

CHAPTER 271**(HB 729)**

AN ACT relating to the salaries of nonelected city officers.

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

Section 1. KRS 83A.070 is amended to read as follows:

- (1) The legislative body of each city shall by ordinance fix the compensation of every elected city officer not later than the first Monday in May in the year the officer is elected. An elected officer's compensation shall not be changed after his election or during his term of office.
- ~~(2) The legislative body of each city shall fix the compensation of each appointed city officer by ordinance and may change it by ordinance.~~
- ~~(3)~~ The legislative body of each city shall fix the compensation of city employees **and nonelected city officers** in accordance with a personnel and pay classification plan which shall be adopted by ordinance.
- ~~(3)~~~~(4)~~ All fees and commissions authorized by law shall be paid into the city treasury for the benefit of the city and shall not be retained by any officer or employee.
- ~~(4)~~~~(5)~~ The legislative body of each city may, by ordinance, establish the compensation for any elective ~~or appointive~~ city office on a salaried or per diem basis.

Section 2. KRS 83A.080 is amended to read as follows:

- (1) All nonelected city offices shall be created by ordinance which shall specify:
 - (a) Title of office;
 - (b) Powers and duties of office;
 - (c) Oath of office; **and**
 - (d) Bond, if required~~; and~~
 - ~~(e) Compensation which may be specifically established or set by reference to another ordinance in which the compensation is specifically established.~~
- (2) A city may create nonelected offices other than those referred to in this subsection. For purposes of the requirements of this section, the following shall be considered nonelected offices:
 - (a) City clerk;
 - (b) City manager;
 - (c) City administrator;
 - (d) Chief of police; and
 - (e) Fire chief, other than a volunteer fire chief.
- (3) All nonelected city officers shall be appointed by the executive authority of the city and, except in cities of the first class, all these appointments shall be with approval of the city legislative body if separate from the executive authority. The officers may be removed by the executive authority at will unless otherwise provided by statute or ordinance. Upon

removal of a nonelected officer at will, the executive authority shall give the officer a written statement setting forth the reason or reasons for the removal. However, this requirement shall not be construed as limiting in any way the at-will dismissal power of the executive authority.

- (4) Each appointed and elected city office existing upon adoption of this chapter shall continue until abolished by ordinance, except that the offices of mayor and legislative body members may not be abolished. No abolition of any elected office shall take effect until expiration of the term of the current holder of the office. No ordinance abolishing any elected office shall be enacted later than two hundred forty (240) days preceding the regular election for that office, except in the event of a vacancy in the office.
- (5) No city may create any elected office. Existing elected offices may be continued under provision of subsection (4) of this section, but no existing elected office may be changed.

Approved April 9, 2002