

BYLAWS OF THE BOURBON COUNTY JOINT PLANNING COMMISSION

ADOPTED, <<MONTH DAY, YEAR>>

ARTICLE 1

OBJECTIVES

The objectives and purpose of the Bourbon County Joint Planning Commission are those set forth in Kentucky Revised Statutes Chapter 100 and amendments and supplements thereto and those delegated to it by the Bourbon County Fiscal Court, The Paris City Commission, the Millersburg City Council, and the North Middletown City Council by and in accordance with the above mentioned enabling statute.

ARTICLE II

OFFICERS AND THEIR DUTIES

SECTION 1. The officers of the Planning Commission shall consist of a Chair, and Vice-Chair. The Commission may elect a treasurer (who may be one of the other officers), if, in its opinion, needed. All officers shall be citizen members of the Commission.

SECTION 2. The Chair shall serve as the presiding officer at all meetings and hearings of the Planning Commission and shall perform designated duties as described by proper parliamentary procedure.

SECTION 3. Under parliamentary procedure, the Chair's general duties are; to open and call the meeting to order; to announce business to be conducted; to recognize members entitled to the floor; to maintain order; to make proceedings as efficient as possible; to determine points of order pertinent to pending business; to protect the Commission from unnecessary or frivolous motions by not recognizing them; to inform the group of a point of order or practice pertinent to pending business; to state and put to vote all questions, properly before the Commission in the course of proceedings; to announce the results of all votes; and to authenticate, by signature when necessary, all acts, orders, and proceedings of the Commission. On all votes, the Chair's vote shall be cast last so as to limit the appearance of undue influence by the Chair on the votes of other members. The Chair shall vote on any matter as any other commissioner (except that the Chair may choose to refrain from voting where a vote is not needed to break a tie).

SECTION 4. The Chair shall conduct business only for the benefit of the Commission and shall reflect no personal prejudice in any matter.

SECTION 5. The Vice-Chair shall assist the Chair in any way possible, subject to the Chair's request. In the absence of the Chair, the Vice-Chair shall automatically become the presiding officer of the Commission.

SECTION 6. The Treasurer, if one is elected, shall handle all receipts and expenditures and keep the financial records of the Commission.

SECTION 7. Executive Committee. The Executive Committee, to be designated at the regularly held meeting in April, shall be made up of the Chair, Vice-Chair, and one appointed commissioner from the City of Paris, City of Millersburg, City of North Middletown, and the County.

Appointment to the Executive Committee shall be a term of one (1) year. Its purpose shall be to assist the Commission Administrator in management of official business between regular meetings of the Commission.

Such duties shall include:

May make such decisions, which cannot wait to be put before the entire membership of the Commission, and as are required to maintain administrative decisions of the Commission office, excluding substantive planning and zoning decisions prescribed to the entire Commission. If the Executive Committee cannot reach a decision by simple majority, then the matter shall be heard by the full Commission.

To assist the Commission Administrator with budget preparations and an overall work program for the following fiscal year.

To assist the Commission Administrator in reviewing proposed budget changes, contracts and/or consulting and professional service agreements for approval.

The Executive Committee minutes shall be included in the Planning Commission packet no later than the second regular Commission meeting following the Committee for which the minutes were taken.

Compensation to the members of the Executive Committee, if any, shall be determined according to the Commission's adopted annual budget.

ARTICLE III

NOMINATION OF ELECTION OF OFFICERS

SECTION 1. Nominations of officers shall be made from the citizen members of the regular July meeting of the Planning Commission. Nominations of citizen members shall only be accepted.

SECTION 2. Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways; voice, show of hands, rising, balloting, roll call, or general consent.

SECTION 3. A candidate receiving a majority vote of the entire membership of the Planning Commission shall be elected and shall serve for a term of one (1) year or until a successor shall take office. Officers are eligible for re-election.

SECTION 4. Vacancies in unexpired terms of office shall be filled immediately by regular election procedure.

ARTICLE IV

MEMBERSHIP

SECTION 1. If vacancies in membership are not filled within sixty (60) days by the appropriate appointing authority, then the Commission shall fill in vacancy.

ARTICLE V

MEETINGS

SECTION 1. Regular meetings. Meetings shall be held on the third Thursday of each month at 6:30 p.m. in the City Commission Chambers of the Paris Municipal Center at 525 High Street or at such other public place as decided by the Commission through a majority vote.

SECTION 2. Quorum. A meeting quorum is the number of Commissioners who must be present in order for business to be legally transacted. The quorum refers to the number present, not the number voting. For the purpose of establishing quorum, a member shall not be counted if disqualified under Article IX from participation on a particular question, or agenda item.

SECTION 3. The Planning Commission shall consider a quorum present when a majority (one over half) of the total members of the Commission are in attendance.

SECTION 4. Adjourned meetings: Regular meetings may be recessed to a later specified time and place by a majority vote of those present even though such majority does not constitute a quorum. At such adjourned meeting, any item of business on the agenda may be considered.

SECTION 5. Special meetings may be requested by the Chair or a quorum of the Commission and shall be called by the Chair. The meeting notice may be considered except by unanimous consent of the Commission. The Chair shall notify all members of the Commission by oral or written notice through the postal service or electronic mail not less than seven (7) days in advance of the special meeting. This notice shall contain the date, time, place, and subject of discussion. Pursuant to State law, a notice of a special meeting shall specify the purposes for which that meeting is called. No other business shall be considered.

SECTION 6. All meetings at which official action is taken shall be open to the general public.

ARTICLE VI ORDER OF BUSINESS

SECTION 1. The order of business at regular meetings shall be:

- a. Roll Call
- b. Approval of monthly expenditures
- c. Approval of Minutes from Previous Meeting
- d. Communication and Bills
- e. Reports of Officers and Standing Committees
- f. Reports of Special Committees
- g. Special Orders
- h. Old and Unfinished Business
- i. New Business
- j. Adjournment

ARTICLE VII EMPLOYEES

SECTION 1. Creation of Employee Positions. The Commission may employ staff and/or contract outside services to provide planning assistance with performing the objectives and purposes according to law. Such employment shall be approved by a majority of the Commission membership and shall be consistent with Ordinance Number 2015-7; the City-County Interlocal Cooperative Agreement.

SECTION 2. The Commission may employ an Administrative Assistant and/or Planning Technician whose duties are as follows: to keep records and minutes of each meeting or hearing of the Commission; to keep a roll of the members and to call this roll when required; to notify officers and committees of their appointment and to furnish committees with all materials and documentation referred to them; to record the number of votes for and against each question put to vote; to indicate any absences or disqualifications from voting when a question is put to vote, and other duties which may be assigned.

ARTICLE VIII HEARINGS

SECTION 1. In addition to those required by law, the Commission may hold public hearings at its discretion when such hearings are in the public interest.

SECTION 2. Notice of such hearings shall be given to the Commission and public according to law. For information on the Commission's notice requirements, reference should be made to the notice provisions of KRS Chapters 424 and 100 and to local ordinance.

SECTION 3. The matter before the Commission shall be presented by the Chair, a designated member of the Commission or the Commission staff. Parties in interest, proponents and opponents, shall be afforded reasonable opportunity to address the Commission so long as they comply with the procedures described below:

1. The staff of the Planning Commission will present its reports concerning zoning issues, the Comprehensive Plan, and the development and/or subdivision plans. (30 minutes).
2. The applicant shall present their case, including an opening statement and the testimony of any witnesses (30 minutes).
3. Any proponents of the proposed amendment not a part of the applicant's presentation may testify or present evidence (10 minutes). When the number of speakers warrants, the Chair will typically allow each speaker a maximum of three (3) minutes.
4. Any objectors may present their case, including an opening statement and the testimony of any witnesses (30 minutes). When the number of speakers warrants, the Chair will typically allow each speaker a maximum of three (3) minutes.
5. The applicant may present rebuttal testimony and a closing statement (5 minutes).
6. The objectors may present a closing statement (5 minutes).
7. The Planning Commission staff may present rebuttal testimony and a closing statement (5 minutes).

All interested parties who expect to present evidence, provide comments, or cross-examine witnesses shall provide advance notice to include names of witnesses and brief summary of the testimony anticipated. Those interested parties should notify the Commission Administrator prior to the hearing or sign the list in the back of the courtroom immediately prior to call to order.

SECTION 4. Those matters brought before the Commission shall be submitted to compliance with Appendix A.

SECTION 5. A record shall be kept of those speaking before the Commission. A stenographic record will be made upon the request of any interested party, at such party's expense, if reasonably adequate notice is given to the Administrator in accordance with Appendix B.

SECTION 6. The Planning Commission may appoint one or more of its members to act as a hearing examiner or examiners in accordance with KRS 100.

ARTICLE IX
CONFLICT OF INTEREST

SECTION 1. Disqualification. A Commission member having a direct, or indirect financial interest in the outcome of any question before the Commission shall not participate in the discussion on the matter. That member shall not be counted for purposes of determining the existence of a quorum necessary to hear and act on that matter.

SECTION 2. Definition. Direct or indirect financial interest shall include financial interest of members of the Commissioner's family in direct line (grandparents, children, siblings, etc.) and siblings of parents. Examples of Commission actions that constitute direct or indirect financial interest include but are not limited to:

- a. A development proposal for a property in which a Commissioner has financial interest.
- b. A policy decision which will substantially affect the development potential of a property in which a Commissioner has financial interest.
- c. A development proposal or policy which will result in known financial benefit (e.g., through contract or employment) from related activities.
- d. A development proposal that would provide a direct financial competition with a development in which the Commissioner has financial interest.
- e. A development proposal that would substantially impact the value of a nearby property in which the Commissioner has a financial interest.

These examples provide guidelines for conflict of interest determination.

SECTION 3. Procedure. A Commissioner with a potential conflict of interest shall disclose the nature of that interest to the Chair at such time as he, or she becomes aware of it. The Chair shall state for the record the disqualifications of the member at the beginning of the discussion, or hearing on the matter in which the potential conflict arose.

Any person during the course of a Commission meeting can raise the issue of a Commissioner's conflict of interest. At the time the conflict of interest is asserted, the Chair shall suspend the discussion, or hearing until the question of conflict is resolved. If the Commissioner acknowledges a conflict, he or she shall be disqualified under Section 1. Upon the Commissioner's disqualification, the meeting shall continue if a quorum is present. If there is no quorum, the discussion or hearing shall be continued until such time as quorum is present.

If the Commissioner denies the existence of a conflict, the Chair may rule on the question and upon ruling, take appropriate action under these bylaws. In the event there is insufficient information upon which the Chair may rule, he or she shall conduct an evidentiary hearing before the Commission. At the close of the evidence the Commission shall vote either "Yes, there is a conflict" or "No, there is no conflict" under these bylaws. Upon completion of the vote the Chair shall take appropriate action. After resolution of the assertion of conflict of interest, the discussion or hearing shall be resumed.

SECTION 4. Non-financial Conflict of Interest. A Commissioner shall also be disqualified, or shall abstain, under the same rules as in Sections 1 and 3, for cause defined as the apparent inability to render an impartial decision. In no event shall a Commissioner speak for, or against a matter before the Commission as a representative of any organization other than the Planning Commission.

SECTION 5. Occurrence of Conflict of Interest After Commission Action. This section applies when the issue of conflict of interest is raised by any person after the Commission has taken final action on a matter. The Chair shall determine whether the assertion of conflict of interest, if true, would have, more likely than not, affected the outcome of the Commission's prior action. If it appears that the conflict, if true, would not have affected the outcome, the Chair shall report the assertion of conflict and his, or her determination to the Commission. The Commission on motion and second with majority vote may override the Chair's finding and set the matter for evidentiary hearing.

If it appears that the conflict, if true, would have affected the outcome, the Chair shall report the assertion of conflict to the Commission and schedule a hearing before the Commission on the question of whether the conflict of interest existed at the time of the prior action and whether it affected the prior Commission action. If the Commission, after evidentiary hearing, finds that the conflict did affect the prior Commission action the record of that determination shall be forwarded to the appropriate legislative body for inclusion in the record of the prior action of the Commission.

SECTION 6. Guidance from the American Planning Association (APA). The Chair and the Commission shall seek guidance from the [APA's "Ethical Principles in Planning,"](#) adopted in May 1992, in determining the existence of conflicts of interest. See Appendix C below.

ARTICLE X

ADMINISTRATION OF FUNDS

SECTION 1. The Commission shall have the right to administer funds as set out according to State law and within the Accounting Policies and Procedures.

ARTICLE XI

AMENDMENTS

SECTION 1. These By-Laws may be amended by a vote of a simply majority of the total membership of the Commission.

Adopted by the Bourbon County Joint Planning Commission

CHAIR *Print Name*

CHAIR *Signature*

Date

**APPENDIX A
PROCEDURES FOR SUBMISSION OF APPLICATIONS TO THE JOINT PLANNING
COMMISSION**

At the <<MONTH DAY, YEAR>> meeting of the Bourbon County Joint Planning Commission, the following procedure was adopted for the submission of all applications to be presented before the Commission.

Submission of Applications, Plats and Fees	The third Monday of the month. No later than 12:00 noon	Bourbon County Joint Planning Office Office 127 Paris Municipal Center 525 High Street
Technical Review Committee Meeting	The Monday following the Filing Deadline. 1:30 p.m.	City Commission Chambers Paris Municipal Center, 525 High Street
Planning Commission Monthly Workshop	Third Monday of the Month 4:30 p.m.	City Commission Chambers Paris Municipal Center, 525 High Street
Regular Meeting of the BCJPC	Third Thursday of the Month 6:30 p.m.	City Commission Chambers Paris Municipal Center, 525 High Street
Executive Committee Meeting	As Needed	City Commission Chambers Paris Municipal Center, 525 High Street

Any applicant that fails to meet the Application Corrections Deadline shall not be placed on the agenda for the Bourbon County Joint Planning Commission Meeting, will have to wait until next month's meeting.

**BOURBON COUNTY JOINT PLANNING COMMISSION
ADMINISTRATIVE PROCEDURES**

**APPENDIX B
COPIES**

Requests for copies of all documents and public records of the Commission shall be made in writing to the Administrative Official.

The request shall specify the name of the document or record to be obtained, the name, the names of the applicants and the approximate date of the application, if the request is for copies of an application filed with the Commission.

Copies will be made available within five business days after the receipt of the written request therefore; provided, that copies of plats, drawings, and other documents which cannot be copied with equipment located and available within seven working days after the receipt of the written request therefore.

A fee of 25 cents per page shall be paid for copies of all minutes, applications and similar documents.

A fee of 25 cents per copy shall be paid for copies of plats which are small enough to be copied on in house equipment.

The fee for all other plats will be the cost of reproduction plus \$10.00 transportation and handling fee.

Copies of the complete Zoning Ordinance are \$45.00. Individual pages will be supplied for 25 cents per page.

Copies of the Subdivision Regulations, Landscape Regulations, and each individual zoning ordinance are \$10.00 per copy.

The cost of all documents shall be paid in advance with a written request.

REQUEST FOR COPIES

Applicant's Name: _____

Applicant's Organization: _____

Address: _____

Phone Number: _____

Item's to be copied: _____

Number of copies: _____

Cost per copy: _____

Total cost: _____

- Name and number of person to contact when copies are completed:

- Please allow five (5) business days after receipt of written request, seven (7) business days if documents cannot be reproduced within the Courthouse.

Applicants Signature: _____ Date: _____

.....
Date Request Received: _____

Receipt Number: _____

Official Signature: _____

Date Copy Received: _____

Date Delivered to Applicant: _____

Applicant's Signature: _____

APPENDIX C

The below principles are recommended by the American Planning Association (APA), 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601, for all participants in the planning process, including decision makers, and is found at the APA website:

<http://www.planning.org/ethics/ethicalprinciples.htm>

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning process participants should:

Exercise fair, honest and independent judgment in their roles as decision makers and advisors;

Make public disclosure of all “personal interests” they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.

Define “personal interest” broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;

Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant’s objectivity as an advisor or decision maker in the planning process;

Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;

Serve as advocates only when the client’s objectives are legal and consistent with the public interest.

Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;

Not use confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;

Not misrepresent facts or distort information for the purpose of achieving a desired outcome;

Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;

Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.