

CHAPTER 464**(HB 275)**

AN ACT relating to interlocal agreements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 65.260 is amended to read as follows:

- (1) No agreement made pursuant to KRS 65.210 to 65.300 shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made pursuant to KRS 65.210 to 65.300, that performance may be offered in satisfaction of the obligation or responsibility.
- (2) Except as provided in subsections (3) and (4) of this section, every agreement made pursuant to KRS 65.210 to 65.300 shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of this state, ***except for interlocal agreements between cities, counties, charter counties, urban-county governments, and sheriffs upon approval of the fiscal court which shall be submitted to the Department for Local Government.*** The Attorney General ***or the Department for Local Government*** shall approve any agreement submitted to ~~them~~^{him} under this subsection unless ~~they find~~^{he finds} that it does not meet the conditions set forth in KRS 65.210 to 65.300. ~~If~~^{In the event that} the agreement does not meet these conditions, the Attorney General ***or the Department for Local Government*** shall detail in writing, addressed to the governing bodies of the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within sixty (60) days of its submission shall constitute approval thereof.
- (3) The submission of an interlocal cooperative agreement to the Attorney General ***or the Department for Local Government*** as provided in subsection (2) of this section shall not be required for any cooperative agreement which involves only the construction, reconstruction, or maintenance of a municipal road or bridge, provided a written agreement is approved by each of the affected governing bodies.
- (4) Interlocal cooperative agreements between school boards and counties shall be exempt from the provisions of subsection (2) of this section. Section 2. KRS 65.220 is amended to read as follows:

It is the purpose of KRS 65.210 to 65.300 to permit local governmental units ***and the sheriff upon approval of the fiscal court*** to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Section 3. KRS 65.230 is amended to read as follows:

As used in KRS 65.210 to 65.300, unless the context otherwise requires, "public agency" means any political subdivision of this state, any agency of the state government or of the United States, ***a sheriff***, and any political subdivision of another state. It also means a state-supported or private institution of higher education and a county or independent public school district for the purposes

of entering into a joint agreement to establish and operate a program or facility, including a center for child learning and study, designed to help one (1) or more schools meet any of the goals set forth in KRS 158.6451, or for the investment of funds. If a private institution of higher education proposes to participate in an agreement pursuant to the Interlocal Cooperation Act, the Attorney General shall determine if the proposal is compatible with the United States Constitution, as part of the review of the agreement provided in KRS 65.260(2).

Section 4. KRS 65.245 is amended to read as follows:

- (1) It is the purpose of this section to clarify the ability of cities, counties, urban-counties, ~~and~~ charter-counties, ***and sheriffs upon approval of the fiscal court*** to share their revenues by entering into interlocal agreements.
- (2) Any city, county, urban-county, or charter-county may by ordinance enter into cooperative interlocal agreements for the sharing of revenues. ***A sheriff, upon approval of the fiscal court, may enter into a memorandum of agreement with local governments for the purposes of sharing of revenues.*** The distribution of the revenues shall be as agreed upon by the local governments ***or the sheriff*** and contained in the interlocal agreement. **Approved April 21, 2000**

