

**67.830 Procedure for adoption of charter county form of government or for consolidation of services or functions.**

- (1) The fiscal court in any county, except in a county containing a consolidated local government, a city of the first class, an urban-county government or a unified local government, and a majority of all cities within the county may adopt an ordinance to study the question of merging the county government with all other units of local government within the county to form a charter county form of government, or consolidating any agency, subdivision, department, or subdistrict providing any services or performing any functions for a city or county.
- (2) In lieu of the adoption of an ordinance pursuant to subsection (1) of this section, a petition may be filed with the county clerk pursuant to KRS 67.832 requesting the appointment of a commission to study the question of the adoption of a charter county form of government or the consolidation of any agency, subdivision, department, or subdistrict providing any services or performing any functions for a city or county. The petition shall be signed by a number of registered voters equal to at least twenty percent (20%) of the residents in the unincorporated area of the county voting in the preceding regular election and twenty percent (20%) of the residents in incorporated areas of the county voting in the preceding regular election.
- (3) Within sixty (60) days of the adoption of an ordinance pursuant to subsection (1) of this section, or within sixty (60) days of a petition being filed with the county clerk pursuant to subsection (2) of this section and certified as sufficient pursuant to KRS 67.832, the fiscal court and the city legislative body of each city within the county shall jointly appoint a commission to study the question of the adoption of a charter county form of government or the consolidation of any agency, subdivision, department, or subdistrict providing any services or performing any functions for a city or county. The fiscal court shall determine the size of the membership of the commission, which shall be composed of not less than twenty (20) or more than forty (40) citizen members, and which may include elected or appointed county and city officials. Any officials appointed under this section shall serve as voting members of the commission. The actual appointment of individual members to the commission shall be governed by the following provisions:
  - (a) The county judge/executive, with the approval of the fiscal court, shall make a number of appointments equal to fifty-five percent (55%) of the membership of the commission;
  - (b) Jointly, the cities shall make a number of appointments equal to forty-five percent (45%) of the membership of the commission. The mayor of each city shall, subject to the approval of the city legislative body, make a number of appointments based on the ratio that the percentage of the population residing in the mayor's city bears to the total population of all cities in the county. Each city within the county shall have a minimum of one (1) representative on the commission; and
  - (c) The county judge/executive shall serve as a voting member of the commission and preside as its chairman.

(4) The commission shall be funded by the fiscal court and each city within the county in proportion to its ratio of membership on the commission and shall be responsible for developing a comprehensive plan for the consolidation of services and functions of cities and the county, or the formation of a charter county government that shall include but not be limited to the following provisions:

- (a) A description of the form, structure, functions, powers, and name of the proposed charter county government;
- (b) A description of the officers and their powers and duties of the proposed charter county government;
- (c) The procedures by which the original comprehensive plan may be amended by the subsequently created charter county government;
- (d) The procedures by which the comprehensive plan may be amended by county and participating city or cities as a result of contingencies arising from the failure of certain jurisdictions to vote in favor of joining the comprehensive plan. The contingency plan shall be adopted by the participating county and city or cities by joint ordinance. The contingency plan shall be adopted by the participating county and city or cities within sixty (60) days of the certification of the election result. The contingency plan shall only address:
  - 1. Issues of revenue;
  - 2. Issues of indebtedness;
  - 3. Issues of service provision, service areas, or service area boundaries;
  - 4. Personnel or administration, but may not infringe upon any pre-existing collective bargaining agreements in force in participating jurisdictions; and
  - 5. Any issues directly related to the cost of government or provision of services within the comprehensive plan.

The contingency plan shall not address issues within the plan related to paragraph (a), (b), or (c) of this subsection; and

- (e) The procedures whereby the charter county government may be dissolved. The procedures drafted shall include but are not limited to:
  - 1. Requirements for a public petition for the dissolution of the charter county government;
  - 2. The question to be presented to voters for the dissolution of the charter county government; and
  - 3. Any administrative measures necessary to settle tax and debt issues created by the dissolution of the charter county government.

The proposed charter plan shall specify that no petition for the dissolution of the charter county government shall be valid until a period of five (5) years have passed from commencement of the first terms of the duly elected officers of the charter county government.

(5) The comprehensive plan shall be completed within four (4) years of the commission's appointment. If a majority of the commission members are unable to

agree on a single plan for the formation of a charter county government or the consolidation of services or functions within four (4) years of the appointment of the commission, the commission shall be disbanded unless two-thirds (2/3) of the commission agree to extend the commission for no longer than six (6) months.

- (6) The comprehensive plan shall be consistent with the provisions of the Constitution of Kentucky and shall be advertised at least ninety (90) days before a regular election at which the voters will be asked to approve or disapprove the adoption of the comprehensive plan. The question of whether the comprehensive plan shall be adopted shall be filed with the county clerk not later than the second Tuesday in August preceding the day of the next regular election.
- (7) The comprehensive plan proposed shall be presented to the voters at a regular election and:
  - (a) The votes shall be counted, returns made and canvassed in accordance with the provisions of KRS Chapters 116 to 121 governing elections;
  - (b) The results shall be certified by the county board of election commissioners to the county clerk; and
  - (c) If a majority of those voting on the issue within each area as required by subsections (8) and (9) of this section are in favor of adopting the comprehensive plan, the county board of election commissioners shall enter the fact of record, and the charter county commission shall organize the charter county government or the county and each participating city shall provide for the consolidation of services or functions as provided in the comprehensive plan.
- (8) Subject to the restrictions in subsection (9) of this section, for the comprehensive plan to be adopted, it shall require both a majority of those residents voting within the unincorporated area of the county to vote in favor of its adoption, and:
  - (a) A majority of those residents voting within the city containing the largest population in the county, based on the most recent decennial census, to vote in favor of its adoption; or
  - (b) A majority of those residents voting, pursuant to subsection (9) of this section, within cities that together contain at least fifty percent (50%) of the population residing within the incorporated areas of the county, based on the most recent decennial census, to vote in favor of its adoption.
- (9)
  - (a) The votes shall be counted within each city to determine whether the majority of voters within each city are in favor of the adoption of the comprehensive plan.
  - (b) Each city where the majority of those voting are in favor of adopting the comprehensive plan shall participate in the charter county government, subject to the requirements of subsection (8) of this section.
  - (c) Each city where the majority of those voting are not in favor of adopting the comprehensive plan:
    1. Shall not participate in the charter county government;
    2. 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; and

3. Shall allow eligible voters within the city to vote for the chief executive officer of the charter county government and the relevant legislative body member or members of the charter county government for the area including the nonparticipating city.
- (10) If the comprehensive plan is not adopted, the same proposal shall not be submitted for voter consideration for a period of five (5) years from the date of the election wherein the comprehensive plan failed to receive the requisite votes.

**Effective:** January 1, 2013

**History:** Amended 2012 Ky. Acts ch. 63, sec. 4, effective January 1, 2013. -- Amended 2002 Ky. Acts ch. 346, sec. 45, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 195, sec. 36, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 440, sec. 2, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 401, sec. 2, effective July 13, 1990.