

148.0222 Kentucky Mountain Regional Recreation Authority -- Creation -- Status -- Powers -- Purpose -- Governance -- Operation -- Membership -- Employees.

- (1) The Kentucky Mountain Regional Recreation Authority is hereby created and established as an independent, de jure municipal corporation and political subdivision of the Commonwealth and shall exercise all of the powers that a corporation may lawfully exercise under the laws of the Commonwealth. The authority shall be a public body corporate and politic and an instrumentality of the Commonwealth, established with all the general corporate powers incidental thereto. The authority shall be attached to the Kentucky Department for Local Government for administrative purposes only. The authority shall be authorized for an initial period of five (5) years from June 29, 2017, and may be renewed by the General Assembly. The authority may adopt bylaws and administrative regulations, subject to KRS Chapter 13A, for the orderly conduct of its affairs.
- (2) The purpose of the authority is to establish, maintain, and promote a recreational trail system throughout the KMRA to increase economic development, tourism, and outdoor recreation for residents and visitors. The recreational trail system shall be located with significant portions of the system situated on private property made available for use through lease, license, easement, or other appropriate legal form by willing landowners.
- (3) The authority shall be governed by a board of directors consisting of representatives from participating counties and the Commonwealth as provided in this section.
- (4) The authority and board shall become operational when sixteen (16) target counties complete the requirements established by subsection (5)(a)1. of this section. When at least sixteen (16) target counties become participating counties, the commissioner of the Department for Local government shall notify the county judge/executive of each of the participating counties, as well as the board members described in subsection (6) of this section, that the requirements have been met for the authority and board to become operational. The commissioner shall also establish a date, time, and place for an initial organizational meeting of the board, and shall serve as interim chair of the initial organizational meeting until such time as a chair is elected. The chair shall be a resident of a participating county.
- (5) To become a participating county, a county shall meet one (1) of the following:
 - (a) Any target county may become a participating county upon adoption of a resolution or ordinance by the governing body of the county specifically approving the county's participation in the KMRRA and submission of the adopted resolution or ordinance to:
 1. The commissioner of the Department for Local Government if the resolution or ordinance is adopted prior to the KMRRA becoming operational pursuant to subsection (4) of this section; or
 2. The KMRRA if the resolution or ordinance is adopted after KMRRA becomes operational; or
 - (b) Any county that is not a target county and is contiguous to a target county

may become a participating county through an application process developed by the KMRRA. The application shall be approved or rejected by a majority of the board's voting members.

- (6) The KMRRA board shall consist of the following members:
- (a) The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;
 - (b) The commissioner of the Department for Local Government or his or her designee;
 - (c) The executive director of the authority, who shall serve as a nonvoting member;
 - (d) One (1) representative from each participating county, who shall be either:
 - 1. The county judge/executive; or
 - 2. The county judge/executive's designee, who shall be an individual involved with economic development, tourism, recreation, or a related area within the county;
 - (e) One (1) landowner or his or her designee, who shall be selected by participating landowners;
 - (f) One (1) state Representative, who shall serve as a nonvoting member, appointed to an annual term by the Speaker of the Kentucky House of Representatives; and
 - (g) One (1) state Senator, who shall serve as a nonvoting member, appointed to an annual term by the President of the Kentucky Senate.
- (7) (a) The board membership of each county judge/executive or his or her designee shall:
- 1. Begin with the county judge/executive's term of office; and
 - 2. End with the county judge/executive's term of office.
- If a county judge/executive ceases to serve as the county judge/executive prior to the end of his or her term, he or she shall be removed from the board, and his or her replacement as county judge/executive shall serve on the board for the remainder of the term.
- (b) The term of the landowner member shall be four (4) years, and he or she may be reappointed for one (1) successive term.
- (8) (a) The twelve (12) voting members of the board shall be:
- 1. Nine (9) of the county representatives or their designees described in subsection (6)(d) of this section who have been accorded voting status under paragraphs (b) to (e) of this subsection;
 - 2. One (1) landowner or his or her designee described in subsection (6)(e) of this section;
 - 3. The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee; and
 - 4. The commissioner of the Department for Local Government or his or her designee.
- (b) The nine (9) initial county representatives shall be the county

judges/executive of Breathitt, Martin, Perry, Knott, Leslie, Letcher, Pike, Magoffin, and Floyd Counties or their designees in that order. The first three (3) representatives listed shall serve a three (3) year term as voting members, the next three (3) representatives shall serve a two (2) year term as voting members, and the remaining three (3) representatives shall serve a one (1) year term as voting members.

- (c) After each term ends, the voting county representative shall be replaced by one (1) of the county judges/executive or his or her designee from one (1) of the target counties whose representative has not yet served as a voting member.
 - (d) After the third year of operation, each new voting member shall serve a term of three (3) years, then step down and let a representative from a county whose representative has not served as a voting member take his or her place.
 - (e) Once representatives from all participating counties within KMRA have each served one (1) term, the rotation shall begin again. The rotation order may vary as long as no participating county has a representative serve as a voting member more than four (4) years more than any other county in a four (4) year period.
- (9) (a) The board shall meet at least once every quarter to elect officers, establish a regular meeting schedule, and perform other duties as may be prescribed in the authority's bylaws. The board chair may call special meetings at any time.
- (b) Notice of each meeting shall be made in writing and delivered to board members at least seven (7) days before the scheduled meeting date. Electronic mail is an acceptable form of notice of special meetings, so long as it is sent to directors at least seven (7) days before the scheduled meeting date.
- (c) The presence of a majority of the total voting members of the KMRA board shall constitute a quorum. Vacant board positions shall be counted against the quorum total necessary for board action.
- (10) The KMRA board:
- (a) Shall elect a chair, vice chair, secretary, treasurer, and any other officers as established in the bylaws of the board;
 - (b) May appoint temporary and standing committees to accomplish the purposes of KRS 148.0221 to 148.0225 and shall clearly describe the role, responsibilities, and tenure of each committee so created;
 - (c) Shall adopt bylaws for the management and regulation of its affairs and all other matters necessary to effect proper management and accountability of the board. The bylaws shall include, at a minimum, the following:
 - 1. The powers and duties of the board's members and the manner and number of officers to be elected from among the board members;
 - 2. The terms, conditions, and manner in which a board member will be removed; and
 - 3. The terms and conditions under which a board member will be paid

to attend meetings, if at all, and the extent to which members will be reimbursed for travel and other expenses and any requirements for approval of expense reports, if applicable;

- (d) Shall review and approve an annual budget;
 - (e) Shall annually procure an audit of the authority's financial systems, conducted in accordance with generally accepted auditing standards. The Auditor of Public Accounts shall perform the audit. A copy of the audit shall be sent to the Legislative Research Commission within ten (10) days of receipt by the board;
 - (f) Shall ensure that all administrative costs for operating the authority are paid from funds accruing to the authority. The authority, its board, and its staff shall incur no liability or obligation beyond the extent to which revenues have been provided under KRS 148.0221 to 148.0225;
 - (g) May seek administrative and management assistance through written agreement with state agencies, local area development districts, or local governing bodies until such time as the board has secured sufficient funding through grants, loans, fee systems, or any other funding source to hire staff;
 - (h) Shall employ an executive director to act as its chief executive officer to serve at its will and pleasure; and
 - (i) Shall establish personnel, retirement, and benefit systems through professional programs approved by the board.
- (11) The executive director:
- (a) May, with permission of the board, employ any other personnel considered necessary, retain temporary services, and retain consultants;
 - (b) Shall carry out plans to implement KRS 148.0221 to 148.0225 and to exercise those powers enumerated in the bylaws of the board;
 - (c) Shall, along with any staff with responsibilities so delegated by the executive director, ensure that all minutes, records, and orders of the authority and its board are complete and available for public inspection, if necessary; and
 - (d) Shall prepare narrative and financial reports of the authority's fiscal obligations and submit these reports to the board at regularly scheduled meetings or as otherwise directed.
- (12) The executive director, all full-time or part-time personnel, all seasonal employees, and all contractual employees, if any, shall be paid from funds accruing to the authority and authorized in a budget approved by the board.

Effective: June 29, 2017

History: Created 2017 Ky. Acts ch. 164, sec. 4, effective June 29, 2017.