

**Northern Kentucky Water District
Board of Commissioners Meeting
December 17, 2009**

A regular meeting of the Board of Commissioners of the Northern Kentucky Water District was held on December 17, 2009 at the District's facility located at 2835 Crescent Springs Road in Erlanger, Kentucky. All Commissioners were present. Also present were Ron Lovan, Richard Harrison, Bari Joslyn, Mark Lofland, Jack Bragg, Bob Buhrlage, Don Gibson, Melissa Bielo, Brian Dunham, and John N. Hughes. Jeremy Hayden arrived at 1:15 p.m. Brian Dunham departed at 1:20 p.m.

Commissioner Macke called the meeting to order at 12:38 p.m.

Mr. Hughes led those in attendance in the Pledge of Allegiance.

Mr. Lovan of the District staff recognized the birthday of Commissioner Wagner. Commissioner Wagner was presented with a card and cake. He expressed his appreciation to all in attendance.

The Commissioners reviewed correspondence received and articles published since the last regular Board meeting on November 19, 2009.

On motion of Commissioner Collins, seconded by Commissioner Sommerkamp, the Commissioners unanimously approved the minutes for the regular Board meeting held on November 19, 2009, subject to the change to reflect that Mr. Ray Ebert was not in attendance and Mr. Robert Horwein was in attendance.

On motion of Commissioner Wagner, seconded by Commissioner Collins, and after discussion, the Commissioners unanimously approved the expenditures of the District for the month of November, 2009.

On motion of Commissioner Sommerkamp, seconded by Commissioner Jackson, the Commissioners unanimously approved the regular meetings for the year 2010 to occur on the third Thursday of each month, commencing at 12:30 p.m. at the District's facility located at 2835 Crescent Springs Road in Erlanger, Kentucky, except that the meeting for the month of January shall take place on January 20, 2010 and the meeting for the month of April shall take place on April 29, 2010.

The Commissioners reviewed the District's financial reports and Department reports.

Other matters of a general nature were discussed.

At 1:20 p.m., on motion of Commissioner Wagner, seconded by Commissioner Collins, and after discussion, the Board unanimously agreed to go into executive session under the provisions of KRS 61.810(1)(c) in order to discuss pending litigation against or on behalf of the

District and to protect the District's legal interests and strategy in connection with such litigation. Immediately after the approval of the motion, legal counsel to the District, Brian Dunham, excused himself from the meeting and John N. Hughes joined the Board in executive session.

The Board returned to open session at 2:16 p.m.

On motion of Commissioner Wagner, seconded by Commissioner Collins, and after discussion, the Board unanimously agreed to appeal the Court of Appeals Opinion and Order of December 11, 2009 in the case of Northern Kentucky Water District v. Public Service Commission *et al.* to the Kentucky Supreme Court, and authorized the District staff and John N. Hughes to take all actions necessary to do same. Mr. Hughes then excused himself from the meeting.

At 2:18, on motion of Commissioner Collins, seconded by Commissioner Sommerkamp, and after discussion, the Board unanimously agreed to go into executive session under the provisions of KRS 61.810(1)(b) in order to discuss the sale of the property located at 3049 Dixie Highway and to protect the District's interest in the value of the property. Immediately after the approval of the motion, Jeremy Hayden joined the Board in executive session.

The Board returned to open session at 2:35.

On motion of Commissioner Koester, seconded by Commissioner Wagner, and after discussion, the Board unanimously authorized the Mr. Lovan, as the District's President/CEO to execute an agreement with Westech Environmental Solutions to perform remedial actions on the property located at 3049 Dixie Highway in accordance with the Corrective Action Plan previously accepted by the Kentucky Department for Environmental Protection, Division of Waste Management.

There being no further business to come before the Board, on motion of Commissioner Collins, seconded by Commissioner Sommerkamp, the Commissioners unanimously agreed to adjourn the meeting.

CHAIRMAN

SECRETARY