

106.210 Powers and functions of water district commissioners and city legislative bodies.

Except as otherwise specifically provided in this chapter the water district commissioners of the water district and the legislative body of the municipalities shall exercise all powers conferred by virtue of this chapter. Any board operating under the provisions of this chapter 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 this chapter, 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 plants or works for the production, pumping, filtration, treatment, distribution or sale of water and may provide water service to any user or consumer within and without the boundaries of said water district or municipality and may charge and collect reasonable rates therefor;
- (3) Construct, own, lease, rent, operate and control any and all works, buildings, facilities and equipment across, along, or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth of Kentucky or of any county or municipality within this Commonwealth. The water district or municipality 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;
- (4) 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 water district or municipality 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 this chapter, no engineer who is engaged in whole or in part in the business of buying or selling any waterworks or water distribution system 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 this chapter. 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 waterworks or water distribution system 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 this chapter. Provided, further, that the provisions of this chapter shall not be construed to prohibit the board or the

governing authority of any water district or municipality from obtaining the advice or services of any engineer in the regular employment of the state or any federal governmental agency;

- (5) Contract debts and borrow money for the acquisition or improvement of any water plant and appurtenances thereto, 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 sale of water to the payment of such debts or repayment of money borrowed;
- (6) Acquire, hold, and, subject to the provisions of this chapter, 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 water plant and appurtenances thereto and whether or not subject to mortgages, liens, charges, or other encumbrances, subject to the provisions and requirements of this chapter;
- (7) 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 water plant and appurtenances thereto 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 water plant and appurtenances thereto and the furnishing of water service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments;
- (8) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvements, operation or maintenance of any water plant and appurtenances thereto and the furnishing of water service;
- (9) Do all acts and things necessary or convenient to carry out the powers expressly given in this chapter;
- (10) 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 water and contracts for the acquisition or improvement of all or any part of a water plant and appurtenances thereto; 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 water plant and appurtenances thereto conducted and operated by the board.

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