

BY-LAWS OF THE
HARDIN COUNTY PLANNING AND DEVELOPMENT COMMISSION

ARTICLE I – OBJECTIVES

The objectives of the Hardin County Planning and Development Commission of Hardin County, Kentucky, shall be those as set forth in the Revised Statutes of the Commonwealth of Kentucky, Chapter 100 et seq., including all amendments and supplements thereto, and further, those powers and duties delegated to the Hardin County Planning and Development Commission by the Fiscal Court of Hardin County pursuant to a Resolution of Hardin Fiscal Court adopted 24 April 1978 in accordance with the above-mentioned statutes, including enabling law.

ARTICLE II – MEMBERS

The Hardin County Planning and Development Commission shall be composed of five (5) members, at least two-thirds (2/3) of which shall be citizen members. The term of office for Commission members shall be as set out in KRS 100.143 based on initial appointments made as follows:

1. one (1) term ending April, 1979
2. one (1) term ending April, 1980
3. one (1) term ending April, 1981, and
4. one (1) term ending April, 1982.

The members of the Commission shall not be compensated except for necessary expenses incurred by them in the performance of their duties.

Vacancies on the Commission shall be filled within sixty (60) days by the Judge / Executive of Hardin County, Kentucky, with approval of the Fiscal Court; but, if the appropriate appointing authority fails to act within that time, the Commission shall then fill the vacancy.

When a vacancy occurs rather than through expiration of the term of office, it shall be filled for the remainder of that term.

Any member of the Hardin County Planning and Development Commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or a conflict of interest; such removal shall be in accordance with the procedure set out in KRS 100.157 and in accordance with all applicable law.

ARTICLE III – OFFICERS

Officer of the Hardin County Planning and Development Commission shall consist of the Chairman, Vice-Chairman and Secretary; all shall be filled with citizen members.

The Chairman shall be the presiding officer at all meetings and hearings of the Commission and shall perform those duties described by proper parliamentary procedure. He shall also conduct business only for the benefit of the Commission and shall reflect no personal prejudice in any matter.

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.

The Secretary shall keep records and minutes of each meeting or hearing of the Commission and shall perform other duties which may be assigned.

The terms of office of the Chairman, Vice-Chairman and Secretary shall be one year each, or until their successors are elected and qualified.

ARTICLE IV – NOMINATION AND ELECTION OF OFFICERS

Nominations of officers shall be made from the citizen members at the meeting held on the first Tuesday of July of each year. Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways: voice, show of hands, balloting, or roll call.

The candidate receiving a majority of vote of the entire membership of the Commission shall be declared elected and shall serve for a term of one (1) year or until his successor is elected and qualified.

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

ARTICLE V – MEETINGS (Revised 08 December 1998; Revised 23 July 2002)

Regular meetings of the Commission shall be held each month in the R.R. Thomas Meeting Room on the Second Floor of the R.R. Thomas County Government Building, Elizabethtown, Kentucky. The meetings dates and time shall be established by the Commission for each calendar year. The meeting schedule shall be available to the public.

A quorum is a simple majority (over one-half) of the total membership of the Commission as established by regulation. For the purpose of establishing a quorum, a member of the Commission shall not be counted if he has any direct or indirect financial interest in the outcome of any question before the Commission.

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

Special meetings may be called by the Chairman. Such meetings may be requested by a quorum of the Commission and must be called by the Chairman. The notice of such a meetings shall specify the purpose of such a meetings and no other business may be considered except by unanimous consent of the Commission.

The Chairman shall notify all members of the Commission by oral or written notice not less than seven (7) days in advance of such special meeting. This notice shall contain the date, time, place, and subject of discussion.

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

ARTICLE VI – ORDER OF BUSINESS

The order of business at regular meetings shall be:

1. open meeting and call to order; determination of the presence of a quorum;
2. committee reports as necessary;
3. old and unfinished business;
4. new business;
5. questions and / or comments from the floor; and
6. adjournment.

ARTICLE VII – TRANSACTION OF BUSINESS

Any member of the Commission who has any financial interest in any question called to vote shall notify the Commission of such interest and thus disqualifying himself from voting on the matter. Any member who fails to notify the Commission of his financial interest in question called to vote shall have his voting qualification judged by the Commission as to his amount of interest in the question and his right to vote on it. Any member found to have any direct or indirect financial interest in a question called to vote shall not be considered in the quorum count prior to voting.

ARTICLE VIII – EMPLOYEES

The Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties.

ARTICLE IX – HEARINGS

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. Notice of such hearings shall be distributed to the publication area as defined in KRS 424.110, and in accordance with the applicable laws of KRS 100 et seq.

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Matters scheduled before such hearings shall be presented in summary by the Secretary or a designated member of the Commission or its staff and parties in interest shall have privilege to the floor. No record of statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

A record shall be kept of those speaking before the Commission by the Secretary or other designated person.

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

ARTICLE X – FISCAL YEAR

The fiscal year of the Hardin County Planning and Development Commission shall be from 1 July to 30 June of each and every year. The Commission, as authorized by KRS 100.177, shall have the right to receive, hold and spend funds which it legally received from any and every source both in and out of the Commonwealth of Kentucky for the purpose of carrying out the provisions of KRS 11 et seq.

The Commission shall, as necessary, cause to be published in accordance with KRS 424.220, a financial statement concerning financial affairs of the Commission.

ARTICLE XI – AMENDMENT

These By-laws may be amended by a vote of a simple majority of the total membership of the Commission at a regular or special meeting.

ADOPTED AS AMENDED by the Hardin County Planning and Development Commission of Hardin County, Kentucky, this _____ day of November 1982.

Chairman

Attest: Secretary