

**107.720 Privatization contracts -- Notice -- Hearing -- Competitive bidding -- Assignment of contract.**

- (1) Any political subdivision may enter into a privatization contract with a private owner or private owner/operator to accomplish the transfer of any political subdivision owned drinking water, water or wastewater project or the designing, construction, operation, maintenance, financing of cost or any combination thereof, of a drinking water, water or wastewater project pursuant to the provisions of KRS 107.720 to 107.760.
- (2) Prior to a political subdivision entering into a privatization contract pertaining to its drinking water, water or wastewater project, or any portion thereof, the governing authority shall cause notice of its intention to adopt an ordinance to accomplish such privatization to be published pursuant to KRS Chapter 424. The notice shall set forth a brief summary of the privatization contract provisions, and set a time and place for a public hearing to be conducted by the executive authority of the political subdivision. The notice shall be published each week for a period of two (2) weeks, the first publication being not less than thirty (30) days prior to the adoption of the ordinance approving the execution of the privatization contract. The hearing may be held in conjunction with any hearing on the question of issuing bonds to finance the cost of the privatization project, or on the question of adoption of the service agreement, or any other question. A copy of the proposed privatization contract shall be filed as a public record with the clerk of the political subdivision not less than thirty (30) days prior to the adoption of the aforesaid ordinance.
- (3) Notwithstanding whether the political subdivision has adopted the provisions of KRS 45A.345 to 45A.460, the privatization contract, the service agreement or any other purchase by the local government in connection with a privatization contract under KRS 107.720 to 107.760 may be made or awarded by competitive bidding, competitive negotiation, or negotiation.
- (4) The privatization contract or the service agreement may be assigned by either party to secure the performance of any obligation in connection with the financing of construction or operation of a drinking water, water or wastewater project.

**Effective:** July 15, 1986

**History:** Created 1986 Ky. Acts ch. 456, sec. 3, effective July 15, 1986.