

CHAPTER 37**(HB 453)**

AN ACT relating to open meetings.

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

➔Section 1. KRS 61.810 is amended to read as follows:

- (1) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:
 - (a) Deliberations for decisions of the Kentucky Parole Board;
 - (b) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;
 - (c) Discussions of proposed or pending litigation against or on behalf of the public agency;
 - (d) Grand and petit jury sessions;
 - (e) Collective bargaining negotiations between public employers and their employees or their representatives;
 - (f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;
 - (g) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
 - (h) State and local cabinet meetings and executive cabinet meetings;
 - (i) Committees of the General Assembly other than standing committees;
 - (j) Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;
 - (k) Meetings which federal or state law specifically require to be conducted in privacy;
 - (l) Meetings which the Constitution provides shall be held in secret;
 - (m) That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(m). However, that portion of any public agency meeting shall not be closed to a member of the Kentucky General Assembly; and
 - (n) Meetings of any selection committee, evaluation committee, or other similar group established under KRS Chapter 45A or 56 **or other state or local law**, to select a successful bidder for award of a state **or local** contract.
- (2) Any series of less than quorum meetings, where the members attending one (1) or more of the meetings collectively constitute at least a quorum of the members of the public agency and where the meetings are held for the purpose of avoiding the requirements of subsection (1) of this section, shall be subject to the requirements of subsection (1) of this section. Nothing in this subsection shall be construed to prohibit discussions between individual members where the purpose of the discussions is to educate the members on specific issues.

➔Section 2. KRS 61.826 is amended to read as follows:

- (1) A public agency may conduct any meeting through video teleconference.

- (2) Notice of a video teleconference *meeting* shall:
- (a) Comply with the requirements of KRS 61.820 or 61.823 as appropriate; ~~In addition, the notice of a video teleconference shall;~~
 - ~~(b)(a)~~ Clearly state that the meeting will be a video teleconference;
 - (c) ***Provide specific information on how any member of the public or media organization may view the meeting electronically;*** and
 - ~~(d)(b)~~ ***In any case where the public agency has elected to provide a physical location, or in any circumstance where two (2) or more members of the public agency are attending a video teleconference meeting from the same physical location,*** precisely identify a primary *physical* location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.
- (3) The same procedures with regard to participation, distribution of materials, and other matters shall apply in all video teleconference locations. ***Members of the public agency who participate in a video teleconference shall remain visible on camera at all times that business is being discussed.***
- (4) Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.
- (5) ***If a regular meeting is changed to a video conference, the meeting shall remain a regular meeting if the meeting occurs on the same date and time as originally scheduled and the public agency follows the provisions of KRS 61.823(4) to provide a notice that meets the requirements of subsection (2)(b) to (d) of this section.***

➔Section 3. KRS 83A.150 is amended to read as follows:

- (1) The form of government provided in this section shall be known as the city manager plan and this section shall together with KRS 83A.010 to 83A.120 govern any city declared to be under the city manager plan by KRS 83A.020 or which has adopted the city manager plan pursuant to KRS 83A.160.
- (2) Each city under this section shall be governed by an elected officer who shall be called mayor and by elected legislative body members who shall be called city commissioners and which together shall be known as the board of commissioners and by such other officers and employees as may be provided for by statute or city ordinance.
- (3) All legislative and executive authority of the city shall be vested in and exercised by the board. The mayor shall preside at all meetings of the board and may vote in all proceedings. The mayor shall be recognized as the head of the city government by the Governor for purposes of military law, but shall have no regular administrative duties. The board shall designate one (1) city commissioner to serve as mayor pro tem. The mayor pro tem shall act for the mayor whenever the mayor is unable to attend to the duties of his office and he shall then possess all rights, powers and duties of mayor. If the disability of the mayor to attend his duties continues for sixty (60) consecutive days, the office of mayor may be declared vacant by a majority vote of the board membership and the provisions of KRS 83A.040 shall apply.
- (4) ***In addition to the requirements of KRS 61.805 to 61.850, the board shall conduct meetings as follows:***
 - (a) Regular meetings of the board shall be held at least once each month at such times and places as are fixed by ordinance; ~~;~~
 - (b) Special meetings of the board may be called by the mayor or upon written request of a majority of the city commissioners. In the call, the mayor or commissioners shall designate the purpose, time and place of the special meeting with sufficient notice for the attendance of board members and for compliance with KRS Chapter 61. At a special meeting no business shall be considered other than that set forth in the designation of purpose; ~~;~~
 - (c) The minutes of every meeting shall be signed by the person responsible for maintaining city records provided under KRS 83A.060 and the officer presiding at the meeting; ***and***
 - (d) ***Notwithstanding Section 1 of this Act, the board may meet in a closed session no more than two (2) times per calendar year for the purposes of conducting a performance evaluation of the city manager. The board shall follow KRS 61.815 in conducting the closed session. Any public records related to that performance evaluation shall be subject to the provisions of KRS 61.870 to 61.884.***

- (5) The board shall by ordinance establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare. The board shall by ordinance provide for sufficient revenue to operate city government and shall appropriate the funds of a city budget which shall provide for the orderly management of city resources.
- (6) The board may require any city officer or employee to prepare and submit to it sworn statements regarding his performance of his official duties and may otherwise inquire into the conduct of duties of any department, office, or agency of the city.
- (7) The board shall in accordance with KRS 83A.080 create the office of city manager and set qualifications for the office, which shall include, but not be limited to professional training or administrative qualifications with special reference to actual experience in or knowledge of accepted practice regarding duties of the office and list duties and responsibilities of the office which shall include, but not be limited to:
 - (a) Being responsible to the board for the proper administration of all duties imposed upon him by ordinance;
 - (b) Recommending to the board, subject to any statute, ordinance, or contract which relates to the appointment, tenure, or removal of any employee, the appointment, and when necessary for the good of the service, the removal of subordinate employees and officers of the city. No officer or employee of the city shall be appointed or removed except through action by the board, except that the city manager may fill vacancies in the classified service pending the appointment by the board and may employ personnel for temporary positions subject to such conditions as may be imposed by the board;
 - (c) Preparing the budget and submitting it to the board and being responsible for its administration after adoption;
 - (d) Preparing and submitting to the board as of the end of each fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
 - (e) Keeping the board advised of the financial condition and future needs of the city and making recommendations as he deems desirable;
 - (f) Maintaining liaison with related units of local government respecting interlocal contracting and joint activities;
 - (g) Supervising all departments of city government and the conduct of all city officers and employees under his jurisdiction and requiring each department to make reports to him required by ordinance or as he deems desirable; and
 - (h) Performing other duties required of city executive authorities by statute or required of him by the board not inconsistent with this section.
- (8) The board shall appoint a city manager by a majority vote of all its members. The city manager shall be appointed for an indefinite term and may be removed only by a majority vote of all board members. At least thirty (30) days before such removal shall become effective, the board shall by a majority vote of all its members adopt a preliminary resolution stating the reasons for his removal. The city manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of the request. After the public hearing, if requested, and after full consideration, the board by majority vote of all its members may adopt a final resolution of removal. By the preliminary resolution, the board may suspend the city manager from duty, but shall in any event cause to be paid to him any unpaid balance of his compensation and compensation for the next calendar month following adoption of the preliminary resolution.
- (9) The city manager shall be the chief administrative officer and exercise those executive powers and duties delegated to him by ordinance and statute. He shall enforce the city manager plan, city ordinances and all applicable statutes. Subject to approval of the board, the city manager shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statute or ordinance. Any delegation of the city manager's duties or responsibilities to subordinate officers and employees shall be made by municipal order except that all bonds, notes, contracts, and written obligations of the city according to ordinance or resolution shall be made and executed by the mayor on behalf of the city.

Signed by Governor March 25, 2022.

