

COMMONWEALTH OF KENTUCKY HAZARD MITIGATION COUNCIL (KYMC) BY-LAWS

Appendix 2-1

Standard Portion: Planning Process

Commonwealth of Kentucky Enhanced Hazard Mitigation Plan: 2013 Version

Kentucky Emergency Management (KYEM)

University of Kentucky, Martin School of Public Policy and Administration

Hazard Mitigation Grants Program (UK-HMGP)

Commonwealth of Kentucky
Hazard Mitigation Council
By-Laws

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ARTICLE I: NAME

Section One – Official Name The official name of the organization shall be the Commonwealth of Kentucky Hazard Mitigation Council. The working title shall be the Kentucky Hazard Mitigation Council and its official abbreviation shall be KYMC.

ARTICLE II: PURPOSES

Section One – Official Purposes The official purposes of the Kentucky Hazard Mitigation Council are:

1. Identify and evaluate state and local hazards and vulnerabilities,
2. Identify hazard mitigation strategies,
3. Coordinate hazard mitigation resources,
4. Implement hazard mitigation projects and programs,
5. Plan and develop the Commonwealth Hazard Mitigation Plan,
6. Assist Area Development Districts in developing regional Hazard Mitigation Plans,
7. Provide technical assistance to the State Hazard Mitigation Officer (SHMO) and local officials to reduce the hazard vulnerability of people, property, and infrastructure,
8. When a Joint Field Office is established following a Presidential Disaster Declaration, survey selected damages and develop, in conjunction with the Federal Hazard Mitigation Council, an Interagency Hazard Mitigation Report,
9. Review, rank, and recommend Mitigation Actions for application to the Hazard Mitigation Program,
10. Participate in regular and special business meetings,
11. Receive hazard mitigation training,
12. Assist the State Hazard Mitigation Office on interim and final project inspections.

ARTICLE III: MEMBERSHIP

Section One – Criteria Any Program Manager in state, local, or federal government responsible for a hazard mitigation program shall be eligible for Council membership, to include: the staff of State Hazard Mitigation Officer and other KYEM officials associated with mitigation efforts. A mitigation program manager may request to become a Council member; the State Hazard Mitigation Officer may request a manager's participation or individual Council members may suggest to the State Hazard Mitigation Officer that a particular Hazard Mitigation Program Manager be appointed. The State Hazard Mitigation Officer shall provide an official letter certifying the Program Manager's selection to the Kentucky Hazard Mitigation Council. The State Hazard Mitigation Officer shall make the final determination of Council membership.

Additionally, certain members may represent entities which have a vested interest in mitigation measures.

As follows, permanent membership on the Council will include:

Agencies with Voting Members:

- Kentucky Department for Local Governments (2 members)
- Kentucky Transportation Cabinet
- Kentucky Council of Area Development Districts
- Kentucky Emergency Management (6 members – to include the Division Director, Assistant Director of Administration, State Hazard Mitigation Officer, Recovery Branch Manager, a Regional Response Manager, and the Intergovernmental Liaison)
- Kentucky Office of Homeland Security
- Kentucky Division of Water (2 members)
- Louisville/Jefferson County Metro Emergency Management
- Lexington/Fayette Urban County Government Emergency Management
- National Weather Service – Louisville Office
- U.S. Army Corps of Engineers

Agencies with Advisory Members:

- University of Louisville – Center for Hazards Research and Policy Development
- University of Kentucky – Kentucky Hazard Mitigation Support Office
- Federal Emergency Management Agency
- Kentucky Emergency Management

Section Two – Total Membership Total Kentucky Hazard Mitigation Council voting members shall not exceed 25 members, including the State Hazard Mitigation Officer. However, the State Hazard Mitigation Officer retains the right to expand the number of voting members at anytime.

Section Three – Special Appointees If, in the opinion of the State Hazard Mitigation Officer or Council members, business of the Council requires special expertise, the State Hazard Mitigation Officer may appoint a Council member to provide said expertise. The appointment shall cease when the need for the expertise is no longer required. Special appointees may participate in regular and special meetings of the Council to provide facts and opinions, but the temporary appointment shall not include the right to vote on official Council actions.

Section Four – Member Resignation A Council member may resign any time by submitting a written resignation to the State Hazard Mitigation Officer.

Section Five – Member Removal If a Council member is unable to fulfill the responsibilities outlined in ARTICLE II of the By-Laws, the member may be removed by a majority vote of members at a regular meeting. If the motion to remove to member is to be made at a special Council meeting, it must be on the State Hazard Mitigation Officer's official meeting agenda. If a Council member is unable to fulfill the responsibilities outlined in ARTICLE II of the By-Laws, the State Hazard Mitigation Officer may request in writing that the Council member resign or serve as a special appointee.

Section Six – Vacancies Any vacancy occurring on the Council, for whatever reason, shall be filled promptly by one of the methods specified in Section One of this Article.

Section Seven – Terms Term limits for the Kentucky Hazard Mitigation Council shall be indefinite, as long as the member is able to fulfill the responsibilities outlined in ARTICLE II of the By-Laws. There are no limits to the number of times a member can be reinstated.

ARTICLE IV: COUNCIL OFFICERS

Section One – State Hazard Mitigation Officer The State Hazard Mitigation Officer shall serve as the coordinator of the Kentucky Hazard Mitigation Council. The State Hazard Mitigation Officer shall serve as the Chair of the Council and perform the duties described in the parliamentary authority, By-Laws, Special Rules of Order, and Standing Rules.

Section Two – Vice Chair The State Hazard Mitigation Officer shall appoint, during a regular or special meeting, a member to serve as Vice Chair of the Kentucky Hazard Mitigation Council. In the absence of the State Hazard Mitigation Officer, the Vice Chair shall resume all responsibilities of the State Hazard Mitigation Officer, preside over all regular and special meetings, and perform the duties described in the parliamentary authority, By-Laws, Special Rules of Order, and Standing Rules.

Section Three – Secretary The State Hazard Mitigation Officer will appoint, during a regular or special meeting, a member to serve as Secretary. The Secretary's only responsibility shall be to take and maintain the minutes of regular and special meetings. Upon transcription, the minutes will be posted to the Kentucky Emergency Management website.

ARTICLE V: MEETINGS

Section One – Open Meetings All regular and special meetings of the Kentucky Hazard Mitigation Council shall be subject to the Kentucky Open Meetings Law as contained in KRS 61.800 to 61.850.

Section Two – Call of Regular Meetings A regular meeting of the Kentucky Hazard Mitigation Council shall be called by the State Hazard Mitigation Officer following a Presidential Disaster Declaration in which Hazard Mitigation Grant funding is available to review, rank, and recommend Mitigation Action Forms for application to the Federal Emergency Management Agency and for any other purpose under ARTICLE II that may be required. Notice shall be made no later than seven (7) days prior to the meeting date by memorandum from the State Hazard Mitigation Officer to each individual Council member.

Section Three – Call of Special Meetings Special meetings of the Kentucky Hazard Mitigation Council can be called by the State Hazard Mitigation Officer or upon the request of at least five (5) members to the State Hazard Mitigation Officer. All special meetings shall have an Agenda and only that business on the Agenda can be considered by the Council. Notice of special meetings shall be made no less than three (3) working days prior to the meeting date by memorandum from the State Hazard Mitigation Officer to each individual Council member.

Section Four – Notices All notices shall state the time, date, location, and reason of the meeting.

Section Five – Quorum A single majority in person of Council members entitled to vote shall be necessary to constitute a quorum for the transaction of all business meetings.

Section Six – Voting A Council member entitled to vote at any meeting can vote in person and not proxy. Each Council member shall be entitled to one (1) vote on each matter voted on at any meeting.

Section Seven – Action without a Regular Meeting Action required or allowed to be taken by a regular or special meeting may be taken without a meeting and prior notice, if such action is taken by all Council members entitled to vote on the action. This shall not be conducted to violate the Open Meetings Statute as specified in Section One of this Article. Action taken under this section shall be evident by written consent describing the action taken, signed by the council member, and delivered to the State Hazard Mitigation Officer for inclusion in the council's permanent records.

Action taken under this section shall be effective when consents representing the votes necessary to take action under this section are delivered to the State Hazard Mitigation Officer upon or no later than the date specified in the Notice of Action.

Any council member giving a consent under this section may revoke the consent by writing to the State Hazard Mitigation Officer prior to or upon the time specified in the Notice of Action, but may not do so thereafter. A consent signed under this section shall have the effect of a meeting vote and may be described as such in any document.

ARTICLE VI: PROJECT CRITERIA

Section One – Criteria for Project Recommendation To ensure that funds appropriated to the Commonwealth of Kentucky for Hazard Mitigation Projects are most efficiently and effectively distributed in a manner so as to produce the greatest opportunity for loss reduction for the Commonwealth (EMS 2010, 4.4.5), the following criteria and principles for selection of Hazard Mitigation Projects by the Kentucky Hazard Mitigation Council shall be in effect.

These criteria will act as the guiding principles for the Kentucky Hazard Mitigation Council in the recommendation of potential State- and Federally-funded mitigation projects. Priority will typically be given to projects that meet the majority of these criteria. These criteria are subject to change at the discretion of the State Hazard Mitigation Officer and by majority vote of the Kentucky Hazard Mitigation Council.

1. Projects located in the declared counties of the disaster declaration for which funds have been allocated by FEMA, and more specifically the most-affected areas, will be given preference.
2. Projects which benefit the greatest number of citizens within the community will be given preference.
3. Projects that protect life and safety will be given preference over projects that solely protect structures.
4. Projects that mitigate the current hazards occurring in the funding disaster will be given preference.
5. Projects that fall into strategy categories which have been deemed a priority by the Commonwealth's Hazard Mitigation Plan, Director of KYEM, FEMA, or the KYMC will be given preference.
6. Projects that mitigate disasters most efficiently and effectively will be given preference.

ARTICLE VII: COMMITTEES

Section One – Organization The Kentucky Hazard Mitigation Council can by majority vote, or by majority vote upon the recommendation of the State Hazard Mitigation Officer, organize committees with procedures.

Section Two – Stated in Standing Rules The purpose and procedures of committees shall be in the form of Standing Rules of the By-Laws. There is no requirement that the By-Laws be amended for the organization of committees.

ARTICLE VIII: PARLIAMENTARY AUTHORITY

Section One – Governing Rules The rules contained in the Modern Edition of Robert’s Rules of Order shall govern all meetings of the Kentucky Hazard Mitigation Council in all situations where the rules are not inconsistent with the By-Laws and any Special Rules of Order the Council may adopt.

Section Two – Suspensions of By-Laws These By-Laws cannot be suspended based upon their internal, permanent provisions.

Section Three – Special Rules Special Rules of Order of the By-Laws establish Special Rules of Order for the Kentucky Hazard Mitigation Council and must be adopted by two-thirds vote of the members present with previous notice or by vote of the majority of the members present without previous notice. If the Special Rules of Order of the By-Laws are to apply only to a single meeting, they require no notice and require a two-thirds vote for adoption and must be so indicated.

Section Four – Standing Rules Standing Rules of the By-Laws are adopted main motions of an indefinitely continuing nature than By-Laws or Special Rules of Order. The Standing Rules are attached to the By-Laws and serve as operating procedures for the Kentucky Hazard Mitigation Council meetings.

ARTICLE IX: APPROVAL OF BY-LAWS

Section One – Initial Approval The By-Laws shall be initially approved at a regular or special meeting of the Kentucky Hazard Mitigation Council by a majority vote.

ARTICLE X: AMENDMENT OF BY-LAWS

Section One – Procedures for Amendment The By-Laws may be amended at any regular or special meeting of the Kentucky Hazard Mitigation Council by two-thirds vote of those present, provided that previous notice of the amendment was given to all Council members by the State Hazard Mitigation Officer as specified in Sections Two and Three of ARTICLE V.

Section Two – Amendment Proposals Any member of the Kentucky Hazard Mitigation Council may propose an amendment or amendments to the By-Laws by giving a copy of the proposed amendment to the State Hazard Mitigation Officer in sufficient time to provide notice as stated in ARTICLE V of the By-Laws. All proposed amendments shall be placed on the agenda for consideration.