



Frankfort Plant Board

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August 23, 2017

Mr. Ron Herd, KyMEA President
Kentucky Municipal Energy Agency
City Utilities Commission of Corbin
1515 Cumberland Falls Hwy.
P.O. Box 1350
Corbin, KY 40701

Dear Mr. Herd:

At our Board's August meeting, it adopted several motions relevant to KyMEA. The FPB Board asks that KyMEA consider these requests.

First, our Board adopted a company-wide confidentiality policy that is attached for KyMEA's review. It provides that all information is considered confidential. As such, the Board maintains that this provides sufficient assurances of confidentiality and requiring the Board to execute NDA's is unnecessary. The FPB Board asks that KyMEA release any previously withheld records or records in the custody of FPB's Board Attorney James Liebman immediately. FPB's Board maintains that failure to comply with this request is a contract violation.

Second, FPB asks that the salary and other compensation of any KyMEA employee not exceed that of any KyMEA member employee and KyMEA shall not use other contractual methods to circumvent this requirement.

Third, FPB offers free office space and basic utilities for KyMEA. If FPB is not selected for the KyMEA office location, then space shall be secured at no cost at another location. KyMEA members should not incur costs for office space.

Fourth, FPB asks that KyMEA use the state auditor for the primary financial and compliance audit, not a duplicate audit. The Auditor of Public Accounts is authorized by statute to perform this work.

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Fifth, KyMEA shall not participate in any retirement system which creates legacy costs to any members.

FPB appreciates KyMEA's Board considering these requests. If you have any questions, or require clarification, please contact me at your convenience.

Sincerely,



Herbbie Bannister, P.E.
General Manager

cc: Board Members
James Liebman, Board Attorney

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Confidentiality of Information

It is the policy of FPB to ensure that the operations, activities and business records of FPB and its customers or suppliers are kept confidential to the extent required by law. If employees, officers or directors acquire confidential or proprietary information about FPB and its customers or suppliers, such information is to be handled in strict confidence and not to be discussed with outsiders. Employees, officers and directors are also responsible for the internal security of such information.

In the case of an open records request, the Staff Attorney shall determine which records are exempt pursuant to KRS 61.870 to 61.884

Employees found to be violating this policy are subject to disciplinary action, up to and including termination.