

65.260 Limitations upon agreements -- Approval by Attorney General or Department for Local Government -- Exemptions.

- (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 an interlocal agency, 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. The Attorney General shall approve any agreement submitted to his or her office under this subsection unless he or she finds that it does not meet the requirements set forth in KRS 65.210 to 65.300. If the agreement does not meet these requirements, the Attorney General shall detail in writing, addressed to the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of law. The failure of the Attorney General to disapprove an agreement submitted under this subsection within thirty (30) days of its submission shall constitute approval thereof.
- (3)
 - (a) In lieu of the requirements of subsection (2) of this section, agreements involving only local governments, an agency, board, instrumentality, or commission created exclusively by one (1) or more local governments, or any combination thereof, shall prior to and as a condition precedent to its entry into force, be submitted to the Department for Local Government. The department shall determine whether the agreement is in proper form and shall approve any agreement submitted to it under this subsection unless it finds that the agreement does not meet the requirements set out in KRS 65.210 to 65.300. If the agreement does not meet these requirements, the department shall detail, in writing, addressed to the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of KRS 65.210 to 65.300. The failure of the department to disapprove an agreement submitted under this subsection within thirty (30) days of its submission shall constitute approval thereof.
 - (b) The approval of an agreement by the Department for Local Government under paragraph (a) of this subsection shall be deemed final and conclusive that the agreement meets the requirements of KRS 65.210 to 65.300, and the agreement shall not thereafter be subject to challenge as to the validity of its formation.
- (4) The submission of an interlocal cooperative agreement to the Attorney General or the Department for Local Government as provided in subsections (2) and (3) of this section shall not be required for any cooperative agreement which involves:
 - (a) 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 of the public agencies, or the administrative head of a public agency if there is no governing body; or

- (b) Interlocal cooperative agreements between school boards and local governments.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 98, sec. 9, effective July 15, 2020. -- Amended 2010 Ky. Acts ch. 117, sec. 51, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 47, sec. 44, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 464, sec. 1, effective July 14, 2000. -- Amended 1992 Ky. Acts ch. 46, sec. 1, effective July 14, 1992. -- Amended 1964 Ky. Acts ch. 114, sec. 3. -- Created 1962 Ky. Acts ch. 216, sec. 4(5), (6).