

99.350 Creation of agency -- Agency may be dissolved by vote of legislative body -- Appointment and tenure of members -- Structure and organization.

- (1) If the council of any community by resolution finds and declares:
 - (a) That there exist in the community slum areas or blighted areas;
 - (b) That there is need in the community for the exercise of powers, functions and duties conferred by KRS 99.330 to 99.510; and
 - (c) That the exercise of such powers, functions and duties by an agency created and established pursuant to this section would be more efficient and more in the public interest than the exercise of such powers, functions and duties by the community or the housing commission of the community pursuant to KRS 99.490, an agency, to be known as the urban renewal and community development agency of the city or county, as the case may be, shall thereupon exist for such community with the powers, duties and functions provided for in KRS 99.330 to 99.510.
- (2) An urban renewal and community development agency created pursuant to subsection (1) of this section may be dissolved at any time by the council which created it by a three-fifths (3/5) vote of the legislative body.
- (3) Upon adoption of a resolution creating an agency, the mayor shall be promptly notified and he shall appoint, with the approval of a majority of the council, five (5) resident electors of the community as members of the agency.
- (4) Three (3) of the members who are first appointed shall be designated to serve for terms of one (1), two (2) and three (3) years respectively, and the remaining two (2) of such members shall be designated to serve for terms of four (4) years each, from the date of their appointment. Any appointments heretofore made for a term of five (5) years are hereby confirmed and declared to be appointments for a term of four (4) years from the date of such appointment. Thereafter, members shall be appointed as aforesaid for a term of office of four (4) years, except that all vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and qualified.
- (5) The agency shall elect a chairman from among its members. The term of office as chairman of the agency, unless otherwise prescribed by the council, shall be for the calendar year, or for that portion thereof remaining after each such chairman is designated or elected.
- (6) The powers of each agency shall be vested in the members thereof then in office. Members of an agency or their staff shall receive their actual and necessary expenses, including traveling expenses, provided, however, that such other compensation, if prescribed, shall be paid exclusively from community funds.
- (7) For inefficiency, neglect of duty or misconduct in office, a member of an agency may be removed by the council, but the member may be removed only after he shall have been given a copy of the charges at least ten (10) days prior to a public hearing thereon and has had an opportunity to be heard in person or by counsel.
- (8) No officer or employee of the community or of the agency, who in the course of his duties is required to participate in the formulation of plans or policies for the

redevelopment of a development area, or to approve such plans or policies, shall acquire any interest in any property included within a development area within the community. If any such officer or employee owns or has financial interest, direct or indirect, in any property included within such a development area, he shall immediately disclose, in writing, such interest to the agency and to the council and such disclosure shall be entered in the minutes of the agency and of the council. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any member or officer of an agency for any property or interest therein acquired by the agency from such member or officer unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless such payment is unanimously approved by the council.

- (9) When an agency is created for any community, the council may at that time, and from time to time thereafter, appropriate such amounts of money to the agency as it deems necessary for the administrative purposes of the agency. The administrative purposes of the agency may include staff and consultants for research, studies and surveys, designation of development areas, preparation of development plans, estimates of the cost of acquisition, clearance and conditioning of land for redevelopment, estimates of the fair use value of the land and any other administrative expenses considered necessary by the council.
- (10) Each such agency shall file with the council a detailed report of all its transactions, including a statement of all revenues and expenditures, at such intervals as the council may prescribe.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 333, sec. 1, effective July 15, 1988. -- Amended 1962 Ky. Acts ch. 42, sec. 1. -- Amended 1958 Ky. Acts ch. 159, sec. 1. -- Created 1950 Ky. Acts ch. 119, sec. 4.

Legislative Research Commission Note. A technical correction has been made in this section by the Reviser of Statutes pursuant to KRS 7.136.