



Steven Doolittle

McCracken County Deputy Judge Executive

McCracken County Courthouse
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Office (270) 444-4707
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June 21, 2019

ATTN: MS. NICOLE ERWIN
190 DEMOCRAT DRIVE
FRANKFORT, KY 40601

**Re: *Notice of Intent of Public Agency to Respond
To Request In Strict Compliance with KRS
Sections 61.870 – 61.884.***

Dear Ms. Erwin:

The undersigned has received and reviewed your June 18, 2019, written request to obtain duplicates of certain public records. This request has been evaluated in light of the duties imposed upon public agencies by KRS 61.872 through KRS 61.884 (hereinafter the "Open Records Act") and shall be responded to in strict compliance with the same.

Please know that the open-ended nature your request, as written, presents a challenge to this office in ensuring that you are provided with the specific nature of document(s) you seek to review. This challenge can be alleviated by your tendering an amended or supplemental request that specifically describes the nature of the record you wish to review as mandated by KRS 61.872(3)(b); 13-ORD-077; and 17-ORD-197. Please allow the following to serve as an explanation for the same.

As you are aware, pursuant to KRS 67.710, a county judge executive is the chief executive officer of the county he or she serves and has the duty to perform all duties of an executive and administrative nature that are given by statute to the county itself and/or the fiscal court. An essential component in the performance of these duties is the coordination with other county employees as well as other individuals, both private and quasi-public, to conduct preliminary discussions regarding a certain action and/or the formulation of a proposed course of action in the face of the situation at hand. These contacts are made primarily via email.

The general nature of the business conducted by the McCracken County Judge Executive, as well as the specific nature of such business conducted in the recent past, would render otherwise responsive records exempt under the following provisions of KRS 61.878(1):

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- Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating ... within the Commonwealth. KRS 61.878(1)(d);
- Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency. KRS 61.878(1)(i);
- Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended. KRS 61.878(1)(j);
- Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly... (Attorney-Client privileged communications pursuant to KRE 503. KRS 61.878(1)(l).

To assist this office in the identification and evaluation of whether potentially responsive public records are subject to inspection in light of the forgoing provisions of KRS 61.878, I ask that you please submit a more particularized request for inspection, bearing your signature, that comports with the requirements of KRS 61.872(3)(b); 13-ORD-077; and 17-ORD-197. Thank you for your assistance in enabling this office to fully address your request.

Respectfully,



Steve Doolittle
Deputy McCracken County Judge Executive

SD/vp