

65.260 Limitations upon agreements -- Approval by Attorney General or Department for Local Government -- Exemptions.

- (1) No agreement made pursuant to KRS 65.210 to 65.300 shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made pursuant to KRS 65.210 to 65.300, that performance may be offered in satisfaction of the obligation or responsibility.
- (2) Except as provided in subsections (3) and (4) of this section, every agreement made pursuant to KRS 65.210 to 65.300 shall, prior to and as a condition precedent to its entry into force, be submitted to the Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of this state, except for interlocal agreements between cities, counties, charter counties, urban-county governments, and sheriffs upon approval of the fiscal court, which shall be submitted to the Department for Local Government. The Attorney General or the Department for Local Government shall approve any agreement submitted to them under this subsection unless they find that it does not meet the conditions set forth in KRS 65.210 to 65.300. If the agreement does not meet these conditions, the Attorney General or the Department for Local Government shall detail in writing, addressed to the governing bodies of the public agencies concerned, the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within sixty (60) days of its submission shall constitute approval thereof.
- (3) The submission of an interlocal cooperative agreement to the Attorney General or the Department for Local Government as provided in subsection (2) of this section shall not be required for any cooperative agreement which involves only the construction, reconstruction, or maintenance of a municipal road or bridge, provided a written agreement is approved by each of the affected governing bodies.
- (4) Interlocal cooperative agreements between school boards and counties shall be exempt from the provisions of subsection (2) of this section.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 117, sec. 51, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 47, sec. 44, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 464, sec. 1, effective July 14, 2000. -- Amended 1992 Ky. Acts ch. 46, sec. 1, effective July 14, 1992. -- Amended 1964 Ky. Acts ch. 114, sec. 3. -- Created 1962 Ky. Acts ch. 216, sec. 4(5), (6).