

**267.490 Drainage commissioner and board of supervisors in counties having seventy-five or more districts or operating under KRS 267.495.**

- (1) In all counties having seventy-five (75) or more drainage districts or in all counties availing themselves of the provisions of this section as provided in KRS 267.495, a drainage commissioner shall be appointed as provided in subsection (5) of this section who shall have and exercise all of the powers and duties vested in directors and boards of drainage commissioners elected under the provisions of KRS 267.090 and 267.100. The person so appointed shall hold office for a term of one (1) year and until his successor shall be appointed and qualify. He shall execute bond for the faithful performance of his duties in the penal sum of five thousand dollars (\$5,000) and shall be sworn to faithfully perform the duties of his position to the best of his ability. Any vacancy in said office shall be filled by the board of supervisors.
- (2) The commissioner may acquire, hold, encumber, sell and convey any property necessary to the conduct of his affairs as commissioner, may sue and be sued, contract and be contracted with, and shall possess any other powers and rights necessary for carrying on his work under the provisions of this chapter. No sale or conveyance of real property shall be made by the commissioner without the written consent of the board of supervisors duly entered in the minutes of the board.
- (3) The commissioner shall be paid as full compensation for his services an amount fixed by the board of supervisors at the time of his appointment as reasonable, provided the amount is within available funds and not inconsistent with legal limitations on salaries. In addition, the commissioner shall be reimbursed for all traveling expenses incurred in the performance of his duties which, with the salary, shall be paid out of the drainage funds.
- (4) With the approval of the board of supervisors, the commissioner may appoint a secretary-treasurer and fix his compensation. The secretary-treasurer shall collect and receive all moneys due to the drainage commissioner by reason of assessments and otherwise, and shall disburse the same as directed by the drainage commissioner. The secretary-treasurer shall execute bond to the Commonwealth of Kentucky for the use and benefit of the drainage districts in the county, in a penal sum to be fixed by the county judge/executive, and shall make an annual report to the board of supervisors of all collections and disbursements. The commissioner shall submit an audit of the drainage funds biennially to the board of supervisors.
- (5) A board of five (5) supervisors shall be established as provided in this subsection. The county judge/executive shall call a general meeting during the month of May wherein owners of lands included in established drainage districts shall be eligible voters. In a general way, the judge shall indicate, at such meeting, five (5) divisions of the total drainage district areas that will be somewhat equal in terms of area of land. Landholders in each division so defined by the county judge/executive shall elect by vote one (1) of their number. The judge may hold elections for all such divisions on a given day or designate two (2) or more days for such elections. The term of office will be four (4) years, except that after the first election the five (5) supervisors shall cast lots by which two (2) shall be selected for two (2) year terms and three (3) for four (4) year terms. Thereafter similar elections shall be held

biennially and for four (4) year terms. The supervisors within two (2) weeks following their election shall elect from their number a chairman and vice chairman. A secretary-treasurer shall be elected who may or may not be of their number. At this meeting the supervisors shall fix the number, time and place of regular meetings. Special meetings of supervisors may be on call of the chairman. The board of supervisors shall have the authority to fix salaries as provided above, to determine qualification standards for a drainage commissioner, secure and appoint such commissioner, to counsel and advise with the commissioner for the purpose of effecting the greatest good to the greatest number of land owners within the district, and shall receive and record reports of progress from the commissioner. Any vacancies in the board of supervisors due to death, resignation, or incapacity to serve shall be filled by appointment made by the county judge/executive.

- (6) The board of supervisors shall have the power and authority to equalize assessments of all lands of like classification for, and only for, the purpose of providing funds to purchase machinery and equipment necessary in carrying out the work of the commissioner.

**Effective:** May 18, 1956

**History:** Amended 1956 Ky. Acts ch. 235, sec. 5, effective May 18, 1956. -- Amended 1950 Ky. Acts ch. 160, sec. 1. -- Amended 1942 Ky. Acts ch. 33, secs. 1 and 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2380c-1, 2380c-2.