



# Serve Kentucky Commission By-Laws

## **SERVE KENTUCKY BY-LAWS**

### **ARTICLE I: NAME**

The name of the Commission is Serve Kentucky, formerly named the Kentucky Commission on Community Volunteerism and Service, pursuant to KRS Chapter 194.\* *See generally, KRS 194A.570-578 (2005).*

### **ARTICLE II: MISSION STATEMENT**

To engage Kentuckians in volunteerism and service to positively impact our communities.

### **ARTICLE III: PURPOSE**

The purpose of this commission is to engage in statewide planning, establish relevant policies, provide administrative oversight for AmeriCorps programs and promote volunteerism and service throughout the Commonwealth of Kentucky. *See KRS 194A.575 (2005).*

### **ARTICLE IV: AFFILIATION**

The Commission was established by Executive Order 94-6, dated January 3, 1994, as required by the [National and Community Service Trust Act of 1993](#). Serve Kentucky was created to serve as a conduit for federal funds that support AmeriCorps programs operating exclusively within the Commonwealth, encourage and recognize volunteerism, and assist in service program development. Executive Order 2004-744, dated May 11, 2004, reorganized the administrative support and oversight unit of Serve Kentucky from an office to a division and moved it from the Cabinet for Families and Children to the Cabinet for Health and Family Services, Department for Human Support Services. Executive Order 2008-504, dated June 6, 2008, renamed the Department for Human Support Services as the Department for Family Resource Centers and Volunteer Services. [Senate Bill 132](#) renamed the Commission as *Serve Kentucky*, effective July 1, 2018.

### **ARTICLE V: COMMISSION DUTIES**

The Commission shall be responsible for the following duties as outlined in 42 U.S. Code § 12638 - State Commissions on National and Community Service.

Section 1. Develop a strategic plan for service in Kentucky, which covers a three (3) year period, and supporting efforts to achieve the goals of this plan. The plan shall be updated annually. *See KRS 194A.578 (2005); see also [45 C.F.R. § 2550.80](#) (2009).*

Section 2. Oversee and submit Kentucky's annual AmeriCorps grant applications to the federal AmeriCorps agency (formerly known as the Corporation for National and Community Service or CNCS) and other funding sources for the continuation and expansion of the Commission and its service objectives. *See KRS 194A.578 (2005).*

Section 3. Conduct, through the commission staff, a competitive application process to determine the organizations that will be awarded sub-grants to operate national service programs. *See KRS 194A.578 (2005); see also 45 C.F.R. § 2550.80 (2009).*

Section 4. Fulfill any other responsibilities required by the AmeriCorps federal agency and other funding sources. *See 42 U.S.C.A. § 12638 (2009); see also KRS 194A.578 (2005).*

Section 5. Promulgate administrative regulations pursuant to KRS Chapter 13A to establish operational guidelines for the Commission. *See KRS 194A.578 (2005).*

## **ARTICLE VI: MEMBERSHIP**

Section 1. The Commission shall consist of a minimum of fifteen (15) and maximum of twenty-five (25) voting members who shall be appointed by the Governor of Kentucky to serve a three-year term in accordance with state and federal regulations. Commissioners serve until a replacement is named. Members may be reappointed to subsequent terms at the discretion of the Governor. To create the broad, bipartisan support necessary for the success of national and community service, to the maximum extent practical, the membership of the Commission shall be diverse with respect to race, ethnicity, age, gender and disability. No more than 50 percent of the 15 to 25 voting Commission members, plus one (1) additional member, may be from the same political party. Commissioners are expected to attend a minimum of two (2) of the four (4) quarterly meetings per year, whether in person or virtually. In the event any Commissioner misses two (2) consecutive meetings, without providing adequate excuse for such absence, the Executive Committee may recommend removal and replacement of said Commissioner to the Governor, such recommendation to be acted upon in the Governor's discretion pursuant to KRS 63.080. *See 42 U.S.C.A. § 12638(b)- (d) (2009); KRS 194A.572 (2005); see also KRS 63.080 (1997); see also 45 C.F.R. §2550.50 (2009).*

Section 2. There shall be nine (9) required members for the Commission:

- one individual with expertise in the educational, training and development needs of youth,
- one individual with experience promoting volunteerism among older adults,
- the head of the State educational agency,
- one representative of community-based agencies,
- a representative of local governments,
- a representative of local labor organizations,
- a representative of business,
- a youth (age 16-25) who is a participant or supervisor in a service program,
- and a representative of a national service program.

*See 42 U.S.C.A. § 12638(c)(1) (2009).*

Section 3. The representative of the AmeriCorps federal agency shall be an ex officio nonvoting member of the State Commission. *See 42 U.S.C.A. § 12638(c)(3) (2009).*

Section 4. The Governor may appoint as ex-officio non-voting members of the Commission representatives selected from among officers and employees of State agencies operating community service, youth service, education, social service, senior service and job training programs. *See 42 U.S.C.A. § 12638(c)(4) (2009).*

## **ARTICLE VII: CONFLICT OF INTEREST**

Section 1. Members of the Commission are asked to declare actual or potential conflict of interest situations at the start of each meeting where the agenda indicates such a conflict may occur. If a conflict of interest or potential conflict of interest situation otherwise develops during Commission discussion, the member with the conflict is expected to notify the Chair. Disclosures of actual and potential conflicts of interest should be made in writing or recorded in the minutes of a formal meeting of the Commission. *See* 45 C.F.R. § 2550.90 (2009); *see also* Executive Order of the Commonwealth of Kentucky 2008-454, para. 7 (2008). When disclosing a conflict of interest in writing, or seeking determination as to whether a conflict of interest exists, a member of the Commission should direct a Disclosure of Conflict of Interest Statement to the Chairperson of the Commission, using the form provided at: <http://governor.ky.gov/wp-content/uploads/2017/02/conflictinterest.pdf>.

Section 2. Conflicts of interest include situations where a member of the Commission serves as a Trustee, Board member, staff member or committee member, or if a member's immediate family or business has a financial interest in such entity which is requesting approval of a grant from the Serve Kentucky, or any other relationship which the commissioner, in his/her own discretion deems a conflict of interest.

Section 3. Any members of the Commission with a conflict of interest will be called on by the Chair to discuss details and share any information about the proposed grant at the time of the individual grant request discussion. The Commission member will then be excused by the Chair while other members of the Commission discuss the application and vote its acceptance or denial. Following action on the grant request, the excused Commission member may return to the Commission work.

## **ARTICLE VIII: OFFICERS AND THEIR ELECTION**

Section 1. The elected officers of Serve Kentucky shall be Chair, Vice Chair and Secretary.

Section 2. There shall be a minimum of three (3), but always an uneven number, on a nominating committee who are elected by the full Commission by the last meeting of the previous calendar year. This committee shall nominate at least one (1) person for each office to be filled, and report its list of nominees in writing to the membership at least ten (10) working days before the election meeting at which time additional nominations may be made from the floor.

Section 3. All officers shall be elected by ballot. However, if there is but one (1) nominee for any office, election for that office may be by vote of the Commission, in the discretion of and in such a manner as prescribed by the Chair, subject to any limitations of Article XII of these by-laws.

Section 4. All officers shall serve for a term of one (1) year and shall take office at the close of the election meeting. Upon reelection, officers may succeed themselves.

Section 5. No member shall hold more than one (1) office at a time.

Section 6. Any vacancy that presents itself outside of regularly scheduled elections shall be filled by a majority vote of the Executive Committee, and ratified by a majority vote of members of the Commission during the next regular or special meeting of the Commission that has a quorum for the conduct of business. If a majority vote of the Executive Committee cannot be reached outside of the scheduled elections or if ratification of a filled vacancy fails when presented to the full Commission, then such vacancy may be filled by a majority vote of members of the Commission during the next regular or special meeting of the Commission that has a quorum for the conduct of business.

## **ARTICLE IX: DUTIES OF OFFICERS**

The Officers shall have the following duties:

Section 1. Chair: shall preside at all full Commission and Executive Committee meetings of Serve Kentucky. Shall be an ex-officio member of all permanent and standing committees, *except the nominating committee*. Shall perform all duties as may be prescribed in these by-laws. Shall coordinate the work of the officers and committees of the Commission in order to promote the purposes of the Commission.

Section 2. Vice Chair: shall act as an aide to the Chair and shall perform the duties of the Chair in the absence or in the event that the Chair is unable to serve.

Section 3. Secretary: shall be responsible for the attendance roster of the Commission. The Secretary shall prepare meeting minutes to be reviewed and approved by Commission staff and Chair prior to distribution to the Commission. The Secretary shall also accept any other duties as delegated by the Commission.

## **ARTICLE X: EXECUTIVE COMMITTEE**

Section 1. The Executive Committee shall consist of the elected officers of the Serve Kentucky and two (2) at-large members. At-large members of the Executive Committee shall be nominated for a term of one (1) year by the nominating committee prescribed by Article VIII, Section 2 of these By-Laws. The nominating committee shall nominate at least two (2) members of the Commission and report its list of nominees in writing to the full Commission at least ten (10) working days before the election meeting at which time additional nominations may be made from the floor.

Section 2. The roles and responsibilities of the Executive Committee shall be:

- a. With input from the full Commission and the service field, the Executive Committee shall take the lead in preparing a set of recommended Commission appointees for the Governor.
- b. The Executive Committee shall identify issues that require the attention of the full Commission and help set the agenda for full Commission meetings.
- c. Should the position of Executive Director become vacant, the Executive Committee shall

participate in the process of filling the position.

- d. The Executive Committee shall act in an emergency situation which needs a response or action prior to the next full Commission meeting.
- e. A majority of the members of the Executive Committee shall constitute a quorum.

## **ARTICLE XI: MEETINGS**

Section 1. At least four (4) regularly-scheduled meetings of the Serve Kentucky shall be held each year, with at least one (1) regularly- scheduled meeting occurring in each quarter of the year. Dates of meetings shall be determined by the Executive Committee. Meetings may be conducted in person, by telephone, or through internet/web-based participation, in accordance with KRS 61.826.

Section 2. Special meetings of the Commission may be called by the Chair, or by a majority of the Executive Committee, with **ten (10) days'** notice having been given.

Section 3. Either the Chair of the Commission or a majority of the Executive Committee may call an emergency meeting of the Commission, as needed.

Section 4. It is the policy of the Commission that all meetings of the Commission, regular or special, shall be open to the public, unless the matter under discussion pertains to personnel issues or other exceptions provided for under KRS 61.810. *See KRS 61.810 (2005).*

Section 5. All meetings of the Commission shall be recorded and/or summarized by a Serve Kentucky staff person or the Commission Secretary.

Section 6. Seven (7) members shall constitute a quorum for the transaction of business at any full Commission meeting.

Section 7. A simple majority of committee members shall constitute a quorum for the transaction of business at any committee session, and subject to the review, discussion and approval of the full Commission at a regularly scheduled or special meeting.

Section 8. Notice of all full Commission meetings, regularly scheduled and special, shall be given to members at least ten (10) days prior to the date of the meeting.

Section 9. The agenda shall, to the extent possible, be provided to the members five to seven (5-7) working days prior to a meeting of the Commission.

## **ARTICLE XII: VOTING**

Section 1. Voting procedures shall be determined by the Chair at the time of the vote except where otherwise noted in these by-laws.

Section 2. The right to vote is limited to those members who are physically present or who are present via telephone or internet/web participation, at the time the vote is taken in a meeting.

Section 3. Members abstaining due to conflict or other reasons shall be recorded as ‘abstained’ in the minutes.

## **ARTICLE XIII: COMMITTEES**

Section 1. Permanent Committees of Serve Kentucky shall be the:

- a. Executive Committee works with the Executive Director to direct and set policies and procedures for the effective and cost efficient operations of the organization. The Committee is comprised of the elected Chair, Vice Chair and Secretary.
- b. Program Committee works with independent reviewers and the AmeriCorps federal agency to solicit and fund high quality, innovative initiatives that meet the needs of Kentucky regulations.

Section 2. All subcommittees may be created at the discretion of the chair. Historically, subcommittees have included:

- a. By-laws Committee oversees policy-setting of Serve Kentucky body by developing standards and practices for the overall operation of the organization’s leadership; Communicates with the Executive Director and constituents. The by-laws committee will review the by-laws every three years.
- b. Governor’s Award Committee develops and implements the annual nomination process recognizing outstanding community volunteers; hosts an annual statewide awards ceremony.
- c. Nominating Committee seeks nominees and selects Serve Kentucky leadership by implementing an unbiased process in accordance with Serve Kentucky by-laws. This is a year-round committee that also seeks to compile an extensive list of appropriate commission members to be given to the Governor.
- d. Public Relations Committee works with Serve Kentucky staff and constituents to create the most effective means of communicating our message and that of our programs and colleagues to the general public.
- e. Strategic Planning Committee drafts tri-annual plan for Serve Kentucky based on organizational mission and vision; works directly with the Executive Director to establish annual goals, objectives, and strategies that reflect the needs of the Commonwealth and available funding sources for AmeriCorps programs and volunteerism and community service opportunities throughout the Commonwealth.

Section 3. Ad Hoc Committees may be created by the Executive Committee as deemed necessary. Members of these committees shall be appointed by the Chair.

Section 4. All actions of said committees shall be submitted to the full Commission for approval.

## **ARTICLE XIV: COMPENSATION AND EXPENSES**

Section 1. For the purpose of payment of expenses to members of the Commission, business may include all regularly scheduled and special meetings of the Commission; meetings of Commission committees, special and advisory meetings, and special events sponsored by the Serve Kentucky.

Section 2. Commission members shall receive reimbursement for expenses incurred in attending

any meeting or event of the Commission, such as parking, meals, lodging, mileage, registration fees, phone or other expenses which may be incurred, with the approval of Commission staff, pending CHFS approval of submitted travel voucher.

## **ARTICLE XV: EXECUTIVE DIRECTOR AND STAFF**

### **Section 1. Executive Director**

- a. The Executive Director is the chief operating officer of the Commission and as such makes proposals to the Commission for consideration, develops and directs the programs and plans established by the Commission, ensures compliance with federal and state policy, and may represent the Commission at numerous state, regional, and national functions.
- b. The Executive Director, in conjunction with the CHFS appointing authority and within state personnel regulations, is responsible for employing, directing, and administering the staff.
- c. The Executive Director shall make periodic reports to the Commission on the operation of the agency, as the Commissioners shall so direct.

### **Section 2. Staff**

- a. The staff of the Serve Kentucky shall be employed by the CHFS and responsible to the Executive Director of the Commission.

## **ARTICLE XVI: PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Commission in all cases in which they are applicable and in which they are not in conflict with these by-laws.

## **ARTICLE XVII: AMENDMENTS**

Section 1. These by-laws may be amended at any regular meeting of the Commission provided that notice of the proposed amendments shall have been given in writing at least ten (10) days prior to the meeting at which the amendment is voted upon. By-laws amendments require a two-thirds (2/3) vote of the members present and voting, as otherwise prescribed by these by-laws.

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Chair

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Vice Chair

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Secretary

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Date Amended: 9/17/97
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Date Amended: 10/7/98
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