

**BY-LAWS OF THE MEADE COUNTY PLANNING COMMISSION
(May 6, 2021 Revision)**

ARTICLE I -- OBJECTIVES

The objectives and purposes of the Independent Planning Commission of Meade County, Kentucky are those set forth in Kentucky Revised Statutes Chapter 100 and amendments and supplements thereto and those powers and duties delegated to the Planning Commission by the Meade County Fiscal Court as adopted and recorded in Order Book 1, No. 684 in accordance with the above-mentioned enabling law.

ARTICLE II -- OFFICERS AND THEIR DUTIES

Section 1.

The officers of the Planning Commission shall consist of a chairman, a vice chairman and a secretary.

Section 2.

The chairman shall be the presiding officer at all meetings and hearings of the Planning Commission and shall perform the duties as described by proper parliamentary procedures.

Section 3.

Under parliamentary procedure, the chairman's general duties are: to open and call the meeting to order; to announce the business to be conducted; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved or necessarily arise in the course of proceedings and to announce the result of the vote; to protect the Commission from unnecessary or frivolous motions by not recognizing them; to speed up proceeding as much as possible; to require order and sincerity in meetings; to inform the group present to a point of order or a practice pertinent to pending business; and to authenticate, by signature when necessary, all acts, orders, and proceedings of the Commission.

Section 4.

The chairman shall be one of the citizen-members of the Commission. The chair shall conduct business only for the benefit of the Commission involved and shall reflect no personal prejudice in any manner.

Section 5.

The vice-chairman shall assist the chairman in any way possible subject to the chairman's request. Upon the absence of the chairman, the vice-chairman shall automatically become the presiding officer of the commission.

Section 6.

The secretary is responsible for compliance with Roberts Rules of Order during meetings of the Commission. The Secretary is also responsible for verification and validation of the minutes of all meetings and hearings.

ARTICLE III -- NOMINATION AND ELECTION OF OFFICERS

Section 1.

Nominations of officers shall be made from the citizen members at the annual organization meeting, which shall be held on the 1st regular meeting of the year. Nominations of citizen members only shall be accepted. All officers shall be eligible for reelection at the expiration of their office.

Section 2.

Election of officers shall take place immediately following nomination. Voting shall take place in one of the following ways: voice, show of hands, rising, balloting, or roll call.

Section 3.

A candidate receiving a simple majority vote of all members of the Planning Commission present at the annual meeting shall be declared elected and shall serve for a term of one (1) year or until a successor shall take office.

Section 4.

Vacancies in unexpired terms of office shall be filled immediately by regular election procedures.

ARTICLE IV -- MEMBERSHIP

Section 1.

Vacancies due to resignation, removal or termination of membership, shall be filled within sixty (60) days by the appropriate appointing authority. After such vacancy occurs, the Commission chairman shall immediately give the appropriate appointing authority written notice that the vacancy exists. Then such appointing authority shall have sixty (60) days to fill the vacancy. If the appointing authority fails to do so, the Commission shall fill the vacancy using the same procedure it uses to elect its officers as set out in Article III. When a vacancy occurs, other than expiration of the term of membership, it shall be filled for the remainder of that term.

Section 2.

Any member of a Planning Commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the Planning Commission shall submit a written statement to the Commission setting forth the reasons for removal. The

statement shall be read at the next meeting of the Planning Commission, which shall be open to the general public. The member so removed shall have the right of appeal in the circuit court. The missing of three consecutive regular meetings shall constitute neglect of duty unless there are extenuating circumstances. The chairman of the Commission shall notify the appropriate appointing authority of such neglect and request that the appointing authority take appropriate action after a recommendation from the Planning Commission is received.

ARTICLE V -- MEETINGS

Section 1.

Meetings shall be held as per the Kentucky Revised Statutes 100.163 on the 3rd Thursday of each month at 6:30 p.m. in the Meade County District Courtroom, the Grand Jury Room or any other site when duly advertised in the meeting call notices. All regular meetings subsequent to January 1, 2011 shall be conducted on the 1st Thursday of each month at 6:30 p.m.

Section 2.

A Planning Commission shall consider a quorum present when a majority of the total members of the Commission is in attendance. For the purpose of establishing a quorum, a member of the Planning Commission shall not be counted if he/she has a direct or indirect financial interest in the outcome or any other potential conflict of interest with any question before the Commission.

Section 3.

- a. To transact any official business, a simple majority vote of all members present that constitute a quorum shall be necessary.
- b. To adopt or amend the Commission's by-laws, a simple majority vote of the total membership shall be necessary.
- c. To adopt or amend elements of the comprehensive plan or regulations, a simple majority vote of the total membership shall be necessary.

Section 4.

The chairman may call special meetings in accordance to the Kentucky Revised Statutes 61.823.

Section 5.

All meetings and hearings at which official action is taken shall be open to the public.

ARTICLE VI -- ORDER OF BUSINESS

Section 1.

The order of business at regular meetings shall be:

- a) Pledge
- b) Call to Order
- c) Roll Call
- d) Approval of Minutes of Previous Meeting
- e) Old and Unfinished Business
- f) New Business
- g) Miscellaneous Issues and other items for discussion
- h) Public Session (excluding business subject to public hearing)
- i) Closed Session (if Applicable)
- j) Adjournment

This order may be modified if circumstances of an individual meeting warrant at the discretion of the Chairperson. Additional Items may be added as needed to conduct the business of the Commission.

ARTICLE VII -- TRANSACTION OF BUSINESS

Section 1.

Any member of a Planning Commission who has any financial interest or any other potential conflicts in any question called to a vote shall notify the Commission of such interest and thus disqualify himself/herself from voting on the matter and leave the proceedings for the remainder of the portion of the meeting for which the conflict is declared.

Section 2.

Any member of a Planning Commission who fails to notify the Commission of his/her financial interest or any other potential conflict of interest in a question called to vote, shall have his/her qualification judged by the Commission as to his/her amount of interest in the question and his/her right to vote.

Section 3.

Any member of a Planning Commission found to have any direct or indirect financial interest or any other conflict in a question called to vote shall not be considered in the quorum count prior to voting.

Section 4. Closed Sessions

- a. All business and content of closed sessions of the Planning Commission are considered confidential. The content and materials discussed or disclosed in closed session shall not be

released to any person or agency, public or private unless subsequent to an order or subpoena issued by an appropriate court of competent jurisdiction.

- b. Materials and content presented or discussed in closed session are not releasable under the Kentucky Open Records Act and shall not be disclosed or released.
- c. Any request for such information should be directed to the Administrator of the Meade County Planning Commission under rules pertaining to open records requests.

Any violation of the confidentiality of a closed session shall constitute misconduct and could result in sanctions by the Commission or a recommendation of removal to the appointing authority for neglect of duty under KRS Chapter 100.157(1).

ARTICLE VII -- PLANNING COMMISSION STAFF

Section 1-Administrator

The Commission may employ an administrator to administer and interpret the Meade County Zoning Ordinance and Subdivision Regulations. The Administrator is primarily responsible for the day-to-day operational management, execution and interpretation and enforcement of the Meade County Zoning and Subdivision Regulations. The duties of the administrator include providing staff support to the Planning Commission. The administrator responds to local citizens inquiring about county planning and zoning regulations and ordinances. He/she resolves complex disputes between planners and applicants, as required, prepares a variety of studies, reports and related information for decision-making purposes. The administrator supervises the evaluation of land use proposals for conformity to established plans and ordinances; evaluates proposal & development impact as they relate to the adopted plans of the County and make recommendations. He/she provides leadership and direction in the development of short and long range plans; gathers, interprets, and prepares data for studies, reports and recommendations; coordinates department activities with other departments and agencies as needed. The Administrator will also perform other duties outlined in the job description and applicable local, state and federal regulations and statutes as well as other tasks that may be assigned to them including but not limited to Zoning Enforcement Agent, Building Code Enforcement Agent and Code Enforcement Officer as defined herein. The administrator of the Meade County Planning Commission shall have the authorization to execute and record certificates of land use restriction when authorized or required by law. The administrative official shall coordinate with the Secretary of the Meade County Planning Commission prior to exercising any authority under this delegation.

Section 2-Administrative Assistant

The Commission may employ an administrative assistant to perform the administrative duties of the planning commission. The Administrative Assistant works under the direction and supervision of the Administrator. The duties of the administrative assistant are: to transcribe minutes and records of meetings and hearings and maintain files of the minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question. They will also note if any member is absent or

disqualifies from voting, indication the fact, all of which shall, immediately after adoption, be filed in the office of the Commission. The records shall be kept in the Meade County Zoning Office. The administrative assistant will also perform other duties outlined in the job description as well as other tasks that may be assigned to them.

Section 3-Code Enforcement Officer

The Commission may employ a Code Enforcement Officer to investigate and prosecute zoning violations. The Code Enforcement Officer works under the direction and supervision of the Administrator. Duties and responsibilities include the responding to complaints of potential code violations related to building, public nuisances and zoning that are under the jurisdiction of the Meade County Zoning Regulation. Additional duties including conducting field investigation of potential violations, gathering evidence, making findings and issuing warnings, correction notices, or citations. The position also reviews cases being prepared for trial, prepares detailed reports of activities and investigations, consults with prosecutors; prepares case reports for court action and testifies in court. The officers will also perform other duties outlined in the job description as well as other tasks that may be assigned to them. The administrator official of the Meade County Planning Commission also referred to as the Director, Meade County Planning Commission shall have the authorization to execute and record certificates of land use restriction when authorized or required by law. The administrative official shall coordinate with the Secretary of the Meade County Planning Commission prior to exercising any authority under this delegation.

ARTICLE IX -- HEARINGS

Section 1.

In addition to those required by law, the Commission may hold public hearings at its discretion when it is apparent that such hearings will be in the public interest.

Section 2.

Meetings that require publication shall be distributed to the “publication area” as defined in the Kentucky Revised Statutes 424.110. Notice of hearings will be posted in plain view in the Meade County Courthouse in addition to other postings and mailings as required.

Section 3.

The Administrator or a designated member of the Commission shall present the matter before the Commission in summary. The parties in interest shall have privilege to the floor. No record or statement shall be recorded or sworn to as evidence for any court of law without notice to the parties. Non-lawyers may not represent clients during quasi-judicial proceedings of the Commission.

Section 4.

The components and order for Quasi-Judicial Hearings are as follows: (Rezoning)

- a. Chairperson invites all interested parties wishing to provide testimony to sign in for the hearing. All persons must sign the register in order from top to bottom.
- b. Administrator reads the summary of the action under consideration
- c. Administrator presents the Background and Administrative Analysis to the Commission. (The administrator is not testifying and is not subject to cross-examination. Members of the Commission may question the Administrator for clarification of any analysis points.)
- d. Chairperson announces and opens the public hearing
- e. Chairperson administers the oath to all persons signed in to present testimony
- f. Applicant presents their application, testimony, witnesses and evidence to the Commission. (All witness are subject to questioning by members of the Commission and may be cross-examined by opposing parties)
- g. Persons signing in to testify are called by the chairman (in order from the register). The applicant or respondent may cross-examine any person giving testimony immediately after each person presents testimony.
- h. Applicant is offered an opportunity to present closing statements.
- i. Chairperson closes the hearing.

The components and order for Legislative Hearings are as follows: (Amendments)

- a. Chairperson invites all interested parties wishing to provide testimony to sign in for the hearing. All persons must sign the register in order from top to bottom.
- b. Chairperson announces and opens the public hearing.
- c. Chairperson administers the oath to all persons signed in to present testimony
- d. Administrator reads the summary of the action under consideration
- e. Chairperson invites interested parties to speak and present evidence relevant to the subject of the hearing. (Only the Commission may question participants)
- f. Chairperson closes the hearing.

Section 5.

The administrative assistant shall keep a record of those speaking before the Commission as well as an audio record of the proceedings.

Section 6.

The Planning Commission may appoint one or more of its members to act as a hearing examiner or examiners.

ARTICLE X -- AMENDMENTS

Section 1.

These by-laws may be amended by a vote of a simple majority of the total membership of the Commission.

ADOPTED BY: MEADE COUNTY PLANNING COMMISSION

DATE : MAY 6, 2021

Signature of Chairman