

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
FRANKFORT

ROBERT MATTHEWS
ATTORNEY GENERAL

July 19, 1967

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Honorable Robert A. White
County Judge, Lyon County
Eddyville, Kentucky

Dear Judge White:

Your letter of July 13, 1967 requests the opinion of this office as to whether a person who lives outside a Water District can be a commissioner of the District.

KRS 74.020, as amended in 1966 by the General Assembly, provides in part:

"(a) If a district lies wholly within a single county, or operates as a single county district as provided in paragraph (c) of this subsection, the board of commissioners shall consist of three residents of the district, or of any incorporated or unincorporated area served by the district in the county in which the district was originally established, who shall be appointed by the county judge. . . ."

While the provisions of KRS 74.020 relating to the residence requirements for commissioners have not been construed by the Court of Appeals, the wording is considered to be specific and definite in restricting appointments to actual residents of the District or residents of incorporated or unincorporated areas served by the District in the county in which the District was originally established.

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Accordingly it is the opinion of this office that a person whose residence is situated outside the District itself and whose residence is not within an incorporated or unincorporated area served by the District in the county in which the District was originally established is not eligible for appointment as a commissioner of the Water District.

Very truly yours,

ROBERT MATTHEWS
ATTORNEY GENERAL

By

Howard E. Trent, Jr.
Assistant Attorney General

HET/j