

KENTUCKY RECREATIONAL TRAILS AUTHORITY

BY-LAWS

ARTICLE I

THE KENTUCKY RECREATIONAL TRAILS AUTHORITY FORMATION AND AUTHORIZATION

The Kentucky Recreational Trails Authority was formed by Executive Order 2005-1358 and enacted as legislation on July 12, 2006 as Kentucky Revised Statutes (KRS) 148.795 and amended to add more members June 15, 2008. The Kentucky Recreational Trails Authority shall thereafter be referred to as “KRTA”.

It is established and attached to the Office of the Secretary, Tourism, Arts and Heritage Cabinet (TAHC) for the purpose of planning and implementing programs to expand tourism opportunities for off-road activities that are pertinent to non-motorized and motorized vehicle use, including but not limited to pedestrians, bicycles, mountain bicycles, horses, all-terrain vehicles (ATVs), and off-highway vehicles (OHVs), on designated lands in Kentucky.

ARTICLE II

MISSION, PURPOSE AND OBJECTIVES

Mission: To enhance Kentucky’s economy by expanding tourism opportunities for motorized and non-motorized off-road trail activities, including hiking, cycling, horseback riding, and off-highway vehicle riding.

Purpose: To promote economic and citizen health in Kentucky communities by serving to expand outdoor recreational trail opportunities by compiling inventories of trails, expanding trails, forming partnerships with landowners and trail related organizations, and acting as a liaison to local governments for trail and infrastructure development.

Objectives: To provide leadership for trail organizations by:

1. Providing *trail information* for each area of trail interest for a complete list of trail opportunities for adventure tourism.
2. Sharing *event information*- both educational and recreational activities that can be used promotion of trail-related tourism.
3. Serving as a *liaison* between local and state interest.
4. Facilitating *Land Use Agreements* with landowners, agencies, and local / state governments to expand the quality and quantity of trails in Kentucky as outlined in KRS 148.795.
5. Meeting with local officials, groups, or landowners to educate them about the *Land Use Agreements*.
6. Coordinating with TAHC, Office of Adventure Tourism to facilitate the *Land Use Agreement*.
7. Reduce *trail liability* for landowners and trail support organizations via legislation, permitting, waivers, and education of user groups with safety training and Leave No Trace philosophy.
8. Meeting with local officials, groups, or landowners to educate them about *trail liability and KRS 411.190*.
9. Promoting trail and education:
 - a. Promote trail safety using handouts or promotional items with trail information, length, difficulty, facilities, emergency numbers to contact, suggested latest time of day to start, and other pertinent information.
 - b. Highlight the value of individual user group interface / responsibility with natural resources, environmental and compatibility issues.
10. Work to expand and connect trails from county-to-county and eventually across state utilizing / incorporating natural and historic elements along the way. Trails should follow *Trail Construction Design* elements.
11. Holding land interests as outlined in KRS 148.795, Section 8.
12. Coordinating meetings with local, state, and / or federal officials and user interest groups.
13. Assisting groups in seeking funding sources for trail development and maintenance.
14. Utilizing the general use permit funding source as outlined in KRS 148.795 to expand user trails and cost associated with that expansion.
15. Seeking grants and other funding in partnership with trail groups and other entities to achieve maintenance and trail building.

ARTICLE III

MEMBERSHIP, TERM OF APPOINTMENT, REMOVAL FROM THE KENTUCKY RECREATIONAL TRAILS AUTHORITY and REIMBURSEMENT of EXPENSES

Per KRS 148.795 Section 2 (b), (c) and (d) KRTA membership is appointed by the Governor to serve a four (4) year term and shall include the following members:

1. Two representatives of the Kentucky Motorcycle Association;
2. One member of the League of Kentucky Sportsmen;
3. One member of the Kentucky Council of Area Development Districts;
4. Two members selected from All Terrain Vehicle (ATV) associations, with consideration given to geographic diversity;
5. Two members representing Kentucky Farm Bureau, with consideration to the eastern and western parts of the state; and
6. Two members representing the coal industry, with consideration to the eastern and western parts of the state.

Seven members from the following groups:

1. One member shall be chosen from a Kentucky bicycling organization that is affiliated with the League of American Bicyclists, the United States Cycling Federation, or the International Mountain Bicycling Association.
2. One member shall be from a Kentucky equine organization that has trail riding as its primary focus.
3. One member shall be chosen from a state or national hiking or backpacking organization.
4. Two members shall be chosen from five (5) persons nominated in writing by the Kentucky Horse Council.
5. One member shall be chosen by the Governor from the public at large. and
6. One member shall be selected from among the county judges / executive of the Commonwealth.

Additionally, the following shall serve as members by virtue of their official positions:

1. The Secretary of the Transportation Cabinet, or the Secretary's designee;
2. The Secretary of the Tourism, Arts and Heritage Cabinet, or the Secretary's designee;
3. The Commissioner of the Department of Fish and Wildlife Resources, or the Commissioner's designee;
4. The Secretary of the Justice and Public Safety Cabinet, or the Secretary's designee;
5. The Secretary of the Environmental and Public Protection Cabinet, or the Secretary's designee; and
6. The Commissioner of the Department of Agriculture, or the Commissioner's designee

KRS 148.795 Section 2 (e) The Governor shall appoint members in a vacancy or end of term of the public in such a manner as to ensure representation of motorized and non-motorized use of trails.

Any vacancy on the authority shall be filled by the Governor for the unexpired term. All members are to held to their responsibilities as outlined in their appointing position responsibilities.

ARTICLE IV

MEMBER LENGTH OF TERM, REMOVAL FROM OFFICE, and OTHER

TERM OF APPOINTMENT

Each appointed member shall serve for a term of four (4) years. Sitting members shall be eligible to succeed themselves by reapplying to the Governor's Office, Office of Boards and Commissions.

RESIGNATION / VACANCY

Members must submit their resignation to the Chair with a copy to the Executive Director of the Office of Adventure Tourism.

REMOVAL / ATTENDANCE

Any member may be removed from his or her appointment by the Governor for cause, such as failure to abide by the position responsibilities, mission, goals, and / or including missing one half of all regularly scheduled meetings within a year. Members are responsible for signing the attendance log at the meetings.

EXPENSE REIMBURSEMENT

Appointed members shall serve without compensation but shall be reimbursed for necessary travel expenses. Said expenses shall be paid by submitting a Finance and Administration Cabinet's travel voucher to the Executive Director of the Office of Adventure Tourism, TAHC.

ACCOUNTABILITY

All members are accountable to TAHC and the Kentucky Governor as outlined in KRS 148.795.

ARTICLE V

OFFICERS, ELECTION and DUTIES

OFFICERS

The officers of KRTA shall be the Chair and Vice Chair.

1. **Chair** – The Chair shall be appointed by the Governor. The Chair will preside at all regular and special meetings of KRTA per KRS 148.795 4 (c), and shall be a nonvoting member except in cases of a tie vote, in which case, the chair may cast a deciding vote.

The Chair shall be a *nonvoting ex-offici*, member of all committees with the exception of a Nominations Committee. The Chair shall appoint members of KRTA to committees and shall propose committees to take action on various KRTA issues.

2. **Vice Chair** – The duties of the Vice Chair shall be the same as those outlined above for the Chair of KRTA. The Vice Chair shall perform such duties only in the absence of the Chair or in the event of the Chair's inability to perform such duties. The Vice-Chair shall be fully involved in all meetings, etc. The Vice Chair shall be elected by the membership and serve a term of two (2) years.

Officers, excluding the Chair, may be re-elected, provided that in no event shall a member serve in the same office for more than four (4) consecutive years.

ELECTION of OFFICERS

1. The Chair shall accept nominations for Vice Chair from the members during the first meeting after October 1st during even years. The Vice Chair shall be elected by a majority vote of the entire membership.
2. Vacancies of Officers – Whenever a vacancy shall occur the Chair will notify the membership and open the meeting for a nomination from the members at the next regular meeting.
3. Membership can elect additional officers when deemed necessary by two-thirds (2/3rd) vote of the full board.

COMMITTEES

The Chair shall propose / establish committees and appoint members to such committee. Committees can include non - KRTA members. Committee members are expected to carry out committee duties as outlined by the committee chair.

Committees shall elect their own chair and shall notify the KRTA chair of all meetings.

Reports shall be submitted to the KRTA Chair, in writing to be included with the meeting minutes, as a matter of official record.

ARTICLE VI

MEETINGS, QUORUM, AGENDA and MINUTES

MEETINGS

Schedule of meeting shall be established for the fiscal year (July 1- June 30) by the members and this annual schedule shall be posted online. All meetings will be conducted within the provisions of the Kentucky Open Records and Open Meetings Act. All members must be notified no less than 10 days prior to the scheduled meeting by the Executive Director of Adventure Tourism.

1. Regular Meetings. Shall be held at a regular time as determined by the members.
2. Special Meetings. May be called by the Chair or a majority of KRTA membership, as circumstances require. All members must be notified no less than forty-eight (48) hours in advance of the meeting and advised of the topic(s) to be considered.
3. Committee Meetings: May be called at the request of the Chair of the committee or of the KRTA Chair. All committee meetings will follow the requirements of the KRTA meetings.

QUORUM

Seven (7) members in attendance at any meeting of the KRTA shall constitute a quorum. The majority of the quorum shall control.

AGENDAS

Regular Meetings. Agendas for all regular meetings will be prepared by the Chair in consultation with the Executive Director of the Office of Adventure Tourism and shall be distributed to all members at least ten (10) working days prior to the meeting date.

Special Meetings. Agendas for all special meetings will be prepared by the Chair in consultation with the Executive Director of the Office of Adventure Tourism and shall be distributed to all members no less than forty-eight (48) hours in advance of the meeting.

NOTIFICATION OF MEETING

Public notification of all meetings will be published no less than 10 days prior to the meeting with the exception of a Special Meeting; in such case, a Special Meeting notice shall be published as soon as possible, but no less than 48 hours prior to the meeting.

MINUTES

Minutes of all meetings shall be prepared, and copies of the minutes shall be sent to each member no later than fifteen (15) working days after a meeting. Copies of the minutes, per Kentucky Opens Records Law, shall be made available to interested parties upon request to the Executive Director of the Office of Adventure Tourism. Minutes shall be taken by someone appointed by the Executive Director of the Office of Adventure Tourism. The preparer of the minutes shall certify the authenticity of the minutes, and submit the minutes to the Chair for review and approval before they are sent to each member. Minutes from Regular and Special meetings must be approved by a majority vote of the members at the next Regular meeting.

KRTA PROCEEDINGS

A resolution or motion passed by the vote of the majority of the members present at the time of voting, if a quorum is present, shall be a directive of the KRTA. In the case of an equality of votes, the Chair shall have a second or casting vote.

ERRANT

Roberts Rules of Order, newly revised, shall be used to resolve any question regarding the conduct of all KRTA meetings.

ARTICLE VII

FUNDING

Pursuant to KRS 148.795 (9), all proceeds or funds derived from the sale of a general use permit or from property identified in KRS 148.795 (8) shall be paid to the Kentucky State Treasurer and deposited in a revolving fund for the benefit of KRTA. Other sources of funding shall also be pursued by KRTA including grants and corporate donations and be deposited into the revolving fund.

The revolving fund shall be administered by the TAHC and requests for expenditures from such funds shall be authorized by a majority vote of the members of KRTA and forwarded to the Executive Director of the Office of Adventure Tourism by the Chair. Any expenditure made by TAHC on behalf of KRTA shall comply with all rules and regulations of the Kentucky Finance and Administration Cabinet, including but not limited to KRS Chapter 45 and KRS Chapter 45A.

ARTICLE VIII

KRTA POLICY ON POSITION DECLARATIONS

Individual members of KRTA, committee chairs, members of committees and subcommittees, are not authorized to make policy or position statements for KRTA. The Chair is the authorized principal spokesperson for KRTA and his / her statements are restricted to reflect previously approved policy, statements or positions of the KRTA. The Executive Director of the Office of Adventure Tourism will coordinate press releases with the Chair.

ARTICLE IX

RECORDS OF KRTA

The Tourism, Arts and Heritage Cabinet, Office of Adventure Tourism, will be the official custodian of KRTA records, contracts and documents. Pursuant to KRS 61.870 to 61.884, et seq., the Kentucky Open Records Act. KRTA hereby adopts the following procedures for the available inspection and / or copying of KRTA records by an interested person:

1. Requests for records shall be made by forwarding written requests to the attention of the Executive Director of the Office of Adventure Tourism, TAHC, at the most current location for the Office of Adventure Tourism.
2. A fee may be involved in reproducing the desired records, pursuant to the Kentucky Open Records Act.
3. No person shall remove any original copies of any public records from the office.
4. If the public records requested are in active use, in storage, or not otherwise available, the Executive Director shall immediately notify the applicant with an explanation of the possible delay in the allotted time to provide the records; not to exceed five (5) working days from the receipt of the application.
5. The applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all written records. The Executive Director shall have copies made and the applicant shall be responsible for payment of all charges for copying in advance.
6. If the request for reproduction of KRTA records places an unreasonable burden in producing voluminous records, or if the Executive Director has reason to believe the repeated requests are intended to disrupt other essential function of his or her job, the Executive Director may refuse to permit reproduction of the KRTA records pursuant to Kentucky Law. If the records requested are specifically excluded from public reproduction without court order, pursuant to KRS 61.878 including KRS 131.190, the Executive Director shall refuse to permit reproduction of KRTA records. However, any such refusal must be sustained by whole or in part, inspection of any KRTA records, shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the explanation applies to the record withheld.

ARTICLE X
CONFLICT OF INTEREST

It is the policy of the KRTA to avoid conflict of interest or any appearance thereof. In addition to the laws and regulations of the Commonwealth of Kentucky, including but not limited to KRS 45A and 11A.

A member who has a conflict of interest or who appears to have a conflict of interest shall voluntarily remove himself / herself from the meeting room during any and all discussion of and votes on issues in which the member has a conflict.

ARTICLE XI
AMENDMENT OF BYLAWS

Amendments to these bylaws shall be introduced to the KRTA at any regular meeting. An amendment will become effective upon the affirmative vote of a majority of the entire membership of KRTA at the next regular meeting following the regular meeting in which the amendment was first introduced. If an amendment is not adopted, it may be introduced at a subsequent regular meeting; however, the procedure for amendments will be the same as if it were an amendment being introduced to KRTA for the first time.

Virginia L. Grulke, Chair
Kentucky Recreational Trail Authority

Date approved by members of the
Kentucky Recreational Trail Authority

First Reading: 4-28-10
Second reading: 6-16-10
Approved: 616-10