

1 AN ACT relating to consolidated local governments.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) (a) For the purposes of this section "board" means a governmental body*  
6 *known as the civilian review and accountability board established by a*  
7 *consolidated local government in accordance with of this section.*

8 *(b) For the purposes of this section "office" means a governmental body*  
9 *known as the investigatory office established by a consolidated local*  
10 *government in accordance with of this section.*

11 *(2) For the purposes of investigating and reviewing the policies, procedures, and*  
12 *operations of a consolidated local government's police department, and*  
13 *investigating complaints involving any member of the police in his or her*  
14 *interactions with the public, the consolidated local government may establish, by*  
15 *ordinance, a civilian review and accountability board to operate independently of*  
16 *the police department. This board shall include but not be limited to:*

17 *(a) An investigatory office to be led by an individual appointed by the mayor*  
18 *and confirmed by a resolution of the legislative body of the consolidated*  
19 *local government; and*

20 *(b) A board made up of residents of the county containing the consolidated*  
21 *local government to provide oversight to the leader of the investigatory*  
22 *office.*

23 *(3) For a board established under subsection (2) of this section, the ordinance shall*  
24 *include but not be limited to direction regarding each board's powers, duties,*  
25 *membership, internal protocols, and reporting requirements. The board may*  
26 *adopt bylaws, policies, and procedures to facilitate its operations that are not*  
27 *inconsistent with the direction outlined in the ordinance or with state law.*

1 (4) (a) Notwithstanding any provision of law to the contrary, when the board  
2 discusses or is presented with information on potential or ongoing  
3 investigations conducted by the office, those portions of the board meeting  
4 may be a closed session subject to KRS 61.815(1), and shall only occur  
5 following the conclusion of an open session. At the conclusion of the closed  
6 session, the board shall immediately convene an open session and give a  
7 summary of what occurred during the closed session.

8 (b) In order to protect the integrity and confidentiality of any investigation, any  
9 request by the board or office to the Government Oversight and Audit  
10 Committee for a subpoena pursuant to paragraph (e) of this subsection  
11 shall be made in a manner that will not reveal the subject matter of the  
12 investigation, the identity of the entity for whom a subpoena is sought, or  
13 the material or testimony to be obtained through the subpoena.

14 (c) 1. Information and record copies that are confidential under state or  
15 federal law and that are provided to the board or office by any agency,  
16 organization, or other entity shall not become the information and  
17 records of the board or office and shall not lose their confidentiality by  
18 virtue of access of the board or office to the information or records.

19 2. Any original information or records used to generate information and  
20 record copies provided to the board or office by any agency,  
21 organization, or other entity shall be maintained by the appropriate  
22 agency, organization, or other entity in accordance with the relevant  
23 state or federal law. All open records requests for those materials shall  
24 be made to the appropriate agency, organization, or other entity, not to  
25 the board, its members, or the office. Information and record copies  
26 provided to the board or office shall be exempt from KRS 61.870 to  
27 61.884. At the conclusion of an investigation, all copies of information

1                   and records provided to the board or office shall be destroyed by the  
 2                   board or office.

3                   3. Nothing in this paragraph shall be construed to exempt records  
 4                   generated by a board or office from KRS 61.870 to 61.884, or from the  
 5                   records retention provisions of KRS 171.420 to 171.740, unless the  
 6                   records are otherwise exempt under any provisions of relevant law.

7                   (d) The proceedings, records, opinions, and deliberations of the board and  
 8                   office shall be privileged and not subject to discovery, subpoena, or  
 9                   introduction into evidence in any civil action in any manner that would  
 10                   directly or indirectly identify specific persons or cases reviewed. Nothing in  
 11                   this subsection shall be construed to restrict or limit the right to discover or  
 12                   use in any civil action any evidence that is discoverable independent of the  
 13                   proceedings of the board or office.

14                   (e) Upon a vote by a majority of the board, the board may request the  
 15                   Government Oversight and Audit Committee established in accordance with  
 16                   subsection (14) of Section 2 of this Act to:

17                   1. Compel testimony and the submission of work papers or documents to  
 18                   the Government Oversight and Audit Committee;

19                   2. Issue subpoenas to compel any officer of or appointee of or any  
 20                   department or division of the consolidated local government to appear  
 21                   before the Government Oversight and Audit Committee and to compel  
 22                   the submission to the Government Oversight and Audit Committee of  
 23                   any work papers or documents pertinent to a review. The following  
 24                   shall apply to any subpoenas issued or testimony compelled:

25                   a. They shall be subject to any relevant statutes concerning privacy;

26                   b. The provisions of KRS 15.520 shall apply to any peace officer  
 27                   compelled to testify;

1 c. Any person who is represented by a recognized collective  
 2 bargaining unit may have representatives of the collective  
 3 bargaining unit present;

4 d. Any person compelled to testify shall be deemed to be subject to  
 5 the Fifth and Fourteenth Amendments to the United States  
 6 Constitution and may have legal counsel of his or her choice  
 7 present;

8 e. Any testimony compelled in response to a subpoena shall be  
 9 deemed coerced for the purposes of attaching self-incrimination  
 10 protections;

11 f. Any testimony subject to KRS 61.810 shall only be taken in  
 12 executive session; and

13 g. The right to privacy or the requirement that testimony be taken  
 14 in executive session may be waived by the person or entity being  
 15 subpoenaed or compelled to testify;

16 3. Petition the appropriate Circuit Court to compel obedience by  
 17 proceedings for contempt as in the case of disobedience of a subpoena  
 18 issued from the Circuit Court or a refusal to testify therein, if any  
 19 officer or appointee fails or refuses to testify or furnish the work  
 20 papers or documents subpoenaed; and

21 4. Administer oaths to witnesses appearing before the Government  
 22 Oversight and Audit Committee when the Government Oversight and  
 23 Audit Committee deems the administration of an oath necessary and  
 24 advisable as provided by law.

25 The Government Oversight and Audit Committee may turn over testimony  
 26 and work papers or documents secured to the board.

27 ➔Section 2. KRS 67C.103 is amended to read as follows:

- 1 (1) The legislative authority of a consolidated local government, except as otherwise  
2 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local  
3 government council. The members of the council shall be nominated and elected by  
4 district. There shall be only one (1) council member elected from each council  
5 district.
- 6 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,  
7 and numerical designation of the council districts shall be as specified by KRS  
8 67C.135. The population of the council districts shall be as nearly equal as is  
9 reasonably possible. ~~For any newly consolidated local governments whose officials~~  
10 ~~take office in 2003, upon taking office, the legislative council may take action to~~  
11 ~~adjust the boundaries and population of the districts in order to equalize the~~  
12 ~~population of the districts which may have changed as a result of recent census~~  
13 ~~information.~~ Any changes made to alter the boundaries of council districts shall be  
14 based on the population of the county as determined by the most recent United  
15 States Census or official census estimates as provided by the United States Bureau  
16 of the Census.
- 17 (3) Following the official publication of each decennial census by the United States  
18 Bureau of the Census for the area embraced by a consolidated local government, the  
19 council shall adopt an ordinance, if necessary, to redistrict the council districts. A  
20 redistricting ordinance shall provide for the distribution of population among the  
21 council districts as nearly equal as is reasonably possible. Every council district  
22 shall be compact and contiguous and shall respect existing neighborhood,  
23 community, and city boundaries whenever possible.
- 24 (4) The consolidated local government council members shall serve for a term of four  
25 (4) years beginning on the first Monday in January following their election, except  
26 that the initial election of council members shall be in a manner as to provide for  
27 staggered terms for council members. At the initial election of the members of a

1 consolidated local government council, those representing even-numbered districts  
2 shall be elected for a two (2) year term. Those representing odd-numbered districts  
3 shall be elected for a four (4) year term. Thereafter, all council members shall be  
4 elected for four (4) year terms.

5 (5) The members of a consolidated local government council shall be nominated and  
6 elected from the district in which they reside in partisan elections. After the initial  
7 terms of office of the first elected council members, council members shall be  
8 elected in the same election years as other local government officials as regulated by  
9 the regular election laws of the Commonwealth and as provided in subsection (4) of  
10 this section.

11 (6) No person shall be eligible to serve as a member of a consolidated local government  
12 council unless he or she is at least eighteen (18) years old, a qualified voter, and a  
13 resident within the territory of the consolidated local government and the district  
14 that he or she seeks to represent for at least one (1) year immediately prior to the  
15 person's election. A council member shall continue to reside within the district from  
16 which he or she was elected throughout the term of office.

17 (7) The presiding officer of a consolidated local government council shall be a  
18 president who shall be chosen annually by a majority vote of the entire council from  
19 among its members at the first meeting of the council in January. The council  
20 president has the right to introduce any resolution or recommend any ordinance and  
21 shall be entitled to vote on all matters.

22 (8) The consolidated local government council shall upon notice meet within seven (7)  
23 days after its members have taken office, and shall thereafter hold at least one (1)  
24 regular meeting per month. No newspaper notice shall be required for regular or  
25 special meetings of the consolidated local government council. However, notice of  
26 all meetings of the council and all meetings of committees of the council shall be  
27 held pursuant to KRS 61.805 to 61.850.

- 1 (9) A majority of the members of the consolidated local government council shall  
2 constitute a quorum, but a smaller number may adjourn from day to day. The  
3 consolidated local government council may enforce the attendance of members by  
4 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the  
5 entire membership of the council may call a special meeting at any time. Meetings  
6 shall be held in such places in the county as are provided by ordinance, and the  
7 place of meetings shall not be changed except by an ordinance for which two-thirds  
8 (2/3) of the members of the consolidated local government council have voted.
- 9 (10) The council shall determine its own rules and order of business, and keep and  
10 provide a public record of its proceedings. The council shall provide for the  
11 publication of all ordinances in a composite code of ordinances.
- 12 (11) Council ordinances that prescribe penalties for their violation shall be enforced  
13 through the entire area of the consolidated local government unless:
- 14 (a) Otherwise provided by statute; or
- 15 (b) The legislative body of any city within the consolidated local government area  
16 has adopted an ordinance pertaining to the same subject matter that is the  
17 same as or more stringent than the standards set forth in the consolidated local  
18 government's ordinance.
- 19 (12) In the case of a vacancy on the consolidated local government council by reason of  
20 death, resignation, or removal, the council by majority vote of the membership of  
21 the council shall elect a qualified resident of the council district not later than thirty  
22 (30) days after the date the vacancy occurs. Should the council fail to elect, by  
23 majority vote of the membership of the council, a qualified person to fill the  
24 vacancy within thirty (30) days, the mayor of the consolidated local government  
25 shall fill the vacancy by appointment of a qualified person for the unexpired term.
- 26 (13) All legislative powers of a consolidated local government are vested in the  
27 consolidated local government council. The term "legislative power" is to be

1 construed broadly and shall include the power to:

- 2 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by  
3 a two-thirds (2/3) majority of the membership of the legislative council;
- 4 (b) Review the budgets of and appropriate money to the consolidated local  
5 government;
- 6 (c) Adopt a budget ordinance;
- 7 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the  
8 Commonwealth of Kentucky;
- 9 (e) Establish standing and temporary committees; and
- 10 (f) Make independent audits and investigations concerning the affairs of the  
11 consolidated local government and any board or commission that:
- 12 1. Is composed of members who are appointed by the mayor and approved  
13 by the legislative council; or
- 14 2. Has a budget that is equal to or greater than one million dollars  
15 (\$1,000,000.00), except that this subparagraph shall not apply to any fee  
16 officer elected within the consolidated local government.

17 (14) (a) The consolidated local government council shall establish a Government  
18 Oversight and Audit Committee. This committee shall be:

- 19 1. Composed of members from each of the two (2) largest political  
20 caucuses in the legislative council;
- 21 2. Appointed by the chairs of their respective caucuses; and
- 22 3. Composed on the basis of the proportion of each of the two (2) caucuses'  
23 total membership as compared to the total membership of the legislative  
24 council. Any fractional proportions shall be rounded in the favor of the  
25 smallest caucus' membership on the committee.

26 (b) The committee shall have the power to:

- 27 1. Compel testimony and the submission of work papers or documents;



- 1                   2.   Approve, prior to the offer of any:  
 2                    a.   Legal or administrative settlements, not contained within the  
 3                        enacted budget ordinance, involving one million dollars  
 4                        (\$1,000,000) or greater; or  
 5                    b.   Consent decrees offered to be entered into by the consolidated  
 6                        local government.

7                    The committee's approval shall be in the form of a recommendation  
 8                    expressing acceptance of the settlement or consent decree offered by  
 9                    the consolidated local government. Notwithstanding any provision of  
 10                   law to the contrary, the portions of the committee meetings during  
 11                   which a settlement or consent decree is reviewed or discussed by  
 12                   committee members shall be a closed session, subject to KRS  
 13                   61.815(1), and shall only occur following the conclusion of an open  
 14                   session. At the conclusion of the closed session, the committee shall  
 15                   immediately convene an open session and give a summary of what  
 16                   occurred during the closed session.

- 17                   3.   Issue subpoenas to compel any officer, ~~of or~~ appointee, or former  
 18                    officer or appointee to a board or commission described in subsection  
 19                   (13)(f) of this section or any department or division of the consolidated  
 20                   local government to appear before the committee and to compel the  
 21                   submission to the committee of any work papers or documents pertinent  
 22                   to an independent audit or investigation. Any subpoenas issued or  
 23                   testimony compelled shall be subject to any relevant statutes concerning  
 24                   privacy. Testimony subject to KRS 61.810 shall only be taken in  
 25                   executive session. The right to privacy or the requirement that testimony  
 26                   be taken in executive session may be waived by the person or entity  
 27                   being subpoenaed or compelled to testify;

1           ~~4~~<sup>3</sup>. Petition the appropriate Circuit Court to compel obedience by  
2           proceedings for contempt as in the case of disobedience of a subpoena  
3           issued from the Circuit Court or a refusal to testify therein, if any officer  
4           or appointee fails or refuses to testify or furnish the work papers or  
5           documents subpoenaed;

6           ~~5~~<sup>4</sup>. Administer oaths to witnesses appearing before the committee when the  
7           committee deems the administration of an oath necessary and advisable  
8           as provided by law. This decision to administer oaths shall be taken by a  
9           majority vote of the committee of the legislative council; and

10          ~~6~~<sup>5</sup>. Recommend the removal of any appointee to a board or commission  
11          described in subsection (13)(f) of this section.

12          (c) The legislative council of the consolidated local government shall adopt by  
13          resolution any process or procedures deemed necessary for the administration  
14          of subpoenas and oaths.

15          (d) The legislative council of the consolidated local government may only act to  
16          remove an appointee to a board or commission described in subsection (13)(f)  
17          of this section upon the recommendation of the Government Oversight and  
18          Audit Committee.

19          (e) The Government Oversight and Audit Committee shall have the power to  
20          issue subpoenas or administer oaths. Except as provided in **this section and**  
21          **KRS 67C.325**~~[65.003(7)]~~, the legislative council of the consolidated local  
22          government shall not delegate those powers to any other entity or entities not a  
23          part of the legislative council of the consolidated local government.

24          (15) The consolidated local government council shall be known as the legislative council  
25          of ...../..... County Metro Government, which shall be a  
26          combination of the names of the largest city in existence in the county on the date of  
27          the adoption of the consolidated local government and the county.

1        ➔Section 3. KRS 67C.105 is amended to read as follows:

- 2        (1) All executive and administrative power of the government shall be vested in the  
3        office of the mayor. The term "executive and administrative power" shall be  
4        construed broadly. The mayor shall be the chief executive of a consolidated local  
5        government formed under the provisions of KRS 67C.101 to 67C.137.
- 6        (2) (a) The mayor shall be nominated and elected in partisan elections for a term of  
7        four (4) years in the same election years as other local government officials as  
8        regulated by the regular election laws of the Commonwealth.
- 9        (b) The mayor shall assume office on the first Monday in January following his or  
10       her election. He or she shall serve until a successor qualifies.
- 11       (c) After January 1, 2023, the mayor may serve for no more than two (2)~~three~~  
12       ~~(3)~~ consecutive terms, after which time he or she shall be prohibited from  
13       running for election or being appointed as mayor for a period of at least four  
14       (4) years.
- 15       (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, a member  
16       of his or her political party, and a resident of the territory encompassing the  
17       consolidated local government for a period of at least one (1) year prior to his or her  
18       election as mayor. The mayor shall continue to reside within the geographic  
19       boundary of the consolidated local government throughout his or her term of office.
- 20       (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all  
21       the power and authority that the mayor of the city of the first class and the county  
22       judge/executive exercised under the Constitution and the general laws of the  
23       Commonwealth of Kentucky prior to the consolidation.
- 24       (5) The mayor is authorized to supervise, administer, and control all departments and  
25       agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance.  
26       The mayor shall appoint all department and agency directors. The appointees shall  
27       serve at the pleasure of the mayor. Specifically, the mayor shall:

- 1 (a) Prepare and submit an annual report coinciding with the fiscal year, on the  
2 state of the consolidated local government, to be presented at a public meeting  
3 of the council;
- 4 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the  
5 fiscal year;
- 6 (c) Oversee the administration and implementation of the adopted budget  
7 ordinance;
- 8 (d) Enforce the ordinances of the consolidated local government;
- 9 (e) Supervise all officers, agents, employees, cabinets, departments, offices,  
10 agencies, functions, and duties of the consolidated local government;
- 11 (f) Call special meetings of the consolidated local government council;
- 12 (g) Appoint and remove his or her own staff at his or her own pleasure;
- 13 (h) Execute written contracts, subscriptions, agreements, or obligations of the  
14 consolidated local government;
- 15 (i) Approve or veto ordinances and resolutions adopted by the consolidated local  
16 government council;
- 17 (j) Submit any written contracts, subscriptions, agreements, or obligations  
18 exceeding the small purchase amount established pursuant to KRS 45A.385 in  
19 a resolution to the legislative council for its approval or its disapproval. Those  
20 written contracts, subscriptions, agreements, or obligations awarded to the  
21 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall  
22 be excluded, unless the legislative council changes the threshold for  
23 submission of a resolution. The legislative council may, by ordinance, set  
24 threshold amounts other than those established by KRS 45A.385 for the small  
25 purchases for submission of a resolution for its approval or disapproval; and
- 26 (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of  
27 office and keep the office of deputy mayor filled throughout the mayor's term.

1           The deputy mayor shall:

- 2           1. Meet all the qualifications for mayor established pursuant to subsection  
3           (3) of this section;
- 4           2. Serve at the mayor's pleasure and may be replaced by the mayor for any  
5           cause; and
- 6           3. Have only the duties assigned to him or her by the mayor.

7   (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or  
8           removal:

- 9           1. The deputy mayor shall become the temporary mayor, inheriting all  
10           powers and duties of the mayor;
- 11          2. The deputy mayor shall serve as temporary mayor for no more than  
12           thirty (30) days until the council, by a majority vote of the members of  
13           the council, shall elect a resident of the consolidated local government  
14           who meets the qualifications for mayor established pursuant to  
15           subsection (3) of this section to serve as mayor. The council may select  
16           the temporary mayor for this position. If the legislative council fails to  
17           elect a person to fill the vacancy within thirty (30) days after the vacancy  
18           occurs, the Governor shall fill the vacancy in the office by appointment  
19           of a qualified person who is a resident of the consolidated local  
20           government and meets the qualifications for mayor established pursuant  
21           to subsection (3) of this section; and
- 22          3. The tenure of the gubernatorial appointment shall be governed by  
23           Section 152 of the Kentucky Constitution.

24   (b) If the offices of both the mayor and deputy mayor become vacant by reason of  
25           death, resignation, or removal:

- 26          1. The presiding officer of the consolidated local government council shall  
27           become the temporary mayor, inheriting all powers and duties of the

- 1                   mayor;
- 2                   2.    The presiding officer shall serve as temporary mayor for no more than
- 3                   thirty (30) days until the council shall, by a majority vote of the
- 4                   members of the council, elect a resident of the consolidated local
- 5                   government who meets the qualifications for mayor established pursuant
- 6                   to subsection (3) of this section. The council may select the temporary
- 7                   mayor for this position. If the legislative council fails to elect a person to
- 8                   fill the vacancy within thirty (30) days after the vacancy occurs, the
- 9                   Governor shall fill the vacancy in the office by appointment of a
- 10                  qualified person who is a resident of the consolidated local government
- 11                  and meets the qualifications for mayor established pursuant to
- 12                  subsection (3) of this section; and
- 13                  3.    The tenure of the gubernatorial appointment shall be governed by
- 14                  Section 152 of the Kentucky Constitution.
- 15                  (7)   The mayor of a consolidated local government shall be known as the mayor of
- 16                  ...../..... County Metro Government, which shall be a combination
- 17                  of the names of the largest city in existence in the county on the date of the adoption
- 18                  of the consolidated local government and the county.
- 19                  ➔Section 4.   KRS 67C.111 is amended to read as follows:
- 20                  (1)   All cities other than those of the first class located within the territory of the
- 21                  consolidated local government, upon the successful passage of the question to
- 22                  consolidate a city of the first class and its county, shall remain incorporated unless
- 23                  dissolved in accordance with KRS 81.094 and shall continue to exercise all powers
- 24                  and perform the functions permitted by the Constitution and general laws of the
- 25                  Commonwealth of Kentucky applicable to the cities of the class to which they have
- 26                  been assigned.
- 27                  (2)   *(a) With the approval of the consolidated local government's legislative council,*

1 residents of the consolidated local government may establish new cities  
 2 within the consolidated local government pursuant to KRS 81.050 and  
 3 81.060. This territory shall not be within any urban services boundary of the  
 4 consolidated local government nor shall it include any territory currently  
 5 incorporated within any existing city. The approval of the desire to form  
 6 shall be in the form of a resolution by the consolidated local government's  
 7 legislative council.

8 (b) If the petition to form a city is signed by seventy-five percent (75%) or more  
 9 of the residents in the area proposed to be incorporated, the consolidated  
 10 local government's legislative council shall approve the proposed  
 11 incorporation.

12 (c) If the petition to form a city is signed by less seventy-five percent (75%) of  
 13 the residents in the area proposed to be incorporated, the consolidated local  
 14 government's legislative council may approve the proposed incorporation.

15 ~~[Upon the adoption of a consolidated local government in a county containing~~  
 16 ~~a city of the first class, there shall be no further incorporations of cities within~~  
 17 ~~the county.]~~

18 (3) ~~[Upon the adoption of a consolidated local government in a county containing a city~~  
 19 ~~of the first class, there shall be no annexations for a period of twelve (12) years by~~  
 20 ~~any city remaining in the county. After that time, ]~~Any proposed annexation by a  
 21 city in that county shall first receive the approval of the legislative council of the  
 22 consolidated local government prior to the city proceeding under the provisions of  
 23 KRS Chapter 81A. The city shall request the approval of the consolidated  
 24 legislative council by ordinance. If the ordinance is accompanied by a petition in  
 25 favor of the proposed annexation signed by seventy-five percent (75%) or more of  
 26 the residents in the area proposed to be annexed, the consolidated government  
 27 legislative council shall approve the proposed annexation. The consolidated

1 legislative council's decision shall be made by ordinance and within sixty (60) days  
 2 of the receipt of the request by the affected city. If an ordinance has not been  
 3 enacted by the consolidated legislative council within sixty (60) days, the request  
 4 for a city to proceed with an annexation proposal shall be deemed to be approved by  
 5 the consolidated legislative council. **An ordinance approving annexation passed by**  
 6 **the consolidated local government legislative council shall not be subject to veto**  
 7 **by the mayor of the consolidated local government.**

- 8 (4) The adoption of a consolidated local government in a county containing a city of the  
 9 first class shall not prevent the merger or dissolution of any existing cities as  
 10 provided by law or the merger of any remaining cities with the newly consolidated  
 11 local government.

12 ➔Section 5. KRS 67C.115 is amended to read as follows:

- 13 (1) Upon the successful passage of the question to consolidate a city of the first class  
 14 and its county, all ordinances and resolutions of the previously existing city of the  
 15 first class and all ordinances and resolutions of the county shall become effective  
 16 ordinances and resolutions of the consolidated local government until repealed,  
 17 modified, or amended in accordance with the following order of precedence:
- 18 (a) If a city ordinance conflicts with a county ordinance, the county ordinance  
 19 shall prevail and shall become effective countywide; and
  - 20 (b) If a city ordinance addresses a subject matter not addressed by a county  
 21 ordinance, the city ordinance shall become effective countywide; and
  - 22 (c) If a county ordinance addresses a subject matter not addressed by a city  
 23 ordinance, the county ordinance shall become effective countywide.

24 Notwithstanding paragraph (a) of this subsection and in the event a uniform land  
 25 development code has not been jointly adopted by the city and county prior to the  
 26 effective date of a consolidated local government, the historic preservation and  
 27 landmarks ordinances, and the zoning regulations of the city adopted pursuant to



- 1 KRS Chapter 100, shall prevail and become effective countywide.
- 2 (2) Ordinances and resolutions of either the city of the first class or its county in  
3 existence on the effective date of a local government consolidation which conflict  
4 with other provisions of this chapter shall be void. Except as provided in KRS  
5 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or  
6 its county on the date a consolidated local government takes effect shall expire five  
7 (5) years from that date unless amended or reenacted by the consolidated local  
8 government.
- 9 (3) All ordinances of the city and county creating agencies and boards and interlocal  
10 agreements shall survive and be deemed reenacted by the council. All members may  
11 serve the balance of the terms to which they were appointed and until their  
12 successors are appointed and duly qualified according to law.
- 13 (4) For purposes of this section, a conflict shall be deemed to exist between ordinances  
14 or resolutions, or the provisions of this chapter, where any rights, remedies,  
15 entitlements, or the enforcement thereof cannot reasonably be reconciled.
- 16 (5) The county attorney shall serve as the legal advisor and representative to the  
17 consolidated local government, ~~and~~ except for those duties pertaining to fiscal  
18 court, ~~set forth in KRS 69.210,~~ The county attorney shall retain and exercise all  
19 other duties, powers, and rights delegated to that office by law, **excluding the power**  
20 **to approve legislation prior to its consideration by the legislative body of the**  
21 **consolidated local government. The county attorney may provide an opinion on**  
22 **the form, legality, or constitutionality of any legislative action, but that opinion**  
23 **shall only be an advisory opinion.** This subsection does not prevent the  
24 consolidated local government council from retaining its own legal counsel ~~solely~~  
25 ~~for~~ advice and consultation should they choose to do so.
- 26 (6) Wherever the words "county judge" or "county judge/executive" appear in any  
27 resolution or ordinance in existence in a city of the first class or in a county

1 containing a city of the first class as of the effective date of the establishment of a  
 2 consolidated local government, they shall be deemed to mean the mayor of the  
 3 consolidated local government.

4 ➔Section 6. KRS 67C.139 is amended to read as follows:

5 If a cooperative compact exists between a city of the first class and its county prior to the  
 6 creation of a consolidated local government, upon the establishment of the consolidated  
 7 local government:

8 (1) (a) The mayor of the consolidated local government shall assume all appointment  
 9 authority previously held by the county judge/executive and the mayor of the  
 10 consolidating governments. Appointments made by the mayor should reflect  
 11 the political, geographic, gender, age, and racial diversity of the population  
 12 within the jurisdiction of the consolidated local government. Upon the  
 13 expiration of a term of appointment, the mayor shall make an appointment or  
 14 reappointment within ninety (90) days of the term's expiration.

15 (b) If the mayor fails to make an appointment within ninety (90) days, the  
 16 legislative council of the consolidated local government shall make the  
 17 appointment within thirty (30) days after the expiration of the ninety (90) day  
 18 period. The legislative council's appointment shall take into account the  
 19 political, geographic, gender, age, and racial diversity of the population. The  
 20 legislative council shall adopt a resolution specifying how these appointments  
 21 shall be made; and

22 (2) **The mayor shall make all appointments to agencies, boards, and commissions**  
 23 **established by statute in the manner as prescribed by statute, subject to any**  
 24 **requirements for legislative body approval as required by the relevant statutes.**  
 25 **Notwithstanding any other provisions of the Kentucky Revised Statutes, the**  
 26 **legislative body of the consolidated local government shall have sixty (60) days in**  
 27 **which to give approval of an appointment, if such approval is required by**

1 ~~*statute.*~~ ~~[(a) When authorized by statute, the mayor shall, subject to legislative~~  
 2 ~~council approval, determine which statutorily created agencies, boards, and~~  
 3 ~~commissions require legislative council approval for the appointment of members.~~

4 ~~(b) 1. Subject to legislative council approval, the mayor shall determine the~~  
 5 ~~agencies, boards, and commissions to which legislative council members shall~~  
 6 ~~be appointed. The mayor's determination under this subparagraph shall be~~  
 7 ~~made in consultation with the Office of the Attorney General and shall not~~  
 8 ~~violate the incompatible offices prohibitions in KRS 61.080(3).~~

9 ~~2. The presiding officer of the legislative council shall make all legislative~~  
 10 ~~council appointments to agencies, boards, and commissions from the~~  
 11 ~~membership of the legislative council, subject to subparagraph 1. of this~~  
 12 ~~paragraph.~~

13 ~~(c) The legislative council shall enact an ordinance setting out the role of the~~  
 14 ~~legislative council, if any, in the appointment process for each individual~~  
 15 ~~agency, board, and commission created by statute. Only one (1) agency, board,~~  
 16 ~~or commission shall be addressed per ordinance. Such ordinance shall require~~  
 17 ~~a vote of the majority of the entire membership of the legislative council for~~  
 18 ~~approval and shall be subject to mayoral veto and legislative override pursuant~~  
 19 ~~to KRS 67C.103(13)(a) and 67C.105(5)(i); and]~~

20 (3) The appointment of members to all agencies, boards, and commissions created by  
 21 ordinance shall be determined by the ordinance creating the agency, board, or  
 22 commission.

23 ➔Section 7. KRS 67C.143 is amended to read as follows:

24 (1) Unless otherwise provided by law, any elected officer of a consolidated local  
 25 government in case of misconduct, incapacity, or willful neglect in the performance  
 26 of the duties of his or her office may be removed from office by the legislative  
 27 council, sitting as a court, under oath, upon charges preferred by the mayor or by

1 any five (5) members of the legislative council, or, in case of charges against the  
 2 mayor, upon charges preferred by not less than ten (10) members of the legislative  
 3 council.~~[No legislative council member preferring a charge shall sit as a member of  
 4 the legislative council when it tries that charge.]~~

5 (2) No elected officer shall be removed without having been given the right to a full  
 6 public hearing.

7 (3) A decision to remove a mayor, legislative council member, or appointee to a board  
 8 or commission shall require a vote of two-thirds (2/3) of the total number of  
 9 legislative council members.

10 (4) Any elected officer removed from office under the provisions of this section may  
 11 appeal to the Circuit Court and from there to the Court of Appeals. The appeal to  
 12 the Circuit Court shall be taken and tried in the same manner as civil cases are tried.

13 (5) (a) No elected officer removed from office under this section shall be eligible to  
 14 fill the office vacated before the expiration of the term to which the elected  
 15 member was originally elected.

16 (b) Any appointee to a board or commission removed under this section shall not  
 17 be eligible for:

18 1. The office from which he or she was removed before five (5) years  
 19 following the date of his or her removal from that office; or

20 2. Appointment to a board or commission described in KRS  
 21 67C.103(13)(f) before five (5) years following the date of his or her  
 22 removal from that office.

23 ➔Section 8. KRS 67C.147 is amended to read as follows:

24 (1) In order to maintain the tax structure, tax rates, or level of services in the area of the  
 25 consolidated local government formerly comprising the city of the first class, the  
 26 legislative council of a consolidated local government may provide in the manner  
 27 described in this chapter for taxes and services within the area comprising the

1 former city of the first class which are different from the taxes and services which  
2 are applicable in the remainder of the county. These differences may include  
3 differences in tax rates upon the class of property which includes the surface of the  
4 land, differences in ad valorem tax rates upon personal property, and differences in  
5 tax rates upon insurance premiums.

6 (2) Any difference in the ad valorem tax rate on the class of property which includes  
7 the surface of the land in the portion of the county formerly comprising the city of  
8 the first class and in the portion of the county other than that formerly comprising  
9 the city of the first class may be imposed directly by the consolidated local  
10 government council. Any change in these ad valorem tax rates shall comply with  
11 KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as  
12 provided by KRS 82.085.

13 (3) If the consolidated local government council determines to provide for tax rates  
14 applicable to health insurance premiums and personal property which are different  
15 in the area formerly comprising the city of the first class than the rates applicable in  
16 the remainder of the county, it shall do so in the following manner. The  
17 consolidated local government council shall by ordinance create a tax district to be  
18 known as the "urban service tax district" bounded by the former boundaries of the  
19 former city of the first class. The ordinance shall designate the number of members  
20 of the board of this taxing district and the manner in which they shall be appointed.  
21 The ordinance shall provide that the board of the taxing district shall receive the  
22 income derived from the differential in tax rate applicable in the area formerly  
23 comprising the city of the first class with respect to personal property, health  
24 insurance premiums, or both, and shall contract with the consolidated local  
25 government to pay all sums collected to the consolidated local government, in  
26 return for the provision of services performed by the consolidated local government  
27 within the area formerly comprising the city of the first class which services are in

1 addition to services performed by the consolidated local government in the  
 2 remainder of the county. **The consolidated local government shall provide at least**  
 3 **an annual reporting to the urban service tax district board and the legislative**  
 4 **body of the consolidated local government containing but not limited to detailed**  
 5 **operating and capital expenditures of each service performed by the consolidated**  
 6 **local government.**

7 (4) After the initial formation of an urban service taxing district in a consolidated local  
 8 government, the boundaries of the district may be modified in the following  
 9 manner. The proposal to alter the boundaries of the urban service taxing district  
 10 within a consolidated local government may be initiated by:

- 11 (a) A resolution enacted by the consolidated local government describing the  
 12 boundaries of the area to be added to or deleted from the taxing district and  
 13 duly passed and signed by the mayor not less than one hundred twenty (120)  
 14 days before the next regularly scheduled election day within the county; or
- 15 (b) A petition signed by a number of qualified voters living within precincts  
 16 within the area to be added to or deleted from the taxing district equal to ten  
 17 percent (10%) of the votes cast within each precinct in the last general election  
 18 for President of the United States and delivered to the clerk of the legislative  
 19 council more than one hundred twenty (120) days next preceding the next  
 20 regularly scheduled election day within the county.

21 The boundaries so described in either case shall not cross precinct lines. The  
 22 question of whether the area bounded as described should be added to or deleted  
 23 from, as the case may be, the urban services taxing district shall then be placed upon  
 24 the ballot in the precincts in the area to be added or deleted at the next regular  
 25 election and the question stated on the ballot shall be so phrased that a "Yes" vote  
 26 shall be cast in favor of making the proposed change and a "No" vote shall be cast  
 27 to oppose the proposed change. If a majority of those voting in those precincts

1 support the change, then the change in the boundaries of the urban service district  
2 shall be implemented.

3 ➔Section 9. KRS 67C.301 is amended to read as follows:

4 As used in KRS 67C.301 to 67C.327, unless the context otherwise requires:

5 (1) "Board" means the consolidated local government police force merit board or  
6 boards hereinafter created.

7 (2) "Chief" means a chief of a consolidated local government police force affected by  
8 KRS 67C.301 to 67C.327.

9 (3) **"Designee" means a deputy chief or assistant chief of a consolidated local**  
10 **government police force affected by KRS 67C.301 to 67C.327.**

11 **(4)** "Assistant chief" means the next in command to the chiefs of the consolidated local  
12 government police force or forces affected by KRS 67C.301 to 67C.327.

13 ~~**(5)**~~~~**(4)**~~ "Secretary" means the executive secretary employed by the consolidated local  
14 government police force merit board or boards created as provided by KRS 67C.301  
15 to 67C.327.

16 ~~**(6)**~~~~**(5)**~~ "Officer" means any member of the consolidated local government police  
17 forces affected by KRS 67C.301 to 67C.327, including police officers, corporals,  
18 sergeants, lieutenants, and captains.

19 ➔Section 10. KRS 67C.321 is amended to read as follows:

20 (1) Any officer may be removed, suspended for a period not to exceed thirty (30) days,  
21 laid-off, or reduced in grade by the chief **or chief's designee** for any cause which  
22 promotes the efficiency of the services, but before any such action is taken by the  
23 chief **or chief's designee** against any officer, the chief **or chief's designee** shall  
24 furnish the officer concerned with a written statement of the reasons why the  
25 described action is being taken. **The chief's designee shall provide the chief a copy**  
26 **of the written statement of why the described action is being taken when it is**  
27 **furnished to the officer. Nothing in this subsection shall be construed as**

1 *abrogating the chief's responsibility for the actions of the chief's designee taken*  
 2 *pursuant to KRS 67C.301 to 67C.327.* The officer may be reduced, removed,  
 3 suspended for a period not to exceed thirty (30) days, or laid-off from the date the  
 4 written statement of reasons is served upon her or him. Each officer removed,  
 5 suspended for a period not to exceed thirty (30) days, laid-off, or reduced in grade  
 6 shall be allowed a period of ten (10) days within which the officer may file a written  
 7 answer to the charges and the reasons which caused her or his suspension, removal,  
 8 or reduction. This answer shall be made a part of the official records of the police  
 9 department. No trial or examination of witnesses shall be required in any such case  
 10 except at the discretion of the chief. The chief *or the chief's designee* shall likewise  
 11 furnish a copy of the written charges and reasons for her or his action to the board.

12 (2) Any citizen who makes written, sworn charges of misconduct concerning the  
 13 actions of any police officer shall present the charges to the chief of police *or the*  
 14 *chief's designee* who shall investigate the charges. The chief of police *or the chief's*  
 15 *designee* shall determine what action, if any, shall be taken against the officer,  
 16 subject to the limitations set out in this chapter. The citizen may appeal the  
 17 determination of the chief of police *or the chief's designee* to the board.

18 ➔Section 11. KRS 67C.323 is amended to read as follows:

19 In all cases provided for in KRS 67C.321, the action of the chief *or the chief's designee*  
 20 shall be final except in the following cases:

21 (1) Every action in the nature of a dismissal, suspension, or demotion of a  
 22 nonprobationary officer made by the chief *or the chief's designee* shall be subject to  
 23 review by the board at the request of any officer affected by KRS 67C.301 to  
 24 67C.327. An appeal to the board of a dismissal, demotion, or forty (40) hour or  
 25 more suspension of a nonprobationary officer shall be heard by the full board. The  
 26 board shall give notice and hold a public hearing. After the hearing, the board shall  
 27 retire in executive session to discuss the evidence introduced at the hearing and to



1 make its determination and conclusion. While in executive session, the board shall  
2 not receive any further evidence or communication from any source prior to  
3 reaching its determination and conclusion. The board, while in executive session,  
4 may request and receive legal advice from board counsel on specific legal issues  
5 which may arise during deliberations. If a majority of the members of the board are  
6 of the opinion that the action of the chief or the chief's designee is unjustified or  
7 unsupported by proper evidence, the order of the chief or the chief's designee may  
8 be set aside and revoked by the board, and the board may impose the penalty or  
9 punishment it deems necessary and appropriate, if any; provided however, the board  
10 shall not impose a penalty or punishment in excess of the action of the chief or the  
11 chief's designee. No officer shall be removed or dismissed except as provided for in  
12 this section.

13 (2) An appeal to the board of a suspension of a nonprobationary officer of less than  
14 forty (40) hours may be heard by the full board or any hearing officer secured by the  
15 board. If the appeal is heard by a hearing officer, all rules established by the board  
16 relating to appeals of disciplinary actions shall be applicable. After the hearing, the  
17 hearing officer shall complete and submit to the board, no later than thirty (30) days  
18 after the hearing, a written recommended order which shall include his findings of  
19 fact, conclusions of law, and recommended disposition of the appeal, which may  
20 include recommended penalties. The recommended order shall also include a  
21 statement advising the appealing officer and chief or the chief's designee fully of  
22 their exception and appeal rights. A copy of the hearing officer's recommended  
23 order shall be sent to the appealing officer and chief or the chief's designee. Each  
24 party shall have fifteen (15) days from the date the recommended order is mailed  
25 within which to file exceptions to the recommendations with the board. The board  
26 shall consider the record including the recommended order in any exceptions duly  
27 filed to a recommended order, and accept and adopt or reject or modify, in whole or

1 in part, the recommended order, or remand the appeal of the matter, in whole or in  
 2 part, to the hearing officer for further proceedings as appropriate. The final order of  
 3 the board shall be in writing. If the final order differs from the recommended order,  
 4 it shall include separate statements of findings of fact and conclusions of law. The  
 5 board shall render a final order in an administrative hearing within thirty (30) days  
 6 after receipt of the hearing officer's recommended order.

- 7 (3) (a) Every action of a dismissal, suspension, or demotion made by the board shall  
 8 be final, except that any person aggrieved may, within thirty (30) days after  
 9 the action, appeal to the Circuit Court of the county in which the board meets.  
 10 The board shall be named respondent as the consolidated local government  
 11 police force merit board, and service shall be had on the chairman of the  
 12 board. Notice of the appeal shall be given to the chief or the chief's designee,  
 13 or the officer if not already a party to the appeal as real parties in interest. The  
 14 appeal taken to the Circuit Court shall be docketed by the clerk as a civil  
 15 action with appropriate judicial review of an administrative action or decision.
- 16 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of  
 17 Appeals. The procedure as to the appeal to the Court of Appeals shall be the  
 18 same as in any civil action.

19 ➔Section 12. KRS 67C.325 is amended to read as follows:

20 Procedural due process shall be afforded to any police officer brought before the board.  
 21 The officer shall be given a prompt hearing by the board, have an opportunity to confront  
 22 his or her accusers, and have the privilege of presenting the board with evidence. The  
 23 board shall have the power to issue subpoenas attested in the name of its chairman, to  
 24 compel the attendance of witnesses, to compel the production of documents and other  
 25 documentary evidence, and so far as practicable, conduct the hearing within the Kentucky  
 26 Rules of Civil Procedure. Upon a showing of proper need, the board shall issue  
 27 subpoenas to compel the attendance of witnesses, or to compel the production of

- 1 documents and other documentary evidence for the benefits of the officer, ~~or~~ the chief,
- 2 *or the chief's designee* at the request of the officer, ~~or~~ the chief, *or the chief's designee*.