was conducted.

REFERENCES

KRS 278.300

Adopted: October 4, 2023

ATTACHMENT B

**POLICY REGARDING MANDATORY ANNUAL ATTENDANCE AT
ACCREDITED WATER MANAGEMENT TRAINING**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE JESSAMINE SOUTH ELKHORN WATER DISTRICT TO
ESTABLISH A POLICY REGARDING COMMISSIONER
ATTENDANCE AT WATER MANAGEMENT TRAINING
PROGRAMS**

WHEREAS, Jessamine South Elkhorn Water District is a water district organized pursuant to KRS Chapter 74;

WHEREAS, KRS 74.020 requires persons newly appointed to a water district's board of commissioners to attend an initial training program that the Public Service Commission conducts and further requires water districts to take certain actions to promote and encourage the members of its board of commissioners to attend certified water district management training programs to enhance the member's understanding of his or her responsibilities and duties;

WHEREAS, establishing a written policy regarding the training of the members of Jessamine South Elkhorn Water District's Board of Commissioners will promote compliance with KRS 74.020, will encourage board members to attend useful water management training programs, and will lead to a more knowledgeable and better informed Board of Commissioners;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF JESSAMINE SOUTH ELKHORN WATER DISTRICT WATER DISTRICT AS FOLLOWS:

Section 1. The facts, recitals, and statements contained in the foregoing preamble of this Resolution are true and correct and are hereby affirmed and incorporated as a part of this Resolution.

Section 2. The policy regarding the training of the members of the Board of Commissioners, which is attached to this resolution as Exhibit A, is established and effective as of this date and shall be observed by this Board of Commissioners and all employees of Jessamine South Elkhorn Water District.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE JESSAMINE SOUTH ELKHORN WATER DISTRICT at a meeting held on October 4, 2023 signed by the Chairman, and attested by the Secretary.

ATTEST: Thomas S. Beall
Secretary

J. J. Hill
Chairman

EXHIBIT A
JESSAMINE SOUTH ELKHORN WATER DISTRICT
TRAINING — MEMBERS OF BOARD OF COMMISSIONERS

MANDATORY TRAINING — NEWLY APPOINTED COMMISSIONERS

KRS 74.020(8) requires newly appointed members of a water district's board of commissioners to attend at least twelve (12) hours of instruction "that is intended to train newly appointed commissioners in the laws governing the management and operation of water districts and other subjects that the Public Service Commission deems appropriate." A newly appointed member must attend such training within 12 twelve months of his or her appointment. A member who fails to complete such a program of instruction within twelve (12) months of his or her initial appointment shall forfeit his or her office and all right to act in discharge of the duties of the office. Currently only initial training programs that the Public Service Commission conducts will satisfy this requirement. Upon a member's initial appointment, he or she shall be advised of this training requirement and the times and locations of scheduled training programs and shall be encouraged to attend one of these programs at the earliest possible date.

RETURNING COMMISSIONER TRAINING

KRS 74.020(7) provides that a member of a water district board of commissioners who completes during a calendar year a minimum of six (6) instructional hours of water district management training approved by the Public Service Commission may receive an annual salary of not more than six thousand dollars (\$6,000) to be paid out of water district funds.

PROOF OF ATTENDANCE

Upon attending a certified water district management training program, the board member shall provide a copy of his or her certificate of attendance or other evidence of attendance and completion to the Board's Secretary. The Board Secretary or his or her designate will maintain these records in the Water District's files. No reimbursement of travel expenses or final payment of any enhanced salary, shall be made until such evidence is presented.

REIMBURSEMENT OF EXPENSES

The Water District will reimburse a member of a water district for his or her reasonable expenses for attending a certified water district management training program. These expenses include reasonable travel and lodging expenses and program registration fees. A board member shall make all efforts to attend programs that are cost-effective and within a reasonable distance of the Water District's offices. Reimbursement shall only be made after the board member has presented evidence of his or her attendance and completion of the certified water management training program.

REVIEW

The Board of Commissioners shall review this policy annually and shall note such review in the minutes of the regular meeting in which the review was conducted.

REFERENCES

KRS 278.020

Adopted: October 4, 2023