

96.175 Powers of board.

Any board operating under the provisions of KRS 96.171 to 96.188 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 96.171 to 96.188, including, but not by way of limitation, the following express powers:

- (1) Acquire property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.
- (2) Operate, maintain, improve and extend the electric and water plant, and provide electric and water service to any user or consumer within and without the boundaries of any municipality, and charge and collect reasonable rates therefor.
- (3) Fix and determine classifications, rates and charges for services; provided, however, the rates and charges so fixed and determined at all times shall be sufficient to produce revenues sufficient to pay all operating expenses, interest, and bond requirements, sinking fund requirements, adequate depreciation reserves, taxes, or payments in lieu of taxes, and reserves for contemplated extensions and improvements.
- (4) Construct, 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, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by the board no engineer or firm with which he is associated who is engaged in whole or in part in the business of buying or selling any electric or water equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any service whatsoever under the provisions of KRS 96.171 to 96.188.
- (6) Contract debts and borrow money for the improvement and extension of any electric and water plant or for the refinancing of any existing bonded indebtedness on the property or any portion thereof, issue bonds therefor, 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 revenue derived from the electric and water plant to the payment of such debts or repayment of money borrowed.

- (7) The title to any property, real or personal, which the board may acquire shall vest in the municipality for the use and benefit of the electric and water system. The board shall have the power to sell or otherwise dispose of any personal property used or useful in the operation of the electric and water system which may be or become obsolete or otherwise determined by the board not to be necessary in the operation of the electric and water system. Any bill of sale or other instrument of conveyance shall be executed by the chairman of the board and attested by the secretary of the board.
- (8) Make contracts and execute instruments containing such covenants, terms and conditions as in the discretion of the board may be proper, necessary or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from 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 operation, maintenance, improvement or extension of any electric and water plant and the furnishing of service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments, as well as all contracts and instruments in existence and effect at the time of the transfer of the property to the board as herein provided.
- (9) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the operation, maintenance, improvement or extension of any electric and water plant and the furnishing of service.
- (10) Do all acts and things necessary or convenient to carry out the powers expressly given in KRS 96.171 to 96.188, except sell, convey or mortgage the real property.
- (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, in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as it deems appropriate, including, but without limitation, covenants, terms, and conditions with respect to the resale rate, financial and accounting methods and the manner of disposing of the revenues or any part thereof derived from the operation of the plant as herein provided.
- (12) Acquire by purchase or the exercise of eminent domain all lands, easements, rights of way, either upon or under or above the ground, reasonably necessary or desirable in connection with the operation, maintenance or extension of an electric and water plant.
- (13) The board shall have the power to accept the provisions of and conduct its operations under the provisions of the Kentucky Workers' Compensation Act.
- (14) The board shall have the power to establish, create, provide and maintain a pension plan for its employees, and to pay out of operating revenues, as an operating expense, such portion of the cost of the creation and maintenance of such pension plan as may be properly payable by the board.

History: Created 1946 Ky. Acts ch. 212, sec. 7.