

**BY-LAWS OF THE
CAMPBELL COUNTY AND MUNICIPAL BOARD OF ADJUSTMENT**

Revised November 18, 2014

ARTICLE 1 – Authority and Purpose

The role, or authority, of the Campbell County and Municipal Board of Adjustment (hereinafter "BOA") is to serve as the reviewing body for requested relief from applicable zoning regulations, to hear and decide applications for variances, for appeals for decisions of the codes administrator for unincorporated Campbell County and the areas within each members jurisdiction and to perform the duties and responsibilities placed upon the joint Board of Adjustment by the applicable Kentucky Revised Statutes (KRS), Chapter 100 et seq and the applicable Campbell County Zoning Ordinance and Subdivision Regulations as well as those of each participating municipality.

ARTICLE 2 – Jurisdiction

As specified in the original agreement that created the BOA, and any subsequent supplemental agreement(s), the BOA serves only its Municipal members and unincorporated areas within Campbell County.

ARTICLE 3 – Appointment and Terms of Members

Members of the BOA are appointed in conformity with the provisions of KRS 100.217 and any duly adopted agreement(s), which established the BOA. The BOA consists of seven (7) members appointed by the Mayors of the Municipal members and the Judge Executive of the Campbell County Fiscal Court. One appointment shall be made by the Mayor of each Municipal member with the remaining balance being made by the Judge Executive for a total of seven (7) members. All members shall be citizen members and not more than two (2) of whom may be citizen members of the Campbell County and Municipal Planning and Zoning Commission.

The term of office for each member is four (4) years. The terms of office shall be staggered and continue in that staggered pattern.

Vacancies on the BOA during an unexpired term shall be filled within sixty (60) calendar days by the appropriate appointing authority. If the authority fails to act within that time period, the Campbell County and Municipal Planning and Zoning Commission (P&Z) shall fill the vacancy. When a vacancy occurs other than through the expiration of a term of office, it shall be filled for the remainder of that term. All members of the BOA shall, before entering upon their duties, qualify by taking the oath of office as set forth in Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, county judge/executive, or justice of the peace within the district or county in which he or she resides.

Removal of a BOA member during an unexpired term may be made by the resignation of the member or removal by the appointing authority due to inefficiency, malfeasance, conflict of interest, poor attendance, or improper, unlawful or unethical behavior or action.

ARTICLE 4 – Officers and their Duties

The BOA shall, at its first regular meeting of each calendar year, elect from its membership a Chair, Vice-Chair, Temporary Presiding Officer and any other officers the BOA deems necessary. Any officer shall be eligible for re-elections at the expiration of his or her term. The specific duties of each officer are listed below.

Chair. The Chair shall be the presiding officer of all business meetings and public hearings of the BOA. The Chair assures proper order through parliamentary procedure at each meeting or public hearing. The Chair shall serve as chair of the Hearing Recommendation Committee and shall execute documents on behalf of the BOA at its direction or the request of its duly authorized representative. The Chair shall set the meeting and public hearing agenda and, where applicable, represents the BOA before any member legislative unit. The Chair shall act as an "ex-officio" member of any BOA committee. The Chair is also responsible for making all committee appointments and calling all meetings and public hearings to order.

Vice-Chair. The Vice-Chair shall assist the Chair upon request and shall automatically assume the duties of the Chair in his or her absence, including calling any meeting or public hearing to order.

Temporary Presiding Officer. The Temporary Presiding Officer shall assume the duties of the Chair in the absence of the Chair and Vice-Chair. He or she may

also preside over business meetings or public hearings in the presence of the Chair and at the request of the Chair.

ARTICLE 5 – Nomination and Election of Officers

The nomination of officers of the BOA shall be made at its first regular meeting of each calendar year. If there is no business to be conducted at that meeting, the BOA may meet for the sole purpose of electing officers. An ad hoc committee may be appointed by the Chair in a preceding meeting for the purpose of nominating individuals to each officer position. Election of officers may take place immediately upon nomination and voting may take place by written, or voice ballot at the option of the Chair. A nominated member receiving a majority vote shall be declared elected for that particular office and shall serve a term of one (1) year or until his or her successor is nominated and elected. Officer vacancies may be filled by calling a special meeting following the above nomination and election procedures.

ARTICLE 6 – Appointment of Professional Staff and Consultants

The BOA may delegate some of its duties to its professional staff. These individuals shall be considered as BOA's "duly authorized representatives".

Legal Counsel. The BOA will be represented by an attorney or firm of attorneys selected by the Campbell County Fiscal Court who is qualified to practice law within the Commonwealth of Kentucky. The attorney shall not be a member of the BOA nor hold an elective or appointive office in a jurisdiction that appoints members to the Board. Said attorney should attend regular meetings and other meetings at the request of the Chair. The attorney shall provide legal review, advice and any other services as needed or requested by the Chair, Vice-Chair, Temporary Presiding Officer or staff. Said attorney shall receive as compensation an agreed upon hourly rate or yearly retainer as agreed upon between the attorney and the Fiscal Court.

ARTICLE 7 – Meetings and Hearings

The BOA shall hold its regularly scheduled meeting on the third Tuesday of each succeeding month at 7:00 P.M., or by call of the Chair, in the Campbell County Courthouse located in Alexandria, Kentucky. Other specially scheduled business meetings may be called by the Chair in accordance with notice requirements included in the KRS 100. Scheduled business meetings may also be canceled by the Chair due to an emergency, lack of business to conduct or decide, or lack of quorum.

Public hearings shall be held during the course of the business meetings, unless a hearing is known to be of such a magnitude that holding it during the course of a business meeting would disrupt the orderly progression of that meeting. In that event, the Chair may request that the public hearing be continued or moved to another scheduled date provided it meets regulatory and statutory guidelines regarding the timing and notice of such a meeting. Scheduled public hearings may be canceled by the Chair due to an emergency or due to the lack of an individual request before the BOA.

Under no circumstances may the BOA entertain a request by any citizen for an advisory opinion.

Public hearing testimony by the applicant shall be limited to a total of thirty (30) minutes; for the opposition shall be limited to a total of thirty (30) minutes; and for those in favor or neutral to the application shall be limited to a total of fifteen (15) minutes unless additional time is granted by the Chair for good cause. This time limit is exclusive of cross examination. At the discretion of the Chair, only those persons that have registered to speak prior to the start of the hearing may do so.

In order to preserve time, prevent actions designed to disrupt the progress of the hearing and ensure the orderly flow of the hearing, if more than one person is present in support or in opposition to the party with the floor, it is encouraged that one person should represent the group.

ARTICLE 8 – Minutes and Records

The BOA and its committees shall keep minutes and complete records of proceedings pursuant to KRS 100.167 as amended. At a minimum, the minutes shall include findings, determinations, the names of members making and seconding motion, the number of votes for and against each motion, and if any member is absent or disqualified from voting, indicating the reason. Minutes of proceedings and/or committees shall be provided to the entire BOA prior to the next meeting.

Minutes approved by the BOA at its official business meeting shall serve as the official record of the BOA. Minutes need not be read aloud at the business meeting for approval unless a member of BOA requests a reading for approval and adoption.

ARTICLE 9 – Parliamentary Procedure

Formal action on requests before the BOA shall only occur at business meetings. The form and character of motions by members of the BOA shall conform to those stated in **Robert's Rules of Order, revised edition** and motions shall be accompanied by the reasons or basis for the action, including any applicable findings of fact and a summary of the evidence supporting the position. Business may only be conducted once a determination of a quorum has been made. A majority of the BOA members shall constitute a quorum. A majority of the quorum present at the business meeting or public hearing shall be required to pass a motion; except a vote of a majority the entire BOA membership shall be required for the adoption or amendment of the by-laws.

Votes on motions shall be by roll call vote on all applications before the Board. A verbal vote may be taken for administrative procedures. Abstentions from voting are counted with the majority in the determination of a motion. A member not wanting his or her vote to be counted shall state the reason(s) therefore into the record prior to the discussion, deliberation and vote and should leave the room. Members shall only abstain from voting due to a conflict of interest or any other matter that affects their ability to be unbiased. Passing a vote by a member shall be reflected in the minutes and reflect the majority vote. In the event of a tie vote, the motion proposed shall be defeated.

ARTICLE 10 – Applications, Agendas and Decisions of the BOA

Items to be included on the agenda of regular meetings shall be submitted to staff at least twenty-eight (28) calendar days prior to a regular meeting.

Only those applications determined by staff to be complete according to requirements included in the applicable Zoning Ordinance or Subdivision Regulations shall be included on the BOA's agenda. The determination of completeness shall not be based on the perceived merits of the proposal but on whether submission requirements have been met. Applications found to be incomplete shall be held by staff for up to sixty (60) days until the required information is submitted and then included on the Board's earliest agenda that affords twenty-eight (28) calendar days for review. Incomplete applications left with staff for over sixty (60) days shall be considered null and void.

Copies of the proposed agenda shall be provided to each member no later than six (6) business days preceding the next regular or special meeting. A copy of the

minutes from the previous meeting, as well as copies of any applicable staff reports, should also be attached to the agenda.

The decision of the BOA shall be based upon the evidence and information presented at the public meeting or hearing from whatever source derived, and shall include, but not be limited to, recommendations by BOA staff or their duly authorized representatives.

ARTICLE 11 – Requirements for the Submission of Requests, Applications and Fees

The requirements for the submission of applications and, requests are set forth in the Campbell County Zoning Ordinance, the Campbell County Subdivision Regulations as well as those of the individual municipalities they serve. Applicable fees are set forth in the *Campbell County Zoning Ordinance*. All applications or requests before the BOA shall be complete or they will not be placed on the agenda and no BOA action will be taken. Staff shall determine if the necessary information has been submitted; in no case shall this review exceed five (5) business days.

ARTICLE 12 – Instruments and Documents of BOA Business Meetings and Public Hearings

The BOA shall provide adequate facilities such as a tape recorder and ample microphones to record the proceedings the hearings and meetings. BOA may provide a court reporter or stenographer for public hearings. Transcripts of any proceedings made therefrom shall be at the expense of the party requesting them at the prevailing rate charged by court reporters in the area.

The official instruments of the BOA are the record of notice, the agenda, the minutes of each business meeting and public hearing and each project or application/request file. Such instruments are public record and are open to the public for inspection or duplication pursuant to the applicable statutory requirements and responsibilities. The BOA shall keep accurate and proper minutes and records of the proceedings, including findings and determinations. The minutes shall, among other things, indicate by name, the member making a motion, second to a motion, a member disqualifying himself or abstaining from a motion and how each member voted. All of this shall be immediately, after adoption, filed in the office of the BOA.

ARTICLE 13 – Committees of the BOA

The BOA, as recommended by the Chair, may establish standing committees and committee member assignments by a simple motion passed by a majority of a quorum. The Chair may also appoint a special committee that he or she may deem proper without formal action by the BOA. These appointments shall be made known to all members of BOA. Such appointments of special committees shall be recorded in the minutes of the BOA.

Committee meetings shall be held in accordance with the adopted schedule by the BOA. Such meetings shall be open to the public and public notification shall be made in advance of said meeting as to the date, time and place of said meeting. This notice shall be in compliance with all notification requirements set forth in KRS 100, et seq.

In the event of a conflict of interest regarding one or more committee members on a particular matter, he or she shall announce said conflict and remove themselves from participation and the Chair shall appoint an interim committee member to serve on that single matter.

ARTICLE 14 – Conduct and Attendance of BOA Members

Members of the BOA shall be prepared and be on time for each regularly scheduled business meeting, Committee Meeting and Public Hearing. Members who have a direct or indirect financial interest in the outcome of an application pending before the BOA shall disclose the conflict at the beginning of discussion shall not participate in the ensuing discussion on behalf of the Board and shall abstain and/or recuse themselves from the vote on the matter. For the purposes of this Article, it should be noted that “indirect financial interest” as used in KRS 100.171(1) and these Bylaws is not defined. However, members should not equate indirect financial interest with speculative interest. A direct interest affects the member’s immediate personal or financial interest. An indirect interest affects that status through an intervening party, such as a close family member.

During business meetings and public hearings, the BOA shall give the public fair and reasonable opportunity to speak, subject to any applicable time limitations. Public comments shall be addressed during public hearings and business meeting to the Chair or other presiding officer. When a public comment is irrelevant, inflammatory or prejudicial, the Chair may instruct the BOA to disregard the comment.

Any BOA member absent from three (3) consecutive business meetings or public hearings or five (5) business meetings during the course of a calendar year, without

being excused by the Chair, may be removed for cause, or neglect of duty in accordance with Article 3 of these bylaws.

ARTICLE 15 – Orientation and Continuing Education

Each member and staff shall comply with the training and education requirements established by House Bill 55 (HB55). Each member and staff shall be responsible for obtaining written documentation of any continuing education course for which credit is claimed. That documentation shall be filed with the secretary of the BOA.

ARTICLE 16 – Duties of the Chair Regarding Public Conduct Before the BOA

During all meetings, the public has a duty and obligation to remain in civil order. Any conduct that interferes with the equitable rights of others to provide comment or which interferes with the orderly progression of business of the BOA, the individual or individuals will be ruled "out of order" by the Chair and the Chair shall direct the offenders to remain silent. Once this occurs and the disruptive behavior continues, the Chair shall instruct the offender(s) to leave the room. If the person(s) fail(s) to comply, the Chair, or his designee, shall then contact the Campbell County Police Department or other legal authorities to remove the individual(s) from the room where the meeting is being held for the benefit of the public.

ARTICLE 17 – Separability/Severability

Should any article of these bylaws be found to be unlawful by any Court, for any reason whatsoever, the remaining articles shall remain in full force and effect as each and all of them are severable from one another.

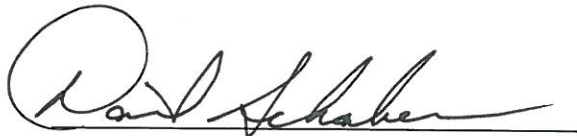
ARTICLE 18 – Reimbursement or Compensation

Reimbursement for expenses or compensation, or both may be authorized for members of the BOA. Reimbursement for expenses may be authorized for public officials and employees of participating cities and counties who are staff of the BOA, but such members shall receive no compensation.

ARTICLE 19 – Adoption and Amendment of By-Laws

Per KRS 100.221, these BOA by-laws shall be binding upon review by the members thereto and legal counsel and upon adoption by a majority vote of the general membership of the BOA. These by-laws may be amended by a majority vote of the general membership of the BOA. Proposed amendments to the duly adopted by-laws shall be presented to the BOA members for consideration at least seven (7) days before the BOA takes action on them. The date of the meeting where the action is proposed shall count as one of the seven (7) days. Adoption or amendment of these by-laws takes effect immediately following a successful vote.

THESE BY-LAWS WERE ADOPTED AND APPROVED BY THE CAMPBELL COUNTY AND MUNICIPAL BOARD OF ADJUSTMENT AND MADE EFFECTIVE THIS 18th DAY OF November, 2014.



DAVID SCHABER
CHAIR

ATTEST:



CYNTHIA MINTER
DIRECTOR