

**KENTUCKY RIVER AREA DEVELOPMENT DISTRICT**

**CONSTITUTION, BYLAWS AND POLICY**

**OF**

**THE KRADD WATER MANAGMENT COUNCIL**

**ARTICLE I**

**NAME**

- Section I. The name of this organization shall be the KRADD Water Management Council, hereinafter referred to as the Council.
- Section II. The organization is an independent, nonprofit, non-partisan group having as its primary concern the development of the Water Management Plans, as well as maintenance and update of the plans, planning, development and administration of water management areas located within the Kentucky River Area Development District pursuant to Senate Bill 409 and applicable sections of Kentucky Revised Statute 151 and 224A.

**ARTICLE II**

**GEOGRAPHIC AREA**

- Section I. The geographic area to be served by the Council shall be the counties of Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry, and Wolfe in Kentucky.

**ARTICLE III**

**PURPOSE**

- Section I. The purpose of the Council shall be to work in conjunction with city officials, county officials, public water suppliers, Kentucky Infrastructure Authority and the Kentucky Division of Water to update the long-range County Water Supply Plans and devise and update the Water Management Plans pursuant to Senate Bill 409 and applicable sections Kentucky Revised Statute Chapter 151 and 224A.
- Section II. The Council will review and vote on endorsement of amendments and additions to the Water Management Plan. The amendments include changes in the planning council membership, county base map, water line extension map, existing water line map, new projects, and system capacity.

- Section III. The Council will review and vote on endorsement of amendments and additions to the Wastewater Development Plan. The amendments include changes in the planning council membership, county base map, wastewater line extension map, existing wastewater line map, new projects, and system capacity.
- Section IV. The Council will direct the required five- (5) year update of the County Water Supply Plan for each county pursuant to Kentucky Revised Statute Chapter 151, as well as the development and amendment(s) to the Water Management Plans pursuant to Senate Bill 409 in accordance with Kentucky Revised Statute 224(A).
- Section V. The Council shall assume the role and function of the planning units established to implement the water supply planning process set out in KRS 151.114 and administrative regulations of the Natural Resources and Environmental Protection Cabinet.
- Section VI. The KRADD, in conjunction with the council, shall develop a water management plan consistent with the county long-range water supply plan, KRS Chapter 151 and administrative regulations of the Natural Resources and Environmental Protection Cabinet. The plan shall:
- a. Include water needs forecast for the county for dates five (5), ten (10), fifteen (15), and twenty (20) years after the year 2000;
  - b. Include a strategy for delivering potable water as needed into the underserved and unserved areas of each county; and
  - c. Include encouragement of merger and consolidation of water systems, where feasible.
  - d. Include a 2020 water management area so as to encompass all the land area within the KRADD jurisdiction.
- Section VII. The Council shall review and prioritize the county and/or multi-county plans for underserved and unserved areas within the 2020 water management area(s) established within the district on an annual basis.

## **ARTICLE IV**

### **BOARD MEMBERSHIP**

- Section I. The Council shall be composed of individual members who reside within the geographic area served by the Council. The membership shall be representative of the following group: local government, municipal water districts and independent water districts. The Council shall consist of the following:
- a. Each county judge/executive, or his or her authorized representative; written authorization is required to be on file at the Kentucky River Area

Development District for all representatives stating they are authorized to represent and to have their vote counted on behalf of the entity.

- b. One (1) representative selected by each entity that owns a community public water system, as defined in 401 KAR 8:010 sec. 1(71)(a).
- c. One (1) representative selected by a local health department in the county or One (1) representative from a regional department; and
- d. One (1) representative selected by each first, second, third or fourth class city that is not a water supplier or distributor, unless that city chooses to be represented by another member of the planning council. Written authorization is required to be on file at the Kentucky River Area Development District for all representatives stating they are authorized to represent and to have their vote counted on behalf of the entity, unless the representative is the Mayor of said city.
- e. One (1) representative selected by each entity that owns a community public sanitation district or environmental authority created for the treatment of public wastewater under KRS statute.

Section II. Each member of the Council shall be entitled to one vote on all actions of the Council. Voting may occur by means of meeting attendance or through electronic or paper ballots when necessary. If voting is to be done outside of the regular/special meetings, each designated board member will have a period of 14 days from the mailing date, to respond. If a response has not been received within 14 days, then it will be considered a vote for the item in consideration.

## **ARTICLE V**

### **OFFICERS**

Section I. The officers of the Council shall be a Chairman and Vice-Chairman. There shall also be two alternatives; listed as Alternate 1 and Alternate 2.

Section II. A county judge/executive or a county judge/executive's designated representative shall serve as the chair of the Council. The Vice-Chairman and Alternate's may be any member of the Council.

Section III. The Council shall elect the officers of the Council bi-annually. The term of each officer shall be defined as two (2) years. Officers shall be elected at the time of adoption of these bylaws and take office. The election of new officers shall take place every two years thereafter at the first scheduled meeting of the calendar year.

## **ARTICLE VI**

## DUTIES OF OFFICERS

Section I. The Chairman of the Council shall:

- a. Preside at all regular and special meetings of the Council;
- b. See that all orders and resolutions of the Council are carried out, and provide general supervision to all officers;
- c. Execute all conveyance, contracts and agreements authorized by the Council;
- d. Appoint committees as may be directed by the Council;
- e. Represent the Council at various public meetings, closed committees, hearings, cooperating agency meetings, etc., at which Council affairs may be discussed and considered; and
- f. Carry on a variety of public relations activities, such as speaking before citizens groups, holding news conferences, radio and television interviews, etc., where Council proposals, programs and accomplishments may be discussed.

Section II. The Vice-Chairman or one of the Alternates shall perform the duties of the Chairman in the absence of the Chairman.

## ARTICLE VII

### MEETINGS

Section I. The regular meeting of the Council shall be held at the time and date in the principal office of the Council as selected by the Council members.

Section II. Robert's Rules of Order shall govern all questions of parliamentary proceedings of the meeting of the Council.

Section III. The Council shall solicit public input for planning decisions by publishing a public notice in the newspaper of greatest circulation in the area, or via the KRADD website and/or Facebook media site.

Section IV. The Council shall meet on a minimum of once per quarter. The Council will be notified at least 10 days in advance of each meeting by memorandum.

Section V. The Council shall abide by the Kentucky Open Records Law.

Section VI. Majority vote of the Council shall be distinguished as by those members/representatives who are attending any regular or special meeting of the Council with no specific number necessary for a quorum.

Section VII. At any time, both regular and special meetings may be held virtually via video or other KRADD-approved virtual meeting service where all members can be seen and heard. The necessity of holding a virtual meeting will be decided on by the WMC chairman and care should be taken to ensure all members and public participants have access to these meetings.

## **ARTICLE VIII**

### **INDEMNIFICATION**

Section I. The KRADD Board of Directors shall have the power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the Council to procure a judgment in its favor) by reason of the fact that he is or was an agent of the Council, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by him in connection with such proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the Council and, in the case of a criminal proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the Council or, with respect to a criminal proceeding, had reasonable cause to believe that his conduct was unlawful.

## **ARTICLE IX**

### **AMENDMENTS**

Section I. These Bylaws may be amended by a majority vote of the Council attending any regular or special meeting of the Council, provided that the proposed Amendment be distributed to the Council with notice of the meeting at least ten (10) days prior to said meeting.

## **ARTICLE X**

Section I. All matters pertaining to the Council not specified or delegated herein shall be subject to the action of a majority of the Council.