

65.8917 Managing board -- Powers and duties of regional wastewater commission -- Property and income exempt from tax.

- (1) The commissioners shall constitute the managing board of the commission. The commission shall be a public corporation, and a public body corporate and politic, and a local public agency with the powers and duties in its corporate name to:
 - (a) Execute contracts or be contracted with;
 - (b) Sue and be sued;
 - (c) Adopt and alter its corporate seal, at its own pleasure;
 - (d) Make loans and issue and repay revenue bonds, or other instruments of indebtedness;
 - (e) Receive proceeds from loans and grants;
 - (f) Purchase, acquire, own, hold, and dispose of all real and personal property necessary for carrying out its corporate purposes; and
 - (g) Exercise any powers, duties, and requirements for carrying out its corporate purposes in the manner prescribed in KRS 58.010 to 58.190 and KRS Chapter 224A.
- (2) The commission shall have full and complete supervision, management, and control over all of its facilities. The commission shall prescribe standards for the quality and characteristics of the wastewater it accepts into its facilities, including standards as are required under state and federal law. All matters relating to the following shall be clearly set forth in commission policy and procedures and promulgated to the governing bodies of all the member entities of the commission:
 - (a) Procurement of professional services;
 - (b) Construction of facilities;
 - (c) Accepting, metering, conveying, and treating influent from all waste streams; and
 - (d) Handling of treatment process solids and effluent.
- (3) It shall be the role and duty of the commission to:
 - (a) Plan for and provide site and technology appropriate facilities and services relating to any type or aspect of wastewater collection, transportation, or treatment to achieve the best benefit for the customers of its member entities;
 - (b) Protect and enhance the environmental quality of the watershed in which those facilities and services are located;
 - (c) Actively participate in the planning activities of the 2020 water management planning councils established pursuant to KRS Chapter 151, that serve the regions in which the commission has facilities;
 - (d) Use the configuration of available and proposed wastewater facilities that is the most cost-effective in safeguarding the waters of the Commonwealth from pollution, and providing wastewater infrastructure appropriate for the customers of the member entities; and
 - (e) Ensure that any construction or expansion of any wastewater facility

proposed by a commission is consistent with the regional facilities plan adopted by the member entities of the commission and approved by either the Division of Water or the United States Environmental Protection Agency.

- (4) For the purpose of ensuring proper collection, transportation, and treatment of wastewater and in the furtherance of its purpose, the commission may collect and treat or contract with others to collect and treat any portion of its overall waste load.
- (5) The commission's property and income, along with any bonds or financial instruments issued by the commission or income derived from those bonds or financial instruments, shall be exempt from taxation.
- (6) The commission shall adopt and comply with KRS 45A.343, 45A.345 to 45A.360, 45A.735, 45A.740, 45A.745, and 45A.750 of the Kentucky Model Procurement Code and conduct all its business and financial activities according to approved governmental fiscal procedure. The commission shall procure the services of a certified public accountant to conduct an audit of all funds and fiscal transactions annually, providing copies of the audit report to the governing bodies of its member entities.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 98, sec. 9, effective June 8, 2011.