

COMMONWEALTH OF KENTUCKY
CITY OF SMITHS GROVE


ORDINANCE NO. 85-1 920.7

AN ORDINANCE CONCERNING PARTICIPATION
IN AN INTERLOCAL COOPERATION AGREEMENT
WITH THE COUNTY OF WARREN FOR
ROAD MAINTENANCE SERVICES

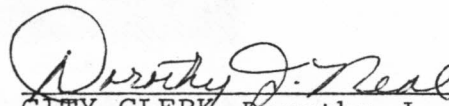
BE IT ORDAINED, by the City Commission of Smiths Grove, Warren County, Kentucky, that the City enter into, as reflected by the signature of the Mayor and attested by the City Clerk, an inter-local cooperation agreement between the City of Smiths Grove and the County of Warren for road maintenance services, which document has been prepared by the County Attorney and a draft submitted to the City, and

IT IS FURTHER ORDAINED that the Mayor is vested with the authority to act pursuant to the provisions of said agreement in coordinating same with the County and in administering this cooperative undertaking.

This Ordinance is adopted in that it was published in summary form on the first day of March, 1985, and was introduced and read on the 25th day of February, 1985, and given final reading on the 26th day of February, 1985, and said Ordinance shall be in full force and effect upon signature, recordation, and publication in summary.


MAYOR James F. Jackson
CITY OF Smiths Grove, Kentucky

ATTESTED:


CITY CLERK Dorothy J. Neal

PASSED BY A VOTE OF 5 TO 0.

SPONSORED BY: _____.



OFFICE OF

MICHAEL E. CAUDILL
WARREN COUNTY ATTORNEY

WM. WARD ALLEN, JR.
LEE L. COLEMAN
ASSISTANT COUNTY ATTORNEYS

431 1/2 EAST 10TH STREET
BOWLING GREEN, KENTUCKY 42101
502-782-2760

JANET J. HOFER
CHILD SUPPORT ENFORCEMENT
502-782-2760

October 23, 1984

Squire Richard Kirby
Route #3
Smiths Grove, Kentucky 42171

RE: The use of county equipment and/or
county materials and/or county personnel
on the city streets of Smiths Grove

Dear Squire Kirby:

You have asked me whether or not the County of Warren may supply equipment and/or materials and/or county personnel for the repair and/or maintenance of roads within the City of Smiths Grove. I understand that these streets or roads are not county roads; that is, they have never been taken into the county road system. You have explained to me the hardship on the city's budget in the event Warren County cannot supply the needed help or in the event Warren County must charge the City of Smiths Grove for the equipment and/or personnel use.

Initially, I believed the county could contract with the city for the service on the theory that residents of the City of Smiths Grove are also residents of Warren County, paying both city and county taxes. Unfortunately, neither the law nor the general assembly will back my position up. KRS 178.010(4) provides:

Nothing in this chapter, including the fact that a municipal street has not been accepted into the county road system, shall prevent any county from entering into an agreement, pursuant to the provisions of KRS 65.210 to 65.300, with any city located within the county to perform work upon or to provide personnel, materials or equipment for work to be performed upon any street located within the city, provided that the city agrees to pay the costs if any associated with any such agreement.

Squire Richard Kirby

October 23, 1984

Pate #2

It is clear from the statute, which was passed during the last session of the General Assembly that a formal "interlocal" agreement must be entered into between the City of Smiths Grove and Warren County. This agreement must, according to the above statute, require the city to pay the cost of any personnel, materials, or equipment. Further, under KRS 65.210 this agreement must be approved by the Attorney General of the State of Kentucky. In the event you want such an agreement, please let me know and I will prepare it and forward it to the Attorney General's Office for approval.

The only other alternative would be for Warren County to formally accept the designated city streets into the County Road System. Thereupon, the county could expend county money on construction or improvements of such streets. You are already familiar with the ordinances procedure required for accepting streets or roads into the county system.

I hope this answers your questions, and if I can be of any further assistance to you, please feel free to contact me, I remain,

Sincerely,



MICHAEL E. CAUDILL
Warren County Attorney

MEC/ss

cc: Basil Griffin, County Judge
Mayor, City of Smiths Grove