

1986 Ky. Op. Atty. Gen. 2-195, Ky. OAG 86-30,
1986 WL 222291 (Ky.A.G.)

*1 Office of the Attorney General

Commonwealth of Kentucky

OAG 86-30

May 7, 1986

Mr. Joseph H. Conley
Nicholas County Attorney
Courthouse
Carlisle, Kentucky 40311

Dear Mr. Conley:

In your letter you ask whether the fiscal court may turn over a water line it owns to a county water district without receiving compensation for it if it believes this to be in the best interest of the county.

In OAG 83-410 we opined that a fiscal court could not borrow money and transfer it to a water association nor could it construct water lines itself and transfer them to the water association.

However, in OAG 76-240 we opined that a fiscal court could expend county funds for constructing a water line that would be owned by a water district. The county would be reimbursed for part of its outlay by user fees. We opined that [KRS 67.083](#) gave the county the necessary power to engage in such an endeavor. These two opinions would seem to be in conflict.

Recently, in OAG 86-23 we opined that a county may donate money to a private corporation and not violate [Kentucky Constitution, Section 179](#) if the purpose to be achieved is one which the county itself is authorized to do.

[KRS 67.083\(3\)\(q\)](#) states that the county has the power to cooperate with other units of government

and private agencies for the provision of public services. [KRS 67.083\(3\)\(r\)](#) states that the county has the power to provide water service.

Based on the reasoning in OAG 86-23 we believe that the county may turn over the water line to the water district. To the extent that OAG 83-410 is inconsistent with this opinion, it is hereby modified.

Sincerely,
David L. Armstrong
Attorney General

Nathan Goldman
Assistant Attorney General

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