

2. Public Hearing:

The public hearing will be conducted by a member of the Board, Board Attorney or a designee of the Board.

Both written and oral comments will be accepted at the public hearing. Anyone wishing to provide comments will sign a log and be allowed ten minutes for comments. Staff will present the proposed changes before the Hearing is open for public comment. The commentator cannot ask questions of the Board or Staff unless specifically allowed by the Hearing's moderator.

The Board will act on proposed changes at a subsequent Board Meeting. At that time, the public comments will be summarized and Staff's response to each comment included in the Board Package.

V. Board's Power to Amend Rules, Regulations, and Rates

The Board has the power to establish and revise Rules, Regulations and Rates as it deems appropriate following the procedures/process set forth in item U above.

W. Public Records Request

In order to comply with the Open Records Statute contained in Chapter 61 of the Kentucky Revised Statutes, the following Rules and Regulations shall be followed. In the event that any Rule or Regulation conflicts with Chapter 61, then the Chapter 61 requirements shall prevail.

1. Procedures:

- A.** Persons requesting to inspect public records in the possession or retained by the Frankfort Plant Board, and not exempt from inspection by law, shall file a written application preferably (but not required) on a form prescribed by the Kentucky Attorney General or substantially similar form describing the records requested to be inspected and declaring whether the records will be used for a commercial purpose with the staff attorney who is the official custodian of the records of the Frankfort Plant Board. Frankfort Plant Board employees shall assist, on request of the applicant, in completing the application. The applicant shall sign and legibly print their name on the application form.

- B. Applications for request to inspect public records shall be hand delivered, mailed, emailed or sent via facsimile to the following addresses:

Hance Price

Staff Attorney/Ass't G.M.

Frankfort Plant Board
151 Flynn Ave
P.O. Box 308
Frankfort, KY 40602

Phone: 502-352-4541

Fax: 502-223-3887

Email: hprice@fewpb.com

Kathy Poe

Paralegal/Executive Assistant

Frankfort Plant Board
151 Flynn Ave
P.O. Box 308
Frankfort, KY 40602

Phone: 502-352-4570

Fax: 502-223-3887

Email: kpoe@fewpb.com

- C. The Official Custodian of Records requested for public inspection shall promptly determine the availability of such records for inspection; if it is determined that the records are not available for inspection, the applicant, if present, will be orally advised, subject to written confirmation, or notified in writing, not later than five (5) business days after the date of receipt of the written application for inspection of the records, of the reason or reasons why the records are not available for inspection. If the record sought is in active use, in storage or not otherwise available, the applicant will be advised of the reason for the delay in providing access to the record and of the earliest practicable date, time and place that the record will be available for inspection. If an application for inspection of a record is denied because it is of a kind, or contains materials exempted by KRS Chapter 61, the Official Custodian shall advise the applicant in writing of the reason for denial, in whole or in part and shall include a statement of the specific exception contained in KRS 61.878, authorizing denial of the application and an explanation of how the exception applies to the record withheld. If any person who has been denied the right to inspect any public records of Plant Board requests the Attorney General to review the denial of their application, the Plant Board shall furnish such additional documentation concerning the circumstances of the denial of inspection of the records and a copy of the records, as the Attorney General may request. If any person denied the right to inspect the records elects to file suit against Plant Board to compel inspection of the records denied, the Plant Board shall immediately advise the Attorney General of the action and forward to the Attorney General on the day served, a copy of the summons in the action.

2. Copying:

- A. Upon inspection, during normal business hours - 7:45 AM - 4:30 PM, Monday through Friday, the Applicant shall have the right to make copies or abstracts of all public records not exempted by terms of KRS 61.878. Copies of public records may be made provided such copying will not damage or alter the public record.
- B. No person shall remove the originals of public records from the offices of Plant Board.
- C. Copies of all public records may be made at the Office of Plant Board by utilizing whatever reproduction equipment Plant Board may have available within its office.
- D. Charges for copying public records shall be based on their subsequent use, either for a commercial or non-commercial purpose, as defined in KRS 61.870. Per KRS 61.874, for a non-commercial purpose, letter and legal size paper copies (8.5 X 11 and 8.5 X 14) are charged at the rate of ten (10) cents per page and electronic storage media are charged at actual cost (i.e. flash drive, etc.). Non-standardized requests such as larger size paper copies, engineering drawings and plats, for example, are charged at actual cost as well as staff time at the staff member's hourly rate to produce the non-standard item.

For a commercial purpose, copying and electronic storage media are charged at ten (10) cents per page or actual cost for larger size paper copies or other types of media and costs associated with staff time spent producing the request are billed at the staff member's current hourly rate. The cost to FPB for the creation, purchase, or other acquisition of public records will be charged as well for commercial purpose requests.

For either a commercial or non-commercial request, postage shall be charged at actual cost. Costs for copies and charges shall not exceed amounts determined by the Kentucky Attorney General to be reasonable.

3. Amendments:

The Board may amend, modify or promulgate other Rules and Regulation not in conflict with the provisions of KRS Chapter 61 relating to public records.

4. Posting of Rules:

The Official Custodian shall post on FPB's website and in a conspicuous location accessible to the public, a copy of these Rules and Regulations, a synopsis of said Rules and Regulations in the form of a post or sign and the form used for making records requests.

X. Public Hearings & Meetings

The Board may conduct Public Hearings for reasons other than those provided in Section II P. The same general process described in Section II. P above applies. The Board's Regular Monthly Board Meetings will be held on the 3rd Tuesday of each month at 5:00 p.m. at the Frankfort Plant Board's Administration building located at 151 Flynn Ave. The Board has the discretion to change the Regular Board Meeting dates, times and places.

1. Public Notice of the Board Meetings:

Public notice of Board Meetings will be given in accordance with the Kentucky Open Meetings Act as may be amended from time-to-time.

2. Special Board Meetings:

Public notice of special meetings will be given in accordance with the Kentucky Open Meetings Act as may be amended from time to time.