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PUBLIC SERVICE
COMMISSION

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September 28, 2009

Hon. Allyson Honaker
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40602-0615

RE: Case Nos. 2009-00034
and 2009-00067

Dear Ms. Honaker:

In response to a letter I received today from the Public Service Commission Executive Director, Jeff Derouen, I am enclosing a copy of an Agreement between the Planning Commission, County of Henderson and the City of Corydon. The Agreement relates to the establishment of the Commission.

In regard to Ordinances, Regulations and Comprehensive Plans, you may access those by going to the Commission's website, www.hendersonplanning.org/, and clicking on forms and regulations. You will find the County Zoning Ordinance, Subdivision Regulations and the Comprehensive Plan. It is my understanding that accessing this information via the website is acceptable with your office.

Should you need anything else, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven R. Gold".

Steven R. Gold
Henderson County Attorney

kd
Enclosure

AMENDED AND RESTATED
AGREEMENT ESTABLISHING THE HENDERSON COUNTY JOINT
PLANNING UNIT AND PLANNING COMMISSION AND BOARDS
OF ADJUSTMENT FOR HENDERSON CITY, HENDERSON COUNTY
AND CORYDON CITY

THIS AGREEMENT made and entered into this 31st day of May, 2002, by and between the Cities of Corydon and Henderson and the County of Henderson, Kentucky, hereinafter referred to respectively as Cities and County.

WITNESSETH;

THAT WHEREAS, the Cities and the County have established a "joint planning unit" within the purview of Chapter 100 of the Kentucky Revised Statutes, as amended, under terms and conditions mutually acceptable.

NOW THEREFORE, IN CONSIDERATION of the premises, and in conformity with the requirements of said Statutes, and to update their current Agreement of December 23, 1987, the Cities and County agree and stipulate as follows:

SECTION I - PURPOSES AND OBJECTIVES

1. Purposes and Objectives - The cities and the county hereby declare that in the execution of this agreement and in the fulfillment of their respective obligations hereunder, they are acting with the following purposes and objectives, which shall not be considered exclusive, and which are stated merely for the purpose of demonstrating to some extent the intent of the parties;

- A. To secure the maximum economical, physical and social welfare for the Cities and County and their citizens through the thoughtful and planned use and development of land, buildings, thoroughfares and public utilities.
- B. To encourage the establishment of a planning program, the provision of facilities and personnel, therefore, the study of needs of the affected areas in the field of planning and implementation and enforcement of all regulations lawfully established and promulgated pursuant to the provisions of said Chapter 100 of the Kentucky Revised Statutes.
- C. To encourage cooperation between Cities and County and the citizens and officials thereof.
- D. The Cities and the County and the appropriate officials thereof shall lend their best efforts in the attainment and fulfillment of said purpose and objectives.

SECTION II - JOINT PLANNING UNIT

1. Joint Planning Unit Created - The Cities of Corydon and Henderson and the County of Henderson, do hereby form a joint planning unit by combining their planning operations into a joint planning unit by combining their planning operations into a joint City-County Planning program.

2. Area of Jurisdiction - the area of jurisdiction of the joint City County planning operation shall include all of the City of Corydon, the City of Henderson, and the County of Henderson.

SECTION III - JOINT PLANNING COMMISSION

1. Joint Planning Commission Created - A joint planning Commission is hereby created which shall be known as the Henderson City-County Planning Commission. Upon the appointment and subsequent approval of members, election of officers, and adoption of its by-laws, its continued existence shall be subject to the provisions of KRS, Chapter 100. The Commission may engage in planning operations within its jurisdiction which shall include all of the City of Corydon, the City of Henderson, and the County of Henderson, except where otherwise provided for by KRS, Chapter 100. This Commission shall have the powers, duties, and responsibilities set forth in KRS, Chapter 100.

2. Joint Planning Commission Membership. The Commission shall consist of a total of 12 members with all of the members being citizen members.

A. Citizen members may be any citizen who is not an elected official, appointed official or public employee of the Cities or County.

B. The Mayor of Henderson, Mayor of Corydon, and the County Judge shall appoint the citizen members of the Commission with the approval of their respective legislative bodies. The citizen members appointed by the Mayors of Henderson and Corydon shall be residents within the corporate limits of their respective cities and the citizen members appointed by the County Judge shall be residents of any portion of the County including incorporated cities within the County.

C. Citizen members shall be appointed according to the following:

- Henderson County- 5 Members
- City of Henderson- 6 Members
- City of Corydon- 1 Member

D. The term of office of members shall be four years ending on June 1 of the designated year. The terms of those first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively, with later appointments or reappointments continuing the staggered pattern. All vacancies whether by resignation, dismissal or expiration of the term of office shall be filled within sixty days by the appropriate appointing authority or as otherwise provided for in KRS Chapter 100.

The oath of office shall be administered to all members of the commission before entering upon their duties. The oath shall be administered as provided by law. Any member may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. The removed members shall have the right of appeal in the manner prescribed by KRS Chapter 100.

The terms of those first appointed shall be staggered as follows:

One Henderson City member term ending June 1, 1982
 One Henderson County member term ending June 1, 1982

One Henderson County member term ending June 1, 1983
 One Henderson County member term ending June 1, 1983
 One Henderson City member term ending June 1, 1983
 One Henderson City member term ending June 1, 1983

One Henderson County member term ending June 1, 1984
 One Henderson City member term ending June 1, 1984
 One Henderson City member term ending June 1, 1984

One Henderson County member term ending June 1, 1985
 One Henderson City member term ending June 1, 1985

E. The Commission shall elect a Chairman, and any other officers which it deems necessary from its citizen members. The term of office shall be one year to commence with 1982 eligibility for re-election. The Commission may employ a staff as it may deem necessary for its work and may contract with professional planners and other parties for such services as it may require.

F. The Commission shall conduct each year at least six regular meetings for the transaction of its business. The by-laws adopted by the commission shall reflect the schedule of regular meetings; the manner in which notice shall be given; date; time; place; and the subject or subjects to be discussed. All citizen members except the Chairman shall be entitled to vote and 7 members

of the total membership including the Chairman or acting Chairman shall constitute a quorum. After a quorum has been established, a simple majority of that quorum can transact any official business except in those instances where there is to be an adoption or amendment of the Commission's by-laws or elements of the comprehensive plan or regulations, then a vote of the simple majority of the total membership shall be necessary. In any case of a tie vote or deadlock, the Chairman shall then have the power to vote and shall cast his vote and break such tie or deadlock. The Commission shall adopt and approve its by-laws before it may properly transact any business. The by-laws shall set forth the procedures, rules and regulations necessary for the Commission to conduct its business.

G. The Commission shall have general powers necessary to carry out its functions in accordance with this agreement and KRS, Chapter 100. The Commission may be assigned any powers, duties and functions related to urban renewal or public housing by the legislative bodies of the participating cities or county. The Commission shall have the power to receive, hold, administer and disburse funds which it may lawfully receive from any and every source. Expenditures of such funds shall be accordance with the formal action of the Commission or pursuant to regulations lawfully established by the Commission. Officials, appointed officials and employees of the Cities and County may be authorized and/or directed by the Mayors and County Judge to attend meetings of the Commission, and otherwise to assist the Commission in advisory capacities, when deemed necessary by the members of the Commission, for the preparation of plans, and for the aids to help implement the plans and shall be as described in Chapter 100 of the Kentucky Revised Statutes and as may be amended in the future.

H. Costs Incurred - All costs incurred by the Commission, not met by the Federal and/or state monies, shall be paid by the participating Cities and the County as follows:

City of Corydon	\$1,000 per year
City of Henderson	50% of balance
County of Henderson	50% of balance

SECTION IV - BOARDS OF ADJUSTMENT

1. **Boards of Adjustment Created** - A Board of Adjustment is hereby created for each of the following political subdivisions; The City of Henderson, the City of Corydon, and the County of Henderson, Kentucky. Each board shall be known as the Board of Adjustment for the respective political subdivision that it serves. (i.e.) the Board of Adjustment for the City of Corydon, the Board of Adjustment for the City of Henderson, and the Board of Adjustment for the County of Henderson. Each board shall have the powers, duties and responsibilities as set forth in KRS Chapter 100. Each board shall function only when the respective units shall have zoning regulations and/or ordinances adopted.

- A. The jurisdiction of the Boards of Adjustment shall be as follows:
- a. Board of adjustment for the City of Corydon. Jurisdiction shall be within the legal corporate limits of the City of Corydon, as exists or may be amended in the future.
 - b. Board of Adjustment of the City of Henderson. Jurisdiction shall be within the legal corporate limits of the City of Henderson, as exists or may be amended in the future.
 - c. Board of Adjustment of the County of Henderson. Jurisdiction shall be within the legal territorial boundaries of the County excluding the area within the legal corporate limits of the City of Corydon, and the City of Henderson, as exists or may be amended in the future and all other incorporated cities.
- B. The membership, appointment, and term of office of the Boards of Adjustment is as follows:
- a. The Board of Adjustment for the City of Corydon. The Board shall consist of 3 citizen members who are residents of the City of Corydon. The Mayor of Corydon shall appoint the members of the Board with approval of the City of Corydon legislative body. The term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively, with later appointments or reappointments continuing the staggered pattern.
 - b. The Board of Adjustment for the City of Henderson. The Board shall consist of 5 citizen members, 1 of which shall be a citizen member of the Planning Commission and resident of the City of Henderson. The Mayor of Henderson shall appoint the members of the Board with the approval of the City of Henderson legislative body. The term of

office of members first appointed shall be staggered so that a proportionate number serve one, two, three and four years respectively, with later appointments or reappointments continuing the staggered pattern.

- c. The Board of Adjustment for the County of Henderson. The Board shall consist of 5 citizen members, 2 of which shall be citizen members of the Planning Commission and residents of the County of Henderson, including the cities of Corydon and Henderson. The County Judge of Henderson County shall appoint the members of the Board with the approval of the County of Henderson Fiscal Court. The term of office of all Board members first appointed shall be staggered so that a proportionate number serve one, two, three and four years respectively, with later appointments or reappointments continuing the staggered pattern.
- C. Reimbursement for expenses lawfully incurred by a member of the Boards of Adjustment in the performance of his/her duties may be authorized by formal action of the respective Board. No members of the Board shall receive any compensation.
- D. The Boards of Adjustment shall have the power to receive, hold, administer and disburse funds which it may lawfully receive from any and every source. Prior to the beginning of each Board's fiscal year, the respective Board may adopt a budget which shall be presented to the legislative body of the political subdivision in which it has jurisdiction; for the purpose of receiving funds for the cost of its operation.

Expenditures of such appropriations and funds shall be in accordance with formal action of the Board pursuant to the regulations lawfully established by the Board. All other details of the Boards' operation which are necessary for the establishment and administration of the Boards shall be as described in KRS, Chapter 100 and as may be amended in the future.

SECTION V - EFFECTIVE DATE AND PERIOD

1. Effective Date and Period - This agreement shall be in full force and effect when executed by the parties to the agreement and then filed in the office of the County Court Clerk of Henderson County. This agreement shall be in existence for as long as at least two of the original signatures are operating under the combination despite the fact that other signatures have withdrawn from the unit.

SECTION VI - SEPARABILITY CLAUSE

1. Separability Clause - Should any section or provision of this agreement be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the agreement as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION VII - AMENDMENT AND EXECUTION

1. Amendment - This agreement may be amended from time to time by mutual agreement of all signatures participating in the unit, with such amended agreement filed in the Office of the County Clerk of Henderson County.

2. Execution - IN WITNESS WHEREOF, the undersigned parties each acting by and through their duly authorized officials, having caused the agreement to be executed as of this _____ day of _____, 2002.

Signed by Ted Self Mayor, City of Corydon
Ted Self

Joan Hoffman Mayor, City of Henderson
Joan Hoffman

Sandy Lee Watkins County Judge Executive, Henderson County
Sandy Lee Watkins

Adopted by Corydon City Council on May 21, 2002

Adopted by the Henderson City Commission on April 23, 2002

Adopted by the Henderson Fiscal Court on April 9, 2002