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**AN ORDINANCE CREATING A NON-TAXING SOLID WASTE
DISTRICT PURSUANT TO KRS 109.041 (13) (o) AND KRS 67.08 (3) (o)
ESTABLISHING
THE NUMBER, TERM AND APPOINTMENT OF ITS DIRECTORS;
GRANT OF POWER TO THE DISTRICT**

**Be it ordained by the Fiscal Courts of Breathitt, Knott, Lee, Leslie, Letcher, Owsley,
Perry and Wolfe Counties that:**

I.

There is hereby created a Solid Waste District pursuant to KRS 109.041 (13) and KRS 67.083 (3) (o) which shall include the total area within the borders of Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry and Wolfe Counties, Kentucky, and shall be called "Kentucky River Solid Waste Management District".

II.

Kentucky River Solid Waste Management District shall be a continuing public entity and shall exist until such time as same is dissolved by duly enacted Ordinances by the Fiscal Courts of Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry and Wolfe Counties. To dissolve said district requires ordinances of dissolution from the fiscal courts of at least five (5) of the eight (8) participating counties.

III.

Kentucky River Solid Waste Management District shall be managed and operated by a board of directors, initially consisting of the County Judge/Executive and the Mayor of the most populous city in each participating county. Each director shall serve a four (4) year term.

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After a facility has been located within the district, directors may be appointed to represent the elected officials. Initially the Mayors representative will serve a term of three (3) years, and the County Judge/Executives representative will serve a full term of four (4) years, whereby one-half of the directors are appointed to a full term at one said time. Appointments can be made only by the county judge/executive or the mayor and must be confirmed by the fiscal court or the city council of the appointing member. Should a duly appointed director die, resign or refuse to act (fails to attend any two successive regular meetings of the Board) an appointment shall only be for the unexpired term. The Board shall elect a chairman, secretary and treasurer and shall operate under a budget and uniform accounting system as required by law, including the filing and Publishing of annual statements.

IV.

A quorum shall consist of ten (10) of the sixteen (16) directors. A majority of the total board nine (9) must vote "aye" for a motion to carry when a quorum is present. *(Voting requirements may be amended by a vote of sixteen (16) directors.*

V.

Kentucky River Solid Waste Management District shall have the following powers set forth in KRS 109.041;

1. May plan, initiate, acquire, construct, maintain, own and hold permits for solid waste management facilities, provided that construction of any proposed solid waste management facility shall be subject to the approval of the fiscal court of the county within which said proposed solid waste management facility is to be constructed.
2. Pursue funding necessary to build a regional solid waste management facility.
3. Enter into contracts or leases with private parties for the design, construction, or operation of a publicly-owned solid waste management facility.

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- 4. Adopt administrative regulations with respect thereto in accordance with this chapter
- 5. Condemn land as necessary for the construction of solid waste management facilities pursuant to the Eminent Domain Act of Kentucky and to exercise the police power in respect thereto is confirmed.
- 6. Contract with neighboring counties/cities to expand the regional solid waste management area.

VI.

The Fiscal Courts of Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry and Wolfe Counties shall administer their solid waste management plans, which shall continue in full force and effect, until such time as the Kentucky River Solid Waste Management District secures a regional solid waste facility and a solid waste management plan has been accepted and approved by the Natural Resources and Environmental Protection Cabinet of the Commonwealth of Kentucky.

VII.

Definitions as used here shall be the same as those set forth in KRS 109.012 except section (13) thereof shall mean "Solid Waste Management District" meaning any counties electing to form under the Provisions of KRS 109.041 (13) and KRS 67.083 (3) (o) and operating in Conformance with this ordinance and with Section 400 of the Resource Conservation and Recovery Act of 1976 as amended (P.L. 94-580).

First Reading: 20th day of July 1999.

Second Reading: _____ day of _____ 1999.

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Approved by the Perry County Fiscal Court, of the
Commonwealth of Kentucky this day, the 20th day of July, 1999

(signed) Denny Ray Noleh
Presiding Officer

Approved as to form and classification this 17th day of August, 1999.

(signed) Henry Combs
Attorney

This ordinance # _____, was duly adopted by the Perry Co. Fiscal Court
_____, of the Commonwealth of Kentucky, this day, the 17th day of
August, 1999.

(signed) Denny Ray Noleh
Presiding Officer