

109.115 Districts -- Establishment -- Powers -- Directors, appointment and removal -- Board of directors in county not containing a consolidated local government -- Board of directors in county containing a consolidated local government.

- (1) A single county, or two (2) or more counties may create a waste management district in accordance with the procedures of KRS 65.182. Waste management districts shall have all powers and authority set forth in KRS 109.041.
- (2) The waste management district shall be controlled and managed by a board of directors.
- (3) The fiscal court in a county not containing a consolidated local government shall determine the composition of the board of directors in one (1) of the following ways:
 - (a) Appointment of the county judge/executive of every county, or portion of a county, within that district and the mayor of the most populous city in each county. Appointment of a third member from each county in the district so that representation on the board shall be in proportion to the urban-rural population distribution in the county. The county judge/executive and the mayor may delegate a representative to serve in their stead; or
 - (b) Appointment of members by the county judge/executive and confirmed by the respective fiscal court. In the case of multicounty districts, membership on the board shall be apportioned among the counties in ratio to their population with each county having at least one (1) member. The mayor of the most populous city in each county that is a participant in the waste management district shall be appointed a member. In no case shall the total membership of the board consist of fewer than three (3) persons. When a county has two (2) or more members on the board, members shall be selected from urban or rural areas in the same proportion as the urban-rural population distribution in the county, except that there shall be at least one (1) member each from a rural and from an urban area.
- (4) In a county containing a consolidated local government, the mayor of the consolidated local government, with the approval of the legislative body of the consolidated local government, shall appoint the following seven (7) persons to constitute the board of directors:
 - (a) Three (3) residents, one (1) from each of the three (3) commissioner's districts in the county and no two (2) members shall reside within the same state Senate district;
 - (b) One (1) resident of the county who shall also reside within and represent the urban services district within the consolidated local government;
 - (c) One (1) resident of the county submitted by the organization representing the largest amount of cities within the county which does not have statewide membership;
 - (d) One (1) resident of the county who does not reside within a city or the urban services district in the county; and
 - (e) One (1) resident of the county submitted by the association representing the largest number of waste management entities operating within the

county.

- (5) A member of the board of directors may be removed from office pursuant to KRS 65.007.
- (6) Except for the initial board appointed pursuant to this section, each director shall serve a two (2) year term, and shall serve no more than three (3) consecutive terms. The initial board appointed pursuant to this section shall consist of three (3) directors appointed for one (1) year and four (4) directors appointed for two (2) years.

Effective: March 21, 2017

History: Amended 2017 Ky. Acts ch. 105, sec. 2, effective March 21, 2017. -- Amended 1996 Ky. Acts ch. 136, sec. 3, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 20, sec. 1, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 100, sec. 11, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 74, sec. 5, effective July 15, 1982. -- Created 1978 Ky. Acts ch. 115, sec. 10, effective June 17, 1978.

Legislative Research Commission Note (3/21/2017). 2017 Ky. Acts ch. 105, sec. 6 provided that amendments made to this statute in Section 2 of that Act "shall be applied, on the effective date of this Act (March 21, 2017), to declare vacant the offices of current board members of a solid waste management district in a county containing a consolidated local government who were appointed under subsection (3) of (this statute) prior to its amendment in this Act. The mayor of the consolidated local government shall fill the vacant positions within 90 days of (March 21, 2017) in accordance with subsection (4) of (this statute); otherwise all appointment authority shall shift to the Governor."

Formerly codified as KRS 109.071.