

**74.450 Membership of water commission -- Term -- Compensation -- Removal -- Status.**

- (1) After the county judge/executive has made an order creating a water commission, the presiding officer of each of the cities, water associations, or water districts which proposed the creation of the commission with the approval of its governing body, and each federal agency which joined in a proposal shall appoint one (1) commissioner. If the number of commissioners so appointed by the presiding officers of the cities, water associations, or water districts and by the federal agency or agencies shall equal or exceed five (5), no further commissioners shall be appointed and the commissioners shall be and constitute the water commission.
- (2) If the number of commissioners appointed by the presiding officers of the cities, water associations, water districts, or federal agencies shall be less than five (5), the county judge/executive who entered the order creating the commission shall appoint additional commissioners to the commission as necessary to make the number of commissioners equal five (5). The commissioners shall constitute the commission, which shall be a public corporation and a public body corporate and politic with the powers and duties specified in KRS 74.420 to 74.520. The commission may in its corporate name contract and be contracted with, sue and be sued, adopt and alter at its pleasure a corporate seal, and purchase, own, hold, and dispose of all real and personal property necessary for carrying out its corporate purpose under KRS 74.420 to 74.520.
- (3) The commissioners originally appointed shall meet and select by lot their respective terms of office so that approximately one-third (1/3) of the commissioners shall serve for a term of two (2) years, a like number for a term of three (3) years and the remaining commissioner or commissioners for a term of four (4) years. The terms shall be deemed to commence from the first day of the month during which the order of the county judge/executive creating the commission was entered.
- (4) Upon the expiration of the term of office of each of the commissioners, a successor shall be appointed to succeed him for a term of four (4) years and the appointment shall be made in the same manner as the original appointment.
- (5) Each commissioner shall serve until his successor has been appointed and has been qualified. Each commissioner shall be a resident of the service area of the water systems or an employee of the federal agency which is represented by the commission. A commissioner shall be eligible for reappointment upon the expiration of his term. A vacancy shall be filled for the balance of the unexpired term in the same manner as that prescribed for the appointment of the person who has ceased to hold office. Each commissioner shall receive the same compensation, which shall not be more than five hundred dollars (\$500) per year, to be fixed by the commission and to be paid out of commission funds, except that a commissioner representing a federal agency shall serve without compensation. Each commissioner shall furnish a bond for faithful performance of his official duties. This bond shall not be less than five thousand dollars (\$5,000); the amount shall be fixed by the commission; and its cost shall be paid by the commission.

- (6) Each commissioner may be removed by the official by whom he was appointed, for cause, after hearing by the appointing official and after at least ten (10) days' notice in writing has been given to the commissioner, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the appointing official shall be final and removal results in vacancy in the office. A federal agency shall determine its own appointment and removal procedures for its representative.

**Effective:** June 24, 2003

**History:** Amended 2003 Ky. Acts ch. 167, sec. 4, effective June 24, 2003. -- Amended 1996 Ky. Acts ch. 122, sec. 4, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 384, sec. 193, effective June 17, 1978. -- Created 1960 Ky. Acts ch. 207, sec. 4, effective June 16, 1960.