

65.8905 Procedure for forming regional wastewater commission.

- (1) Any two (2) or more member entities owning wastewater systems may jointly:
 - (a) Acquire and construct wastewater collection, transportation, and treatment facilities;
 - (b) Operate and manage those facilities; and
 - (c) Improve and extend those facilities in any manner permitted under law.
- (2) The governing body of a member entity owning a wastewater system that wants to form a regional wastewater commission shall adopt a resolution or ordinance electing to participate with other member entities to perform any of the functions authorized under subsection (1) of this section.
- (3) Upon the adoption of an ordinance or resolution by the governing body of each member entity or a decision by a local, state, or federal agency owning a wastewater system to participate in a commission, a certified copy of each member entity's action shall be filed with the organizing official.
- (4) Prior to the adoption by the governing body of any member entity of a resolution or ordinance proposing participation in a commission, that governing body shall publish notice in accordance with KRS Chapter 424 and shall set a date for a public hearing regarding the creation of the commission and shall give at least thirty (30) days' prior notice of the hearing. The notice shall include, at a minimum:
 - (a) An explanation of the scope of the geographic area proposed to be served by a commission; and
 - (b) A description of the anticipated benefits to the residents in the geographic area served by the member entity of membership by that entity in a commission.

A resident, sewer customer, or citizen of the Commonwealth affected by a member entity proposing to establish a commission may submit written or oral comments and objections to the member entity, which shall provide a written statement of consideration of comments received.
- (5) The member entity shall enter an order of decision along with specific findings for the decision. The organizing official among the member entities seeking to form a commission shall establish the commission, designating it as a "regional wastewater commission," if, after the public hearing and consideration of all comments and objections received, those member entities have adopted a resolution or ordinance, as appropriate, finding that:
 - (a) The establishment of a commission is in the furtherance of the public health, convenience, and benefit to the customers of the member entities proposing the creation of the commission; and
 - (b) The establishment of a commission can reasonably be expected to result in the improvement of the environment over that which would occur in the absence of the formation of the commission.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 98, sec. 3, effective June 8, 2011.