

CHAPTER 22

(SB 167)

AN ACT relating to city government.

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

➔Section 1. KRS 82.083 is amended to read as follows:

- (1) *As used in this section, "independent appraisal" means an appraisal made by:*
- (a) *An individual or organization not affiliated with the city or its officers or employees, using a generally accepted national or professional standard; or*
 - (b) *A city's officers or employees using a nationally published valuation of property based on the most recent edition of the publication.*
- (2) A city may sell or otherwise dispose of any of its real or personal property.
- ~~(3)~~~~(2)~~ Before selling or otherwise disposing of any real or personal property, the city shall make a written determination setting forth and fully describing:
- (a) The real or personal property;
 - (b) Its intended use at the time of acquisition;
 - (c) The reasons why it is in the public interest to dispose of it; and
 - (d) The method of disposition to be used.
- ~~(4)~~~~(3)~~ Real or personal property may be:
- (a) Transferred, with or without compensation, to another governmental agency;
 - (b) Transferred, with or without compensation, for economic development purposes, ***which shall include but not be limited to real property transfers for the elimination of blight;***
 - (c) Sold at public auction following publication of the auction in accordance with KRS 424.130(1)(b);
 - (d) Sold by electronic auction following publication of the auction, including the uniform resource link (URL) for the site of the electronic auction, in accordance with KRS 424.130(1)(b);~~or~~
 - (e) Sold by sealed bids in accordance with the procedure for sealed bids under KRS 45A.365(3) and (4);
 - (f) ***Traded towards the purchase of the same or similar type of property, if the trade-in value received equals or exceeds the actual fair market value of the property as determined using an independent appraisal as defined in subsection (1) of this section;***
 - (g) ***Sold for its appraised fair market value or a greater amount if the property is valued at five thousand dollars (\$5,000) or less in an independent appraisal. Property sold under this paragraph may not be sold to a city officer or employee or family member of a city officer or employee as defined in the city's ethics ordinance adopted under KRS 65.003;***
 - (h) ***Sold for scrap or disposed of as garbage in a manner consistent with the public interest if the property has no value, or is of nominal value as determined by an independent appraisal; or***
 - (i) ***Sold by the Finance and Administration Cabinet under an agreement with the city.***
- ~~(5)~~~~(4)~~ If a city receives no bids for the real or personal property, either at public or electronic auction or by sealed bid, the property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the city. In those instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made.
- ~~(6)~~~~(5)~~ Any compensation resulting from the disposal of this real or personal property shall be transferred to the general fund of the city.

➔Section 2. KRS 83A.100 is amended to read as follows:

- (1) The legislative body of a city may by ordinance divide the city into ***wards by either of the following methods:***

- (a) *The city may create* the same number of wards as the number of legislative body members. Wards shall be as nearly equal in population as practicable and their boundaries shall be fixed by the ordinance: *or*
 - (b) *The city may establish a hybrid ward system for the conduct of its legislative body elections. A city acting under this paragraph shall provide in the ordinance that a specific number of legislative body seats shall be subject to the ward system and that a specific number of legislative body seats shall be elected at large within the entire city without representing a particular ward. The wards created under this paragraph shall be as nearly equal in population as practicable and their boundaries shall be fixed by ordinance.*
- (2) The populations of wards shall be reviewed as necessary to ensure that populations are as nearly equal as practicable, but the populations of wards shall be reviewed for equalization at least as often as each regular federal census.
 - (3) Wards may be abolished by repeal of the ordinance creating them. No creation, alteration or abolition of wards shall occur within two hundred forty (240) days preceding a regular election.
 - (4) If a city is divided into wards, legislative body members shall be nominated and elected in the following manner:
 - (a) Members shall be elected in the regular November election at large, but each candidate shall reside in the ward he seeks to represent and shall be elected in such a manner that each ward is equally represented on the legislative body. The names shall be presented in the election to show for which ward each candidate is seeking election and voters shall be instructed to "vote for one candidate in each ward." The candidate receiving the highest number of votes cast in each ward shall be deemed to be elected from such ward;
 - (b) Persons seeking the nomination of a political party for the office of legislative body member where a primary election is required for the political party, shall be voted upon exclusively by the eligible voters of the ward in which the person resides and seeks to represent;
 - (c) Except as provided by paragraph (d) of this subsection, persons seeking nomination for the office of legislative body member in a nonpartisan election where a primary is conducted pursuant to KRS 83A.170 shall be voted upon at large by the voters of the city, and the two (2) candidates receiving the highest number of votes cast in each ward shall be deemed to be nominated from that ward; and
 - (d) The city may provide specifically in the ordinance required by subsection (1) of this section that persons seeking nomination for the office of legislative body member in a nonpartisan primary conducted pursuant to KRS 83A.170 shall be voted upon exclusively by the eligible voters of the ward in which the person resides and seeks to represent. ***The two (2) candidates receiving the highest number of votes cast in each ward shall be deemed to be nominated from the ward.***
 - (5) Any city enacting or amending an ordinance to establish or abolish wards, modify ward boundaries, or establish the manner of elections under subsection (4) of this section shall be completed within the time specified by subsection (3) of this section, and the city shall forward a copy of the ordinance to the county clerk or county clerks of the county or counties in which the city is located.

➔Section 3. KRS 95.490 is amended to read as follows:

- (1) Each member of the police force in cities of the home rule class or in an urban-county government, before entering upon the discharge of his duties, shall take an oath ~~before the mayor~~ to faithfully discharge the duties of his or her office. The oath shall be subscribed by the person taking it, and filed in the office of the city clerk, or in urban-county governments, the office most closely resembling such office.
- (2) The chief of police and each other member of the police force shall give such bond to the city or urban-county government, and with such surety as may be required by ordinance, conditioned that they will faithfully perform the duties of their office and pay over to the persons entitled thereto all moneys that may come into their hands. A lien shall exist on the lands of the chief of police or policemen deputized by him, and their sureties, from the time of executing bond, for all sums of money that come into their hands.

➔Section 4. KRS 97.630 is amended to read as follows:

- (1) Any city of the first class that has constructed a war memorial under the provisions of Chapter 23 of the Acts of 1922 shall have a memorial commission consisting of seven (7) members. Members shall be not less than twenty-five (25) years of age and shall be bona fide residents of the county in which the city is situated. Upon the expiration of the terms of the members of the commission appointed or elected under the provisions of

Chapter 23 of the Acts of 1922, the remaining members of the commission shall elect members to succeed those whose terms have expired, to serve for terms of seven (7) years each, and annually thereafter members to succeed those whose terms have expired shall be elected for terms of seven (7) years each by the remaining members of the commission. Vacancies in the terms of members shall be filled by the remaining members of the commission. Members selected to fill vacancies shall serve for the unexpired term. The members of the commission shall serve without compensation, but shall be allowed their necessary expenses for travel when engaged on the business of the commission.

- (2) A city of the home rule class that has constructed a war memorial under the provisions of Chapter 128 of the Acts of 1946, may, by ordinance, have a memorial commission consisting of fifteen (15) members. Members of the commission shall be nominated and appointed by the mayor and approved by the city legislative body. Five (5) of said members shall be appointed to serve five (5) years; five (5) members shall be appointed to serve six (6) years; and five (5) members shall be appointed to serve seven (7) years. Thereafter, members to succeed those whose terms have expired shall be elected by the remaining members of the commission for terms of three (3) years. Vacancies in the terms of members shall be filled by the remaining members of the commission. Members selected to fill vacancies shall serve for the unexpired term. The members of the commission shall serve without compensation, but shall be allowed their necessary expenses for travel when engaged in the business of the commission.
- (3) ***In lieu of the requirements of subsection (2) of this section, the legislative body of any city of the home rule class may enact an ordinance to establish an alternative number of members, not less than five (5), to serve on the city's war memorial commission, each for a term of three (3) years. The appointment, filling of vacancies, and compensation of members appointed pursuant to this subsection shall be governed in the same manner as provided in subsection (2) of this section. A city acting pursuant to this subsection that establishes a number of members less than are currently serving shall not require the removal of any serving member, but, upon expiration of the term, shall not fill such position, to ensure that the number of members equals that which the city has provided in the ordinance.***

➔Section 5. KRS 424.260 is amended to read as follows:

- (1) Except where a statute specifically fixes a larger sum as the minimum for a requirement of advertisement for bids, no city, county, or district, or board or commission of a city or county, or sheriff or county clerk, may make a contract, lease, or other agreement for materials, supplies except perishable meat, fish, and vegetables, equipment, or for contractual services other than professional, involving an expenditure of more than twenty thousand dollars (\$20,000) without first making newspaper advertisement for bids. ***This subsection shall not apply to the transfer of property between governmental agencies as authorized in Section 1(4)(a) of this Act.***
- (2) If the fiscal court requires that the sheriff or county clerk advertise for bids on expenditures of less than twenty thousand dollars (\$20,000), the fiscal court requirement shall prevail.
- (3) (a) Nothing in this statute shall limit or restrict the ability of a local school district to acquire supplies and equipment outside of the bidding procedure if those supplies and equipment meet the specifications of the contracts awarded by the Office of Material and Procurement Services in the Office of the Controller within the Finance and Administration Cabinet or a federal, local, or cooperative agency and are available for purchase elsewhere at a lower price. A board of education may purchase those supplies and equipment without advertising for bids if, prior to making the purchases, the board of education obtains certification from the district's finance or purchasing officer that the items to be purchased meet the standards and specifications fixed by state price contract, federal (GSA) price contract, or the bid of another school district whose bid specifications allow other districts to utilize their bids, and that the sales price is lower than that established by the various price contract agreements or available through the bid of another school district whose bid specifications would allow the district to utilize their bid.
- (b) The procedures set forth in paragraph (a) of this subsection shall not be available to the district for any specific item once the bidding procedure has been initiated by an invitation to bid and a publication of specifications for that specific item has been published. In the event that all bids are rejected, the district may again avail itself of the provisions of paragraph (a) of this subsection.
- (4) This requirement shall not apply in an emergency if the chief executive officer of the city, county, or district has duly certified that an emergency exists, and has filed a copy of the certificate with the chief financial officer of the city, county, or district, or if the sheriff or the county clerk has certified that an emergency exists, and has filed a copy of the certificate with the clerk of the court where his necessary office expenses are fixed pursuant to KRS 64.345 or 64.530, or if the superintendent of the board of education has duly certified that an emergency exists, and has filed a copy of the certificate with the chief state school officer.

- (5) The provisions of subsection (1) of this section shall not apply for the purchase of wholesale electric power for resale to the ultimate customers of a municipal utility organized under KRS 96.550 to 96.900.

➔Section 6. KRS 424.280 is amended to read as follows:

Every officer whose duty it is to collect any ad valorem tax for the state or for any political subdivision of the state shall cause notice of the due date of the tax to be advertised by newspaper publication, and shall not be given a quietus for the taxes collected unless he submits proof of such publication. ***Publication of the ordinance passed by a city adopting the rate of the ad valorem tax levy shall be deemed to satisfy the requirements of this section if the due date of the tax is published as a component of the ordinance levying the tax.***

➔Section 7. KRS 381.697 is amended to read as follows:

- (1) Every cemetery in Kentucky except private family cemeteries shall be maintained by its legal owner or owners, without respect to the individual owners of burial plots in the cemetery, in such a manner so as to keep the burial grounds or cemetery free of growth of weeds, free from accumulated debris, displaced tombstones, or other signs and indication of vandalism or gross neglect.
- (2) The owner or owners of public or private burial grounds, regardless of size or number of graves, shall protect the burial grounds from desecration or destruction as stipulated in KRS 525.115(1)(a), (b), or (c) or from being used for dumping grounds, building sites, or any other use which may result in the burial grounds being damaged or destroyed. The provisions of this subsection shall not apply to the owner or owners of public or private burial grounds when the public or private burial grounds have been desecrated, damaged, or destroyed as the result of a crime by another as defined by KRS 500.080.
- (3) The owner or owners of private burial grounds shall be required to construct cemetery protection structures only if the burial ground is located in a county with a county cemetery board and if the board provides compensation to the private burial ground owner for supplies, labor, and other expenses associated with such construction.
- (4) ***The governing authorities of any city within whose corporate limits any public or private burial grounds lie may require the owner or those having claims to the grounds to properly care for them.***

➔Section 8. The following KRS section is repealed:

381.700 Care of burial grounds by owners.

Signed by Governor April 1, 2016.