

**CHAPTER 106****(HB 355)**

AN ACT relating to the administration of boards established by local ordinance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 147.670 is amended to read as follows:

The area planning commission shall have the power and duty to:

- (1) Prepare an area-wide comprehensive plan of the entire area within its jurisdiction, which includes all territory incorporated and unincorporated within the counties signator thereto. The area-wide comprehensive plan shall include at least all comprehensive plan elements and research requirements prescribed in KRS Chapter 100, so that the planning commissions of local planning units as established under KRS Chapter 100 and their respective legislative bodies, may adopt all or parts of said area-wide comprehensive plan, as it applies to their respective areas of jurisdiction, as a means of fulfilling the applicable requirements of KRS Chapter 100. This area-wide comprehensive plan shall be reviewed and amended, if necessary, at least once every five (5) years;
- (2) Appoint an executive director for the commission and fix his compensation. The director shall be qualified by training and experience in the field of planning and zoning;
- (3) Upon written request of a city or county within the territory of the area planning commission, the area planning commission's staff may prepare and submit for consideration to the appropriate local planning unit, zoning ordinances based on the comprehensive plans of such local planning unit. The area planning commission staff assigned to perform such work shall consult with the appropriate local planning unit as established under KRS Chapter 100, the city or county legislative bodies, and all property owners who are directly affected by any change in the zoning ordinance applicable to such local planning unit;
- (4) Prescribe the qualifications of, appoint, remove and fix the compensation of employees of the commission;
- (5) Prepare, publish and distribute reports and other material relating to the business of the commission;
- (6) Prepare and submit an annual budget to the area planning council for the operation of the commission;
- (7) Exercise general supervision of and make regulations for the administration of the affairs of the commission;
- (8) Establish policies, procedures, and priorities for assigning staff and providing services to planning units established under the provision of KRS Chapter 100, their respective cities and counties, and other public and private agencies and organizations, **and may, irrespective of KRS 147.675, enter into agreements with cities, counties, and other public agencies and organizations in accordance with the provisions of KRS 65.210 to 65.300 for the administration of KRS 65.8801 to 65.8839 and KRS Chapters 99, 99A, 100, and 198B; and**
- (9) Keep an accurate and complete record of all commission proceedings, financial statements, and annually report to the various cities and counties signators to the agreement provided in KRS 147.620.

Section 2. KRS 65.8811 is amended to read as follows:

- (1) (a) A code enforcement board shall consist of **no fewer than three**~~either three (3), five (5), or seven (7)~~ members who shall be appointed by the executive authority of the local government, subject to the approval of the legislative body.
- (b) A joint code enforcement board shall include representation on the board of all participating local governments and members shall be appointed as set out in the terms of the interlocal agreement.
- (2)~~(a)~~ The initial appointments to a ~~three (3) member~~ code enforcement board shall be as follows:
  - (a)~~1~~ **One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be**~~One (1) member~~ appointed for a term of one (1) year;
  - (b)~~2~~ **One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be**~~One (1) member~~ appointed for a term of two (2) years; and
  - (c)~~3~~ **One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be**~~One (1) member~~ appointed for a term of three (3) years.
- ~~(b)~~ The initial appointments to a five (5) member code enforcement board shall be as follows:

## ACTS OF THE GENERAL ASSEMBLY

- ~~1. One (1) member appointed for a term of one (1) year;~~
  - ~~2. Two (2) members appointed for a term of two (2) years each; and~~
  - ~~3. Two (2) members appointed for a term of three (3) years each.~~
- ~~(e) The initial appointments to a seven (7) member code enforcement board shall be as follows:~~
- ~~1. Two (2) members appointed for a term of one (1) year each;~~
  - ~~2. Three (3) members appointed for a term of two (2) years each; and~~
  - ~~3. Two (2) members appointed for a term of three (3) years each.]~~

All subsequent appointments shall be made for a term of three (3) years.

- (3) (a) Each member of a code enforcement board shall have resided within the boundaries of the local government unit for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.
- (b) Board members serving on joint code enforcement boards shall have resided within the boundaries of the local government they represent for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.
- (4) A member may be reappointed, subject to approval of the legislative body.
- (5) Any vacancy on a code enforcement board shall be filled within sixty (60) days by the executive authority, subject to the approval of the legislative body. If a vacancy is not filled by the executive authority within sixty (60) days, the remaining members of the code enforcement board shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.
- (6) Any member of a code enforcement board may be removed by the appointing authority for misconduct, inefficiency, or willful neglect of duty. Any appointing authority who exercises the power to remove a member of a code enforcement board shall submit a written statement to the member and to the legislative body of the local government setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.
- (7) All members of a code enforcement board shall, before entering upon their duties, take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.
- (8) The members of a code enforcement board may be reimbursed for expenses or compensated, or both, as specified in the ordinance creating the board.
- (9) No member of a local government code enforcement board shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the unit of local government that has created the code enforcement board.
- (10) Each legislative body that elects to establish a code enforcement board is encouraged to provide opportunities for education regarding pertinent topics for the members of the code enforcement board.

**Approved March 23, 2007.**