

1982 Ky. Op. Atty. Gen. 2-681, Ky. OAG 82-635,
1982 WL 177139 (Ky.A.G.)

*1 Office of the Attorney General

Commonwealth of Kentucky

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December 20, 1982

Ms. Sheryl Coleman
Bookkeeper
Martin County Water District #2
Box 89
Warfield, Kentucky 41267

Dear Ms. Coleman:

This is in response to your letter of December 6 in which you raise the question as to whether or not it is legal for a person to serve on the Board of Commissioners of a water district and at the same time serve as a member of a city council.

Our response to your question would be in the affirmative. A county water district is a political subdivision of the Commonwealth as held in a number of cases cited in OAG 80-234, copy attached. This opinion refers to the case of [Louisville Extension Water District v. Diehl Pump & Supply Co., Ky. 246 S.W.2d 585 \(1952\)](#) and [KRS 74.020](#) concerning the composition of a water district. Being a political division of the state, the members of the commission would not be considered either state, county or city officers within the meaning of [Section 165 of the Constitution](#) and [KRS 61.080](#). The district would in fact be similar to a municipal housing commission which we declared to be a hybrid agency in the case of [City of Louisville v. Louisville Municipal Housing Commission, 261](#)

[S.W.2d 286 \(1953\)](#).

Thus the fact that members of the water district commission are neither state, county or city officers, no incompatibility would exist where a person serves as a member of the commission and at the same time serve on the city council. Of course where any business develops between the water district and the city concerning which a vote must be taken, the councilman in question should refrain from participating or voting on the matter as this would be against public policy.

Sincerely,
Steven L. Beshear
Attorney General

Walter C. Herdman
Asst. Deputy Attorney General

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