

### **96.570 Powers of boards for municipal electric plants.**

Except as otherwise specifically provided in KRS 96.550 to 96.900, the board of the municipality shall exercise all powers conferred upon the municipality by KRS 96.550 to 96.900. Any board operating under the provisions of KRS 96.550 to 96.900 shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of KRS 96.550 to 96.900, including, but not by way of limitation, the following express powers:

- (1) Acquire, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.
- (2) Construct, acquire, own, lease, operate, maintain and improve electric plant or plants as defined in KRS 96.550, and may provide electric service to any user or consumer within and without the boundaries of any municipality, and charge and collect reasonable rates therefor.
- (3) Construct, acquire, own, lease, operate, maintain and improve distribution or transmission line or lines, or generating plant or plants, together with all necessary and appropriate facilities, equipment and appurtenances, individually or jointly with any other municipality or rural electric cooperative corporation organized under the laws of Kentucky for the purpose of generating, distributing, or transmitting electric power or energy and connecting their respective electric plants with a wholesale source of supply, and in the case of any such joint action, such municipalities and rural electric cooperative corporations may provide by contract for the method of holding title, for the allocation of responsibility, for operation and maintenance and for the allocation of expenses and revenues.
- (4) Construct, own, lease, operate and control any and all works, lines, buildings and other facilities across, along, or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth or of any county or municipality within this Commonwealth. The board shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways.
- (5) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or federal agency, or both, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by any municipality or any board or any appraisers or board of appraisers, appointed pursuant to the provisions of KRS 96.550 to 96.900 to render any services authorized or required or incident to surveys, plans, estimates of cost, or the valuation of property, or in the preparation of reports authorized by KRS 96.550 to 96.900, no engineer who is engaged in whole or in part in the business of buying or selling any electric equipment, machinery, fixtures, materials, supplies, or the sale

or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of KRS 96.550 to 96.900. The limitations hereinabove provided shall also apply to any firm of engineers and to any member of any firm of engineers, if the firm or member of the firm is engaged in whole or in part in the business of buying or selling any electric machinery, equipment, fixtures, materials, supplies, or the sale or purchase of bonds; and no such firm or member of such firm shall be eligible for employment or for any service whatsoever under the provisions of KRS 96.550 to 96.900. Provided, further, that the provisions of this section shall not be construed to prohibit the board or the governing authority of any municipality from obtaining the advice or services of any engineer in the regular employment of the state or any federal governmental agency.

- (6) Contract debts and borrow money for the acquisition or improvement of any electric plant, issue bonds to finance such acquisition or improvement, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenues derived from electric service to the payment of such debts or repayment of money borrowed.
- (7) Acquire, hold, and, subject to the provisions of KRS 96.860 and the applicable provisions of any bonds or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any electric plant, and whether or not subject to mortgages, liens, charges, or other encumbrances.
- (8) Make contracts and execute instruments containing such covenants, terms, and conditions as in the discretion of the board may be necessary, proper, or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any governmental agency, including, but without limitation, covenants, terms, and conditions with respect to the acquisition or construction of any electric plant or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any electric plant and the furnishing of electric service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments.
- (9) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvement, operation or maintenance of any electric plant and the furnishing of electric service.
- (10) Do all acts and things necessary or convenient to carry out the powers expressly given in KRS 96.550 to 96.900.
- (11) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of electric energy or power, and contracts for the acquisition or improvement of all or any part of an electric plant; and, in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as the governing body deems

appropriate, including, but without limitation, covenants, terms, and conditions with respect to the resale rates, financial and accounting methods and the manner of disposing of the revenue of the electric plant conducted and operated by the board, except that the board shall not have power to contract with the Tennessee Valley Authority or any other governmental agency for the purchase and resale of electric energy or power unless the contract shall provide that the resale rates of the board for electric service or electric energy shall be sufficient to cover all operating expenses, interest charges, and bond payments, other expenses, and payments to the state, any county, any school district, any municipality, and any other special taxing district in which the board operates, of amounts determined as provided in KRS 96.820; nor unless such contract provides that the payments to such taxing jurisdictions be made to them as hereinafter prescribed.

- (12) Acquire a franchise to furnish electric service to any other municipality or county or the inhabitants thereof, and to contract with any other municipality or county to furnish it with electric service. Such contracts may be entered into by the governing bodies of the other cities or county.

**History:** Created 1942 Ky. Acts ch. 18, sec. 3.