

BRIAN CUMBO

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ADMITTED IN KY AND WV

RECEIVED

NOV 20 2019

PUBLIC SERVICE  
COMMISSION

November 19, 2019

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

RE: Martin County Water District  
PSC Case No. 2019-00404

To Whom It May Concern:

Enclosed please find the Martin County Water District's Response to PSC Order of November 6, 2019.

Thank you for your attention to this matter.

Very truly yours,

BRIAN CUMBO

BC/ld  
Enclosure  
cc: Martin County Water District

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF POSSIBLE )  
VACANCIES ON THE BOARD OF )  
COMMISSIONERS OF MARTIN COUNTY )  
WATER DISTRICT )

CASE NO. 2019-00404

**RESPONSE TO PSC ORDER OF NOVEMBER 6, 2019**

\*\*\*\*\*

Comes the Martin County Water District (“District”), by counsel, and for its’ Response to the Public Service Commission Order entered herein on November 6, 2019, states as follows:

1. List the name of each current member of the Board of Commissioners of the Martin County Water District, the date he or she was appointed, and the date on which his or her term expires, and provide any documents referenced or relied upon to respond to this request.

RESPONSE: Jimmy Kerr, Appointed: December 7, 2017, Term Expires: December 7, 2020; John Hensley, Appointed: January 14, 2019, Term Expires: January 14, 2022; Jaryd Crum resigned effective November 19, 2019. See attached Exhibit #1.

2. Identify the predecessor on the Board of Commissioners of the Martin County Water District for each current member of the Board, and identify the date he or she was appointed, describe the circumstances under which he or she left the Board, e.g. his or her term expired, he or she resigned, etc. and state the date on which he or she left the Board, and provide any documents referenced or relief upon to respond to this request.

RESPONSE: Nita Collier, who resigned in late November or early December, 2017, was the predecessor to Jimmy Kerr. Predecessor of John Hensley is unknown.

3. For each member of the Board listed on Martin County Water District's 2016 Annual Report, identify the date he or she was appointed, describe the circumstances under which he or she left the Board, e.g. his or her term expired, he or she resigned, etc., and state the date on which he or she left the Board, and provide any documents referenced or relied upon to respond to this request.

RESPONSE: William Harvey – Appointed May 4, 2011.  
Resigned late November or early December, 2017.  
Replaced Kevin Davis.

James Clark – Appointed 2012 or 2013.  
Resigned July 24, 2017.  
Replaced Greg Cornett.

John Haney – Appointed August 17, 2009.  
Resigned late November or early December, 2017.  
Replaced Greg Scott

Nita Collier – Date of appointment unknown, but has served since at least 2000.  
Resigned late November or early December, 2017.

John Horn – Appointed July 28, 2016.  
Resigned December 5, 2018.

Documents attached as Exhibit #2.

4. Identify the predecessor on the Board of Commissioners of the Martin County Water District for each member of the Board listed on the 2016 Annual Report, and identify the date he or she was appointed, describe the circumstances under which he or she left the Board, e.g. his or her term expired, he or she resigned, etc., and state the date on

which he or she left the Board, and provide any documents referenced or relied upon to respond to this request.

RESPONSE: See response to #3.

5. Provide a map of the Martin County Water District's territory.

RESPONSE: See attached Exhibit #3.

6. Provide the ordinances and resolutions of Martin County Fiscal Court that establish Martin County Water District's territorial boundaries.

RESPONSE: See Exhibit #4. Efforts to locate additional documentation responsive to this request is ongoing.

7. Provide all orders, minutes, ordinances, or resolutions of the Martin County Judge/Executive and/or the Martin County Fiscal Court that address the appointments of the Martin Water District's current Board of Commissioners.

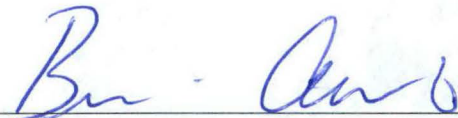
RESPONSE: See attached Exhibit #2.

8. With respect to the current members of the Board of Commissioners of the Martin County Water District, identify the commissioner who immediately preceded each current member and whose position on the Board of Commissioners they took, and provide any documents referenced or relied upon to respond to this request.

RESPONSE: See response to #2.

9. Provide all orders, minutes, ordinances, and resolutions of the Martin County Judge/Executive and/or the Martin County Fiscal Court that address the appointments to the Martin County Water District's Board of Commissioners since January 1, 2009.

RESPONSE: See attached Exhibit #2.

  
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WATER DISTRICT  
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INEZ, KY 41224  
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EMAIL: cumbolaw@cumbolaw.com

**CERTIFICATE OF SERVICE**


This will certify that a true and correct copy of the foregoing was mailed, postage paid, on this the 19th day of November, 2019, to the following:

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

Martin County Judge Executive  
P.O. Box 309  
Inez, KY 41224

Martin County Fiscal Court  
P.O. Box 309  
Inez, KY 41224

Martin Water District  
Board of Commissioners  
387 Main Street, Suite 140  
Inez, KY 41224

  
BRIAN CUMBO

VERIFICATION

I, Greg Scott, of the Martin County Water District, hereby verify that the responses and exhibits attached hereto are true and correct to the best of my knowledge.

  
\_\_\_\_\_  
GREG SCOTT

STATE OF KENTUCKY)

COUNTY OF MARTIN)

SUBSCRIBED, SWORN and ACKNOWLEDGED before me by Greg Scott this 19<sup>th</sup>  
day of November, 20 19.

My Commission Expires: 9-18-22.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE AT LARGE

# EXHIBIT #1

November 19, 2019

William R. Davis  
Judge-Executive, Martin County  
42 E. Main Street  
Inez, Kentucky 41224

CC: Hon. Mike Schmitt  
Chairman, Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

Judge Davis,

Please accept this letter as my resignation as a Commissioner from the Martin County Water District and Martin County Sanitation District, effective immediately.

As you are aware, my term ends on December 19, 2019, and the next meeting of the Water and Sanitation Districts, respectively, does not occur until December 21, 2019. Because my term ends before the next scheduled meeting, I wanted to provide you with proper notice so that you would have ample time to find and appoint a new Commissioner.

I am proud of the work we have accomplished as a Board, and consider it a privilege to have served Martin County alongside Chairman John Horn, Chairman Jimmy Kerr, Rex Endicott, John Hensley, and Earnest Hale.

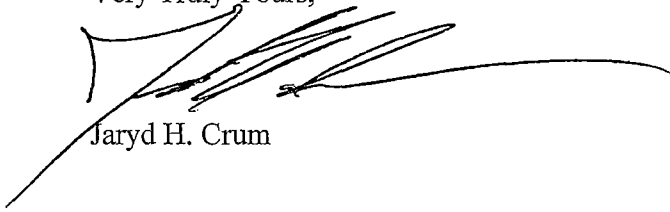
I am also appreciative of Public Service Commission Chairman Mike Schmitt, Vice-Chairman Robert Cicero, and Commissioner Talina Mathews, who have taken Martin County's water issues seriously, and have paved the way for Martin County's prosperity in the future. The Commissioners have always treated me in a professional manner and with the utmost respect, and I sincerely believe The Commonwealth of Kentucky is fortunate to have such competent and intelligent individuals as public servants.

Finally, I am deeply grateful to The Mountain Citizen, the Lexington Herald-Leader, and the Martin County Concerned Citizens the last of which is led by my friends, Nina McCoy and BarbiAnn Maynard, for consistently advocating for Martin County's citizens. Clean and reliable water should be considered to be a basic human right, and these two have been fighters for that cause since day one.



I remain committed to improving the lives of Martin Countians and am always available to assist in any way. Thank you for the opportunity to serve.

Very Truly Yours,



Jaryd H. Crum

MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING

THURSDAY DECEMBER 7<sup>TH</sup>, 2017 1:00 P.M.

**OPENING OF THE COURT**

The meeting was called to order at 1:00 P.M. by Judge Executive Kelly Callahan. 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 4<sup>th</sup>, 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 Callahan 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.

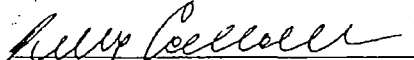
**MOA – FLOOD CONTROL PROJECT**

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

**MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING**

**MONDAY JANUARY 14<sup>TH</sup>, 2019**

**5:00 P.M.**

**OPENING OF THE COURT**

The meeting was called to order at 5:00 P.M. by Judge Executive Bill Davis. Those present were: Magistrate Jared Goforth of District #1, Magistrate Roger Preece of District #2, Magistrate Derrick Stepp of District #3, Magistrate Joseph Hunt Jr. of District 4, Magistrate Victor Slone of District #5 and County Attorney Melissa Fannin Phelps. Steven Goble led prayer.

**ACCEPTING THE MINUTES FROM LAST COURT MEETING**

Motion to accept the minutes from the "Special" Fiscal Court Meeting on January 9<sup>th</sup>, 2019 was made by Magistrate Roger Preece and seconded by Magistrate Jared Goforth. It was a unanimous vote.

**SHERIFF COUNTY FEE OFFICE BUDGET 2019**

With no motion to approve, Magistrate Roger Preece stated that he wanted to help the Sheriff's Office, but he would like to sit down and discuss the matter because they cannot give money they do not have. Judge/Executive Bill Davis clarified that Magistrate Preece was talking about whether the money would be available when it was time for the Fiscal Court to do their budget. He explained the Fiscal Court and Sheriff's Office operate on different schedules—the Fiscal Court having a Fiscal Year ending in June and the Sheriff's Office operating on a calendar year.

Judge/Executive Davis stated that it is an honor to work with Sheriff Kirk and all the other offices of the county and he had spoken with those who had been involved with the (Fiscal Court) budget in the past. He expressed the need for cuts and careful planning to break even; noting a struggle to even meet payroll. He said to let it be known that due to only being six days into his administration, they have not all had the opportunity to get into the major details of the money situation. Also, within the six days, about \$400,000.00 in bills had been received, which is a major concern. Judge/Executive Davis voiced his desire to increase revenue, but stated he had not had a chance to explain his plans. He said the Fiscal Court had full intentions to support the Sheriff's Office if the resources are available, but at this point they do not know what they will have monetarily in June. Judge/Executive Davis also stated the current Treasurer had decided to resign, so they are in the process of hiring a replacement. With that said, he did not wish to commit to paying anything without being able to deliver, due to the possibility of tax increases to pay for obligations. He explained that if the Fiscal Court promises to pay something, it must be paid.

A motion to table the Sheriff's 2019 Fee Office budget was made by Magistrate Roger Preece, with Magistrate Derrick Stepp seconding the motion. The vote was unanimous.

#### **SHERIFF BONDS**

Magistrate Roger Preece made the motion to approve the Sheriff's bonds, with Magistrate Jared Goforth as the second. The vote was unanimous.

#### **BIG SANDY ADD BOARD MEMBERS: BILL DAVIS AND STEVEN GOBLE**

Magistrate Roger Preece made the motion to approve the nomination of Bill Davis and Steven Goble to the Big Sandy ADD board. The motion was seconded by Magistrate Jared Goforth. It was a unanimous vote.

#### **MARTIN COUNTY WATER BOARD MEMBERS**

Magistrate Roger Preece made the motion to approve the Judge's nomination of Ernest Hale, Jr. to the Martin County Water Board for a three-year term. The motion was seconded by Magistrate Derrick Stepp. The vote was unanimous.

Magistrate Derrick Stepp made the motion to reappoint John Hensley to a three-year term on the Martin County Water Board. The motion was seconded by Magistrate Jared Goforth and all were in favor.

#### **MARTIN COUNTY HOUSING AUTHORITY BOARD MEMBERS**

Four new members were nominated by Judge/Executive Bill Davis as members of the Martin County Housing Authority Board.

Magistrate Jared Goforth made the motion to approve the nomination of Eric Jude and Jordan Wheeler to one-year terms on the board, with Magistrate Derrick Stepp seconding that motion. It was a unanimous vote.

Magistrate Roger Preece made the motion to approve the nomination of Bradford Preece and Ronnie Hickman to two-year terms on the board, with Magistrate Jared Goforth seconding the motion. All magistrates voted in favor.

#### **DATE AND TIME OF REGULAR FISCAL COURT MEETING**

Magistrate Derrick Stepp made the motion to set the fourth Thursday of each month at 5:00 p.m. as the date/time for regular Fiscal Court meetings. Magistrate Jared Goforth seconded the motion. The vote was unanimous.

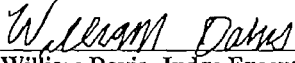
#### **APPOINTMENT AND REAPPOINTMENT OF COUNTY EMPLOYEES NOMINATED BY THE JUDGE**

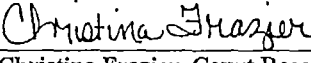
Magistrate Joseph Hunt, Jr. made the motion to approve reappointment of Blaine Stepp to the county garage as a part-time general laborer/welder. Magistrate Jared Goforth seconded the motion. All magistrates voted in favor.

Upon motion of Magistrate Jared Goforth, seconded by Magistrate Derrick Stepp, it was a unanimous vote to approve the reappointment of the employees based on the list, which is attached hereto.

**ADJOURN**

Magistrate Victor Slone made the motion to adjourn and was seconded by Magistrate Derrick Stepp. The vote was unanimous.

  
\_\_\_\_\_  
William Davis, Judge Executive

  
\_\_\_\_\_  
Christina Frazier, Court Recorder

# EXHIBIT #2

**MARTIN COUNTY "REGULAR" FISCAL COURT MEETING**

**THURSDAY, MAY 23<sup>RD</sup> 2019**

**5:00 P.M.**

**OPENING OF THE COURT**

The meeting was called to order at 5:00 P.M. by Judge/Executive Bill Davis. Those present were: Magistrate Jared Goforth of District #1, Magistrate Roger Preece of District #2, Magistrate Derrick Stepp of District #3, Magistrate Junior Hunt of District #4, Magistrate Victor Slone of District #5, and County Attorney Melissa Phelps.

Deputy Judge Steve Goble led prayer. Gary Gauze led everyone in reciting the pledge of allegiance.

**ACCEPTING MINUTES OF THE LAST COURT MEETING**

Motion to accept the minutes from the "Special" Fiscal Court meeting on May 9th, 2019 was made by Magistrate Derrick Stepp and seconded by Magistrate Jared Goforth. All votes were in favor.

**RESOLUTION/MARTIN COUNTY STRATEGIC SOCIAL ECONOMIC DEVELOPMENT PLAN**

Judge Davis read the resolution authorizing the filing of a USDA Rural Business Development Grant application for the Martin County Strategic Social Economic Development Plan. He stated that it is a plan to organize and prioritize grant needs in order to obtain funding; Martin County Economic Development Board agreed to provide the required matching funds if the grant is awarded to the Fiscal Court.

Motion to approve the resolution was made by Magistrate Jared Goforth and seconded by Magistrate Derrick Stepp. All votes were in favor.

**911 COORDINATOR/APPOINTMENT**

Magistrate Jared Goforth made the motion to approve the appointment of current 911 Training Coordinator Jordan Wheeler as the 911 Coordinator, replacing Eric Jude. Magistrate Victor Slone seconded the motion. It was a unanimous vote.

**911 PART-TIME TO FULL-TIME POSITION**

Based on the recommendation of Jordan Wheeler, Magistrate Derrick Stepp made the motion to move part-time 911 Dispatcher Rebecca Fletcher to full-time employment. Magistrate Jared Goforth seconded the motion. All votes were in favor.



## **CORRECTION OF UTILITY BOARD APPOINTMENT**

In December 2018, John Horn resigned as member of the Utility Board and the memberships of John Hensley and Rex Endicott expired. In January 2019, the Fiscal Court voted to reappoint John Hensley for a 3 year term. They also voted to approve the appointment of Ernest Hale to the board seat formerly held by Rex Endicott. No one had been appointed to fill the remainder of John Horn's term. During the vote, the Fiscal Court accidentally referred to the appointments as "Approvals of Water Board Appointments" instead of "Utility Board Appointments". The Utility Board includes both the Water District Board and the Sanitation District Board. Judge Davis asked for new motions to clarify the prior actions of the fiscal court.

Motion was made by Magistrate Jared Goforth to approve the appointment of John Hensley to the utility board for a three-year term to replace John Horn. Magistrate Junior Hunt seconded the motion. All votes were in favor.

Motion was made by Magistrate Junior Hunt to approve the appointment of Earnest Hale Jr for a three-year term to replace Rex Endicott. Magistrate Roger Preece seconded the motion. The votes were unanimous.

## **SANITATION ORDINANCE/AMENDMENT**

Judge Davis read the first reading of the Sanitation Ordinance Amendment.

The proposed amendment to Ordinance 08-01, An Ordinance relating to Onsite and Centralized Sewer Systems and the Creating of a Sanitation District in Martin County, strikes the words "review and approve, amend or disapprove charges or user fees established by the Sanitation District" from the original ordinance. No motion was necessary.

The second reading will be held during a Special Fiscal Court Meeting on June 13<sup>th</sup>, 2019 at 5:00 p.m.

## **ANNEX REPAIR/DENISE GAUZE**

Circuit Court Clerk Denise Gauze addressed the Fiscal Court about necessary repairs in the Annex building. She provided documentation which showed the need for roof replacement and flooring. She also asked the court to consider approving an awning for the entryway. All costs would be reimbursed by the AOC.

County Attorney Melissa Phelps explained that the Fiscal Court would have to advertise for bids on anything over \$20,000.00.

Motion to replace the roof on the Annex Building was made by Magistrate Derrick Stepp. Magistrate Jared Goforth seconded the motion. All votes were in favor.

Motion to replace the flooring in the Annex Building was made by Magistrate Roger Preece. Magistrate Jared Goforth seconded the motion. The vote was unanimous.

Motion to approve the awning for the entryway was made by Magistrate Jared Goforth. Magistrate Roger Preece seconded the motion. All votes were in favor.

### **TOURISM ORDINANCE/SECOND READING**

Judge Davis read the second reading of the amendment to the Martin County Tourism Ordinance.

Motion to approve the amendment to the tourism ordinance was made by Magistrate Jared Goforth and seconded by Magistrate Roger Preece. All votes were in favor.

The adopted amendment to the tourism commission ordinance adds a 3% tax on any hotel, motel or other similar accommodation business. This tax is to be paid to the Fiscal Court Treasurer who would pay quarterly to the Tourism Commission. The tax is to be used for promoting tourism activity in Martin County.

### **TOURISM COMMISSION/APPOINTMENT**

Motion was made by Magistrate Jared Goforth to approve the appointment of Candy Crum to the Tourism Commission to fill the remainder of the late Beverly Ward's term. Magistrate Roger Preece seconded the motion. It was a unanimous vote.

### **EXECUTIVE SESSION**

Motion to go into executive session at 5:32 p.m. to discuss pending litigation was made by Magistrate Junior Hunt. Magistrate Jared Goforth seconded the motion. All votes were in favor.

Motion to come out of executive session at 6:01 p.m. was made by Magistrate Junior Hunt and seconded by Magistrate Jared Goforth. The vote was unanimous.

Judge Davis stated the purpose of going into executive session was to discuss a lawsuit filed against the Fiscal Court by the Big Sandy Regional Detention Center for the amount of \$290,040.58 for inmate housing.

### **BANK FRANCHISE TAX/SECOND READING**

The second reading of the Bank Deposit Franchise Tax Ordinance was read by Judge Davis.

The Martin County Bank Deposit Franchise Tax Ordinance is a tax on Financial Institutions located in Martin County. The rate of this tax shall be twenty-five thousandths of one percent (0.025%) of the deposits located in the jurisdiction of Martin County. This tax is to be paid to the Fiscal Court Treasurer and goes into the general fund.

The motion to approve the ordinance was made by Magistrate Roger Preece and seconded by Magistrate Jared Goforth. All votes were in favor.

### **BUDGET/FIRST READING**

Judge Davis read the first reading of the budget for Fiscal Year ending 06/30/2020. No action was necessary.

### **B&O TAX AMENDMENT/FIRST READING**

Judge Davis read the first reading of the amendment to the Martin County Kentucky Ordinance No. 03.02 and 03.03, which originally adopted a tax upon persons employed in trade, occupation, and professions to comply with the requirements of KRS 68.197 and 64.795 regarding occupational payroll taxes in an amount of 2% of gross income. The employers are required to deduct and pay said sums, if the employer does not, then the employee has the duty to pay the occupational tax quarterly and there are penalties assessable upon both employer and employee for failure to comply with the terms of the ordinance. This ordinance shall take effect July 1<sup>st</sup>, 2019. No motion was required.

The second reading will be during a Special Fiscal Court meeting on June 13<sup>th</sup>, 2019 at 5:00 p.m.

### **INSURANCE PREMIUM TAX/FIRST READING**

Judge Davis read the first reading of the Insurance Premium Tax Ordinance. This is a proposed tax on Insurance Companies within Martin County. The rate of this tax will be eight percent (8%) of the premiums collected for all types of insurance excluding life and health. This tax would become effective July 1, 2020, and be paid to the Fiscal Court Treasurer for deposit into the general fund. No motion was required.

The second reading will be during a Special Fiscal Court meeting on June 13<sup>th</sup>, 2019 at 5:00 p.m.

### **REGULAR FISCAL COURT MEETING RESCHEDULED**

Judge Davis stated that the regular Fiscal Court meeting on June 27<sup>th</sup> 2019 would be rescheduled due to the Magistrates being away for training from June 26<sup>th</sup>-June 28<sup>th</sup>. A special meeting will be held on June 13<sup>th</sup>, 2019 at 5:00 p.m.

Magistrate Jared Goforth made the motion to approve the rescheduling of the regular Fiscal Court Meeting. Magistrate Junior Hunt seconded the motion. All votes were in favor.

### **FINANCES**

Motion to approve the Claims list, Cash Transfer list, and Appropriation Transfer list was made by Magistrate Derrick Stepp and seconded by Magistrate Jared Goforth. All votes were in favor.


**DISCUSSION**

Mary Blanton and Carla Bowen addressed the court about the Animal Shelter needs. Judge Davis told them to compile a list of questions and they would set up a meeting when the Dog Warden could be present to answer any questions they had about the shelter.

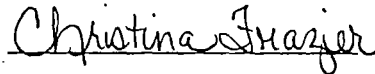
Magistrate Junior Hunt stated that he did not like the idea of more taxes being put on the working people and would like to come up with other financial solutions. Judge Davis explained that the budget was set at the bare minimum of what it would take to pay our debts and that it was necessary to raise our revenue to cover our debts. He also stated he is open to other ideas.

**ADJOURN**

Motion to adjourn was made by Magistrate Jared Goforth and seconded by Magistrate Roger Preece. The vote was unanimous.



Bill Davis, Judge Executive



Christina Frazier, Court Recorder

# AGENDA

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## MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING

Monday, January 14<sup>TH</sup> 2019

5:00 PM

SECOND FLOOR GOVERNMENT CENTER

1. OPENING OF THE COURT
2. ACCEPTING THE MINUTES OF THE LAST COURT MEETING
3. Sheriff County Fee Office Budget 2019 order setting the maximum salaries for Deputies and Staff for those offices.
4. Sheriff Bonds
5. Big Sandy Add Board Members: Bill Davis, and Steven Goble
6. Martin County Water Board Members
7. Martin County Housing Authority Board Members
8. Date and Time of the regular Fiscal Court Meeting
9. Appointment or reappointment of County Employees nominated by the Judge
10. ADJOURN

**MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING**

**MONDAY JANUARY 14<sup>TH</sup>, 2019**

**5:00 P.M.**

**OPENING OF THE COURT**

The meeting was called to order at 5:00 P.M. by Judge Executive Bill Davis. Those present were: Magistrate Jared Goforth of District #1, Magistrate Roger Preece of District #2, Magistrate Derrick Stepp of District #3, Magistrate Joseph Hunt Jr. of District 4, Magistrate Victor Slone of District #5 and County Attorney Melissa Fannin Phelps. Steven Goble led prayer.

**ACCEPTING THE MINUTES FROM LAST COURT MEETING**

Motion to accept the minutes from the "Special" Fiscal Court Meeting on January 9<sup>th</sup>, 2019 was made by Magistrate Roger Preece and seconded by Magistrate Jared Goforth. It was a unanimous vote.

**SHERIFF COUNTY FEE OFFICE BUDGET 2019**

With no motion to approve, Magistrate Roger Preece stated that he wanted to help the Sheriff's Office, but he would like to sit down and discuss the matter because they cannot give money they do not have. Judge/Executive Bill Davis clarified that Magistrate Preece was talking about whether the money would be available when it was time for the Fiscal Court to do their budget. He explained the Fiscal Court and Sheriff's Office operate on different schedules—the Fiscal Court having a Fiscal Year ending in June and the Sheriff's Office operating on a calendar year.

Judge/Executive Davis stated that it is an honor to work with Sheriff Kirk and all the other offices of the county and he had spoken with those who had been involved with the (Fiscal Court) budget in the past. He expressed the need for cuts and careful planning to break even; noting a struggle to even meet payroll. He said to let it be known that due to only being six days into his administration, they have not all had the opportunity to get into the major details of the money situation. Also, within the six days, about \$400,000.00 in bills had been received, which is a major concern. Judge/Executive Davis voiced his desire to increase revenue, but stated he had not had a chance to explain his plans. He said the Fiscal Court had full intentions to support the Sheriff's Office if the resources are available, but at this point they do not know what they will have monetarily in June. Judge/Executive Davis also stated the current Treasurer had decided to resign, so they are in the process of hiring a replacement. With that said, he did not wish to commit to paying anything without being able to deliver, due to the possibility of tax increases to pay for obligations. He explained that if the Fiscal Court promises to pay something, it must be paid.

A motion to table the Sheriff's 2019 Fee Office budget was made by Magistrate Roger Preece, with Magistrate Derrick Stepp seconding the motion. The vote was unanimous.

### **SHERIFF BONDS**

Magistrate Roger Preece made the motion to approve the Sheriff's bonds, with Magistrate Jared Goforth as the second. The vote was unanimous.

### **BIG SANDY ADD BOARD MEMBERS: BILL DAVIS AND STEVEN GOBLE**

Magistrate Roger Preece made the motion to approve the nomination of Bill Davis and Steven Goble to the Big Sandy ADD board. The motion was seconded by Magistrate Jared Goforth. It was a unanimous vote.

### **MARTIN COUNTY WATER BOARD MEMBERS**

Magistrate Roger Preece made the motion to approve the Judge's nomination of Ernest Hale, Jr. to the Martin County Water Board for a three-year term. The motion was seconded by Magistrate Derrick Stepp. The vote was unanimous.

Magistrate Derrick Stepp made the motion to reappoint John Hensley to a three-year term on the Martin County Water Board. The motion was seconded by Magistrate Jared Goforth and all were in favor.

### **MARTIN COUNTY HOUSING AUTHORITY BOARD MEMBERS**

Four new members were nominated by Judge/Executive Bill Davis as members of the Martin County Housing Authority Board.

Magistrate Jared Goforth made the motion to approve the nomination of Eric Jude and Jordan Wheeler to one-year terms on the board, with Magistrate Derrick Stepp seconding that motion. It was a unanimous vote.

Magistrate Roger Preece made the motion to approve the nomination of Bradford Preece and Ronnie Hickman to two-year terms on the board, with Magistrate Jared Goforth seconding the motion. All magistrates voted in favor.

### **DATE AND TIME OF REGULAR FISCAL COURT MEETING**

Magistrate Derrick Stepp made the motion to set the fourth Thursday of each month at 5:00 p.m. as the date/time for regular Fiscal Court meetings. Magistrate Jared Goforth seconded the motion. The vote was unanimous.

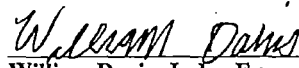
### **APPOINTMENT AND REAPPOINTMENT OF COUNTY EMPLOYEES NOMINATED BY THE JUDGE**

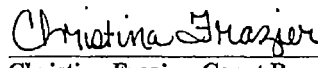
Magistrate Joseph Hunt, Jr. made the motion to approve reappointment of Blaine Stepp to the county garage as a part-time general laborer/welder. Magistrate Jared Goforth seconded the motion. All magistrates voted in favor.

Upon motion of Magistrate Jared Goforth, seconded by Magistrate Derrick Stepp, it was a unanimous vote to approve the reappointment of the employees based on the list, which is attached hereto.

**ADJOURN**

Magistrate Victor Slone made the motion to adjourn and was seconded by Magistrate Derrick Stepp. The vote was unanimous.

  
\_\_\_\_\_  
William Davis, Judge Executive

  
\_\_\_\_\_  
Christina Frazier, Court Recorder



# AGENDA

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MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING

THURSDAY DECEMBER 7TH, 2017

1:00 P.M.

SECOND FLOOR GOVERNMENT CENTER

1. OPENING OF THE COURT
2. ACCEPTING MINUTES OF LAST COURT MEETING
3. APPOINT WATER BOARD MEMBER
4. PETITION TO ADOPT ROAD EASEMENTS
5. MOA – BLACKTOP
6. MOA – FLOOD CONTROL PROJECT
7. ADJOURN

**MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING**

**THURSDAY DECEMBER 7<sup>TH</sup>, 2017 1:00 P.M.**

**OPENING OF THE COURT**

The meeting was called to order at 1:00 P.M. by Judge Executive Kelly Callahan. 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 4<sup>th</sup>, 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 Callahan 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.

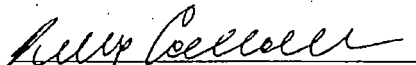
**MOA – FLOOD CONTROL PROJECT**

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

# AGENDA

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## MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING

MONDAY DECEMBER 4TH, 2017

4:00 P.M.

SECOND FLOOR GOVERNMENT CENTER

1. OPENING OF THE COURT.
2. ACCEPTING MINUTES OF LAST COURT MEETING
3. APPOINT BOARD MEMBER TO MARTIN COUNTY EXT OFFICE
4. RESOLUTION FOR 911
5. RESOLUTION TO ADOPT SOLID WASTE MANAGEMENT PLAN
6. APPOINT WATER BOARD MEMBERS
7. RELEASE MORTGAGE
8. RESOLUTION TO ADOPT COUNTY ROADS
9. CODE RED CONTRACT
10. FINANCIALS
11. EXECUTIVE SESSION
12. ADJOURN

**MARTIN COUNTY "SPECIAL" FISCAL COURT MEETING**

**MONDAY DECEMBER 4<sup>TH</sup>, 2017**

**4:00 P.M.**

**OPENING OF THE COURT**

The meeting was called to order at 4:00 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.

Judge Kelly Callaham commended John Harmon for all the years of service to his community. The fiscal court had a moment of silence in honor of John.

**ACCEPTING MINUTES OF LAST COURT MEETING**

The minutes from October 26<sup>th</sup>, 2017 were approved upon motion made by Magistrate Victor Slone and seconded by Magistrate Josh Muncy. It was a unanimous vote.

**APPOINT BOARD MEMBER TO MARTIN COUNTY EXT. OFFICE**

Judge Kelly Callaham recommended B. J. Endicott to replace Bruce Young. Motion to accept B. J. Endicott was made by Magistrate Darrell Mills and seconded by Magistrate Josh Muncy. It was a unanimous vote.

Judge Kelly Callaham recommended Shelia Goble Preece to replace Donnie Preece. Motion to accept Shelia Preece was made by Magistrate Josh Muncy and seconded by Magistrate Victor Slone. It was a unanimous vote.

**RESOLUTION FOR 911**

A resolution for 911 was read before the court by Magistrate Josh Muncy to show support by the fiscal court for all efforts. All the equipment is in place. Regina McClure (BSADD) spoke on the issue. Once Martin County 911 is certified, fees will come to Martin County 911. Cell phone calls will come to the local office instead of Pikeville post. This will eliminate having the calls going to Pikeville post and then transferred to us which will result in reduced response times and increase revenue. Motion to accept the Resolution for 911 was made by Magistrate Josh Muncy and seconded by Magistrate Victor Slone. It was a unanimous vote.

**RESOLUTION TO ADOPT SOLID WASTE MANAGEMENT PLAN**

The Solid Waste Management Plan was read out loud to the fiscal court by Magistrate Josh Muncy. Motion to adopt the Solid Waste Management Plan was made by Magistrate Josh Muncy and seconded by Magistrate Darrell Mills. It was a unanimous vote.

### **APPOINT WATER BOARD MEMBERS**

Judge Executive Kelly Callaham addressed the court about the difficulty in finding people willing to serve on the Martin County Water Board. He stated John Horn remains on the board. Judge Executive recommended Jimmy Don Kerr to replace Nita Collier and finish out her unexpired term. Motion to accept Jimmy Don Kerr was made by Magistrate Darrell Mills and seconded by Magistrate Victor Slone. It was a unanimous vote.

Judge Executive Kelly Callaham recommended Rex Endicott to temporarily fill in for A. J. Haney's term until a permanent board member replacement can be found. Motion to temporarily appoint Rex Endicott was made by Magistrate Darrell Mills and seconded by Magistrate Victor Slone. It was a unanimous vote.

### **RELEASE MORTGAGE**

Motion to do a release of mortgage (HUD) for Tamelia Webb was agreed upon a contingent of confirmation all monies was paid in order to release. Motion to release mortgage if all monies were paid was made by Magistrate Victor Slone and seconded by Magistrate Kenny McCoy. It was a unanimous vote.

### **RESOLUTION TO ADOPT COUNTY ROADS**

Motion to table Resolution to Adopt County Roads was made by Magistrate Victor Slone and seconded by Magistrate Josh Muncy. It was a unanimous vote.

### **CODE RED CONTRACT**

County Attorney Kennis Maynard addressed the court concerning the Code Red Contract. He stated it was a standard contract for a 3-year term for the sum of \$16,500.

Motion to accept the Code Red Contract was made by Magistrate Josh Muncy and seconded by Magistrate Kenny McCoy. It was a unanimous vote.

### **FINANCIALS**

Motion to approve the Appropriation Transfer List was made by Magistrate Josh Muncy and seconded by Magistrate Darrell Mills. It was a unanimous vote.

Motion to approve the Claims List was made by Magistrate Victor Slone and seconded by Magistrate Darrell Mills. It was a unanimous vote.

Motion to approve the Cash Transfer list was made by Magistrate Victor Slone and seconded by Magistrate Darrell Mills.

**EXECUTIVE SESSION**

Motion made to go into executive session at 4:18 to discuss possible new litigation was made by Magistrate Kenny McCoy and seconded by Magistrate Victor Slone. It was a unanimous vote.

Motion to come out of executive session at 4:46 was made by Victor Slone and seconded by Kenny McCoy. It was a unanimous vote. Judge Executive Kelly Callaham told the court no action taken.

**ADJOURN**

Motion to adjourn at 4:49 was made by Magistrate Victor Slone and seconded by Magistrate Josh Muncy. It was a unanimous vote.

  
\_\_\_\_\_  
KELLY CALLAHAM, JUDGE EXECUTIVE

  
\_\_\_\_\_  
JEANNETTE GOBLE, COURT RECORDER

**Martin County Fiscal Court**

**July 28, 2016**

**CALLED TO ORDER**

The meeting was called to order at 6:00 p.m. by Judge Executive, Kelly Callaham, Josh Muncy was present for District #1, Kenny McCoy Jr. for District #2, Darrell Mills for District #3, John Harmon for District #4 and Victor Slone for District #5. Assistant County Attorney Lynnette Muncy led prayer.

**ACCEPTING MINUTES OF LAST COURT MEETING**

The minutes for June 23, 2016 were approved upon motion made by Magistrate John Harmon. The motion was seconded by Magistrate Victor Slone and was an unanimous vote.

**SHERIFF'S QUARTERLY REPORT**

Judge Executive, Kelly Callaham made motion that the sheriff's quarterly report was turned in a timely fashion. No motions were made.

**WATER BOARD APPOINTMENT**

Magistrate Josh Muncy made motion to appoint John Horn to the Martin County Water Board. Seconded by Magistrate Victor Slone and was an unanimous vote.

**RESOLUTION - ARMY CORP (WATER & SEWER)**

Discussion was made about Resolution Martin County Fiscal Court Hollybush Ky, 645 water and sewer extension project. Kelly Callaham read the resolution and explained to the court that the Martin County Board agreed to give the court the money to get project started. The court would pay the invoices and then send them into the state and they would reimburse the county within 30 days or would pay interest. Superintendent Larry James addressed the court and said the Martin County Board of Education would gladly do this to see the project move forward. Project should be in place by mid September 2016. Assistant County Attorney, Lynette Muncy informed the court this was pending an agreement being made between the court and Martin Co. Board of Education which should be ready by Tuesday August 02, 2016. Motion made by Magistrate Victor Slone and seconded by Magistrate John Harmon and was an unanimous vote. (Copy of resolution attached).

Court also agreed for Kelly Callaham Judge Executive to sign the agreement once prepared. Motion made by Magistrate John Harmon and seconded by Magistrate Darrell Mills and was an unanimous vote.

**OPENING BID SURPLUS PROPERTY**

Only one bid was presented to the court and was opened by Judge Executive, Kelly Callaham. Minimum bid for property was \$1,650.00 The bid was from Hyllis Moore for \$1,650.00 on tract #329 Lovely, Ky. Motion made by Magistrate John Harmon and seconded by Magistrate Victor Slone and was an unanimous vote. (Copy of bid attached).



#### FEE POOLING ORDINANCE

Judge Executive, Kelly Callaham read the first reading to repeal the Fee Pooling Ordinance. Motion made by Magistrate Josh Muncy and seconded by Magistrate Victor Slone and was an unanimous vote. Second reading of ordinance repeal was set for August 18, 2016. (Copy of Fee Pooling Ordinance repeal attached)

#### HIRING PART-TIME (PARKS)

Court agreed to hire Charles Green and Travis Johnson as part-time workers. Motion made by Magistrate John Harmon and seconded by Magistrate Darrell Mills and was an unanimous vote.

#### FINANCIALS

Approval of WVFD expense packet minus post office fee motion made by Magistrate John Harmon and seconded by Magistrate Victor Slone and was an unanimous vote.

Approval of Government Center Expense and Claims List motion made by Magistrate John Harmon seconded by Magistrate Victor Slone and was an unanimous vote.

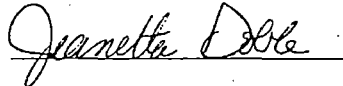
Approval of Cash Transfer List and Appropriation Transfer List motion made by Magistrate Victor Slone and seconded by Magistrate Darrell Mills and was an unanimous vote.

Magistrate Darrell Mills addressed the court concerning the time frame to opt out on fire fees. He felt taxpayers did not have enough time to opt out of said fees and the deadline should be extended. Mike Crum addressed the court and stated that Bobby Hale, PVA was working on if you have vacant land it will automatically take off fees. Mike also stated they were trying to fix it where you would only have to opt out one time.

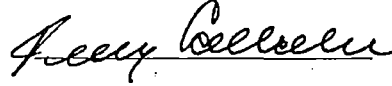
Regina Triplett addressed the court about Rand Paul and the possibility of having a town hall meeting in the future.

#### ADJOURN

The motion to adjourn was made by Magistrate Victor Slone and seconded by Magistrate John Harmon and was an unanimous vote.



Jeanetta Goble, Court Recorder



Kelly Callaham, Judge/Executive

Martin County Fiscal Court Regular Meeting  
June 25, 2015

**CALLED TO ORDER**

The meeting was called to order at 5:00 p.m. by Judge Executive Kelly Callaham. All Magistrates were present with the exception of Josh Muncy. Gary Hunt was present for District #2, Darrell Mills District #3, John Harmon District #4 and Victor Slone for District #5. Assistant County Attorney Lynnette Muncy led prayer.

**PREVIOUS MINUTES**

Upon a motion made by Magistrate Harmon, seconded by Magistrate Slone it was a unanimous vote to accept the minutes from June 2, 2015 and June 16, 2015.

**GAUZE HOLLOW ROAD**

Loraine Moore addressed the court with a request that the county stop maintaining the road beside her house, Gauze Hollow Road. She claims her family never requested the county adopt the road into the system to begin with and that it runs over private property. Kaye Simpkins, a resident of Gauze Hollow, explained that residents who live on the road had asked the county for help when John Callaham was judge and it must have been at that point the road was adopted in. Mrs. Moore stated she did not mind the residents traveling the road. She only wants the county to stop maintaining it and allow the residents to maintain it instead (as was the original agreement between their ancestors, so Mrs. Moore claims). Judge Callaham stated that no supporting documentation could be found showing when the road was adopted in but it is registered with the state and does have a county road number. Magistrate Harmon told Mrs. Moore that he could not abandon the road since there were other residents involved. He also stated that the residents do help scrape the road during the winter and trim weeds during the summer. Arthur Simpkins stated that there would be no way he, or any other resident, could maintain the road full time or handle any major repairs to the road. Attorney Muncy stated that in order for the county to be able to abandon that road it would have to be removed from the system. To do that either a petition would have to be signed or a motion would have to be made to start the process to discontinue the road. Judge Callaham asked the court for a motion to start that process. No motions were made. Attorney Muncy advised Mrs. Moore to consult a private attorney if she wished to take the matter further since no action will be taken by the court.

**RE-APPOINTMENT OF BILL HARVEY TO WATER BOARD**

Judge Callaham asked for a motion to reappoint Bill Harvey to the water board since his term is up. The motion was made by Magistrate Slone, seconded by Magistrate Mills and was a unanimous vote.

**SECOND READING OF BUDGET**

Judge Callaham read the budget. Magistrate Slone asked about soil conservation. Donna Callaham stated soil conservation was still in the budget but had been cut to \$30,000. Magistrate Slone then made the motion to approve the budget. Magistrate Harmon seconded the motion and it was a unanimous vote.

**ADVERTISE BID FOR GRAVEL DRAINS PIPES AND TIRES**

The motion to advertise was made by Magistrate Slone, seconded by Magistrate Hunt and was a unanimous vote.

**HEALTH INSURANCE**

Earlena Duncan and Kevin Wagner with Elite Insurance presented the health insurance re-quote for county employees. Anthem has taken a 95% increase this year. Mrs. Duncan & Mr. Wagner recommended United Health Care. A comparison sheet and benefit summary is attached herein. United Healthcare will be a \$50-\$75 per month savings for each employee. Judge Callaham requested a motion to accept the United Healthcare quote and a payroll reduction (each employee that does not opt out of coverage will be paying approximately \$58 per check for this coverage). Magistrate Harmon made the motion, Magistrate Hunt seconded the motion and it was a unanimous vote.

**COUNTY MAINTENANCE & FLEET CARDS**

Magistrate Harmon requested a motion to have the community service workers cut all the grass in the county instead of the county paying someone. Judge Callaham stated that they are working on appropriating money for the purpose of buying weed eater string, gas etc (so the expenses don't come out of the Sheriff's budget). The Judge didn't believe this needed to be in the form of a motion but stated that he did want to go back to using fleet cards and needed a motion to pay for all gasoline anytime the bills are due. Magistrate Harmon made the motion, Magistrate Slone seconded the motion and it was a unanimous vote.

**EXECUTIVE SESSION**

Magistrate Slone made the motion to enter executive session at 5:51 pm. Magistrate Harmon seconded the motion and it was a unanimous vote.

Magistrate Harmon made the motion to come out of executive session at 7:03 pm. Magistrate Slone seconded the motion and it was a unanimous vote. Judge Callaham stated there was no action taken during the session.

#### PERSONNEL

Judge Callaham requested a motion to re-hire part time truck driver Don Parsons effective July 6, 2015. Magistrate Harmon made that motion, Magistrate Slone seconded the motion and it was a unanimous vote.

#### ADMINISTRATIVE CODE

Judge Callaham has been reviewing model administrative codes recently and wanted to give the court advanced notice that the county's current code will be updated shortly.

#### FINANCIALS

The motion to approve the attached claims list and cash transfer list was made by Magistrate Harmon, seconded by Magistrate Slone and unanimously approved.

The motion to approve the government center list was made by Magistrate Harmon, seconded by Magistrate Mills and was a unanimously approved.


The motion to approve the appropriations list was made by Magistrate Mills, seconded by Magistrate Harmon and was unanimously approved.

#### SEWER PROJECT

Magistrate Slone asked what was being done about the cuts made on the roads and private drives. Judge Callaham stated he would speak with Mike Crum about this. The Judge also asked Attorney Muncy to draft a letter to the water company requesting better compliance with county regulations.

#### ADJOURNMENT

Upon a motion made by Magistrate Harmon, seconded by Magistrate Slone it was a unanimous vote to adjourn the meeting at 7:08 p.m.

  
Rhonda S. Quillen, Fiscal Court Clerk

  
Kelly Callaham, Judge Executive

# AGENDA

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## MARTIN COUNTY "REGULAR" FISCAL COURT MEETING

JUNE 25<sup>th</sup>, 2015

5:00 PM

1. OPENING OF THE COURT
2. ACCEPTING MINUTES OF LAST COURT MEETING
3. GAUZE HOLLOW ROAD
4. RE-APPOINTMENT – BILL HARVEY (WATER BOARD)
5. SECOND READING OF BUDGET
6. ADVERTISE BID FOR GRAVEL, DRAINS, PIPES AND TIRES
7. EXECUTIVE SESSION
8. PERSONNEL
9. FINANCIALS
10. ADJOURN

Martin County Fiscal Court Regular Meeting  
July 24, 2014

**CALLED TO ORDER**

The meeting was called to order at 5:00 p.m. by Judge Executive Kelly Callaham. All Magistrates were present with the exception of John Harmon. Glen Maynard was present for District #1, Gary Hunt District #2, Darrell Mills for District #3 and Victor Slone District #5. County Attorney Kennis Maynard led prayer. Judge Callaham introduced Chris Harris as our new State Representative.

**ACCEPTING OF MINUTES OF LAST COURT MEETING – JUNE 26, 2014**

Magistrate Hunt requested the previous minutes reflect that he had voted no during the first vote for the budget (before Executive Session was called). The previous minutes showed Magistrate Hunt as not casting a vote. Rhonda Quillen stated that she had not seen him vote nor was his voice on the audiotape voting.

Magistrate Maynard requested to correct the third item on the minutes (Chesapeake Gas Road Crossing). He was referring to Joe Maynard, not Joe Hammonds.

Upon a motion by Magistrate Hunt, seconded by Magistrate Slone, it was a unanimous vote to accept the minutes with these changes.

**WATER BOARD APPOINTMENT – BOWIE CLARK**

Upon a motion by Magistrate Hunt, seconded by Magistrate Slone, it was a unanimous vote to accept the addition of Bowie Clark onto the water board.

**ADOPTING RUSSELL WILLIAMSON LANE AS COUNTY ROAD**

Judge Callaham stated the County now has a deed for this property and that Attorney Maynard has reviewed the deed. Attorney Maynard stated that no advertisement was needed to adopt the road since it has already met the requirements. The motion to accept was made by Magistrate Hunt, seconded by Magistrate Mills and unanimously approved.

**ADOPTING HARLESS LANE AS COUNTY ROAD**

Magistrate Mills requested Harless Lane be adopted as a county road. The motion to advertise was made by Magistrate Hunt, seconded by Magistrate Mills and unanimously approved.

### **SURPLUS PROPERTY**

County Attorney Maynard submitted a written determination for the properties before the bids were read. Judge Callaham then read the bids aloud to the court as follows;

Track #1318 - \$9,650.00 – Norman & Naoma Bowen bidder

Track #1328 - \$6,725.00 – Norman & Naoma Bowen bidder

According to Judge Callaham, these bids meet the minimum bid requirement. A motion was made to accept the bids on tracks #1318 & #1328 and approve the deed contingent upon the bidder's payment. The motion was made by Magistrate Slone, seconded by Magistrate Mills and unanimously approved.

Judge Callaham then read the remaining bids as follows;

Track #533 - \$12,600.00 – Charley Mills bidder

Track #534 - \$12,500.00 – Charley Mills bidder

Track #533 - \$12,254.45 – Calvary Temple Church bidder

Track #534 - \$10,000.00 – Calvary Temple Church bidder

Track #534 - \$12,500.00 – Andrew Slone bidder

A motion was made by Magistrate Mills to accept the \$12,600 bid from Charley Mills on track #533. Magistrate Hunt seconded the motion and it was a unanimous vote.

A motion was made by Magistrate Hunt to rebid track #534 due to a tie. Magistrate Mills seconded the motion and it was a unanimous vote.

### **RESOLUTIONS**

Court Recorder, Rhonda Quillen, read aloud the Coal Severance Resolution for the new Warfield Fire Department Project. A copy of which is attached herein. Attorney Maynard commended Magistrate Slone for his continuous efforts to make this project a reality. The motion to accept was made by Magistrate Slone, seconded by Magistrate Mills and unanimously approved.

Judge Callaham read aloud to the court the resolution for HB 235 Coal Severance Line-Item Projects (Courthouse – Debt Service \$1,400,000 and Family Resource Centers – Operations \$60,000). A copy of this resolution is also attached herein. Magistrate Hunt made the motion to accept the resolution, Magistrate Mills seconded the motion and it was a unanimous vote.

### **MARTIN COUNTY HEALTH DEPARTMENT PROPERTY**

Judge Callaham stated that he had been approached by someone at the Health Department recently that wanted the Fire Department relocated since parking has been a constant issue. This person was under the impression the Health Department owned the land. After a title search and survey was performed it was found that Martin County owned the property instead. The County has since decided to sell the property to the Health Department. The proceeds from the sale will be used to build a new Inez Fire Department.

Attorney Maynard stated that under KRS 67.0802, a written determination is required to show the description of the property, which will be the land at the Health Department, the land at the Inez Fire Department and the parking lot adjacent to it. As Attorney Maynard understood it, the intended use of the acquisition is for the Health Department parking etc,

which the Health Department is willing to pay for. The reason it is in the best interest for the County to sale this land is for public benefit when visiting the Health Department. A number of accidents have occurred due to the limited space for the fire trucks to maneuver. Also, the funds will help build a new fire department which is greatly needed. Since the Health Department is another County Governmental Agency there is no need to advertise the sale.

Attorney Maynard also stated that the Health Department should be made aware that the Fire Department has another nine (9) years left on their lease if they choose to stay. Also, the Health Department needs to understand that the Fire Department will need to remain in their current location at least until their new building is complete.

The motion to approve this sale was made by Magistrate Slone, seconded by Magistrate Hunt and was a unanimous vote.

#### **ANIMAL SHELTER**

Since March 2014 Martin County, along with Johnson County, has not been a part of the contract with Greenup County Animal Shelter. Katherine Callahan has requested the County comply with State laws and provide an Animal Shelter. County Attorney Maynard stated the building on Buckcreek Mountain will be used as the Animal Shelter (until the County can obtain a contract elsewhere) and the current Animal Control Officer will receive additional training. Magistrate Maynard expressed concern with euthanizing the animals. Attorney Maynard stated that efforts would be made to avoid euthanizing when possible by bringing in rescue workers.

The motion to approve this action was made by Magistrate Slone, seconded by Magistrate Hunt and unanimously approve.

#### **STANDING ORDERS**

CPA Linda Sumpter submitted the annual standing order to pre-approve certain recurring expenses. She stated that during the last meeting a standing order was approved for payroll and utilities but this order extends that to include the notes on principal and interest, leases, sheriff postage for tax bills, and health insurance.

The motion to accept was made by Magistrate Mills, seconded by Magistrate Slone and was a unanimous vote.

#### **APPROPRIATION TRANSFER LIST**

Upon a motion by Magistrate Slone, seconded by Magistrate Hunt, it was a unanimous vote to approve the appropriation transfer list.

#### **CLAIMS LIST**

Upon a motion by Magistrate Mills, seconded by Magistrate Hunt it was a unanimous vote to approve the claims list.



#### **GOVERNMENT CENTER EXPENSE LIST**

Upon a motion made by Magistrate Hunt and seconded Magistrate Mills, it was a unanimous vote to approve the Government Center Expense List for July 2014.

#### **ROAD REPAIRS**

Multiple road slips throughout the county were discussed. One slip in Magistrate Mills' district is on the Left Fork of Mudford and affects approximately 5 houses. Another is located on Petercave and affects approximately 20 houses. Magistrate Maynard stated his district needed repairs for a slip in Ratliff Town which affects approximately 2 houses. Judge Callaham noted that Magistrate Hunt has a slip in need of repair as well. This slip is on Middlefork and affects approximately 2 houses. The Judge requested estimates on the repairs so that the County could plan which repairs could be afforded and stated the repairs would need to be prioritized. Factors would include how many citizens are affected and the severity of the each slip.

#### **RECYCLING SYSTEMS TECHNOLOGY -- GARBAGE BURNING**

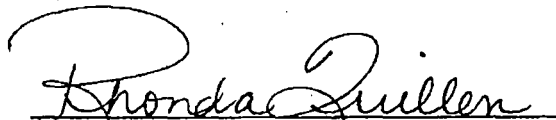
Magistrate Hunt asked if anyone had contacted R.S.T. regarding the garbage disposal. Judge Callaham stated he would have Mike Crum contact R.S.T. on Monday.

#### **SECOND CONTACT PERSON FOR ROAD DEPARTMENT NEEDED**

Magistrate Hunt stated that there was a tree that fell in his district on Saturday. He was unavailable to remove the tree and was unsuccessful in trying to contact anyone from the Road Department. Judge Callaham stated he would look into getting another contact person available when the Road Foreman is away.

#### **ADJOURNMENT**

Upon a motion by Magistrate Mills, seconded by Magistrate Slone the motion to adjourn was called at 5:29 p.m.

  
Rhonda S. Quillen, County Court Recorder

# AGENDA

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## MARTIN COUNTY "REGULAR" FISCAL COURT MEETING

JULY 24<sup>TH</sup>, 2014

5:00 pm

1. OPENING OF THE COURT
2. ACCEPTING MINUTES OF LAST COURT MEETING 6-26-14
3. WATER BOARD APPOINTMENT – BOWIE CLARK
4. ADOPTING COUNTY ROAD (RUSSELL WILLIAMSON LANE)
5. SURPLUS PROPERTY BID
6. COAL SEVERANCE RESOLUTIONS (3)
7. MARTIN COUNTY HEALTH DEPARTMENT PROPERTY
8. ANIMAL SHELTER
9. FINANCIALS
10. ADJOURN

Martin County Fiscal Court Regular Meeting  
February 27, 2014

**CALLED TO ORDER**

The meeting was called to order at 5:00 p.m. by Judge Executive Kelly Callaham. All Magistrates were present. Glen Maynard was present for District #1, Gary Hunt District #2, Darrell Mills District #3, John Harmon District #4 and Victor Slone District #5. Assistant County Attorney Lynette Muncy was also present and led prayer.

**ACCEPTING OF MINUTES OF LAST COURT MEETING**

Upon a motion by Magistrate Slone, seconded by Magistrate Mills, it was a unanimous vote to approve the minutes from the previous meeting on January 30, 2014.

**RURAL MUNICIPAL AID (STATE HIGHWAY)**

Brittany Ball with the KY Transportation Cabinet District #12 Office in Pikeville presented the court with the recommended rural secondary roads improvement program for 2014-2015 fiscal year. The anticipated allotment is \$1,049,432.00 which includes \$468,500.00 for maintenance and traffic, \$3,862.00 for County Judge Executive Expenses and \$93,912.00 for the flex fund. The program, including a map with all rural secondary roads highlighted and a prioritized guardrail list, is attached herein. The top four guardrails listed are projects within the county. The remaining are areas that warrant guardrails. Each is proposed to be 3/10 to 1/2 mile.

Magistrate Harmon expressed a need for approximately 500 ft of guardrail on Rt 1714 at the Buckcreek tunnel due to concern for buses traveling that section of the road. Magistrate Maynard also expressed a need for guardrail in sections of Turkey Creek. Magistrate Mills took the opportunity to discuss measures that need to be taken on Rt 1884 in a curve near the state garage which repeatedly freezes over due to water flow from a nearby driveway. Mills suggested possibly installing a grated pipe to prevent the flow of water.

Judge Callaham asked if the state bid price was available for blacktop at this time. Brittany Ball indicated that the price was close to the same as last year's which was \$93,000.

**WATER BOARD MEMBER RE-APPOINTMENT**

Upon a motion by Magistrate Harmon, seconded by Magistrate Slone it was unanimously approved to re-appoint Greg Cornett & Bill Harvey to the water board.

**2012 UNMINED COAL SHERIFF SETTLEMENT APPROVAL**

Sue Maynard submitted to the court the Unmined Coal Settlement for 2012. Magistrate Slone made the motion to accept the settlement. Magistrate Harmon seconded the motion and the motion was unanimously approved. Also, a motion was made to approve Sue's invoice. The

motion to pay the invoice was made by Magistrate Harmon, seconded by Magistrate Mills and unanimously approved.

**CLASS ACTION LAWSUIT (BANK OF AMERICA)**

Assistant County Attorney, Lynnette Muncy, explained that she and County Attorney Kennis Maynard would like Martin County to join the surrounding counties in being a part of the class action lawsuit against Bank of America. The motion to become a part of the class action suit was made by Magistrate Harmon, seconded by Magistrate Slone and approved unanimously.

**CLERK'S CHECK FOR EXCESS FEE'S**

County Clerk, Carol Sue Mills, presented the court with a check for excess fees for 2013 in the amount of \$26,000.00. Judge Callaham and all Magistrates thanked Mrs. Mills and commended her on the excellent job she does as Martin County Clerk.

**EXECUTIVE SESSION – PERSONNEL ISSUES**

A motion was made by Magistrate Harmon at 5:10 pm to go in executive session per Judge Callaham's request. The motion was seconded by Magistrate Slone and was approved with a unanimous vote. Executive Session ended at 5:55 pm upon a motion made by Magistrate Maynard, seconded by Magistrate Mills and unanimously approved. Per Judge Callaham no action was taken.

**APPROPRIATION TRANSFER LIST**

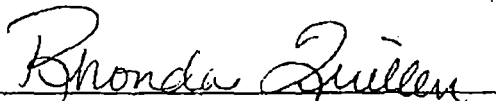
Upon a motion by Magistrate Harmon, seconded by Magistrate Mills, it was a unanimous vote to approve the appropriation transfer list.

**CLAIMS LIST**

Upon a motion by Magistrate Harmon, seconded by Magistrate Mills it was a unanimous vote to approve the claims list.

**ADJOURNMENT**

Upon a motion by Magistrate Slone, seconded by Magistrate Harmon and unanimously approved, the motion to adjourn was called at 5:58 p.m.

  
Rhonda S. Quillen, County Court Recorder

# AGENDA

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## MARTIN COUNTY "REGULAR" FISCAL COURT MEETING

FEBRUARY 27TH, 2014

5:00 pm

1. OPENING OF THE COURT
2. ACCEPTING MINUTES OF LAST COURT MEETING (1-30-14)
3. RURAL MUNICIPAL AID (STATE HIGHWAY)
4. RE-APPOINTMENT (WATER BOARD)
5. 2012 UMC COUNTY SETTLEMENT APPROVAL
6. CLASS ACTION LAWSUITS. (BANK OF AMERICA)
7. CLERK (CHECK FOR EXCESS FEE'S)
8. FINANCIALS
9. ADJOURN

FIS. COURT ORDER BOOK 30  
P. NO. 425  
DATE: 5-4-11

## AGENDA

MARTIN COUNTY "REGULAR" FISCAL COURT MEETING  
APRIL 28, 2011  
5:00 P.M.

1. OPENING OF THE COURT
2. ACCEPTING MINUTES OF LAST COURT MEETING
3. EXTENSION DISTRICT BOARD BUDGET
4. CO OP AGREEMENT KY TRANSPORTATION
5. BID 2 BRIDGES - POPULAR FORK-CEDAR LANE
6. WATER BOARD APPOINTMENT
7. BLACKTOP
8. FINANCIALS
9. ADJOURN

Martin County Fiscal Court Regular Meeting- April 28<sup>th</sup> 2011

**Called to Order**

The meeting was called to order at 5:01 pm by the County Judge Executive Kelly Callahan, and prayer was said by Rex Endicott. All magistrates were present, Victor Slone, Glen Maynard, Gary Hunt, John Harmon and Darrell Mills. Our County Attorney Kennis Maynard was also present.

**Approval of Minutes**

The approval for the minutes from the March Meeting were approved in the form of a motion by Magistrate Darrell Mills and seconded by Magistrate Glen Maynard. The vote was 4-1. John Harmon abstained; he was not present at the March Meeting.

**Rescue Squad- Property Request**

Rex Endicott came before the Court and explained the location of the property. It is located on Rt. 645 between Rt. 3 and KY Rt. 40. County Attorney Kennis Maynard stated he would like to see the paperwork before anyone signs any papers. The County Judge Executive Kelly Callahan asked Rex if he had signatures of the property owners as requested by the state. He stated that he had the signatures. County Attorney Kennis Maynard said he needed the eight copies of the surveys. Rex said that Bocoock Engineering has the copies. Kennis Maynard stated that he needed to review the copies. On the application there were eight sets of plans and eight copies of the land surveyors plat maps showing the property lines. The Judge Executive requested a motion for approval upon pending that the County Attorney reviewed the surveys and maps. This motion for approval of the application was made by Magistrate John Harmon, seconded by Magistrate Victor Slone and the motion carried.

**Discussion- Helicopter Pad at Lovely**

Magistrate John Harmon suggested that the County do some research on the property at Lovely that was Ronnie Sexton's property which is now owned by the County. This property would be an excellent location for a helicopter pad stated Magistrate John Harmon. The County Judge Executive stated that they have had this discussion for years. Magistrate Glen Maynard stated that he agreed with the need of a helicopter pad. However, this location would also make an excellent spot for a soccer field. Magistrate Victor Slone said that Health Net came to the County and viewed different sites and they agreed that the Lovely Location would be the best place to put a landing area. County Attorney Kennis Maynard suggested they contact Health Net, and Magistrate John Harmon said Terry Fraley had already said that they had chosen that location. Magistrate Glen Maynard stated that the Inez area needed one also. John Harmon asked Magistrate Victor Slone if he would assist him in contacting Health Net and he agreed that he would.

**Extension District Board Budget**

They have to present their budget each year and request that the members of the Fiscal Court accept it, so this was accepted upon a motion by Magistrate Victor Slone and seconded by Magistrate John Harmon. The motion carried. County Attorney Kennis Maynard stated that all

27

the other Boards have been informed they also need to present their budget to the Court before they are issued any funds from the Court, according to state law.

#### **Co-Op Agreement and Resolution**

Judge Executive Kelly Callahan read the resolution adopting and approving the execution of a County Road aid Co-Op Program between the Fiscal Court and the Commonwealth of Kentucky Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1<sup>st</sup>, 2011. The resolution was approved upon a motion by Magistrate John Harmon and seconded by Magistrate Gary Hunt. The motion carried.

#### **Bids on 2 Bridges**

The County Judge Executive explained the state has a bridge replacement program and our County receives 80,000 dollars. It is an 80-20 replacement which is funds for this year. They will issue another 80,000 dollars after July 1<sup>st</sup>. The 2 bridges are on Popular Fork and Cedar Lane. One is in district 3 and the other is in district 5. A motion was made to approve the bid procedure for the 2 bridges. Motion by Magistrate Victor Slone and seconded by Magistrate Darrell Mills. The motion carried.

#### **Water Board Appointment**

The County Judge Executive recommended Bill Harvey to be appointed to the Martin County Water Board due to the resignation from Kevin Davis. The appointment was approved upon a motion by Magistrate Glen Maynard and seconded by Magistrate Gary Hunt. The motion carried.

#### **Discussion- Blacktop**

The County Judge Executive explained to the Court, they have instruction sheets in their packets- 81,000 per District- 2 miles at a 1 ½ in. and a mile ½ at 2 in. it is required to have a county road number, he needs the information by Friday May 6<sup>th</sup>. Magistrate Victor Slone stated the road had to be paved and the Judge states it is resurfacing.

#### **Appropriation**

The County Judge Executive requested approval of the appropriation transfer list. This was approved in the form of a motion by Magistrate Gary Hunt and seconded by Magistrate Darrell Mills. The motion carried.

#### **Claims List**

The County Judge Executive requested approval to pay the Claims List, and also enclosed with the list was payment for all of the expenses of the May Primary Election. These were approved in the form of a motion by Magistrate Gary Hunt and seconded by Magistrate Darrell Mills. The motion carried.

#### **Adjournment**



20.

Adjournment was called at 5:20 pm upon a motion by Magistrate John Harmon and seconded by Magistrate Glen Maynard. The motion carried to adjourn the meeting.

# AGENDA

## MARTIN COUNTY "SPECIAL" COURT MEETING

AUGUST 13, 2009

5:00 P.M.

1. OPENING OF THE COURT
2. WATER BOARD APPOINTMENT
3. COAL SEVERANCE RESOLUTION
4. ROAD PLAN
5. OPENING BID
6. APPROVE SUE MAYNARD
7. FINANCIALS
8. ADJOURN

FIS. COURT ORDER BOOK: 28

PAGE NUMBER: 605

MARTIN COUNTY SPECIAL COURT MEETING DATE: 8-17-09

AUGUST 13, 2009

**OPENING OF COURT**

Judge Kelly Callaham called the meeting to order at 5:05 PM, and those in attendance were Assistant County Attorney Lynette Muncy, and Magistrates: Glen Maynard, Gary Hunt, Gretta Ward, Sam Whitt, and Victor Slone. Court Recorder Tonya L. Mills was present to record the minute of the meeting. Victor Slone led prayer at the beginning of the meeting.

**WATER BOARD APPOINTMENT**

Judge Callaham recommended for the Court to approve the appointment of AJ Haney to serve on the Martin County Water District Board to fill the unexpired term of Greg Scott to expire 12-31-10. Glen Maynard made the motion to approve this recommendation. Sam Whitt seconded the motion, and the motion carried with a unanimous vote.

**COAL SEVERANCE RESOLUTION**

Court Recorder Mills read the Resolution of the Martin County Fiscal Court authorizing the filing of a Kentucky Local Government Economic Development Fund Project Proposal/Grant Application for up to \$1,389,945.00 in Local Government Economic Development Fund for the Water District Improvement project. Judge Callaham stated that the project is for a new 500,000 gallon tank on Buck Creek which is the key to the whole water system. Judge Callaham stated the County has been trying to acquire funding for this tank for several years because of the importance of the project, and he is looking forward to having the new tank. Sam Whitt made the motion to approve the Resolution. Victor Slone seconded the motion, and the motion carried with a unanimous vote. The Resolution and the Preliminary Project Cost Estimate Sheet can be found recorded with the minutes of this meeting.

**ROAL PLAN RESOLUTION**

Court Recorder Mills read the Resolution whereas the Martin County Fiscal Court is responsible for the acquisition and maintenance of county roads designated as such in Martin County, and the Appendix for this Resolution is Old RT 3 Lane. Judge Callaham stated that the documents to accept the road and the advertisement of the road have been completed. Glen Maynard made the motion to accept the Resolution. Victor Slone seconded the motion, and the motion carried with a unanimous vote. The Resolution can be found recorded with the minutes of this meeting.

04.

## OPENING OF BIDS

### Pile Driving

Judge Callaham opened the following bids for the pile driving for the road project:

1. Pinkerton Drilling-Catlettsburg, KY  
Drilling and setting Railroad Rail-\$16.95 per foot  
Installing Guardrail per 13.5 ft pieces-\$54.00
2. Hinkle's Sand and Gravel-Tomahawk, KY  
Drilling and placing Railroad Rail-\$16.50 per foot  
Guardrail installation per 13.5 ft pieces-\$52.50

Victor Slone asked about the acceptance of either bid due to the time constraints on the project, or allowing some of the places to be repaired to be done by each company. Judge Callaham stated that until the list of places are compiled, he has no idea of how many places need to be repaired so he can not tell the companies what project they would be assigned to complete.

Gretta Ward made the motion to accept the low bid. Sam Whitt seconded the motion, and the motion carried with a unanimous vote. Gary Hunt stated that he voted yes only if a time limit is placed on the company once the determination is made on the number of projects to be completed. Judge Callaham stated that a time limit would be given.

### Paving

1. Appalachian Paving and Aggregate-Asphalt Paving \$67.00 per ton
2. Mountain Enterprises  
Class 2 Asphalt Surface-\$66.30 per ton  
Class 2 Asphalt Binder-\$66.00 per ton  
Class 2 Asphalt Base-\$65.80 per ton

Sam Whitt made the motion to accept the low bid from Mountain Enterprises. Glen R. Maynard seconded the motion, and the motion carried with a unanimous vote.

More discussion followed concerning the acceptance of the bid for the pile driving, but Judge Callaham advised the Court to accept the bid was accepted. He continued by saying that if a problem arises with the projects being completed, then the Court can accept bids again.

**APPROVE SUE MAYNARD**

Sam Whitt made the motion to approve for Sue Maynard to be hired to complete the Sheriff's tax settlement. Glen R. Maynard seconded the motion, and the motion carried with a unanimous vote.

**APPROPRIATION TRANSFERS**

Victor Slone made the motion to approve the appropriation transfers. Sam Whitt seconded the motion, and the motion carried with a unanimous vote. The transfers can be found recorded with the minutes of this meeting.

**INVOICES APPPROVED**

Victor Slone made the motion to approve the payment of the claims submitted. Glen R. Maynard seconded the motion, and the motion carried with a unanimous vote. The list of claims can be found recorded with the minutes of this meeting.

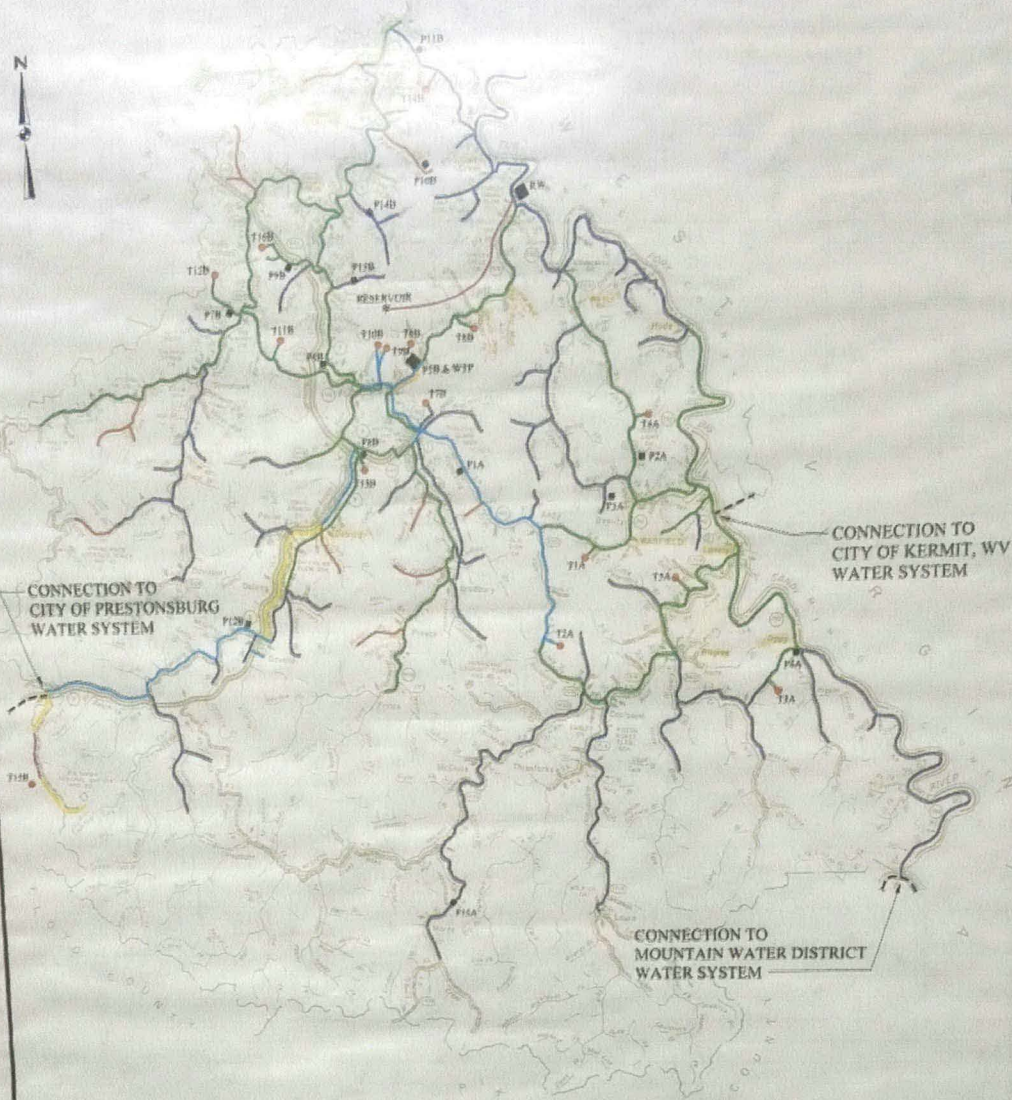
**ADJOURNMENT**

Victor Slone made the motion to adjourn. Glen R. Maynard seconded the motion, and the motion carried with a unanimous vote. The time was 5:30 PM.

State of Kentucky, County of Martin, Sct.  
I, Carol S. Mills Martin County Clerk, do certify that the  
foregoing instrument was on this day, lodged for record,  
at 12:50 P.M, which together with this and the foregoing  
certificate has been duly recorded in my office. Given  
under my hand this 17 day of 8, 20 09

CAROL SUE MILLS, CLERK  
By Joseph A. Mills D.C.

# EXHIBIT #3



TANK INDEX			
ID	NAME	SIZE (GAL)	OVERFLOW ELEV.
T1A	BUCK CREEK	150	891
T1A	LITTLE ROCK CASTLE	150	1080
T1A	292 SOUTH	150	911.5
T4A	INDIAN	150	1000
T5A	WOLF CREEK	150	819
T6B	CLEARWELL	125,000	894
T7H	COLDWATER	150	853
T8D	SINKY	50	903
T9D	DEZ	50	860
T10D	DEZ	150	809
T11B	KY 45 W	200	1171
T12B	CALLOWAY	100	1164
T13B	SADDLE CREEK	200	942
T14B	BUFFALO HORN	50	970
T15B	BIG SANDY AIRPORT	1040	1750
T16B	KY 645	67	1029

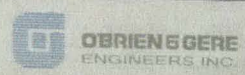
PUMP STATION INDEX			
ID	NAME	GPM	ELEV.
P1A	KY 40 E	670	660
P2A	DOG EYE	240	720
P3A	BONE HOLLOW	30	890
P4A	KY 292 SOUTH	150	850
P5B	TURKEY	50	-
P6B	KY 45 W	420	650
P7B	CALLOWAY	60	650
P8B	MIDDLE CREEK	240	650
P9B	KY 645	90	650
P10B	PETER CAYE	150	780
P11B	BUFFALO HORN	60	890
P12B	DAVELLA ROAD	150	790
P12A	CABELL BRANCH	30	640
P13A	BIG ROCK BRANCH	30	650
P13B	SHEATHOUSE BRANCH	25	800

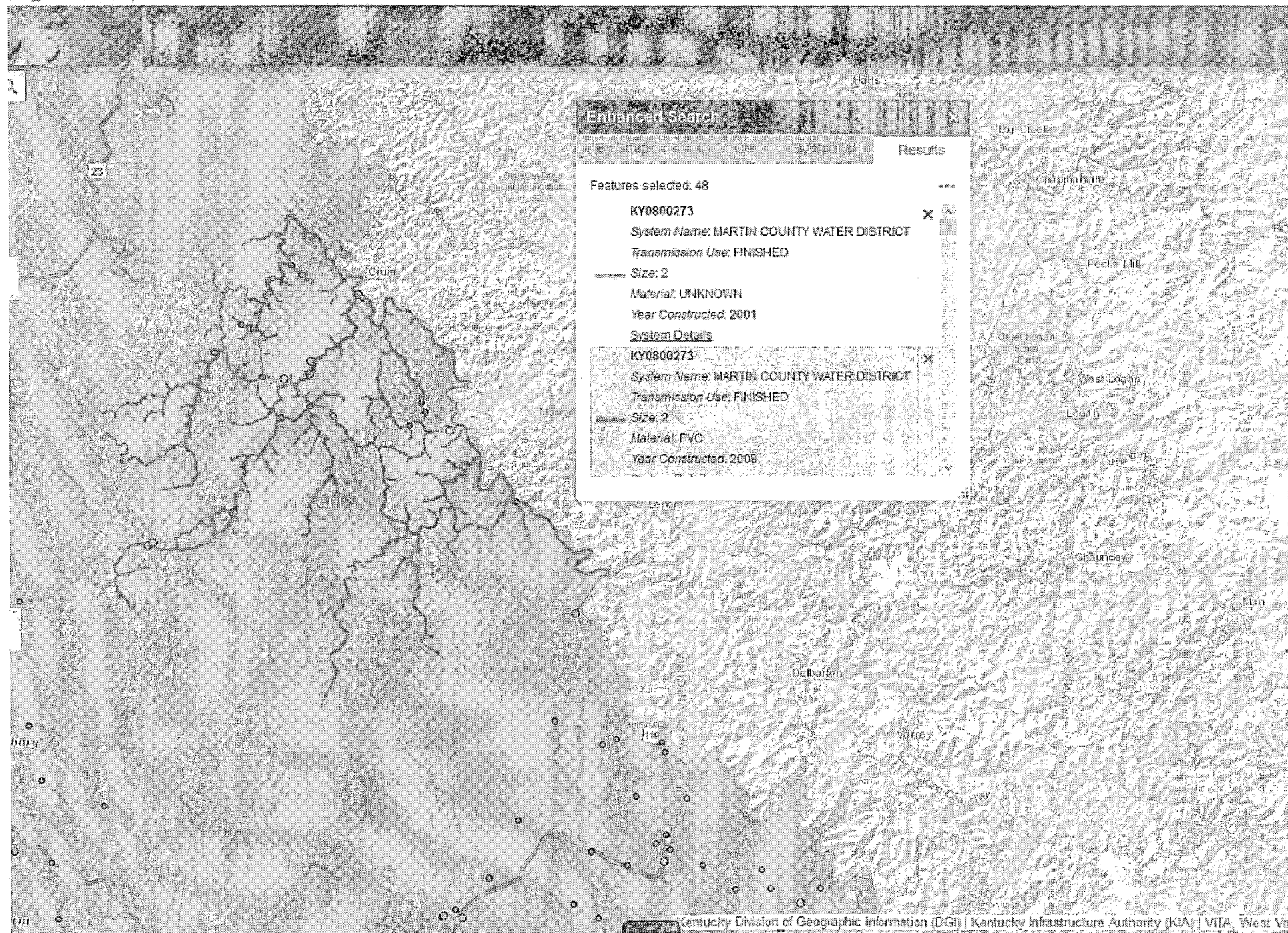
OTHER STATIONS			
NO.	NAME	GPM	ELEV.
RW	RAW WATER INTAKE	1,800	290
WTP	WATER PLANT	-	620

LEGEND	
	1" WATER MAIN
	3" WATER MAIN
	4" WATER MAIN
	6" WATER MAIN
	8" WATER MAIN
	10" WATER MAIN
	14" WATER MAIN
	16" WATER MAIN



# WATER SYSTEM MAP







# EXHIBIT #4

5/1

Term

Day

Day of

19

MARTIN COUNTY COURT  
Martin County, Kentucky

IN THE MATTER OF: MARTIN COUNTY WATER DISTRICT NO. 1

ORDER RATIFYING AND CONFIRMING THE CREATION  
OF MARTIN COUNTY WATER DISTRICT NO. 1 AND CORRECTING  
THE DESCRIPTION OF THE BOUNDARIES THEREOF.

The Martin County Water District No. 1, which was created by order of this Court entered on December 1, 1962, having filed its Supplemental Petition herein requesting that this Court take the appropriate action to ratify and confirm the creation of said District and to correct the legal description of the boundaries of the District, and notice of the filing of said Supplemental Petition having been duly published in THE PAINTSVILLE HERALD, which is the newspaper having the largest circulation which is published in Johnson County within the newspaper meeting the requirements of KRS 424.110-120 for publication of official notices of Johnson County and is therefore a newspaper meeting the requirements of KRS 424.110-120 for publication of official actions of Martin County, there being no newspaper meeting such requirements which is published in Martin County, and Johnson County being a County adjacent to Martin County, on July 19, 1967, and on August 17, 1967, (and Affidavits of Publication with reference to both of said publications being duly filed with this court, made a part hereof and duly approved hereby), advising all interested parties, by order of this Court entered on July 18, 1967, that this matter had been set for hearing on August 31, 1967, at 10:00 A. M., E. D. T., and it appearing to the Court that no written objections have heretofore been filed with the Clerk and that no person was present in open Court on this date or prior to the aforesaid time for the purpose of making objections to any of said proceedings or to the entry of this order; and the Court having further considered all pleadings and other matters relating to the creation of said Martin County Water District No. 1, and being sufficiently advised,

THE COURT HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

1. That on October 19, 1962, a Petition was filed in the Martin County Court containing the signatures of more than seventy-five (75) resident freeholders residing in an area now known as the Martin County Water District No. 1, as hereinafter more particularly described, requesting the County Judge of this Court to create a Water District pursuant to provisions of Chapter 74 of the Kentucky Revised Statutes, and requesting said County Judge to appoint three water commissioners. That notice of the filing of said Petition was duly posted in three public places in said proposed District, and a copy of said notice was published in the newspaper published in the County. That said posted notice notified the residents of the affected communities and others, that they could be present to file objections to the establishment of said District as provided by law.

2. That said Petition and said Notices contained the following legal description of the area embraced by said proposed Water District:

Beginning at the Martin County Courthouse and running in a East direction along Kentucky Route 40 for the distance of 3 miles.

Beginning at the Junction of Kentucky Route 40 and the Coldwater road (Ky. Route 908) at the Blacklog bridge and extending West along Kentucky Route 908 for the distance of 2 miles.

Beginning at the Junction of Kentucky Route 40 and the Turkey Creek Road (Ky. Route 908) and running in a North direction along Kentucky Route 908 for a distance of 2.5 miles to the top of Turkey Creek Hill.

Beginning at the Martin County Courthouse and running South along Kentucky Route 3 (Middlefork Road) for a distance of 3 miles.

Beginning at the Martin County Courthouse and running West along Kentucky Route 40 for a distance of 2 miles to the top of the Inoz Hill.

Beginning at the Junction of Kentucky Route 40 and Ky. Route 3 at the Middlefork bridge on Kentucky Route 40 and extending North along Kentucky Route 3 for the distance of 2 miles.

This area described embraces Sections of Backlog Creek, Coldwater Creek, Middlefork Creek, Lick Branch and Salt Hill Creek and includes all watershed located within the geographic area heretofore described.

3. That no objections were filed to the establishment and creation of said District, and on December 1, 1962, an Order was entered by the County Judge of this Court, creating and establishing said District, appointing three commissioners of said Water District, and approving the execution of their surety bonds as provided by law.

4. That subsequent thereto, said District filed an application with the

req a loan and grant to assist in the financing of the construction of a  
new water supply system to serve said District, s. 1966, said EDA

70-12

# ORDERS

# COURT

Term, Day, Day of 19

Form 221

submitted to the District an Offer to make to the District a loan not exceeding \$175,000 and a grant not exceeding \$493,000 for the construction of said system. Thereafter, the Board of Commissioners of the District on \_\_\_\_\_, 1966, adopted a Resolution accepting said Offer with respect to said loan and grant, and said project was duly designated Project No. 03-1-00204, RDA.

That all conditions necessary in making said loan and grant have been complied with, but a question has been raised as to the sufficiency of the original description of the boundaries of said District, as set out above, and with reference to the sufficiency of the publication of notice of the filing of the Petition for creation of the District, particularly the question of whether said notice by posting was sufficient;

That in order to correct any possible discrepancy to eliminate any question with respect to the sufficiency of said description and the sufficiency of the publication of said notice, the Petitioner, Board of Water Commissioners of the Martin County Water District was filed the aforesaid Supplemental Petition requesting this Court to take the necessary procedures to enable the Court to enter its Order affirming, ratifying and approving the actions heretofore taken in the establishment and creation of said District and to more accurately define and correct the legal description of the boundaries of the District. Said petitioner has requested this Court that this matter be set for public hearing at a day to be fixed by this Court and that this Court enter any and all appropriate Orders consistent with the provisions of Chapter 74 and Chapter 424 of the Kentucky Revised Statutes.

That in said Supplemental Petition, said Martin County Water District No. 1 has requested this Court to approve the amended description hereinafter set out, which includes and represents the exact territory described and intended to be described in the original Petition filed in this Court on October 19, 1962, but defines said area more accurately and more specifically as follows:

**BEGINNING** at a concrete U.S.G.S. Bench Mark on top of elevation 946 located on the top of the ridge dividing Calf Creek and Lick Branch and being on the north side of the road 15 feet from the edge of the pavement; thence southerly along Turkey Creek Hill and being approximately two and one-half miles from the intersection of Kentucky Route 40 and Kentucky Route 900; thence North 28° West 6,700 feet to an iron pin on the top of the ridge between Long Fork and Twin Branch; thence South 71° West 9,600 feet to the east side of Route 3 approximately two miles north of U. S. Route 40 and Route 3 to a U. S. Bench Mark Elevation 622 on the headwall of the culvert under Twin Branch; thence South 43° West 9,100 feet crossing U. S. Route 3 and Rockcastle Creek to the top of the ridge and dividing Porter's Branch and Rockcastle Creek on U. S. Route 40 east of iron to an iron pin on the south side of the road; thence South 21° East 10,500 feet crossing Preston Branch, Saltwell Branch and Middle Fork to an iron pin at Debord at the intersection of Middle Fork Road and Crim Branch; thence North 83° East 18,450 feet to an iron pin on the east side of U. S. Route 40 being two hundred feet from a gas well and one thousand feet from a U. S. G. S. Bench Mark on the east side of U. S. 40 Elevation 690; thence North 14° West 19,600 feet to the point of beginning as shown on the attached map.

That the Order setting the hearing for this time was duly entered on July 13, 1967, and notice of such hearing, setting out the manner and date of creation of said District, the original and proposed corrected description of the boundaries thereof, the questions raised concerning the creation of the District, and the details concerning the time and place for the filing of objections, has been published, all as set out in the preamble of this Order.

AND, THEREFORE, IT IS HEREBY ORDERED BY THIS COURT AS FOLLOWS:

That the Creation and establishment of the Martin County Water District No. 1 is hereby approved, affirmed, ratified and confirmed, as being necessary for the public health, convenience, fire protection and comfort of the residents of said District.

That the description of the area embraced by said District be and the same is hereby amended as set out in paragraph 7 above.

That all Orders heretofore entered with respect to the appointment and/or reappointment of the members of the Board of Water Commissioners of said Water District be, and the same are hereby approved, affirmed, ratified and confirmed, and it is hereby determined that the present members of the Board of Water Commissioners of Said Water District, and their respective terms of office are as follows:

<u>Names of Members</u>	<u>Date of Expiration of Present Term</u>
Play Wells	2nd 1, 1968
Curtis Tramm	1st 1, 1968

approximately two and one-half miles from  
Route 40 and Kentucky Route 908; the

intersection of Kentucky  
North 28° West 6,700 feet

Term,

Day,

Day of

O-Book 12 19

RETURNED this 31st day of August, 1967.

/s/ Willie Kirk  
Judge, Martin County Court

CERTIFICATE OF COUNTY CLERK

It is hereby certified that the foregoing is a true and accurate copy of an order of the Martin County Court duly entered on August 31, 1967, and that said Order has been duly recorded in my office and is of record in Order Book 12, Page 280-A.

IN TESTIMONY WHEREOF, witness my signature and official seal this 31st day August, 1967.

(Seal)

County Clerk, Martin County, Kentucky

MARTIN COUNTY COURT  
Martin County, Kentucky

IN THE MATTER OF MARTIN COUNTY WATER DISTRICT NO. 1

NOTICE AS TO THE CORRECTION OF DESCRIPTION OF LAND AS TO CREATION OF THE MARTIN COUNTY WATER DISTRICT NO. 1 OF MARTIN COUNTY, KENTUCKY

Martin County Water District No. 1, created by order of this Court entered on December 1, 1962, has filed a Supplemental Petition in the Martin County Court, requesting this Court to enter its Order to correct any discrepancy with reference to the sufficiency of the description contained in the original Petition for the creation of said Water District, filed in this Court on October 19, 1962, and to correct any possible deficiency in the publication by posting of the Notice of the filing of the original Petition for the creation of said District. Said Supplemental Petition further requests that this Court approve an amended description, as hereinafter set out, more specifically defining and describing the exact area embraced by the boundaries of said Water District and request that this Court enter an Order approving said amended description, confirming all previous Orders entered by this Court with reference to said District, in order to enable said District to proceed under an agreement between said District and the Economic Development Administration of the United States Government, providing for a \$693,000 grant and a \$175,000 loan to the District from said EDA. Said original Petition described the territory of said District in Martin County, Kentucky, as follows:

Beginning at the Martin County Courthouse and running in a East direction along Kentucky Route 40 for the distance of 3 miles.

Beginning at the Junction of Kentucky Route 40 and the Coldwater road (Ky. Route 900) at the Blacklog bridge and extending West along Kentucky Route 908 for the distance of 2 miles.

Beginning at the Junction of Kentucky Route 40 and the Turkey Creek Road (Ky. Route 908) and running in a North direction along Kentucky Route 908 for a distance of 2.5 miles to the top of Turkey Creek Hill.

Beginning at the Martin County Courthouse and running South along Kentucky Route 3 (Middlefork Road) for a distance of 3 miles.

Beginning at the Martin County Courthouse and running West along Kentucky Route 40 for a distance of 2 miles to the top of the Iron Hill.

Beginning at the Junction of Kentucky Route 40 and Ky. Route 3 at the Middlefork Bridge on Kentucky Route 40 and extending North along Kentucky Route 3 for the distance of 2 miles.

This area described encompasses sections of Blacklog Creek, Coldwater Creek, Middlefork Creek, Lick Branch and Salt Well Creek and includes all watershed located within the geographic area heretofore described.

Said Supplemental Petition provides the following description as being a more accurate definition and description of the above area embraced and intended to be embraced by said Original Petition, said area being located in Martin County, Kentucky, and more particularly described as follows:

BEGINNING at a concrete U.S.G.S. Bench Mark on top of elevation 946 located on the top of the ridge dividing Salt Creek and Lick Branch and ending on the south side of the road 15 feet from the edge of

7. That hereby determined that the appropriate officers of office have been administered. Said members of the Board of Water Commissioners, the appropriate surety bonds have been duly executed by said members and by their sureties, the execution of which bonds has been approved by this Court, that said Water District is a duly incorporated Water District existing under the laws of

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Form 3722

State of Kentucky

to an iron pin on top of the ridge between Long Fork and Twin Branch; thence, South 78° West 9,600 feet to the east side of Route 3 approximately two miles north of U. S. Route 40 and Route 3 to a U. S. Bench Mark - Elevation 622 on the headwall of the culvert under Twin Branch; thence, South 48° West 9,100 feet crossing U. S. Route 3 and Rockcastle Creek to the top of the ridge and dividing Porter Branch and Rockcastle Creek on U. S. Route 40 east of Inez to an iron pin on the south side of the road; thence, South 21° East 18,500 feet crossing Preston Branch, Saltwell Branch and Middle Fork to an iron pin at DeFord at the intersection of Middle Fork Road and Crum Branch; thence North 83° East 18,450 feet to an iron pin on the east side of U. S. Route 40 being two hundred feet from a gas well and one thousand feet from a U.S.G.S. Bench Mark on the east side of U. S. 40 Elevation 690; thence, North 18° West 18,600 feet to the point of beginning as shown on the attached map.

Within thirty (30) days after the publication of this Notice, any resident of said area described above may file with the County Court Clerk of Martin County, Kentucky, at his office in the County Courthouse in Inez, Kentucky, objections to the actions sought by said Water District and to the Orders requested by said District, and may object to the effectiveness of the prior order creating said District entered by this Court on December 1, 1962, and/or any Orders with reference thereto previously entered by this Court, or to the entry of a proposed Order authorizing, approving, ratifying and confirming the creation of said District.

A Hearing shall be had on the matter on August 31, 1967, at 10:00 A. M., P. M. T., in the Courtroom of the Martin County Court, at the County Courthouse in Inez, Kentucky, at which time any resident of said Water District may appear and be heard on any prior objections filed by him or with respect to any other aspect of the matter.

Dated this 18 day of July, 1967.

/s/ James A. Muncy,  
James A. Muncy  
Martin County Clerk