

CHAPTER 189 (HB 647)

AN ACT relating to the consolidation of local governments in counties containing cities of the first class.

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

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

- (1) *The governmental and corporate functions vested in any city of the first class shall, upon approval by the voters of the county at a regular or special election, be consolidated with the governmental and corporate functions of the county containing the city. This single government replaces and supersedes the governments of the pre-existing city of the first class and its county.***
- (2) *A consolidated local government shall have all powers and privileges that cities of the first class and their counties are, or may hereafter be, authorized to exercise under the Constitution and the general laws of the Commonwealth of Kentucky, including but not limited to those powers granted to cities of the first class and their counties under their respective home rule powers. A consolidated local government shall continue to exercise these powers and privileges notwithstanding repeal or amendment of any of the laws upon which the powers and privileges are based unless expressly repealed or amended for consolidated local governments. In addition, a consolidated local government shall have other powers and privileges as the government may be authorized to exercise under the Constitution and general laws of the Commonwealth of Kentucky.***
- (3) *A consolidated local government shall have power and authority to:***
 - (a) *Levy and collect taxes upon all property taxable for state purposes within the territorial limits of the consolidated local government not exempt by law from taxation;***
 - (b) *License, tax, and regulate privileges, occupations, trades, and professions authorized by law, to be uniform throughout the jurisdiction;***
 - (c) *Make appropriations for the support of the consolidated local government and provide for the payment of all debts and expenses of the consolidated local government and the debts and expenses of the county and city of which it is the successor;***
 - (d) *Issue or cause to be issued bonds and other debt instruments that counties containing a city of the first class are authorized to issue or enter into all other financial transactions as may be permitted by law;***
 - (e) *Purchase, lease, construct, maintain, or otherwise acquire, hold, use, and operate any property, real or personal, for any public purpose, and sell, lease, or otherwise dispose of any property, real or personal, belonging to a consolidated local government;***
 - (f) *Exercise the power of eminent domain for any public purpose subject to the limitations and exceptions prescribed by the Constitution and the general laws of the Commonwealth of Kentucky;***
 - (g) *Accept federal or state funds and other sources of revenue that are applicable to counties and cities of the first class;***

- (h) *Establish, erect, maintain, and operate facilities for the confinement, detention, and rehabilitation of persons convicted of the violation of the ordinances and laws of a consolidated local government or the Commonwealth of Kentucky;*
 - (i) *Pass and enforce by fines and penalties, if necessary, all ordinances, not inconsistent with law, as are expedient in maintaining the peace, good government, health, and welfare of the inhabitants of the county and prevent, abate, and remove nuisances;*
 - (j) *Collect and dispose of garbage, junk, and other refuse, and regulate the collection and disposal of garbage, junk, and other refuse by others;*
 - (k) *Provide for the redevelopment, renewal, or rehabilitation of blighted, deteriorated, or dilapidated areas;*
 - (l) *Enforce zoning regulations;*
 - (m) *Enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;*
 - (n) *Adopt procedures for collective bargaining with its employees and for the certification of exclusive bargaining agents for groups of employees in accordance with the Constitution and general laws of the Commonwealth of Kentucky and its ordinances; and*
 - (o) *Exercise all other powers and authorities granted to counties and cities of the first class by the general laws of the Commonwealth of Kentucky.*
- (4) *The powers of the consolidated local government shall be construed broadly in favor of the consolidated local government. The specific mention, or failure to mention, of particular powers in this section shall not be construed as limiting in any way the general or specific powers of a consolidated local government.*
- (5) *A consolidated local government shall have power and jurisdiction throughout the total area embraced by the official jurisdictional boundaries of the county.*
- (6) *A consolidated local government shall be known as Greater, which shall be the name of the largest city in existence on the date of the adoption of the consolidated government.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *The legislative authority of a consolidated local government, except as otherwise specified in Sections 1 to 19 of this Act, shall be vested in a consolidated local government council. The members of the council shall be nominated and elected by district. There shall be only one (1) council member elected from each council district.*
- (2) *There shall be twenty-six (26) council districts. The initial boundaries, population, and numerical designation of the council districts shall be as specified by Section 18 of this Act. The population of the council districts shall be as nearly equal as is reasonably possible. For any newly consolidated local governments whose officials take office in 2003, upon taking office, the legislative council may take action to adjust the boundaries and population of the districts in order to equalize the population of the districts which may have changed as a result of recent census information. Any changes made to alter the boundaries of council districts shall be based on the population of the county as determined*

by the most recent United States Census or official census estimates as provided by the United States Bureau of the Census.

- (3) Following the official publication of each decennial census by the United States Bureau of the Census for the area embraced by a consolidated local government, the council shall adopt an ordinance, if necessary, to redistrict the council districts. A redistricting ordinance shall provide for the distribution of population among the council districts as nearly equal as is reasonably possible. Every council district shall be compact and contiguous and shall respect existing neighborhood, community, and city boundaries whenever possible.*
- (4) The consolidated local government council members shall serve for a term of four (4) years beginning on the first Monday in January following their election except that the initial election of council members shall be in a manner as to provide for staggered terms for council members. At the initial election of the members of a consolidated local government council, those representing even-numbered districts shall be elected for a two (2) year term. Those representing odd-numbered districts shall be elected for a four (4) year term. Thereafter, all council members shall be elected for four (4) year terms.*
- (5) The members of a consolidated local government council shall be nominated and elected from the district in which they reside in partisan elections. After the initial terms of office of the first elected council members, council members shall be elected in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth and as provided in subsection (4) of this section.*
- (6) No person shall be eligible to serve as a member of a consolidated local government council unless he or she is at least twenty-one (21) years old, a qualified voter, and a resident within the territory of the consolidated local government and the district that he or she seeks to represent for at least one (1) year immediately prior to the person's election. A council member shall continue to reside within the district from which he or she was elected throughout the term of office.*
- (7) The presiding officer of a consolidated local government council shall be a president who shall be chosen annually by a majority vote of the entire council from among its members at the first meeting of the council in January. The council president has the right to introduce any resolution or recommend any ordinance and shall be entitled to vote on all matters.*
- (8) The consolidated local government council shall upon notice meet within seven (7) days after its members have taken office, and shall thereafter hold at least two (2) regular meetings per month.*
- (9) A majority of the members of the consolidated local government council shall constitute a quorum, but a smaller number may adjourn from day to day. The consolidated local government council may enforce the attendance of members by rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the entire membership of the council may call a special meeting at any time. Meetings shall be held in such places in the county as are provided by ordinance, and the place of meetings shall not be changed except by an ordinance for which two-thirds (2/3) of the members of the consolidated local government council have voted.*

- (10) *The council shall determine its own rules and order of business, and keep and provide a public record of its proceedings. The council shall provide for the publication of all ordinances in a composite code of ordinances.*
- (11) *Council ordinances that prescribe penalties for their violation shall be enforced through the entire area of the consolidated local government unless:*
- (a) *Otherwise provided by statute; or*
 - (b) *The legislative body of any city within the consolidated local government area has adopted an ordinance pertaining to the same subject matter that is the same as or more stringent than the standards set forth in the consolidated local government's ordinance.*
- (12) *In the case of a vacancy on the consolidated local government council by reason of death, resignation, or removal, it shall be filled by appointment of the Governor, in accordance with Section 152 of the Constitution, for the unexpired term. Upon notification of the vacancy by the county clerk, the Governor shall appoint a person to fill a vacancy on the consolidated local government council not later than thirty (30) days after the date on which the vacancy occurs.*
- (13) *All legislative powers of a consolidated local government are vested in the consolidated local government council. The term "legislative power" is to be construed broadly and shall include the power to:*
- (a) *Enact ordinances, orders, and resolutions, and override a veto of the mayor by a two-thirds (2/3) majority of the membership of the legislative council;*
 - (b) *Review the budgets of and appropriate money to the consolidated local government;*
 - (c) *Adopt a budget ordinance;*
 - (d) *Levy taxes, subject to the limitations of the Constitution and the laws of the Commonwealth of Kentucky;*
 - (e) *Establish standing and temporary committees; and*
 - (f) *Make independent audits and investigations concerning the affairs of the consolidated local government.*
- (14) *The consolidated local government council shall be known as the legislative council of Greater, which shall be completed by the name of the largest city in existence in the county on the date of the consolidation.*

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

- (1) *All executive and administrative power of the government shall be vested in the office of the mayor. The term "executive and administrative power" shall be construed broadly. The mayor shall be the chief executive of a consolidated local government formed under the provisions of Sections 1 to 19 of this Act.*
- (2) *The mayor shall be nominated and elected in partisan elections for a term of four (4) years in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth. The mayor shall assume office on the first Monday in*

January following his or her election. He or she shall serve until a successor qualifies and may serve for no more than three (3) consecutive terms after which time he or she shall be prohibited from running for election or being appointed as mayor for a period of at least four (4) years.

- (3) The mayor shall be at least twenty-five (25) years old, a qualified voter, a member of his or her political party, and a resident of the territory encompassing the consolidated local government for a period of at least one (1) year prior to his or her election as mayor. The mayor shall continue to reside within the geographic boundary of the consolidated local government throughout his or her term of office.*
- (4) Except as otherwise provided in Sections 1 to 19 of this Act, the mayor shall have all the power and authority that the mayor of the city of the first class and the county judge/executive exercised under the Constitution and the general laws of the Commonwealth of Kentucky prior to the consolidation.*
- (5) The mayor is authorized to supervise, administer, and control all departments and agencies as may be created by Sections 1 to 19 of this Act or created by ordinance. The mayor shall appoint all department and agency directors. The appointees shall serve at the pleasure of the mayor. Specifically, the mayor shall:*

 - (a) Prepare and submit an annual report coinciding with the fiscal year, on the state of the consolidated local government, to be presented at a public meeting of the council;*
 - (b) Submit an annual budget;*
 - (c) Oversee the administration and implementation of the adopted budget ordinance;*
 - (d) Enforce the ordinances of the consolidated local government;*
 - (e) Supervise all officers, agents, employees, cabinets, departments, offices, agencies, functions, and duties of the consolidated local government;*
 - (f) Call special meetings of the consolidated local government council;*
 - (g) Appoint and remove his or her own staff at his or her own pleasure;*
 - (h) Execute written contracts or obligations of the consolidated local government; and*
 - (i) Approve or veto ordinances and resolutions adopted by the consolidated local government council.*
- (6) In case the office of mayor becomes vacant by reason of death, resignation, or removal, it shall be filled by appointment of the Governor, in accordance with Section 152 of the Constitution, for the unexpired term. The Governor shall appoint a person to fill a vacancy in the office of mayor not later than thirty (30) days after the date on which the vacancy occurs. If a vacancy occurs in the office of mayor, the members of the legislative body of the consolidated local government shall elect one (1) of their members to serve as temporary mayor until the Governor fills the vacancy in the office, notwithstanding the provisions of KRS 61.080(2) to the contrary.*
- (7) The mayor of a consolidated local government shall be known as the mayor of Greater, which shall be completed by the name of the largest city in existence in the county on the date of the consolidation.*

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

- (1) *Upon public approval at a regular or special election of a consolidation of a city of the first class and their county, all regular employees of the city of the first class and the county shall become employees of the consolidated local government.*
- (2) *All rights, privileges, and protections attributed to all regular employees by a civil service or classified service system established by a city of the first class or a county containing a city of the first class shall continue in effect until changed by statute or ordinance when applicable.*
- (3) *A consolidated local government shall recognize and shall continue to bargain with any bargaining unit consisting of public employees recognized by either the previously existing city or county government.*
- (4) *All labor contracts in existence in a city of the first class or a county containing a city of the first class on the effective date of a local government consolidation shall continue in effect until the expiration of the terms of the contracts at which time new contracts shall be renegotiated between the consolidated local government and affected labor representatives.*

SECTION 5. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

A consolidated local government shall be deemed a county and shall be deemed an incorporated city of the first class under the Constitution and the general laws of the Commonwealth of Kentucky for the purpose of applying for or receiving any aid or grant-in-aid from the Commonwealth of Kentucky or the government of the United States.

SECTION 6. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *All cities other than those of the first class located within the territory of the consolidated local government, upon the successful passage of the question to consolidate a city of the first class and its county, shall remain incorporated unless dissolved in accordance with KRS 81.094 and shall continue to exercise all powers and perform the functions permitted by the Constitution and general laws of the Commonwealth of Kentucky applicable to the cities of the class to which they have been assigned.*
- (2) *Upon the adoption of a consolidated local government in a county containing a city of the first class, there shall be no further incorporations of cities within the county.*
- (3) *Upon the adoption of a consolidated local government in a county containing a city of the first class, there shall be no annexations for a period of twelve (12) years by any city remaining in the county. After that time, any proposed annexation by a city in that county shall first receive the approval of the legislative council of the consolidated local government prior to the city proceeding under the provisions of KRS Chapter 81A. The city shall request the approval of the consolidated legislative council by ordinance. The consolidated legislative council's decision shall be made by ordinance and within sixty (60) days of the receipt of the request by the affected city. If an ordinance has not been enacted by the consolidated legislative council within sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved by the consolidated legislative council.*

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

SECTION 7. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

All taxing districts, fire protection districts, sanitation districts, water districts, and any other special taxing or service districts of any kind existing upon the successful passage of the question to consolidate a city of the first class and its county shall continue in existence unless dissolved in the manner prescribed by law and shall continue to exercise all the powers and functions permitted by the Constitution and the general laws of the Commonwealth of Kentucky.

SECTION 8. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *Upon the successful passage of the question to consolidate a city of the first class and its county, the ordinances, regulations, and orders of the previously existing city of the first class and the county shall initially govern the consolidated local government along with any new ordinances, resolutions, or orders that may be enacted.*
- (2) *Any ordinance, regulation, or order in effect in a city of the first class or its county on the date of the adoption of a consolidated local government shall expire five (5) years from the date the new government takes effect unless amended or reenacted by the new consolidated local government.*
- (3) *The county attorney shall serve as the legal advisor and representative to the consolidated local government.*
- (4) *The county attorney shall review all ordinances, resolutions, and orders in effect in the city of the first class and the county in order to identify conflicting language between the varying ordinances, resolutions, and orders. The county attorney shall present a listing of the conflicts between the ordinances, resolutions, and orders to the legislative body of the consolidated local government at its first meeting.*

SECTION 9. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) (a) *It shall be the policy of the consolidated local government to ensure that opportunities generated directly or indirectly by the consolidated local government are equally available to all citizens without regard to race, color, religion, national origin, marital status, physical handicap, sex, or age.*
- (b) *It shall also be the policy of the consolidated local government to include the minority community in all aspects of governance in the consolidated local government. Minority citizens and business shall be represented in all actions of the consolidated government, including but not limited to government employment, appointments to boards or commissions, contracting, and purchasing.*
- (2) *The percentage of minority citizens who shall be employed by the consolidated local government or appointed to each of its boards and commissions shall be no less than the percentage of minority citizens in the community, or the percentage of minority representatives on the consolidated local government's legislative body, whichever is greater.*

- (3) *The consolidated local government shall adopt ordinances and develop policies to achieve the mandate set forth in this section.*

SECTION 10. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *The consolidated local government shall have an affirmative action plan that complies with all current federal guidelines and requirements relevant to local governments.*
- (2) *The mayor shall prepare and implement an affirmative action plan.*
- (3) *There shall be established under the direction of the mayor an office that shall be called the "Affirmative Action Office."*
- (4) *The Affirmative Action Office shall aid the mayor in preparing the plan, and shall be responsible for the day-to-day operation and implementation of the affirmative action plan.*
- (5) *An affirmative action plan, in addition to following all federal requirements, shall include good faith efforts to:*
- (a) *Determine the extent to which minorities and women are underutilized in major categories;*
 - (b) *Identify and eliminate the specific causes of the underutilization;*
 - (c) *Identify and eliminate all employment practices that have an adverse impact on minorities, women, and others protected by applicable law and the relationship of which to job performance has not been clearly established;*
 - (d) *Rely exclusively on practices that are based on merits and other valid job related criteria;*
 - (e) *Develop, substantial applicant pools of validly qualified minorities and women, special recruitment efforts, and other measures to insure that sufficient numbers of these groups are included to help reduce their underutilization;*
 - (f) *Develop, through special recruitment efforts and other measures, applicant pools in which handicapped persons are represented equitably;*
 - (g) *Project goals and timetables to include estimates of the representation of minorities and women likely to result from the operation of this affirmative action plan; and*
 - (h) *Establish organizational structures and monitoring systems that will ensure effective operation of its goals, and means for modification of the plan as needed.*
- (6) *All contracts, leases, or other agreements for materials, supplies, equipment, or, contractual services other than professional that, in the aggregate, exceed ten thousand dollars (\$10,000) in any calendar year shall be awarded in compliance with KRS 424.260 or with KRS 45A.343 to 45A.460, if applicable.*
- (7) *Notwithstanding anything to the contrary in this section, the provisions of this section shall apply to every person, firm, corporation, and association that has been awarded contracts, leases, or other agreements as provided by KRS 424.260 or with KRS 45A.343 to 45A.460, if applicable, that, in the aggregate, exceed ten thousand dollars (\$10,000) in any calendar year.*

- (8) Employment opportunities generated directly or indirectly by the government of the consolidated local government shall be equally available to all citizens without regard to race, color, religion, national origin, marital status, physical handicap, sex, or age. In order to ensure that employment opportunities generated directly or indirectly by the consolidated local government are equally available, contractors and vendors shall be approved as provided by this section prior to the awarding of any contract, lease, or other agreement that requires an expenditure in excess of ten thousand dollars (\$10,000) with the consolidated local government.*
- (9) No person, firm, corporation, or association shall be awarded a contract, lease, or other agreement that requires an expenditure in excess of ten thousand dollars (\$10,000) until and unless that person, firm, corporation, or association has been prequalified as determined by procedures and requirements enacted by ordinance by the consolidated local government.*
- (10) No officer, employee, or agent of the consolidated local government shall accept a contract, lease, or other agreement that requires an expenditure in excess of ten thousand dollars (\$10,000) with the consolidated local government until and unless that person, firm, corporation, or association has been prequalified as determined by procedures and requirements enacted by ordinance by the consolidated local government.*
- (11) All persons, firms, corporations, or associations seeking to bid on contracts, leases, or other agreements that require an expenditure exceeding ten thousand dollars (\$10,000) with the consolidated local government shall submit a request for prequalification as an eligible contractor, pursuant to the procedures and requirements enacted by ordinance by the consolidated local government.*
- (12) The consolidated local government shall make available a list of all bidders who have been prequalified and shall distribute the list to the appropriate purchasing officers, employees, or agents of the consolidated local government.*
- (13) Any person, firm, corporation, or association that submits an otherwise qualified bid for a contract, lease, or other agreement pursuant to the provisions of KRS 424.260, but that has not prequalified pursuant to this section, may be approved by the consolidated local government as provided by this section. Any person, firm, or corporation that is approved by the consolidated local government shall thereafter be qualified and considered eligible for award for a contract, lease, or other agreement.*
- (14) The consolidated local government shall prequalify persons, firms, corporations, and associations seeking a contract, lease, or other agreement that requires an expenditure exceeding ten thousand dollars (\$10,000) with the consolidated local government if on an analysis of the workforce of that entity the consolidated local government determines that:*

 - (a) The entity is not deficient in the utilization of minority groups or women;*
 - (b) The entity has an acceptable, bona fide affirmative action plan;*
 - (c) The entity is a small business that employs ten (10) or fewer individuals;*
 - (d) The entity has a federally approved affirmative action program; or*
 - (e) The consolidated local government has made a finding based on other reasonable criteria, and after consideration of the provisions of 41 C.F.R. 60-2, determines the entity does not require an affirmative action plan.*

- (15) *An acceptable affirmative action plan for an entity seeking a contract, lease, or other agreement with a consolidated local government shall include:*
 - (a) *An analysis of the areas of the entity's workforce within which it is deficient in the utilization of minority groups and women; and*
 - (b) *Timetables to which the entity's good faith efforts shall be directed to correct the deficiencies and to achieve prompt and full utilization of minorities and women at all levels and in all segments of its workforce where deficiencies exist.*
- (16) *A bona fide affirmative action plan for an entity seeking a contract, lease, or other agreement with a consolidated local government shall include a set of specific and result-oriented procedures, goals, and timetables to which an entity commits itself to apply every good faith effort in order to achieve equal employment opportunity. Procedures without effort to make them work are meaningless and effort undirected by specific and meaningful procedures is inadequate.*
- (17) *In reviewing an affirmative action plan for an entity seeking a contract, lease, or other agreement with a consolidated local government, the consolidated local government shall be guided by the relevant provisions of 41 C.F.R. 60-2 which outlines the requirements of affirmative action plans for federal contractors and vendors.*
- (18) *The consolidated local government shall use its best efforts, directly and through contracting agencies, other interested federal, state, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work pursuant to contracts, leases, and agreements that are the subject matter of this section or any agency referring workers or providing or supervising apprenticeship or training for or in the course of this work to cooperate in the implementation of the purposes of this section.*
- (19) *The consolidated local government on its own motion or on motion of any interested party shall cause hearings as it deems necessary for compliance or enforcement of this section.*
- (20) *The consolidated local government shall hold a hearing prior to imposing or recommending the imposition of penalties and sanctions for violation of this section. No penalty that would prohibit any contractor from obtaining future contracts under this section shall be made without affording the contractor an opportunity for a hearing.*
- (21) *Notice of any final decision or determination of the consolidated local government that affects the running of time for taking an appeal shall be mailed to all parties in the matter, including the proposed contractor, lessor or other party, and the affected local government offices.*
- (22) *The consolidated local government shall establish an affirmative action appeals board for purposes of hearing appeals from any final decision relating to matters pertaining to this section. The board shall be composed of the county attorney, or his or her designee, the council president of the consolidated local government, or his or her designee, and a representative of the financial department of the consolidated local government, or his or her designee.*
- (23) *Any appeal from a decision of the consolidated local government shall be hand-delivered or mailed by certified mail to the affirmative action appeals board not later than thirty (30) days from the date of the local government's decision. The appeal shall set forth the grounds for the appeal. The appeals board shall notify all parties in writing of the time*

and place of a hearing. The hearing committee may issue subpoenas for any witnesses requested by either of the parties or in the appeals board's opinion necessary to the proper disposition of the matter to be heard. All parties shall be allowed legal representation, witnesses may be cross-examined, and the proceeding shall be recorded. The local government shall transmit, within ten (10) days after receipt of notice of appeal, all the original papers in action to the appeals board.

- (24) *The appeals board shall have the power to require the contractor to furnish all necessary records and give testimony as to enable the board to render a fair and competent decision. The duty of the board shall be to review all records, hear all testimonies of witnesses, and determine whether the decision of the local government was correct. The decision of the appeals board shall be final. The decision of the appeals board shall be transmitted in writing to the appropriate offices of the local government for implementation and shall set forth specifically its findings of fact and conclusions relative to its determination. The administration of sanctions and penalties in accordance with that determination shall be the duty of the appropriate department or contracting agency of the consolidated local government.*
- (25) (a) *On request of the adversely affected party the appeals board may, on terms as are just, relieve a party from its final order of determination on the following grounds:*
1. *Mistake, inadvertence, surprise, or excusable neglect;*
 2. *Newly discovered evidence that by due diligence could not have been discovered in time for the hearing;*
 3. *Perjury or falsified evidence; or*
 4. *Fraud affecting the proceedings other than perjury or falsified evidence.*
- (b) *The request shall be made within thirty (30) days after notification of the appeals board's final determination. A request under this subsection does not affect the finality of the order or determination or suspend its operation.*
- (26) *In accordance with the enforcement provisions of this section, the consolidated local government may cancel, terminate, suspend, or cause to be canceled, terminated, or suspended, any contract, lease, or agreement that is the subject matter of this section for failure of the contractor or vendor to comply. Contracts, leases, and agreements may be canceled, terminated, or suspended absolutely or continuance of contracts, leases, and agreements may be conditioned on a program for future compliance as approved by the consolidated local government.*
- (27) *Any contracting agency shall refrain from entering into further contracts or extensions or other modifications of existing contracts, with any noncomplying contractor, until the contractor has established and will carry out personnel and employment policies in compliance with the provisions of this section.*
- (28) *Whenever the consolidated local government makes a determination regarding noncompliance by a contractor pursuant to this section, it shall promptly notify the appropriate contracting agency and other affected local government agencies and offices of the action recommended. The contracting agency shall take the action recommended and shall report the results of that action to the consolidated local government.*

- (29) *If the appeals board shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this order or submits a program for compliance acceptable to the consolidated local government.*

SECTION 11. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *All offices provided for in Section 99 of the Constitution of Kentucky shall remain in existence upon the consolidation of a city of the first class with its county. However, all existing powers and duties of these offices shall be assigned to the consolidated local government. To the extent permitted by the Constitution of Kentucky, the office of county judge/executive, justices of the peace, and county commissioners may be statutorily limited in a consolidated local government.*
- (2) *Nothing in Sections 1 to 19 of this Act shall alter or affect the election or term of any county court clerk, county attorney, sheriff, jailer, coroner, surveyor, or assessor. Nor shall any provision of Sections 1 to 19 of this Act be construed to alter or affect the powers, duties, or responsibilities of these officers as prescribed by the Constitution and laws of the Commonwealth of Kentucky. Any funding responsibilities or oversight of any constitutional officers or their employees previously exercised by the county, which shall include the approval of the annual budget of the sheriff's and the county clerk's offices, shall be transferred to the consolidated local government.*

SECTION 12. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

The tax structure, tax rates, and level of services in effect in the city of the first class and its county upon the adoption of a consolidated local government shall remain in effect after the adoption of the consolidated local government and shall remain the same until changed by the newly elected consolidated local government council.

SECTION 13. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of Sections 1 to 19 of this Act or any subsequent enactment of a general nature of the General Assembly of the Commonwealth of Kentucky, a consolidated local government shall not levy any tax on real property at a rate or rates in excess of that allowed by KRS 68.245 and KRS 132.027. The limitations in those statutes shall apply to the consolidated local government in the same manner as applied to all other counties and cities.

SECTION 14. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

Any cooperative compact in existence in a county containing a city of the first class on the effective date of this Act shall remain in effect unless a consolidated local government is adopted as provided in Sections 1 to 19 of this Act. The terms and agreements within a cooperative compact shall remain the same and in effect until the installation of the officers of the newly consolidated local government. If the voters in a county containing a city of the first class fail to approve a proposal for a consolidated local government then the cooperative compact shall remain in effect for the duration of the terms of the compact agreement.

SECTION 15. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

The salary of the mayor of a newly consolidated local government created by the provisions of Sections 1 to 19 of this Act shall be the same as that allowed for a mayor of a city of the first class as provided by Section 246 of the Kentucky Constitution.

SECTION 16. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *The salary of the members of the legislative council of a newly consolidated local government created by the provisions of Sections 1 to 19 of this Act shall be eighty percent (80%) of that amount that is permitted for county commissioners on the effective date of this Act as provided by Section 246 of the Kentucky Constitution. In order to equate the compensation of legislative council members with the purchasing power of the dollar, the Department for Local Government shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year. The Department for Local Government shall notify the appropriate governing bodies charged by law to fix the compensation of the above elected officials of the annual rate of compensation to which the elected officials are entitled in accordance with the increase or decrease in the consumer price index. Upon notification from the Department for Local Government, the appropriate governing body may set the annual compensation of the above elected officials at a rate no greater than that stipulated by the Department for Local Government.*
- (2) *Each legislative council member may hire one (1) full-time staff person.*

SECTION 17. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

The Auditor of Public Accounts, in order to insure the authorized, legal, regular, and safe handling, administration, or expenditure of public funds, shall annually audit the funds budgeted by any consolidated local government in a county containing a city of the first class. Actions taken by the Auditor and the local government for compliance with this section shall be the same as those required by KRS Chapters 43 and 424 and by KRS 43.070, 64.810, 64.820, 64.830, 64.840, and 64.850 relating to financial administration and the responsibilities of the handling of public funds.

SECTION 18. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *After certification of the election at which the voters of a county containing a city of the first class have approved the consolidation of a city of the first class and the county and after receipt of the 2000 census data, a plan to divide the county into twenty-six (26) legislative council districts shall be submitted to the fiscal court in order to establish the initial boundaries of the legislative council districts for the newly consolidated government.*
- (2) *The district plan for the legislative council shall be prepared and submitted by representatives of a department of geography from the largest public university that exists within the county.*

- (3) *Upon submission of the plan that lays out the initial boundaries of the legislative council districts, the fiscal court shall approve the plan within thirty (30) days as submitted and without amendment.*
- (4) *The boundaries of the districts shall be drawn so that the districts are compact and contiguous, and the population of each district shall be as nearly equal as is reasonably possible.*
- (5) *Thereafter, and not less than every ten (10) years, the legislative council shall initiate reapportionment proceedings in May of the first year following the decennial census of the United States to review the districts and reapportion them if necessary.*
- (6) *To initiate a reapportionment proceeding, the legislative council shall publish notice of the planned reapportionment in accordance with KRS Chapter 424.*
- (7) *In no event shall districts be reapportioned during the period from thirty (30) days prior to the last date for filing for candidacy for local government office as provided in KRS 118.165 and the regular election for candidates for local government office.*
- (8) *Precinct lines shall be drawn when necessary in accordance with the provisions of law. No precinct shall be in more than one (1) district.*
- (9) *Within twenty (20) days of the establishment of the districts by the legislative council, any registered voter of the county may bring an action in the Circuit Court to enforce the provisions of this section. The Circuit Court shall hear the action and, on a finding that the legislative council has violated the provisions of this section, remand the matter to the legislative council. The Circuit Court, in its discretion, may allow the prevailing party, other than the legislative council, a reasonable attorney's fee, to be paid from the treasury of the local government, as part of the costs.*

SECTION 19. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO READ AS FOLLOWS:

- (1) *In every county containing a city of the first class in existence on the effective date of this Act, a question regarding the consolidation of the city of the first class and their county as provided by Sections 1 to 19 of this Act shall be submitted to the voters of the county at the regular election to be held in November of 2000. The election shall be governed by the general election laws of the Commonwealth. Approval of the proposal shall require a simple majority of those voting on the question.*
- (2) *The question to be submitted to the voters shall read as follows:*
"Are you in favor of combining the City of and County into a single government with a mayor and legislative council, keeping all other cities, fire protection districts and special districts in existence?"

Section 20. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of the Act are severable.

Approved March 28, 2000